

Appendix C
Agency Coordination Following the 2016 Final
EIS and Prior to Supplemental Draft EIS
Availability



**Comments on Final Environmental Impact
Statement from 2016 Record of Decision
(Rescinded)**

I-94 East-West Corridor 70th Street to 16th Street Milwaukee County, Wisconsin

Wisconsin DOT Project I.D. 1060-27-00

Comments on Final Environmental Impact Statement from 2016 Record of Decision (Rescinded)



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

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Appendixes

- A Agency Comments on Final EIS

Comments on Final Environmental Impact Statement

Notice of availability of the Final EIS was published in the *Federal Register* on February 12, 2016. The 30-day review period was extended to 60 days by notice in the Federal Register on March 4, 2016. The review period ended on April 15, 2016.

Agency and Local Government Comments

Comments on the Final EIS from governmental agencies and responses as applicable are provided in Appendix A. The comments are briefly summarized as follows.

U.S. EPA

U.S. EPA noted that the Final EIS satisfactorily addressed its comments on environmental justice. U.S. EPA acknowledged changes in the state budget that limit funding for community sensitive solutions, which had been used to provide aesthetic enhancements on previous southeast Wisconsin freeway reconstruction projects. U.S. EPA urged WisDOT and FHWA to work with community groups to identify funding for similar design features in the future.

U.S. EPA's letter stated that utility displacements would not be required under the Preferred Alternative. FHWA followed up with U.S. EPA to clarify that utilities will be relocated, including electrical transmission lines. However, the Selected Alternative will not require displacement of electrical transmission lines in the cemetery segment, which was the focus of U.S. EPA's concern on the topic.

U.S. EPA encouraged WisDOT and FHWA to commit to green stormwater management measures in the Record of Decision. U.S. EPA noted the reference to its suggested diesel emission reduction measures and encouraged WisDOT and FHWA to commit to these measures in the Record of Decision.

City of Milwaukee Department of Public Works

The City of Milwaukee is opposed to capacity expansion but is pleased that the at-grade alternative in the west segment and the on-alignment alternative in the east segment were identified as the Selected Alternative as it comes closest to the City's goal of minimizing property takings and intrusion on adjacent neighborhoods.

The City of Milwaukee has concerns over traffic diverting to other exits due to the half interchange at Hawley Road and the impact this may have on other interchanges. The City would like to know if the potential traffic impacts from the half interchange were analyzed and if mitigation options were considered north of I-94. The City of Milwaukee would like to verify that the new frontage road immediately west of the new Stadium Interchange would not have an adverse impact on the Story Hill neighborhood.

City of West Allis

The City of West Allis expressed concern over water quality and quantity runoff from the increase in impervious surface from the project. The City of West Allis encouraged WisDOT to comply with local stormwater regulations to reduce the risk of flooding, improve water quality, and assist the local municipalities in complying with new pollutant regulations.

Milwaukee Metropolitan Sewerage District

MMSD, in the interest of improved stormwater quality, appreciates WisDOT's commitment to limiting runoff release rates, however, they encourage WisDOT to commit to controlling the volume of stormwater runoff as well. MMSD encourages WisDOT to comply with local runoff management standards. MMSD supports the implementation of porous pavement in portions of the Miller Park parking area and the example set by the Marquette Interchange to separate stormwater from combined sewers.

Additional Public Outreach Following the Final EIS

On May 23, 2016, WisDOT met with the Story Hill Neighborhood Association. The project team made a presentation addressing comments from the SHNA in their letter dated April 15, 2016. A handout with information on access to and from Story Hill with the Selected Alternative was provided. The ensuing discussion addressed numerous questions regarding access during normal times and on game days; transit and other

transportation modes; funding; design details (lane widths, elevation in the interchange area); impacts to Miller Park parking; impacts to the adjacent power lines; and impacts on property values in Story Hill. The discussion also included the need, effectiveness, design and alternatives to a noise barrier along Story Parkway, and how the decision would be made to install it. A separate meeting will be held at a later date to resolve the noise barrier along Story Parkway.

On July 12, 2016 WisDOT met with the Merrill Park Neighborhood Association board of directors and executive director at their regularly scheduled meeting. WisDOT provided an update on the Selected Alternative, project schedule, and the recent design refinements. Questions from the board of directors included length of construction, whether I-94 will remain open during construction, business relocations on 35th Street in Merrill Park, and what the minority-owned business participation goal will be during the construction. The executive director said that the neighborhood is generally supportive of the project but has concerns about traffic increasing in the neighborhood during construction and condition of streets in the neighborhood deteriorating as a result.

WisDOT invited the members of the Technical and Community Advisory Committees to an open house on July 20, 2016. The committees were invited to hear about:

- design changes at Hawley Road, Mitchell Boulevard, and near 35th Street since the Final EIS was published,
- planning and design for the Washington Street area in West Allis,
- the anticipated Record of Decision, and
- the project schedule.

Eighteen committee members attended the open house, representatives included municipalities, utilities, the regional planning commission, neighborhood groups and area civic organization. Information shared included: design modifications, updated socioeconomic data, local road modifications, the latest project newsletter and renderings of the stadium area. Discussions with committee members included:

- general project updates and committee members interest in the project schedule
- design and traffic operations in the Stadium Interchange
- options for relocating the Park Hill substation near 38th Street
- the freeway moving south near the Story Hill neighborhood, and
- traffic operations on the frontage road between Miller Park and south of the Story Hill neighborhood.

On August 1, 2016 WisDOT provided a project update to the Bluemound Heights neighborhood at their regularly scheduled meeting. WisDOT provided an update on the project schedule, progress to date on the study, upcoming milestones, and reviewed the Selected Alternative. About 30 people attended the meeting. Questions from attendees included lane width through the cemetery segment, the project's relationship to Milwaukee County's BRT study, the length of construction, whether roundabouts will be built on 70th Street, and access to/from Wisconsin Avenue and WIS 175 (just north of the Stadium Interchange). One person commented that the project is not needed, another commented that the project is needed due to congestion.

Public Comments

The following is a summary of and responses to substantive comments related to the project's purpose and need; alternatives analysis; social, economic, or environmental impact analysis; or public involvement received during the Final EIS availability period. The public provided comments via 224 form letter emails, 664 mailed form letters, and 24 individual mailed letters. An additional 105 persons signed petitions circulated by the Coalition for More Responsible Transportation (CMRT) in opposition to adding capacity to I-94.

Many of the comments received were similar to ones submitted on the Draft EIS, including concerns about project funding, calls to address safety without capacity expansion, incorporation of more mass transit options in addition to or instead of adding capacity, concerns for impacts to environmental justice populations (minorities and low income persons), and concerns for increases in water and air pollution.

Purpose and Need

1. **The purpose and need statement disregards several of WisDOT's own responsibilities that are detailed in Connections 2030 and explicitly ignores portions of SEWRPC's transportation vision for the region.**

This comment was received on the Draft EIS and responded to in the Final EIS Section 6.4, comment No. 12. The statewide Connections 2030 plan's support for transit as a key mode of transportation does not mean that every project WisDOT implements must have a transit element or that every goal of the Plan needs to be met by every project. The I-94 improvements are consistent with foundational elements of WisDOT's Connections 2030 long-range plan, including the following:

- Preserving the existing and future transportation system
- Optimizing investment in the system for continued safety, enhanced mobility, and efficiency
- Responding to local, regional, national, and international economic trends to maintain state economic competitiveness¹

The Selected Alternative is consistent with and included in SEWRPC's 2035 regional transportation plan and the recently approved *VISION 2050* regional transportation plan. SEWRPC's 2035 regional transportation plan evaluated the effectiveness of only implementing transit improvements in the region, while foregoing highway improvements. That plan determined that, even with a 100 percent increase in transit service, I-94 still needs to be reconstructed with added capacity to accommodate existing and future traffic volumes at an acceptable level of service. SEWRPC's review of the regional transportation plan in *VISION 2050* reaffirmed the regional transportation planning process and the vision for a greater than 100 percent increase in transit service, while acknowledging that the increase in transit is not likely to happen without a change in funding levels.

Therefore, the focus of the I-94 East-West Corridor study was to identify the best alternative for meeting the transportation needs along this segment of I-94, including added capacity. WisDOT does acknowledge the need for a strategy that combines a doubling of transit service with capacity improvements to the freeway itself. Most importantly, I-94 is an interstate highway that provides regional and inter-state travel, not a County Trunk Highway or local road where many transit projects would occur. Per AASHTO Policy on Design Standards Interstate System, "The National System of Interstate and Defense Highways is the most important in the United States. It carries more traffic per kilometer (mile) than any other comparable national system and includes the roads of greatest significance to the economic welfare and defense of the nation. The highways of this system must be designed in keeping with their importance as the backbone of the nation's highway systems. To this end, they must be designed to ensure safety, permanence, utility and flexibility to provide for predicted growth in traffic." The purpose and need for the project reflects this importance.

The I-94 East-West project does not preclude any transit service from occurring or future transit projects from being developed. WisDOT will implement a Transportation Management Plan, which has the purpose of improving safety, minimizing congestion and adverse impacts, and providing for improved public satisfaction with traffic operations during construction. Depending on additional coordination with local officials, WisDOT will fund additional transit routes, as warranted, to mitigate impacts to traffic within the project area during the construction phase of the project. WisDOT is also financially participating in Milwaukee County's BRT study so that a sustainable BRT system can be developed and available as a transportation option during I-94 construction and for the long term.

WisDOT continues to work with local communities and encourages the implementation of transit. WisDOT does coordinate with transit providers. For example, WisDOT provides a subsidy for the Amtrak Hiawatha train route between Milwaukee and Chicago and recently upgraded the train shed at the Milwaukee Intermodal Station. WisDOT is also a member on SEWRPC's Advisory Committee on Regional Transportation System Planning, working with communities and local municipalities.

Independent of the I-94 East-West project, WisDOT is co-sponsoring a Transportation Summit. This Greater Milwaukee regional area Summit is being co-sponsored by WisDOT, FHWA, FTA and SERWPC. The theme of the Summit is "How Are Our Community's Values Reflected in the Transportation Solutions We Provide?" Stated goals for the Summit are to bring together key partners to better understand issues, learn about transportation

¹ <http://wisconsin.gov/Documents/projects/multimodal/conn2030/2030-1.pdf>

investments and funding, and define an action plan that captures roles and responsibilities across all groups. The Summit is anticipated to occur in fall 2016.

2. The Final EIS makes clear in the purpose and need discussion that the project is intended to provide connections to downtown Milwaukee for workers from “a large regional area” – not the central city.

The purpose and need of the project is not to provide connections to downtown Milwaukee and “a large regional area” at the expense of the central city. The purpose and need statement, in Section 1, does not include access to downtown as an element of the project’s purpose and need statement. The phrase from “a large regional area” does not appear in Section 1, Purpose and Need for the Project. Lastly, I-94 passes through a portion of Milwaukee’s central city, thereby enhancing access to downtown for central city residents that work downtown.

Safety

3. The Preferred Alternative does not adequately address safety issues. Many of the crashes along the corridor have not occurred during congested rush hour periods, but rather are the result of impaired drivers at night-time. The added lanes and reduced congestion during rush hours will not affect those types of accidents. The design exceptions, such as 11-foot lanes through the cemeteries, will increase the crash frequency.

Comments on safety issues and crashes were received on the Draft EIS and responded to in the Final EIS Section 6.4, comment No. 4.

As noted in Section 1.3.3 of the Draft and Final EIS, the most common types of crashes on the study area freeway system are primarily attributable to obsolete design (minimal shoulders, sharp curves, substandard ramp spacing, presence of both left- and right-hand entrance and exit ramps, and short weaving distances, etc.), and not to excessive speed. Congestion does play a part in safety. For example, speed differentials (due to merging and diverging, acceleration and deceleration due to short weaves and congestion, etc.) contribute to increased crashes and crash severity.² The Selected Alternative would improve safety by reducing large speed differentials by increasing acceleration and deceleration lengths, providing right-hand exit and entrance ramps, and longer weave distances. In addition, added capacity provides a consistent higher level of service and reduces speed differential as a result of congestion.

As noted in Section 3.3.2.4 of the Final EIS, all the Modernization Alternatives retained for detailed evaluation would reduce crashes on I-94 compared to the existing condition. In the west segment, lower anticipated crash rates are due in part to improved roadway design, improved traffic operations on I-94, and removing the Mitchell Boulevard interchange and half of the Hawley Road interchange for the Selected Alternative. Removing the ramps would eliminate potential conflicts between I-94 traffic and traffic that is entering and exiting. In the east segment, lower crash rates result from improved design and improved traffic operations on I-94.

WisDOT conducted a predictive crash analysis for the corridor (see *I-94 East-West Stadium Interchange Study Crash Analysis Technical Memorandum* on the CD at the back of the Final EIS). This report distinguished between the number of crashes that were fatal, injury, or property damage only crashes as well as crash type (i.e. angle, rear-end, sideswipe, etc.). Based on the ISATe predictive safety analysis, in the west segment, the At-grade alternative with half interchange at Hawley Road (Selected Alternative) would have 23 percent fewer crashes on I-94 than the Replace-in-Kind, or No-build, option.

The design of the Selected Alternative through the cemetery section is in response to the constrained environment; however, it is still safe, will provide a higher level of safety compared to existing conditions, and will incorporate enhanced safety measures. The Selected Alternative meets the purpose and need of the project, specifically in regards to safety. See Section 2.3.1 of the Final EIS for more information on how the Selected Alternative addresses safety. The narrow lanes through the cemetery area are needed in order to avoid impacting any of the graves adjacent to I-94. Additionally, through thorough consultation with the Section 106 consulting parties, FHWA determined that the At-grade alternative with a half interchange at Hawley Road can be

² AASHTO. Highway Safety Manual, 1st Edition. Volume 1, 2010. page 2-15.

constructed to result in no adverse effect under Section 106 and 110(f) on all historic properties in the study area. The alternative also results in no more than a *de minimis* impact to Section 4(f) properties.

To summarize what is discussed in Section 2.2.1 of the Final EIS, for eastbound traffic, there would be less than 12-foot lanes for about 1,610 feet, less than 12-foot inside shoulder for 1,460 feet, and less than 12-foot outside shoulder for 1,390 feet. For westbound traffic, there would be less than 12-foot lanes for about 1,500 feet, less than 12-foot inside shoulders for 1,480 feet, and less than 12-foot outside shoulders for 1,010 feet. Exhibit 5 in this ROD and Exhibit 2-3 of the Final EIS provides a visual summary of the distances described in this section.

The Final EIS does acknowledge that narrow lanes and shoulders generally result in an increase in crashes; however, the 11-foot lane segment is short (30 feet long), with transitions to 12-foot lanes on each end. This segment would have narrow shoulders for approximately 1,500 feet. In order to make the narrow lanes and shoulders segment as safe as possible, dynamic traffic management tools to warn drivers of closed lanes in the narrow segment, advance warning signs alerting drivers to the narrow lanes and narrow shoulders, and other tools like reflectors on the center median barrier wall and the outside barrier wall will be investigated in final design and implemented as appropriate to make the narrow lane/narrow shoulder segment as safe as possible. Reducing the length of the 11-foot lanes and narrow shoulders, and implementing additional safety measures, makes their presence more acceptable and results in the At-grade alternative meeting the project's purpose and need element of addressing safety on I-94.

4. The Final EIS states that the Half Interchange at Hawley Road will worsen safety at that location. WisDOT does not make any reference to the type of severity of the crashes that will increase on local streets. This is particularly worrying as these crashes may disproportionately involve pedestrians and bikers.

Traffic volumes on local streets will be reduced due to the added capacity on the freeway. This will reduce crashes on local roads compared to existing conditions. The half interchange at Hawley Road will have more crashes on local roadways compared to the full interchange due to traffic diversions at that location, however, there will still be 23 percent fewer crashes on I-94 with the half interchange compared to the Replace-in-Kind option. Table 3-6 of the Final EIS lists the projected type of crashes (fatal, injured, or property damage only) for the west segment alternatives. These numbers include the crashes on ramps and local roadways due to traffic diversion from I-94. Due to the half interchange, local road improvements are included in the Selected Alternative to help traffic flow. These improvements will be designed to meet safety standards.

As noted in Section 3.2.2.6 of the Final EIS, pedestrian and bicycle accommodations are provided, and improved, where possible within the corridor to provide safe access. For example, on Hawley Road there are no existing bicycle accommodations and sidewalk on the west side of the street. The proposed sidewalk will be on both sides of the street from Adler Street to Dana Court and bicycle accommodations will be provided. See updated Table 3-6 on Page 4 of this document for more information. These improvements will make pedestrian and bicycle travel safer in the project corridor. Additionally, diverting traffic to the interstate, due to expanded capacity, from many other local streets will decrease the opportunities for crashes in those locations, including those that involve pedestrians or bicycles.

5. Despite acknowledged design deficiencies, such as narrow lanes and shoulders, stopping sight distance exceptions, and less-than-minimum weave distance, the Final EIS states in a footnote on page 2-26 that the preferred alternative “was determined to now ‘meet’ the safety element of the project’s purpose and need.” It is questionable whether that determination is reasonable.

The At-grade alternative with a half interchange at Hawley Road would improve safety over the existing condition (no-build alternative). The At-grade alternative with half interchange at Hawley Road (preferred alternative) would have 23 percent fewer crashes on I-94 than the Replace-in-Kind option (no-build alternative).

In the I-94 East-West Corridor Draft EIS, the At-grade alternative was listed as “partially” meeting the safety element of the project’s purpose and need due to the presence of the 11-foot lanes and narrow shoulders. The extent of 11-foot lanes was reduced from those noted in the Draft EIS due to refined design; specifically, maximizing the lane width transitions to keep the lanes as wide as possible, given available space. Reducing the length of the 11-foot lanes and narrow shoulders, and implementing additional safety measures, makes their

presence more acceptable and results in the At-grade alternative meeting the project's purpose and need element of addressing safety on I-94. While the At-grade alternative would have narrow lanes and shoulders between the cemeteries, mitigation measures, such as dynamic traffic management tools to warn drivers of closed lanes in the narrow segment, advance warning signs alerting drivers to the narrow lanes and narrow shoulders, and other tools like reflectors on the center median barrier wall and the outside barrier wall will be investigated in final design and implemented as appropriate to make the narrow lane/narrow shoulder segment as safe as possible.

Alternatives

6. Adding highway capacity, by widening existing roads or building new highways, does not solve congestion; instead, added capacity produces more traffic, and leads more drivers to spend more time behind the wheel.

The shift of some traffic from congested local roads to I-94 due to increased capacity on the interstate is taken into account when forecasting future traffic volumes. The traffic forecasts used for this study to determine future traffic volume and level of service are based upon the SEWRPC travel demand model. This model explicitly accounts for potential changes in travel route, changes in travel distance and location, changes in travel mode, induced travel, and changes in the timing of travel that may occur in response to the potential of additional capacity on I-94. This is noted in a letter to the City of Milwaukee located in Appendix D (D-58) of both the Draft and Final EIS. SEWRPC's travel demand model considers and includes the changes in travel behavior that may be expected in response to the additional freeway lanes. This accounts for changes in travel route, travel distance and location, travel mode, and timing of travel. Furthermore, as stated in Section 1.3.5.1 of the Final EIS, portions of the I-94 corridor currently operate at level of service E or lower, indicating that additional capacity is warranted even with existing traffic levels.

Section 1.3.5 of the Final EIS noted that FHWA guidance generally calls for level of service C for new construction and reconstruction projects on Interstate Highways in order to meet FHWA requirements to adequately serve the existing and planned future traffic (23 Code of Federal Regulations [CFR]625.2(a)(1)). This does not imply that there is a required standard that defines a minimum Level of Service that must be met for new construction and reconstruction projects on the Interstate System. (Note: This is consistent with FHWA's May 6, 2016 memo³ that clarified level of service requirements on National Highway System (NHS) Routes.) Since there is general guidance, as defined in the American Association of State Highway and Transportation Officials' (AASHTO) *A Policy on Geometric Design of Highways and Streets, 2011 Edition* (also known as the AASHTO *Green Book*), and since FHWA requires that NHS routes adequately serve existing and planned future traffic, WisDOT has developed level of service guidelines in their Facilities Development Manual (FDM). These guidelines, approved by FHWA, are included in FDM Section 11-5-3 and show level of service C as the typical threshold for major improvement projects on the Interstate system (part of WisDOT's Backbone System). However, since there is some flexibility in determinations of acceptable level of service that consider other factors, such as impacts and cost, justifiable adjustments can be made. To define the purpose and need screening criteria for an acceptable level of service to accommodate existing and future traffic volumes, FHWA and WisDOT agreed to the use of level of service D since potential impacts to the surrounding natural or built environment resulting from achieving level of service C would be extensive and costly. This is a fairly common practice for these types of projects in major urban areas like Milwaukee County. The level of service guidance for this project was documented in the *DHV and LOS for the I-94 East-West Stadium Interchange Study* technical memorandum from September 2012, located on the CD at the back of the Final EIS.

Traffic forecasts for the I-94 East-West Corridor included a 100 percent increase in transit service, and take into account potential increases in traffic with and without capacity expansion. Even with implementation of the 2035 regional plan's transit recommendations, the future level of service for the corridor would be E or lower on many segments. This indicates that capacity expansion would be needed to achieve the level of service D criteria. Traffic projections take into account that some traffic currently on local streets will shift to I-94 if capacity is added, as

³ <http://www.fhwa.dot.gov/design/standards/160506.cfm>

well as new trips that are taken due to roadway improvements. These projections, taking into account shifting traffic patterns, indicate that the future traffic levels will be at level of service D.

7. WisDOT's evaluation of reasonable alternatives was inadequate.

The focus of the I-94 East-West Corridor study is to determine the appropriate course of action for the future of I-94 between 70th Street and 16th Street. The purpose of the I-94 East-West Corridor study is to identify the best alternative to address the deteriorated condition of I-94, obsolete roadway and bridge, existing and future traffic demand, and high crash rates. Evaluating projected traffic volumes and congestion on I-94 is an appropriate element in evaluating transportation needs and solutions on a corridor basis. WisDOT did assess the impacts of freeway reconstruction and widening on adjacent arterials like Bluemound Road and Greenfield Avenue. Those alternatives which did not meet the project's purpose and need were eliminated from detailed study.

As part of the I-94 East-West corridor study, WisDOT took various modes of transportation into consideration when developing alternatives. Section 2 of the Draft and Final EISs outline the alternatives considered for this project. Section 2.4 of the Final EIS establishes the foundation upon which WisDOT and FHWA developed the range of alternatives considered for the project. The section looks at the project in the context of the regional transportation planning process and how the alternatives considered for the project build upon that process and the recommendations made in *A Regional Transportation System Plan for Southeastern Wisconsin: 2035 SEWRPC Planning Report No. 49* (SEWRPC 2006a, updated and reaffirmed in June 2014). Section 2.5 of the Final EIS describes alternatives developed and evaluated by FHWA and WisDOT but ultimately dismissed from detailed consideration. The alternatives were assessed based on their ability to meet the project's purpose and need, as well as their cost, impacts, and public input.

WisDOT did assess reconstructing the freeway without capacity expansion and relying upon transit improvements to meet travel demand. Section 2.5 of the Final EIS describes alternatives developed and evaluated by WisDOT and FHWA, but ultimately dismissed from consideration. Section 2.5.5.1 of the Final EIS documents WisDOT and FHWA's analysis of a 6-lane reconstruction alternative. This alternative was eliminated from detailed study because it did not meet the project's purpose and need. Therefore, it is not shown as one of the reasonable alternatives evaluated in the Final EIS. As noted in Section 1 and 2 of the Final EIS, the forecasted traffic volumes assume a robust increase in transit service in the region, much as CMRT suggests. Section 2.5.6.1 of the Final EIS documents WisDOT's analysis of a combination of non-capacity expansion alternatives. WisDOT evaluated the transit projects included in the 2035 regional transportation plan to assess whether implementing them could satisfy the need to add capacity on I-94 in the study area. WisDOT evaluated this by assessing traffic operations on a 6-lane Modernization Alternative to determine if it would operate at an acceptable level of service (D or better) in the design year peak hour, assuming all the regional plan's recommended transit projects were included. The results of that analysis indicate that several segments of I-94 would operate at level of service E and F if a 6-lane Modernization Alternative and all transit projects from the regional transportation plan were implemented (see Section 2.5.5.1 of the Final EIS).

8. WisDOT failed to develop and evaluate the effects of a reasonable alternative that reconstructs the highway and makes prioritized safety improvements without expanding highway capacity, while using the savings to expand public transportation, such as the rapid transit lines adjacent to the corridor in the Coalition for More Responsible Transportation (CMRT) alternative.

Similar comments regarding the evaluation of non-capacity alternatives analysis were received on the Draft EIS and were responded to in the Final EIS Section 6.4, comments No. 1 and No. 5.

WisDOT did assess reconstructing the freeway without capacity expansion and relying upon transit improvements to meet travel demand. This alternative was eliminated from detailed study because it did not meet the project's purpose and need. Therefore, it is not shown as one of the reasonable alternatives evaluated in the Final EIS. WisDOT evaluated the transit projects included in the 2035 regional transportation plan to assess whether implementing them could avoid the need to add capacity on I-94 in the study area. WisDOT evaluated this by assessing traffic operations on a 6-lane Modernization Alternative to determine if it would operate at an acceptable level of service (D or better) in the design year peak hour, assuming all the regional plan's

recommended transit projects were included. The results of that analysis indicate that several segments of I-94 would operate at level of service E and F if a 6-lane Modernization Alternative and all transit projects from the regional transportation plan were implemented (see Section 2.5.5.1 of the Final EIS). Portions of the I-94 corridor currently operate at a level of service E or lower, indicating that additional capacity is warranted even with existing traffic levels. See Section 1.3.5.1 of the Final EIS for more information.

Section 2.5 of the Final EIS, Other Alternatives Considered and Dismissed, describes alternatives developed and evaluated by WisDOT and FHWA, but ultimately dismissed from consideration. Section 2.5 further discusses how none of the alternatives, alone or in combination, adequately addresses the full range of purpose and need objectives. As a result, the alternatives were not considered to the same level of detail as the alternatives retained for detailed evaluation.

Section 2.4.1, Region-wide TSM Elements, of the Draft EIS (Section 2.5.2 of the Final EIS) discusses why Transportation System Management (TSM) does not meet the project's purpose and need as a standalone alternative. TSM strategies aim to reduce congestion, primarily through improving transportation system capacity and efficiency. Given that almost all of the SEWRPC TSM elements are already implemented in the corridor and congestion is still expected to reach level of service E and F in the design year, TSM as a standalone alternative will not address the project's purpose and need. TSM measures will be implemented as part of the Selected Alternative.

Sections 2.5.2 and 2.5.3 of the Final EIS discuss a Travel Demand Management (TDM) alternative. TDM strategies include ways to reduce personal and vehicular travel or to shift such travel to alternative times and routes, allowing for more efficient use of the existing transportation system's capacity. TDM measures, as a standalone alternative, would not address any of the project's purpose and need elements. TDM measures currently in place will remain as part of the Selected Alternative.

Section 2.5.4.2, Spot Alternatives, of the Final EIS evaluates the Spot Improvement alternative that would replace I-94's pavement and bridges in or close to their existing configuration, while addressing safety issues that can be fixed with little or no new right-of-way acquisition. While the spot improvements (separately, or in combination) would replace deteriorated pavement, have fewer environmental impacts, and cost less than the Selected Alternative, the Spot Improvement alternative would not meet several purpose and need elements.

Section 2.5.5.1, Comparison of 6-lane and 8-lane Modernization Alternative, of the Final EIS evaluates a 6-lane Modernization Alternative. This alternative would address the obsolete design of I-94, but would not add capacity. While the alternative would improve traffic operations compared to the No-build alternative, the 6-lane Modernization Alternatives were eliminated from consideration because they would not meet the project's purpose and need related to providing level of service D or better traffic operations in the 2040 design year. The decision to eliminate the alternative is consistent with the 2035 regional transportation plan that recommends adding capacity to I-94.

Section 2.5.6.1 of the Final EIS discusses a combination of the non-capacity expansion alternatives. WisDOT assessed whether a combination of non-capacity expansion alternatives could, together, address the purpose and need of the project. This included assessing whether TSM and TDM in combination with either the No-build, Replace-in-kind, or Spot Improvements would meet the purpose and need of the project. Further, WisDOT assessed whether a 6-lane Modernization Alternative combined with region-wide TSM and TDM measures recommended in the 2035 regional transportation plan could eliminate the need to add capacity to I-94. Based on WisDOT's analysis, all non-capacity expansion alternatives failed to meet the purpose and need of the project.

Section 6.4 of the Final EIS, comment No. 9 provides a detailed response to the CMRT Rehab/Transit Option. WisDOT and FHWA reviewed this proposal and obtained input from SEWRPC and the Milwaukee County Transit Service (MCTS). As noted in Section 2.3.1.3 of the Draft EIS (Section 2.4.1.3 of the Final EIS), the Transportation Systems Management plus Highway Plan Scenario (the TSM scenario evaluated in SEWRPC's regional transportation plan) assessed whether a 100 percent increase in transit service throughout the region would address existing and projected future congestion within the region without adding any capacity to highways. SEWRPC determined that a 100 percent increase in transit was not enough to address congestion. The 100

percent increase in transit (including a BRT route along Wisconsin Avenue parallel to I-94) and adding capacity to a small number of roadways (I-94 in the study area was specifically mentioned) is required to address congestion in the region.

Offering the Rehab/Transit alternative as a way to avoid expending \$1.106 billion (year of expenditure dollars) on the Selected Alternative also fails to acknowledge the relatively modest amount of the program cost—approximately 10-12 percent—that is attributed to the capacity expansion element of the Selected Alternative, and/or identify what such a proposal would cost, itself.

The rehab/transit alternative would provide other transportation options for travelers in Milwaukee’s East-West Corridor. It would not preclude the need for an additional lane on this segment of I-94 based on current traffic volumes and anticipated future forecasts, which assume a doubling of transit service. As noted previously, as of January 2015, there is an express bus service in this corridor, though not to the extent described in the CMRT alternative.

Nonetheless, the proposed alternative would need to be fully studied and documented in the same context and under the same regulatory and statutory requirements as any single-mode or multi-modal project. It should be noted that such an analysis was prepared as part of a Major Investment Study conducted by WisDOT, FHWA, and the FTA in the 1990s. While a multi-modal solution was recommended (including freeway, arterial, bus, and rail components), there was no consensus among local elected officials regarding its implementation or funding. As a result, it was left to the various local and regional authorities to identify, study, and implement components of that and other plans, as needs dictated. In June 2015, Milwaukee County announced plans to study BRT in the East-West Corridor. SEWRPC is working with Milwaukee County on this study. SEWRPC’s August 2015 newsletter on the topic⁴ notes, “Now is the time to advance BRT in the East-West Corridor. A BRT line, if completed and put in service over the next few years, will provide needed mitigation of traffic congestion during the anticipated reconstruction of IH 94 between 70th and 16th Streets. Moreover, even upon reconstruction, this segment of IH 94 may be expected to experience among the worst congestion in the Region, and BRT will provide a desirable travel alternative.”

To facilitate SEWRPC’s recommendation, WisDOT is financially participating in Milwaukee County’s BRT study connecting downtown Milwaukee with the Milwaukee Regional Medical Center. In addition, WisDOT has committed to using traffic mitigation funding before and during construction of the I-94 East-West corridor to invest in local intersection infrastructure. The intent of this investment is to incrementally implement BRT so that a sustainable BRT system is developed and available as a transportation option during I-94 construction.

9. We question WisDOT’s projections of future traffic volumes in the I-94 East-West Corridor as well as the Department’s traffic projection methodology. Projections of increasing traffic congestion and drive times ignore recent statistics and studies that show traffic volumes are actually decreasing.

A similar comment was received on the Draft EIS, and responded to in the Final EIS Chapter 6, comment No. 2. As stated in Section 1.3.5.1 of the Final EIS, portions of the I-94 corridor currently operate at level of service E or lower, indicating that additional capacity is warranted even with existing traffic levels. See also Appendix D of this Record of Decision.

It is erroneous to conclude that any drop in traffic volumes along I-94 in the study area demonstrates a fundamental and/or long-term change in travel patterns and demand. As explained in the text box in Section 1.3.5 of the Draft and Final EIS, WisDOT and FHWA used 2009 as the “base year” for this project, given the significant, traffic-diverting work that has occurred within and adjacent to this corridor since 2003. The ongoing projects that have affected traffic along I-94 include the Marquette Interchange reconstruction between 2003 and 2007, emergency repairs to three Zoo Interchange bridges in 2010, resurfacing of I-94 between the Zoo and Marquette interchanges in 2011 and 2012, and reconfiguring westbound I-94 between the Marquette and Stadium interchanges in 2013. As a result, recent actual count data in this corridor is highly volatile, and is not representative

⁴ <http://campaign.r20.constantcontact.com/render?ca=a9825550-3247-46aa-a8f7-501e9f74a00e&c=fbae8110-014b-11e4-a9f3-d4ae5292c3f3&ch=fbb3ff50-014b-11e4-a9f3-d4ae5292c3f3>

of the historically consistent growth in travel demand and traffic volume increases seen along this corridor and around the Milwaukee metropolitan area over many years.

Many of the reports that stakeholders have cited as being representative of traffic volume trends are broadly based, rather than being specific to a particular roadway type. They cite trends that lump interstates, arterials, and local streets into a single data set. As explained in the text box in Section 1.3.5 of the Final EIS, vehicle miles traveled (VMT) is a regional measurement or estimate of travel demand; however, it is not used for traffic projections. As the chart shows, VMT on “Interstates, Freeways, and Expressways, Combined” has in fact steadily increased in the Milwaukee Federal-Aid Urbanized Area since a minimal drop in 2008 (and a minimal drop in 2013). This increase has averaged approximately 0.55 percent per year. As a point of reference, SEWRPC’s regional model, using accepted methodology, has proven to be accurate to the levels required for certification by FHWA. Traffic forecasts for this study are produced by SEWRPC. When creating the forecasts, SEWRPC takes into account a wide range of factors that affect travel demand, including changes in demographics and growth rates. The updated technical memorandum titled *Travel Forecasting Methodology for I-94 East-West Corridor Study*, located in Appendix D of this Record of Decision, summarizes the process of developing forecasts of future traffic volumes on the I-94 East-West Corridor. **Exhibit 1-12** of the Final EIS provides a graphical representation of the travel demand forecasting, WisDOT’s review of the travel demand forecast, and how the project team incorporates the forecast in to the project. SEWRPC and WisDOT use a modest annual growth rate of 0.4 percent for traffic on I-94.

Further, national statistics from the U.S. DOT indicate that VMT is once again rising nationally, showing a reversal of the downward trend noted since the start of the economic downturn in 2007-2008. According to FHWA’s Office of Highway Policy Information, traffic volumes rose by 3.5 percent for all of 2015 compared to 2014.⁵ Cumulative travel for 2016 through June has increased 3.3 percent compared to 2015⁶.

10. The Level of Service of all alternatives is being evaluated on the basis of the 200th peak hour, meaning that there will be 200 rush hour peaks per year with worse congestion than the rated LOS applied to each alternative. Since there are roughly 250 workdays in each year, rush-hour commuters should not be misled into expecting that any of the alternatives will result in routinely congestion-free commuting experiences.

As noted in Section 3.3.2.3 of the Final EIS, in consideration of the tight urban corridor in which the project is located and the frequent occurrences of special event traffic (for example, baseball games), WisDOT and FHWA agreed to analyze level of service calculations on the 200th highest hour of traffic in a year instead of the 30th highest hour of traffic in a year, as specified by the regulation for Interstate Design (23 CFR 625.4(a)(2)). The design hour volume guidance for this project was documented in the *DHV and LOS for the I-94 East-West Stadium Interchange Study* technical memorandum from September 2012 located on the CD at the back of the Final EIS. This impact minimization effort allowed the design team to narrow shoulders and reduce some elements of the interchange designs to minimize construction footprint and property acquisition. As noted in the technical memo on the CD at the back of the Final EIS, according to WisDOT’s FDM, there may be unique circumstances where using the 30th highest hour of traffic in a year is not realistic to use because of exceptionally high hourly volume peaking characteristics. According to the FDM, peaking characteristics “may occur on highly recreational routes, or routes that are in close proximity to a stadium or seasonal shopping mall. Additionally, higher design hour volumes may be justified when the LOS using K30 cannot be achieved because of social, environmental, or financial constraints.” WisDOT and FHWA agreed to use this standard from the beginning of the project to minimize impacts through the urban corridor.

The comment points out that “there will be 200 rush hour peaks per year with worse congestion than the rated LOS applied to each alternative. Since there are roughly 250 workdays in each year, rush-hour commuters should not be misled into expecting that any of the alternatives will result in routinely congestion-free commuting

⁵ http://www.fhwa.dot.gov/policyinformation/travel_monitoring/15dectvt/15dectvt.pdf

⁶ https://www.fhwa.dot.gov/policyinformation/travel_monitoring/16juntvt/16juntvt.pdf

experiences.” It should be noted that there are two rush hour peaks per day. Using the 200th peak hour takes into account frequent special event traffic (for example, Brewers games) in the corridor.

11. The preferred alternative, as proposed, is not likely to be able to satisfy the project’s stated purpose and need criteria, including the stated goal of achieving and maintaining a Level of Service D (LOS D), a measurement of congestion. Nor will it achieve anything resembling free flowing rush hour traffic. As a result, reasonable alternatives that were improperly dismissed by WisDOT from full consideration because they would not achieve LOS D must also be given serious consideration. Such alternatives, and their cost and impacts, need to be fully described, analyzed, and compared to the 8 lane at grade expansion that has been selected by the agency.

As noted in various locations throughout the Final EIS, the preferred alternative (At-grade alternative with half-Hawley Road interchange/On-alignment alternative) would meet level of service D during both the morning and afternoon peak hours. As a result, the preferred alternative would satisfy the project’s stated purpose and need criteria of level of service D being appropriate for this project. Specifically, Section 2.2.3.2 (pg. 2-23) of the Final EIS notes “By meeting level of service D during both the morning and afternoon peak hours, the At-grade alternative with the half Hawley Road interchange option (preferred alternative) would meet the project’s purpose and need goal of improving traffic operation.”

Additionally, Section 3.3.2.3 and table 3-3 of the Final EIS notes “The At-grade alternative with the half interchange at Hawley Road (preferred alternative) would operate at numeric level of service value 4.88, technically level of service D but only slightly better than level of service E, in the same location because the number of vehicles exiting I-94 at Hawley Road (100 to 150 vehicles during the design year peak hours) would be enough to reduce traffic density to just below the level of service E threshold.” Thus, the preferred alternative will achieve and maintain a level of service D.

Level of service D is not intended to allow for “free flowing rush hour traffic”. According to the AASHTO Green Book, level of service D is “approaching unstable flow; drivers have little freedom to select their own speeds.” At level of service D there is a high-density flow of traffic in which speed and freedom to maneuver are severely restricted and comfort and convenience have declined even though flow remains stable. This is displayed visually on Exhibit 1-13 in the Final EIS.

Section 2.2 of the Final EIS discusses the No-build alternative and the four build alternatives that remained under consideration after an extensive alternatives development and refinement process. Additionally, Section 2.5.1 provides the definition of a reasonable alternative.

12. In order to achieve project goal of level of service D, transit usage must triple.

Several commenters incorrectly stated that the project would only achieve a level of service D if transit usage triples. The congestion levels predicted in the design year under the Modernization Alternatives do not assume transit usage will triple. Section 2.5.3 of the Final EIS states that transit usage on I-94 would need to triple in order to preclude the need to add a 4th lane to this segment of I-94. The traffic forecast for the Selected Alternative (and all alternatives) does not assume transit usage on I-94 will triple. Traffic forecasts, using SEWRPC’s model, assume that transit service in the region will double.

13. The July 30, 2014 Assessment of Additional Measures to Maximize the 8-Lane At-Grade Alternative’s Ability to Meet Purpose and Need technical memorandum located on the CD at the back of the Final EIS noting that the 8 lane At-grade alternative would operate at level of service E along a short segment adjacent to the cemeteries.

This technical memo discusses the 8-lane At-grade alternative with no Hawley Road interchange. At the time this memo was completed, the At-grade alternative with a half interchange at Hawley Road was not fully designed or evaluated.

As noted in Section 2.2.3.2 of the Final EIS, approved January 2016, the preferred alternative (At-grade alternative with half-Hawley Road interchange/On-alignment alternative) would meet level of service D during both the morning and afternoon peak hours.

- 14. WisDOT has publically stated that one reason it did not include a transit option was that it was not recommended by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). SEWRPC has been seeking public input on its Vision 2050 planning effort, and has found overwhelming support throughout the region for increased public transit service, and very little support for adding highway lanes. The City of Milwaukee has also requested that WisDOT consider bus rapid transit (BRT) alternatives and retention of HOV lanes, and that was summarily ignored.**

WisDOT and FHWA recognize that SEWRPC recommends additional transit service in the region in their regional plans. WisDOT and FHWA assess in the Final EIS whether a transit alternative combined with reconstruction of I-94 between 16th and 70th streets could meet the project's purpose and need and determined that it cannot (see Section 2.2.5.6.1 of the Final EIS). This assessment took place regardless of WisDOT's ability to implement a transit alternative, in accordance with FHWA guidance on this topic. To facilitate implementation of SEWRPC's recommendation, WisDOT is financially participating in Milwaukee County's BRT study connecting downtown Milwaukee with the Milwaukee Regional Medical Center.

- 15. WisDOT has publically stated that Federal funds for this project could not be used to consider transit as part of DEIS hearings, and argued that the project alternatives under consideration would not preclude future transit. This is seemingly not true. ...It is our understanding that WisDOT could, if it chose to, recommend that some federal Surface Transportation Program dollars which might be used for highway construction instead be used on public transit improvements under federal law (See 23 U.S.C. § 133(b)(5),(12)), such as the fixed guideway or Bus Rapid Transit proposals suggested by SEWRPC in the 2035 Plan, or other alternatives not yet considered.**

While FHWA funds can be used to support transit-based capital improvements, in this case, a transit-only alternative would not meet all elements of the project's purpose and need. WisDOT is financially participating in the planning process of Milwaukee County's BRT study connecting downtown Milwaukee with the Milwaukee Regional Medical Center.

- 16. The Final EIS does not clearly indicate what if any access/egress points have been included for Story Hill. It would appear that there is a way for neighbors to move about when coming from the west, WisDOT has not notified Story Hill residents as to the proposed plan for eastbound traffic.**

Due to the removal of the Mitchell Road Interchange, traffic travelling eastbound on the freeway may exit at the Hawley Road interchange and use Bluemound Road to access the Story Hill Neighborhood. On May 23, 2016, WisDOT met with the Story Hill Neighborhood Association to address access to the neighborhood.

- 17. The I-94 freeway corridor must be designed and rebuilt within the existing footprint to maintain and preserve the quality of life and housing stock in Story Hill. We continue to oppose freeway lane expansion in either direction. This means no cutting into Bluff Park north of the freeway, and no removal of homes.**

Please see comment No. 20 of Section 6.4 of the Final EIS for more detail. The preferred alternative would not encroach upon Bluff Park. All widening would be to the south, and no residential displacements and no right-of-way acquisition will be required in the Story Hill neighborhood.

- 18. Losing half of the Hawley Road entrance/exit ramps after giving up the General Mitchell Boulevard interchange causes concern, not only for Story Hill neighbors but for the continued viability of the Hunger Task Force, and for businesses on Bluemound Road and in the City of West Allis.**

This comment was received on the Draft EIS and addressed in comment No. 16 in Section 6.4 of the Final EIS.

The Hawley Road interchange lies less than 0.5-mile east of the 68th Street/70th Street interchange. It will be approximately 1 mile west of the reconfigured Stadium Interchange, which will include a new local road interchange that would replace the access removed from the Mitchell Boulevard interchange, each of which would provide connections with I-94 and downtown Milwaukee to the Story Hill neighborhood, Hunger Task Force, Soldiers' Home NHL, VA Campus, and other nearby neighborhoods, businesses, and attractions.

WisDOT and FHWA have worked with the City of West Allis and adjacent stakeholders to identify off-freeway improvements that would offer alternative routes to I-94. The concepts include the extension of Washington Street between 70th Street and Hawley Road, and improvements to other nearby intersections to handle diverted traffic. Access from the Hunger Task Force to eastbound I-94 would be achieved by following a number of other options, including driving south on Hawley Road to the Washington Street extension, turning west on Washington Street, and then driving north on 70th Street to the freeway entrance ramp at that location. Access to the freeway from the Renaissance Faire office building on the west side of Hawley Road would also be provided via the new Washington Street extension. Travel time from the Renaissance Faire office building to eastbound I-94 would increase by about 2 minutes compared to using the Hawley Road interchange.

Additionally, WisDOT conducted a survey of businesses in the vicinity of the Hawley Road interchange, and assessed the economic impacts associated with modified access at Hawley Road (see the *Economic Impact of the Proposed Hawley Road Interchange Closure* report on the CD at the back of the Final EIS). The survey was given to business owners in Milwaukee and West Allis, located between 70th Street to the west, US 41/Miller Park Way to the east, State Street to the north, and National Avenue to the south. The survey provided business owners an opportunity to predict consumer behavior and to estimate the impact of complete Hawley Road interchange removal on their revenue, customer base, and employment. The survey and associated analysis found that a potential loss of seven jobs, and a loss of approximately 0.02 percent of Milwaukee County's gross regional product, might result from the access change. The assessment assumed that the Hawley Road interchange was completely removed. Because two of the four ramps will stay in place, the economic impacts of closing only two of the four ramps is likely less than those quantified in the analysis.

19. The communities adjacent to the project corridor, and most affected by the proposed project, have clearly expressed their opposition to expanding the number of lanes on the highway. Even the City of West Allis, which weighed in in favor of the double-deck expansion proposal, did so if that was the only way to keep the City's access to the interstate at Hawley Road.

Local community input was considered throughout the environmental study process. At no point during their correspondence with WisDOT regarding the I-94 East-West Corridor Draft or Final EIS did the West Allis city council express opposition to expanding the number of lanes on I-94. The City of West Allis' main concern was potential closure or partial closure of the Hawley Road interchange. Additionally, the Village of West Milwaukee did not express opposition to expanding the number of lanes on I-94. Much like West Allis, West Milwaukee's main concern was potential closure or partial closure of the Hawley Road interchange. Although the City of Milwaukee opposed expansion, they indicated a preference for the Selected Alternative.

Impacts

20. The Final EIS fails to meaningfully evaluate the racially disparate impact of increasing highway capacity while transit capacity declines.

As noted in Section 3.9.6 of the Final EIS, Interstate Investment Effects on Transit, the *2014 Review and Update of the Year 2035 Regional Transportation System Plan Appendix B, Evaluation of the Impacts of the Fiscally Constrained Plan on Minority and Low-Income Populations in Southeastern Wisconsin* is a robust assessment of the region-wide impacts of the fiscally constrained regional transportation plan in the context of its implementation to date and likely future implementation. After publication of the Final EIS, SEWRPC's *VISION 2050: A Regional Land Use and Transportation System Plan for Southeastern Wisconsin* was approved on July 28, 2016. Appendix N of *VISION 2050—Equitable Access Analysis of the Federally Recognized Transportation Plan*—evaluates accessibility for minority and low-income populations by transit and automobile to jobs and other activity centers, minority and low-income populations served by transit, transit service quality for minority and low-income populations, benefits and impacts of new and widened arterial streets and highways on minority and low-income populations, and transportation related air quality impacts on minority and low-income populations for the F RTP for *VISION 2050*. The analysis found that because the segments of freeway proposed to be widened under the F RTP would directly serve areas of minority and low-income populations, these populations would be utilizing and experiencing benefit from the expected improvement in accessibility associated with the proposed widenings.

Further, Section 3.9.6 and 3.29.2.7 of the Final EIS characterize WisDOT's role in transit funding and implementation and discuss the project in the context of the regional transportation plan. The Final EIS states that transit investments alone will not meet the project's purpose and need. According to the 2010-2014 ACS Data, for Milwaukee County and the City of Milwaukee, about 82 and 80 percent, respectively, of the minority population drives alone or carpools to work. Approximately 11 percent of the minority population uses public transit to travel to and from work in Milwaukee County. For workers below the poverty level in Milwaukee County and the City of Milwaukee, about 70 and 68 percent, respectively, use an automobile to travel to and from work. Most workers not driving to work used public transportation or walked. In the I-94 East-West Corridor study area, about 81 percent of workers drive alone or carpool to work (2010-2014 ACS data). About 79 percent of the minority population within the study area drives alone or carpools to work. Census or American Community Survey data on non-work trips by mode and by race and/or income are not available. Analysis presented in Appendix N of SEWRPC's VISION 2050 found that in general, no minority or low-income community, would be expected to disproportionately bear the impact of the highway improvements.

The fact that some low-income and/or minority persons (an environmental justice population) do not own vehicles and would not use the freeway as often as those persons who do own vehicles does not mean that the project will have a disproportionately high and adverse effect on that environmental justice population. The improved level of service along I-94 will benefit transit users as the Selected Alternative will reduce traffic on local roads. According to Appendix N of VISION 2050, over 100,000 jobs would be accessible within 30 minutes by transit to minority and low-income populations. In addition, over 99 percent of minority and low-income populations have reasonable access to health care facilities by automobile while approximately 50 percent of minority populations and 49 percent of families in poverty have reasonable access to health care facilities by transit. Public technical college and university are accessible by transit to approximately 27 and 28 percent of minority population and families in poverty, respectively. See also Appendix B of this Record of Decision.

Moreover, capacity expansion represents only about 10-12 percent of the project's cost. This is about \$85-\$100 million, or about what WisDOT contributes to MCTS operating costs during each biennial budget. Unlike the continuing transit operating cost contributions which have remained relatively constant, the capacity expansion is a one-time cost. To put this figure in context, WisDOT will invest \$179 million in local roads in Milwaukee County between 2012 and 2020. The once-in-75-year investment of \$85-\$100 million for additional capacity on I-94 is about half of what WisDOT invests in local roads in a typically 8-year period.

Independent of the I-94 East-West project, WisDOT is co-sponsoring a Transportation Summit. This Greater Milwaukee regional area Summit is being co-sponsored by WisDOT, FHWA and SERWPC. The theme of the Summit is "How Are Our Community's Values Reflected in the Transportation Solutions We Provide?" Stated goals for the Summit are to bring together key partners to better understand issues, learn about transportation investments and funding, and define an action plan that captures roles and responsibilities across all groups. The Summit is anticipated to occur in mid-October.

21. Spending up to \$1 billion to expand I-94 will limit funding for maintaining and repairing the existing highway infrastructure and for other public transportation infrastructure, including rapid transit, bike and pedestrian infrastructure. Funding this highway may also require using general funds that pay for programs like education, public safety and non-highway capital projects.

Project prioritization is an interactive process between WisDOT and the local Metropolitan Planning Organization, with public involvement at each step of approval. Projects are prioritized based on how well they meet the primary transportation goals of mobility, choice, safety, efficiency, and connectivity. Prioritization also considers several additional values including economic development, environmental responsibility, and community livability. All of these topics are multi-modal in scope, including roadway, transit, bicycle, and pedestrian modes of travel.

The funding sources dedicated to freeway projects such as the I-94 East-West Corridor are separate and distinct in the state budget from the funding sources used to construct local streets. There is no opportunity to apply

“savings” from a freeway reconstruction/modernization project to city street repaving, reconstruction, traffic calming, and/or bike facilities separated from the freeway project itself (Final EIS Section 6.4, comment No. 8). As indicated in the Final EIS Section 6.4 comment No. 6, approximately 10-12 percent of the project cost is related to adding a fourth lane in each direction. Approximately 35 percent of the cost is related to the replacement of pavement and bridges, while over 50 percent is associated with safety and design improvements.

Highway and transit funding levels are set by the legislative and congressional budgeting process, not by WisDOT or FHWA. For more information on how transit is funded see “How is Transit in Milwaukee Funded and What is WisDOT’s Role?” in Section 2.5.3 of the Final EIS.

The outcome of the I-94 East-West Corridor decision will not affect highway or transit funding levels. For example, if the Replace-in-Kind alternative was selected, the \$370 million (2014 dollars) saved between the Replace-in-Kind alternative and the Selected Alternative could not be spent by WisDOT on transit services without authorization from the state legislature through the state’s biennial budget process, including steps to ensure all applicable federal requirements are met. Whether the No-build or the Selected Alternative is implemented, it will not directly increase or decrease transit funding levels.

As for the use of general funds for the I-94 East-West project, highway funding is established through the regional transportation plan (RTP) and transportation improvement program (TIP) prepared by SEWRPC. Federal regulations require that the RTP and TIP be “fiscally constrained.” In order to satisfy the fiscal constraint requirement, the RTP and TIP can only include projects that can be funded through existing funding sources and potential funding sources that are reasonably expected to be available in the future. The funding estimates must also take into account the expected limitations on funding.

As part of the *VISION 2050: A Regional Land Use and Transportation System Plan For Southeastern Wisconsin* (SEWRPC, 2016), SEWRPC performed a funding analysis of the recommendations in the transportation plan, given the existing and reasonably expected available funding. The fiscally constrained version of the plan, titled the *Federally Recognized Transportation Plan (F RTP) for VISION 2050*, includes those projects with reasonably expected funding according to federal and state law. The analysis indicates there may be enough revenue to fund the proposed highway and arterial system improvements during the plan period, assuming that the State will continue to provide the necessary level of funding for these improvements. Therefore, the F RTP has been determined to include all of the highway and arterial transportation elements, including the I-94 East West Corridor project.

Funding for all transportation improvements has been challenged by the fact that the federal motor fuel tax has not changed since 1993, the elimination of State motor fuel tax indexing (the primary source of State transportation funding) in 2006, and the failure of regional transit authority legislation. However, the analysis concludes that it is reasonable to expect the State will address the long-term funding issues during the plan period. Some of the proposed solutions to funding have included indexing the State’s motor fuel tax based upon the wholesale price of fuel sold in Wisconsin, increasing the tax rate on diesel fuel, creating a Highway Use Fee based on a percentage of the manufacturer’s suggested price for new vehicles in Wisconsin, and increasing the annual registration fee for hybrid and electric powered vehicles to ensure owners pay their fair share of the construction and operating costs of infrastructure.

Given that TSM, TDM, and bicycle and pedestrian facility costs are primarily included in the costs for surface arterial streets and highways, and typically represent a fraction of the cost to reconstruct an arterial facility, the analysis concludes that there will likely be enough revenue to fund these improvements as included in *VISION 2050*. The analysis points out that the majority of TSM and bicycle and pedestrian improvements in the year 2035 RTP have already been implemented.

22. The Final EIS fails to meaningfully evaluate land use and development effects, or to avoid, minimize or mitigate the cumulative, racially disparate effects on minority populations.

Section 3.29 of the Final EIS assesses the cumulative land use impacts of the project in the context of past, present, and reasonably foreseeable future projects in the region. Section 3.29.2.7 specifically discusses regional

land use patterns. The indirect and cumulative effects analysis conducted by WisDOT included input from land use and planning officials, stakeholders in the study area, and developers that work in Milwaukee and Waukesha Counties. WisDOT's indirect and cumulative effects analysis is documented in a stand-alone report and is based, in part, on interviews with land use officials from Milwaukee and Waukesha County and developers who are active in the region. See the *I-94 East-West Corridor Study Indirect and Cumulative Land Use Effects-Influencing Factors* report located on the CD at the back of the Final EIS.

Based on a public comment on the Final EIS, WisDOT and FHWA assessed cumulative travel time savings to motorists on I-94 in Milwaukee and Waukesha Counties from the recent reconstruction of the Marquette interchange, the current reconstruction of the Zoo Interchange, the planned reconstruction of I-94 between 16th and 70th Streets as part of this project, and a potential future reconstruction and possible expansion of I-94 in Waukesha County out to WIS 16. See New Information Since Final EIS Publication in this Record of Decision.

Stakeholder feedback gathered for the Indirect and Cumulative Effects Analysis (located on the CD at the back of the Final EIS) indicated that existing congestion along I-94 reduces the area's accessibility, which diminishes the economic development potential of the primary study area. At the June 6, 2013, focus group meeting, several economic development professionals and a real estate developer who represent areas in West Allis, Wauwatosa, West Milwaukee and Milwaukee, stated capacity expansion was needed because congestion along I-94 makes it harder to market properties within the primary study area and to compete with other locations in the region that have less congestion. After a large group discussion period, the focus group participants were divided into five smaller working groups and asked a series of questions to obtain more in depth feedback on indirect and cumulative effects topics. One of the questions (Question #4) specifically asked: "*How would the freeway project affect local arterial routes? Would it affect traffic patterns and/or land use/development patterns? What arterial corridors may be affected?*" The feedback obtained from the participant responses to this question, along with feedback from the meeting in general, helped the study team to determine potential land use effects for the primary study area as discussed in Section 3.28.4.1 for the Modernization Alternatives.

Follow-up interviews with other local private-sector real estate professionals also found that additional capacity on the freeway would help attract more development to the primary study area. Based on stakeholder feedback, the study team determined that improved mobility along I-94 from new travel lanes would facilitate development within the primary study area because people and businesses would not be detracted from the area by traffic congestion. As a result, improved mobility could encourage redevelopment of former industrial areas and underutilized parcels, improve the business environment along local arterial streets, maintain the economic competitiveness of the existing business districts and neighborhoods, and support the vitality of the numerous regional cultural, recreational and entertainment venues within the study area. A summary of the meeting is included in the *I-94 East-West Corridor Study Indirect and Cumulative Effects Analysis* report (WisDOT 2016) located on the CD at the back of the Final EIS document.

Section 3.29.2.7 of the Final EIS discusses potential mitigation measures evaluated by WisDOT and FHWA that could address cumulative land use-related issues in the region. Construction mitigation measures cited in the Final EIS are provided as examples of measures WisDOT may implement. While the project may contribute to a cumulative air quality impact, it will also have some beneficial impacts. Thus, it is not expected to be a substantial contributor, as measured by current pollutant standards.

23. The proposed expansion would only benefit drivers in the region; the tens of thousands of Milwaukee-area residents who do not have access to a car would remain cut off from the places they have to go. The state should prioritize maintenance and repair of the existing transportation infrastructure and pursuing transportation options that benefit everyone, including communities of color, people with disabilities and transit riders, as well as drivers.

This comment was also received on the Draft EIS and responded to in the Final EIS Section 6.4, comments No. 9 and No. 22.

The I-94 East-West project does not preclude any transit service from occurring or future transit projects from being developed. WisDOT assessed reconstructing the freeway without capacity expansion and relying upon

transit improvements to address congestion. Section 2.5.5.1 of the Final EIS documents WisDOT and FHWA's analysis of a 6-lane reconstruction alternative. This alternative was dropped from consideration because it would not meet the project's purpose and need.

As noted in Section 1 and 2 of the Final EIS, the forecasted traffic volumes assume a robust increase in transit service in the region. Section 2.5.6.1 of the Final EIS documents WisDOT's analysis of a combination of non-capacity expansion alternatives. WisDOT evaluated the transit projects included in the SEWRPC regional transportation plan to assess whether implementing them could satisfy the need to add capacity on I-94 in the study area. The results of that analysis indicate that several segments of I-94 would operate at level of service E and F if a 6-lane Modernization Alternative and all transit projects from the regional transportation plan were implemented (see Section 2.5.5.1 of the Final EIS).

Section 3.9.6 of the Final EIS addresses the benefits of the project for all users. SEWRPC has recommended widening of the southeast freeway system in the context of its overall transportation plan. In a sequential process, SEWRPC begins by considering public transit facilities and services, bicycle and pedestrian facilities, and travel demand and transportation systems management measures. Highway system capacity improvement and expansion is considered to address highway traffic volume and congestion, which cannot be expected to be alleviated by public transit, bicycle, and pedestrian, and travel demand and transportation systems management measures (SEWRPC 2006b). SEWRPC's recommended regional transportation plan in *VISION 2050* reaffirmed the regional transportation planning process as outlined in the previous plan, and proposes improvements and expansion of public transit that would increase transit service levels by approximately 117 percent of the service existing in 2014. The *VISION 2050* document does acknowledge that this increase in transit is not likely to happen without a change in funding levels. Also according to *VISION 2050*, public transit carries about 2 percent of total weekday travel in southeastern Wisconsin, while approximately 30 percent of the estimated capital and operating costs of the *VISION 2050* plan are devoted to public transit.

As noted in Section 6.4 of the Final EIS, WisDOT is financially participating in Milwaukee County's BRT study connecting downtown Milwaukee with the Milwaukee Regional Medical Center. In addition, WisDOT has committed to using traffic mitigation funding before and during construction of the I-94 East-West corridor to invest in local intersection infrastructure. The intent of this investment is to incrementally implement BRT so that a sustainable BRT system is developed and available as a transportation option during I-94 construction and for the long term. Independent of the I-94 East-West project, WisDOT is co-sponsoring a Transportation Summit. This Greater Milwaukee regional area Summit is being co-sponsored by WisDOT, FHWA and SEWRPC. The theme of the Summit is "How Are Our Community's Values Reflected in the Transportation Solutions We Provide?" Stated goals for the Summit are to bring together key partners to better understand issues, learn about transportation investments and funding, and define an action plan that captures roles and responsibilities across all groups. The Summit is anticipated to occur in mid-October.

According to the 2010-2014 ACS Data, for Milwaukee County and the City of Milwaukee, about 82 and 80 percent, respectively, of the minority population drives alone or carpools to work. Approximately 11 percent of the minority population uses public transit to travel to and from work in Milwaukee County. For workers below the poverty level in Milwaukee County and the City of Milwaukee, about 70 and 68 percent, respectively, use an automobile to travel to and from work. Most workers not driving to work used public transportation or walked. In the I-94 East-West Corridor study area, about 81 percent of workers drive alone or carpool to work. About 79 percent of the minority population within the study area drives alone or carpools to work. The data also noted that while minority populations generally use transit more for traveling to work in Milwaukee County and the City of Milwaukee, most commuting by minority populations is by car. Additionally, data collected for this study concluded that 76 percent of the traffic on I-94 during the peak hours in the I-94 East-West Corridor enter or exit I-94 within the corridor (between 70th Street and 16th Street) (Skycomp 2012). Therefore, improvements to I-94 would substantially benefit access within and to and from the study area. Improvements to I-94 would also benefit those living in and doing business in the study area. Improvements to safety and reductions in congestion along I-94, part of the project's purpose and need, will make it more convenient for people to access the study

area and easier for local residents to use I-94 to access opportunities both within and outside the I-94 East-West Corridor. Further, the improved level of service and safety on I-94 will benefit buses (Freeway Flyers) using I-94. As discussed above in Comment No. 6, local arterial street traffic volumes may be lower under the Selected Alternative because some trips along arterials may shift to I-94, which may improve bus transit service.

24. SEWRPC's studies repeatedly show racially disparate impact of failing to provide transit. The Final EIS claims that SEWRPC's *Regional Freeway Reconstruction Plan* justifies its position that expanding I-94 E/W to eight lanes would "have no disproportionately high and adverse impacts on minority or low-income populations;" however, the Final EIS waters down the findings of *that same plan* related to public transit.

SEWRPC does recommend additional transit service in the region according to their 2035 regional transportation plan and the recently approved 2050 regional transportation and land use plan. SEWRPC's plans, as well as the Final EIS, note the heavier reliance on transit among low-income and minority residents.

As noted in Section 3.9.6 of the Final EIS, SEWRPC prepared its *Review and Update of the Year 2035 Regional Transportation System Plan*, Appendix B, *Evaluation of the Impacts of the Fiscally Constrained Plan on Minority and Low-Income Populations in Southeastern Wisconsin* in 2014 which is a robust assessment of the region-wide impacts of the fiscally constrained regional transportation plan in the context of its implementation to date and likely future implementation. After publication of the Final EIS, SEWRPC's *VISION 2050: A Regional Land Use and Transportation System Plan for Southeastern Wisconsin* was approved on July 28, 2016. Appendix N of *VISION 2050—Equitable Access Analysis of the Federally Recognized Transportation Plan*—assesses the plan's impact on low-income and minority populations and reaches the same conclusion.

WisDOT and FHWA rely upon this analysis to assess the effects of regional freeway reconstruction and expansion on low-income and minority residents.

WisDOT and FHWA assess in the Final EIS whether a transit alternative combined with reconstruction of I-94 between 16th and 70th streets could meet the project's purpose and need and determined that it cannot (see Section 2.2.5.6.1 of the Final EIS). This assessment took place regardless of WisDOT's ability to implement a transit alternative, in accordance with FHWA guidance on this topic. However, in the context of implementing a transit alternative, WisDOT's inability to unilaterally implement a transit alternative is relevant. The comment that WisDOT is neglecting the transit expansion components of the regional transportation plan ignores two key issues: 1) state and federal budget allocations for transit and highway funding and 2) legislative direction on WisDOT's role in providing transit, which is limited to providing transit operating funds and funding only those transit capital expenditures authorized by the legislature. In addition, program-level implementation of transit elements need not fall exclusively to this project, which is based on the need to replace deteriorated pavement, improve safety and address congestion in the I-94 East-West corridor. Section 3.9.6 of the Final EIS documents WisDOT's transit investments in the region.

25. WisDOT fails to appropriately consider and adequately evaluate the social, economic, and interrelated indirect and cumulative effects of the project, especially on communities of color. Benefits must accrue only to low-income or minority populations to be considered an off-setting benefit.

The Final EIS comprehensively reviews the direct, indirect, and cumulative effects of the reasonable alternatives on resources in the study area, including communities of color. The environmental justice analysis adequately assesses impacts to low-income and minority residents in the environmental justice study area. Final EIS Section 3.9.2 identifies low-income and minority residents in the study area (3.9.2.1 discusses the extent and location of minority populations in the study area, and 3.9.2.2 discusses the extent and location of low-income populations in the study area. An updated Section 3.9.2.1 is provided in Appendix B of this Record of Decision). Section 3.28 and 3.29 take into account the full indirect and cumulative effects of the project. For more detailed indirect and cumulative effects analysis regarding the I-94 East-West Corridor project, see the *I-94 East-West Corridor Indirect and Cumulative Effects Analysis* located on the CD at the back of the Final EIS.

WisDOT and FHWA's methodology to assess cumulative effects for the I-94 East-West Corridor Study is based on the Council on Environmental Quality's 11-step process identified in the handbook titled *Considering Cumulative Effects under the National Environmental Policy Act* (Council on Environmental Quality 1997), and WisDOT's

Guidance for Conducting a Cumulative Effects Analysis (WisDOT 2007b). The process's 11 steps were organized into the following three main steps: scoping, describing the affected environment, and determining the environmental consequences. Section 3.29.1 describes the cumulative effects scoping process and Section 3.29.2 describes the affected environment and environmental consequences for each resource.

Following FHWA Order 6640.23A, FHWA determines whether a project has disproportionately high or adverse effects on a minority or low-income population and has determined the East-West Freeway Corridor study alternatives do not have a disproportionately high and adverse effect on low-income or minority populations. SEWRPC's finding in its 2014 review and update of the 2035 long range plan confirms this finding at a regional level (*Review and Update of the Year 2035 Regional Transportation System Plan*, Appendix B, *Evaluation of the Impacts of the Fiscally Constrained Plan on Minority and Low-Income Populations in Southeastern Wisconsin*). The 2014 review and update is cited in Section 3.9.6 of the Final EIS, *Interstate Investment Effects on Transit*. After publication of the Final EIS, SEWRPC's *VISION 2050: A Regional Land Use and Transportation System Plan for Southeastern Wisconsin* was approved on July 28, 2016. Appendix N of VISION 2050—Equitable Access Analysis of the Federally Recognized Transportation Plan—assesses the plan's impact on low-income and minority populations and reaches the same conclusion.

Neither FHWA nor U.S. EPA guidance on environmental justice indicate that benefits of a proposed action must accrue only, or primarily, to persons of color or low-income persons to be considered an off-setting benefit (*Addressing Environmental Justice through Reviews Conducted Pursuant to the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act*, US EPA April 19, 2011 and *Guidance on Environmental Justice and NEPA*, December 2011, and *FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, FHWA June 2012). Benefits that accrue to the community as a whole will, by definition, be experienced by environmental justice populations.

26. The Final EIS fails to evaluate social, economic and other issues related to racial segregation in accordance with Title VI of the Civil Rights Act.

WisDOT and FHWA's evaluation of alternatives and other project development activities did not discriminate against any person based on race, color, or national origin. Title VI applies to all activities undertaken by receipts of federal aid, like WisDOT, including project development. FHWA is currently developing a public Title VI technical assistance manual which is expected to be released in calendar year 2017. The Title VI handbook mentioned by one commenter was never finalized and is not official FHWA guidance or policy at this time.

The environmental justice analysis presented in the Final EIS was prepared consistent with FHWA Order 6640.23A. WisDOT conforms to 23 CFR 200.9(a)(1) that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the Department of Transportation, including the Federal Highway Administration. WisDOT collects statistical data (race/ethnicity) of Relocatees through Residential Questionnaires – Individual Needs Inventory forms and collects statistical data (names and addresses) of Public Involvement Meeting participants through Sign-In Sheets.

FHWA approved WisDOT's Title VI annual implementation plan on December 14, 2015. FHWA concluded that WisDOT's Title VI Implementation Plan meets the FHWA guidelines for the contents of an Implementation Plan. The WisDOT Title VI Program reviews 11 federal program areas (Planning, Environment, Design, Right-of-Way, Contract Administration, Transit, Construction, Maintenance, Research, Safety, and Human Resources) and 17 sub-recipients (metropolitan planning organizations and regional planning commissions) annually through online surveys. These surveys are used to identify environmental justice activities, limited English proficiency activities, training needs, and complaints. Results of these reviews are recorded in the WisDOT Title VI/Nondiscrimination Annual Work Plan and Accomplishment Report.

These sub-recipients must submit their Title VI Plan and Assurances annually to the Title VI Program Officer. Each plan includes a policy statement, assurances, implementation procedures, discrimination complaint procedures, and sanctions. Sub-recipient Title VI Plans and Assurances must be signed by the sub-recipient's executive officer and by the WisDOT Title VI Program Officer.

The WisDOT Title VI Program re-established the interdisciplinary Title VI Advisory Committee in February 2015. The Committee was approved by the WisDOT Secretary and has representatives from each region and FHWA. The committee has developed a 2-year work plan that includes education for employees, an online Title VI Training module for all WisDOT employees, a department-wide four-factor analysis, and a department survey. WisDOT Title VI staff also met with the Administrator and Senior Managers of each division from 2012 – 2015 and identified Title VI/Nondiscrimination requirements for each program area.

On December 12, 2012, the FHWA formally notified WisDOT that it was no longer in Title VI/Nondiscrimination deficiency status. FHWA Wisconsin Division Office also reviewed and formally accepted WisDOT's FY 2012 Title VI/Nondiscrimination Work Plan and Accomplishment Report, which contained WisDOT's Corrective Action Plan to resolve deficiencies in accordance with 23 C.F.R. § 200.9(a)(3). Since 2012, FHWA has formally approved WisDOT's Title VI/Nondiscrimination Plan and Assurances in 2014 and 2016 in accordance with 23 C.F.R. § 200.9(b)(11). FHWA has also acknowledged receipt of WisDOT's Title VI/Nondiscrimination Annual Work Plan and Accomplishment Report in 2012, 2013, 2014, and 2015 in accordance with 23 C.F.R. § 200.9 (b)(10). Additionally, FHWA ensures that federally funded WisDOT projects comply with federal law, regulation and guidance.

27. The Final EIS does not effectively evaluate issues as required to meet Title VI and Environmental Justice Requirements.

The purpose of the I-94 East-West Corridor study is to identify the best alternative to address the deteriorated condition of I-94, obsolete roadway and bridge, existing and future traffic demand, and high crash rates. Section 3.9.4 of the Final EIS assesses each impact of the proposed action and the extent to which it would affect environmental justice populations and non-environmental justice populations. The Final EIS assesses low-income populations and minority populations separately and does not assume that low-income people are minority or vice versa. FHWA re-assessed the impact on environmental justice populations after the Final EIS publication and determined that the project would not result in any effects that would be considered disproportionately high and adverse under Executive Order 12898, DOT Order 5610.2(a), and the FHWA Order 6640.23A. As noted in Section 3.9.4, WisDOT and FHWA followed FHWA's 2011 *Guidance on Environmental Justice and NEPA* as well as FHWA Order 6640.23A, *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which requires WisDOT and FHWA to conduct an environmental justice analysis (FHWA 2012a). WisDOT and FHWA completed an environmental justice analysis for this project to determine whether the proposed project has the potential to incur disproportionately high and adverse effects upon minority populations or low-income populations. WisDOT and FHWA:

- assessed the location and extent of low-income population and minority population in the study area, as well as minority-owned businesses,
- disseminated information and solicited input from minority and low income populations, and
- determined the impacts of this project on the general population and natural resources, and then assessed if the impacts could be disproportionately borne by low-income populations or minority populations.

The Final EIS notes several examples of WisDOT's transit funding but does not imply or express that all of those transit investments would benefit environmental justice populations. The process of determining which transit routes would most effectively mitigate traffic congestion during construction will be assessed during development of the Transportation Management Plan (TMP). WisDOT will begin developing the TMP during preliminary design.

WisDOT has committed to financially participate in the planning process of Milwaukee County's BRT study connecting downtown Milwaukee with the Milwaukee Regional Medical Center. In addition, WisDOT has committed to using traffic mitigation funding before and during construction of the I-94 East-West Corridor to invest in local intersection infrastructure. The intent of this investment is to incrementally implement BRT so that a sustainable BRT system is developed and available as a transportation option during I-94 construction.

WisDOT has quantified the number of vehicles expected on adjacent east-west arterials with and without the proposed action. The proposed action will generally decrease the amount of traffic on these arterials, which by its nature will reduce congestion and decrease travel times. This will accrue to transit users as well as drivers. Section 3.9.5 states that "Modernization Alternatives will reduce the number of vehicles that use local roadways to

circumvent congestion on I-94.” Moreover, WisDOT’s empirical data show that most trips on this segment of I-94 enter or exit the freeway on one of the several interchanges within the study limits.

28. The FEIS fails to adequately evaluate racial, environmental justice and cumulative effects of the project; there is a long history of racial segregation and discrimination in the Milwaukee area that the FEIS should document.

The environmental justice analysis presented in the Final EIS is consistent with FHWA Order 6640.23A. FHWA re-assessed the impact on environmental justice populations after the Final EIS publication and determined that the project would not result in any effects that would be considered disproportionately high and adverse under Executive Order 12898, DOT Order 5610.2(a), and the FHWA Order 6640.23A.

WisDOT and FHWA’s methodology to assess cumulative effects for the I-94 East-West Corridor Study is based on the Council on Environmental Quality’s 11-step process identified in the handbook titled *Considering Cumulative Effects under the National Environmental Policy Act* (Council on Environmental Quality 1997), and WisDOT’s *Guidance for Conducting a Cumulative Effects Analysis* (WisDOT 2007b). The process’s 11 steps were organized into the following three main steps: scoping, describing the affected environment, and determining the environmental consequences. Section 3.29.1 describes the cumulative effects scoping process and Section 3.29.2 describes the affected environment and environmental consequences for each resource.

Section 3.29.2.7 of the Final EIS states the outcome of post-World War II land use development: “Low-income and minority residents became concentrated in central city locations as people with economic means moved to suburban locations. Also, as jobs decentralized, it became increasingly difficult for transit-dependent, low-skilled workers to obtain employment in areas of the region not served by public transportation.”

The Council on Environmental Quality (CEQ) regulations support WisDOT and FHWA’s approach to documenting past actions in the Final EIS’s cumulative effects analysis. CEQ regulations state that, “Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses” (40 CFR 1502.1). In addition, “The CEQ regulations, however, do not require agencies to catalogue or exhaustively list and analyze all individual past actions. Simply because information about past actions may be available or obtained with reasonable effort does not mean that it is relevant and necessary to inform decision making.” (CEQ, *GUIDANCE ON THE CONSIDERATION OF PAST ACTIONS IN CUMULATIVE EFFECTS ANALYSIS* June 2005).

Section 3.29 of the Final EIS assesses the cumulative impact of the project.

29. The Final EIS relies on inconsistent and inaccurate racial data, which undercounts minority residents in the study area.

The source data and basis for calculating the minority population percentage is explained in Section 3.9.2.1 of the Final EIS. Footnote 8 on page 3-46 of the Draft EIS and footnote 15 on page 3-63 of the Final EIS explain how WisDOT accounted for the Hispanic population. The footnote states:

Population by race was taken from data indicating race alone or in combination with other races. These data came from the 2010 U.S. Census Data Table P9 from SF1 entitled *Hispanic or Latino, and Not Hispanic or Latino: Total Population by Race*. As a result of these categories not being mutually exclusive, the population obtained by summing all of the racial categories may exceed the total population for any given area. It should also be noted that “Hispanic or Latino” is an ethnic group and not a race category, and is expressed separately from race in the data. Thus, Hispanic or Latino persons are also White, Black, etc., in addition to being Hispanic or Latino. Total minority population was calculated as the sum of all non-white race groups, plus Hispanics or Latinos indicating their race as “White.”

In determining the minority population percentages in the Final EIS, the project team used the U.S. Census “race” category. This does not provide a specific category for Hispanics/Latinos and many Hispanic or Latinos identified themselves as “white” or “some other race.” Thus, the “white” category was overstated. To accurately account for the minority population of the various study corridors (1,000-foot, 0.5-mile, 1-mile, etc.) the study team should

have used the “Hispanic or Latino and Race” data provided by the U.S. Census. Using the “Not Hispanic or Latino, White Alone” category allows for a more accurate representation of the population in the project study corridors. Thus, the study team reassessed the minority population percentage for the various study corridors using the “Hispanic or Latino and Race” data. See Corrections section of this Record of Decision. Appendix B of this document presents the results of this analysis and includes updated minority and low-income data.

As the Final EIS notes in Section 3.9.7, the original study area calculations did identify populations, including minority and/or low-income, that would experience both direct and indirect impacts. However, the updated calculations described above will not result in any new effects that would be considered disproportionately high and adverse under Executive Order 12898, DOT Order 5610.2(a), and the FHWA Order 6640.23A as a result of the implementation of the preferred alternative. Most project impacts remain limited in scope and others would be mitigated through the implementation of effective mitigation measures.

30. The Final EIS did not properly assess where persons with disabilities live or meaningfully analyze the effect of the project on the needs and circumstances of persons with disabilities.

WisDOT developed a public involvement program to assess the project’s effect on several social groups, including persons with disabilities. The No-build alternative would not directly affect elderly or handicapped residents or any facility that serves or houses the elderly or handicapped. Changing access at the Hawley Road and Mitchell Boulevard Interchanges under the Selected Alternative may change how some elderly and handicap patients access the VA Medical Center; however, because there are multiple access points, it would not prevent their use of the facility. See Section 3.8.2.6 of the Final EIS for more information.

Percentages of residents with disabilities are only available at the census block level. This is a broad area, which does not provide additional insight into whether persons with disabilities are adjacent to I-94.

31. The Final EIS fails to adequately address the cumulative impacts of the I-94 project and other highway expansion projects on the quantity and quality of the stormwater runoff within the Menomonee River watershed. The 1-94 Project should include runoff controls that address the rate, volume and quality of runoff from the highway for the full range of storms.

Similar comments were provided on the Draft EIS, and are addressed in Section 6.2 of the Final EIS, Comments No. 32 and No. 33.

Section 3.29.2.2 of the Final EIS discusses the cumulative impact of the project and other past, present, and reasonably foreseeable actions (noted in Section 3.29.1.4 of the Final EIS) on surface water and water quality. This includes the Marquette Interchange and Zoo Interchange projects. WisDOT and FHWA believe that implementing best management practices for stormwater control under the Selected Alternative can mitigate the direct effects of existing and increased stormwater runoff, which reduces the cumulative effects of past projects and other reasonably foreseeable future roadway projects. These measures would include stormwater retention, with a focus on stormwater quality, but have and would have a secondary benefit of managing stormwater volume.

As discussed in Section 3.11, Surface Water and Fishery Impacts, WisDOT and FHWA are evaluating several best management practices to minimize the amount of runoff that enters water bodies, reduces flow velocity, and improves the water quality of the runoff. While runoff volumes would increase under the Selected Alternative, the water quality analysis notes that the use of best management practices would reduce the level of pollutants in stormwater runoff compared with existing conditions and provide the opportunity to bring I-94 and the local roadway system in compliance with Wisconsin’s stormwater management regulations. Standards have changed and all runoff will be taken into account, not just the incremental increase as a result of this project.

WisDOT will continue to work with communities and MMSD during the project’s design phase to calculate stormwater runoff and to address stormwater management, both from a water quality and water quantity standpoint. WisDOT is subject to the stormwater management provisions in Wisconsin Administrative Code TRANS 401. Per TRANS 401, WisDOT uses peak flow rate to assess the extent of required stormwater management. The combination of SEWRPC’s regional land use plan and MMSD management would result in limited likelihood of a cumulative effect to the corridor. WisDOT would monitor performance of its control

measures through its WisDOT-WDNR cooperative agreement (“Memorandum of Understanding on Erosion Control and Stormwater Management”). This memorandum of understanding requires WisDOT to implement a stormwater management program for its projects that is consistent with Section 402(p) of the Clean Water Act, Chapter 283 of the State Statutes, and NR 216 (WDNR 2014).

WisDOT’s conceptual stormwater plan will control peak flows to reduce the likelihood of increasing the Menomonee River flood elevations and will also improve the water quality of the stormwater run-off before it reaches the Menomonee River. Section 3.11.3 of the Final EIS presents a long list of potential BMP options that WisDOT and FHWA will investigate for inclusion into the project during future design phases. The use of retention/detention basins to manage stormwater from the proposed improvement is being evaluated along all sections of the project as the most practical and efficient practice. Potential temporary effects from construction would be avoided and minimized by using WisDOT’s Standards and complying with TRANS 401. Unique strategies that will be investigated include use of the Marquette Interchange’s first flush element and the use of permeable pavements in selected locations (for example, Miller Park parking lots), in addition to retention/detention ponds.

32. The Final EIS does not address the cumulative impact of construction, highway operations, and induced vehicle travel on air quality from the I-94 project and the other projects that are adding lanes to the region’s expressway system. This is inconsistent with state and national policies and international agreements addressing climate change.

Greenhouse gasses (GHGs) are different from other air pollutants evaluated in environmental reviews because their impacts are not localized or regional, but rather the affected environment for CO₂ and other GHG emissions is the entire planet. In addition, from a quantitative perspective, global climate change is the cumulative result of numerous and varied emissions sources (in terms of both absolute numbers and types), each of which makes a relatively small addition to global atmospheric GHG concentrations. In contrast to broad-scale actions such as actions involving an entire industry sector or very large geographic areas, it is difficult to isolate and understand the GHG emissions impacts for a particular transportation project.

Comment No. 28 of Section 6.4 of the Final EIS addresses this comment. Quantifying GHG emissions are best evaluated at a regional, or larger, scale where significant policies affecting GHG are most effectively quantified. Therefore, project-level analysis of GHG emissions is not required, although the Final EIS does acknowledge the potential for GHG emissions. And as the indirect effects analysis points out, induced travel resulting from the Selected Alternative is not expected to substantially increase in a region with a mature transportation infrastructure that already provides a high degree of accessibility, and limited travel time savings in a corridor with established land use patterns.

Section 3.29.2.8, Cumulative Effects—Air Quality, assesses the cumulative effects of GHG emissions. The section notes GHG emissions are also a concern in the I-94 East-West Corridor air quality study area. Currently, the primary way to reduce emissions of GHGs from transportation is to reduce the amount of fuel consumed. This can be accomplished by reducing congestion (more efficient driving conditions), reducing driving, and more fuel-efficient vehicles. Induced travel resulting from the Modernization Alternatives is not expected to substantially increase in a region with a mature transportation infrastructure that already provides a high degree of accessibility and limited travel time savings in a corridor with established land use patterns.

Local governments can help manage and reduce GHGs by utilizing appropriate land use and zoning policies that reduce travel demand within individual communities and southeast Wisconsin. A study published by the Urban Land Institute indicates that the continuing growth of VMT may offset emissions reduction gained through technological improvements in vehicles and fuels (Ewing, et al. 2007). The study points to the importance of reducing vehicle miles of travel by managing growth and land use patterns.

The air quality analysis in Section 3.20 of the Final EIS states that MSAT pollutants will decrease by 70 to 87 percent by 2040. The air quality section also states that the magnitude and the duration of these potential increases compared to the No-build alternative cannot be quantified reliably due to incomplete or unavailable information in forecasting project-specific MSAT health impacts. Council on Environmental Quality regulations

have a provision for incomplete and unavailable information (40 CFR 1502.22). This is discussed in more detail in Appendix C of the Final EIS.

Section 93.123(c)(5) of EPA's Transportation Conformity regulation states that CO, PM₁₀, and PM_{2.5} hot-spot analyses are not required to consider construction-related activities which cause temporary increases in emissions. Each site which is affected by construction-related activities shall be considered separately, using established "Guideline" methods. Temporary increases are defined as those which occur only during the construction phase and last five years or less at any individual site. Since construction is not planned to be located at one spot for more than 5 years construction related air quality analysis was not necessary.

According to SEWRPC's *VISION 2050*, regardless of whether or not the Plan is implemented, transportation air pollutant emissions are projected to significantly decline by 2050 due to Federal fuel and vehicle fuel economy standards and improved vehicle emissions controls, even with forecast increases in regional travel and traffic. The project was specifically included in the current SEWRPC transportation plan (*VISION 2050*), which was determined by FHWA and FTA to conform on July 28, 2016.

Final EIS Sections 3.20 (Air Quality), 3.28 (Indirect Effects), and 3.29 (Cumulative Effects) each touch on emissions and health standard issues, focusing on those issues that are more reliably modeled and quantified at the project or regional level.

33. The Final EIS does not indicate that any consideration whatsoever was given to the impact on highway travel demand of any additional efforts to reduce carbon dioxide emissions, such as a carbon tax or other impositions on fossil fuel use, which will increase the cost of automobile travel.

The focus of the I-94 East-West Corridor study is to determine the appropriate course of action for the future of I-94 between 70th Street and 16th Street. Studies on issues such as a carbon tax or other impositions on fossil fuel use are beyond the scope of this study.

34. The FEIS fails to address the many other health problems caused or contributed to by vehicular air emissions. These include heart disease, premature birth, low birthweight, and premature death, among others.

As noted in Section 3.20.2.4, based on the air quality analyses completed for the proposed improvements, this project will not contribute to any violation of the NAAQS. MSAT emissions will decrease with any of the Modernization Alternatives that were evaluated in the Final EIS, and neither CO nor PM_{2.5} levels will exceed the air quality standards.

A detailed Health Impact Assessment was not completed for this study as noted in Section 6.4, comment 30. WisDOT and FHWA met with a number of stakeholders, including UWM Children's Environmental Health Center and others who were specifically concerned with this issue. Health Impact Assessments are not required by NEPA or the Clean Air Act. Although Health Impact Assessments are not required, the Draft and Final EIS assess air quality, water quality, noise, and socioeconomic impacts. While that information was not prepared under the title of a "Health Impact Assessment," it was included in the Draft and Final EIS for review and comment. All of these components are part of a Health Impact Assessment and can help inform transportation planning and decision-making.

The Final EIS notes that air emissions from the I-94 East-West corridor could have a cumulative effect on air quality, which could, along with other contributing environmental factors, trigger asthma episodes. However, since the I-94 East-West Corridor would meet air quality standards, this effect is expected to be minimal with the build alternative due to reduced traffic congestion.

35. As a result of the continued push to expand the freeway, some neighbors who live in Story Hill are afraid that their property values will decrease, and are preparing to sell their homes now to avoid the real future possibility of selling their homes at a loss due to consequences from an expanded freeway.

As stated in Section 3.8.2.3 of the Final EIS, under the preferred alternative, the location of I-94 would be similar to where it is today. Determining a net change to property values due to the wider right-of-way is difficult to

predict given the variables. As part of any large transportation project, WisDOT evaluates the impacts that may lead to diminishing property values and mitigates for specific impacts, such as noise and visual impacts, to minimize the impacts on property values. The mitigation measures are developed with community input during the final design stage.

U.S. Army Corps of Engineers
Correspondence

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Sent: Monday, January 10, 2022 11:33 AM

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Subject: RE: I-94 East-West Project - Purpose & Need Summary (Corps #2012-02924-AJK)

Good morning,

Please see the attached letter regarding the Purpose and Need statement for the I-94 East-West project. Thank you.

A.J.

A.J. Kitchen, Lead Project Manager
U.S. Army Corps of Engineers
St. Paul District, Regulatory Division
Brookfield Field Office
250 N. Sunnyslope Road, Suite 296
Brookfield, Wisconsin 53005
Office: 651-290-5729 | Anthony.J.Kitchen@usace.army.mil

From: LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>

Sent: Tuesday, December 7, 2021 5:31 PM

To: Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>; Kitchen, Anthony J CIV USARMY CEMVP (USA) <Anthony.J.Kitchen@usace.army.mil>; Westlake.Kenneth@epa.gov; Bert_Frost@nps.gov; Michael.Mullen4@va.gov; Glenn.Madderom@va.gov; Quincy.Whitehead@va.gov; Matthew.Leddy@va.gov; Guyah, Timothy <timothy.guyah@bia.gov>; Betzold, Kristina A - DNR <Kristina.Betzold@wisconsin.gov>; Cook, Kimberly A - WHS <Kimberly.Cook@WisconsinHistory.org>; MikeW <Mikew@badriver-nsn.gov>; ned.danielsjr@fcpotawatomi-nsn.gov; Marlon White <Marlon.WhiteEagle@ho-chunk.com>; Louis Taylor <Louis.taylor@lco-nsn.gov>; jwildcatsr@ldftribe.com; chairman@mitw.org; Shannon Holsey <shannon.holsey@mohican-nsn.gov>; thill7@oneidanation.org; Defoe, Marvin - DNR <marvin.defoe@redcliff-nsn.gov>; susanl@stcroixtribalcenter.com; garland.mcgeshick@scc-nsn.gov; jim.williams@lvd-nsn.gov; josephrupnick@pbpnation.org; tiauna.carnes@sacandfoxks.com; justinwood@sacandfoxnation-nsn.gov; adminast.council@meskwaki-nsn.gov; countyexec@milwcnty.com; mayor@milwaukee.gov; John.Stalewski@westmilwaukee.org; mayor@wauwatosanet.net; kmuhs@sewrpc.org; Devine, Dan - City of West Allis <ddevine@westalliswi.gov>; Hiebert, Christopher <chiebert@sewrpc.org>; KShafer@mmsd.com; MKlappaSullivan@mmsd.com; chris.boyd@redcliff-nsn.gov; darin_simpkins@fws.gov

Cc: Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Brown, Joel R - DOT <Joel.Brown@dot.wi.gov>

Subject: [Non-DoD Source] I-94 East-West Project - Purpose & Need Summary

Dear I-94 East-West Project Cooperating and Participating Agency Representatives,

A summary of the I-94 East-West Project Supplemental Draft EIS Purpose and Need statement is on the project website for your review: [I-94 East-West Purpose and Need WisDOT ID 1060-27-03 \(wisconsin.gov\)](https://www.wisconsin.gov/1060-27-03). The summary document focuses on what has changed since the 2016 Final EIS for the project.

Please review the summary and provide WisDOT with any comments you may have by January 14, 2022. If you have any questions or if your agency would like to have a meeting to review the project's purpose and need statement, please reach out and we can set up a meeting. I can be reached at (414) 750-1468 or Joshua.LeVeque@dot.wi.gov.

For your information, WisDOT is conducting two public involvement meetings for the project on December 8 and 9, 2021. On December 8th, the meeting will be held at the Tommy Thompson Youth Center at State Fair Park (640 S. 84th Street, Milwaukee) from 4 p.m. – 7 p.m. On December 9th, the meeting will be held at the Wisconsin DNR Milwaukee Office (1027 W. St. Paul Avenue, Milwaukee) from 4 p.m. – 7 p.m.

Thank you for your continuing involvement in the I-94 East West Corridor Study.

Sincerely,

Joshua LeVeque, P.E.

Wisconsin Department of Transportation, SE Freeways Unit Cell: (414) 750-1468

Joshua.LeVeque@dot.wi.gov



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

January 10, 2022

Regulatory File No. 2012-02924-AJK

Josh LeVeque
Wisconsin Dept. of Transportation, SE Freeways Unit
141 NW Barstow Street
Waukesha, Wisconsin 53187-0798

Dear Josh LeVeque:

We have completed our review of the draft Purpose and Need statement prepared for the Interstate 94 East-West Corridor Supplemental Draft Environmental Impact Statement (WisDOT Project I.D. 1060-27-00, 1060-27-03). We received the Supplemental draft Purpose and Need information on December 7, 2021. The study area is between 16th and 70th Streets in Milwaukee County, Wisconsin.

We concur with the draft Purpose and Need statement. Based on the information provided to the Corps, the revised Purpose and Need statement would satisfy CWA Section 404 review requirements. The purpose of the project is to address the deteriorated condition of the study area freeway system, obsolete roadway and bridge design, current and future traffic demand, and high crash rates.

Please continue to coordinate with our agency as you proceed with drafting the Supplemental Environmental Impact Statement. If you have any questions, contact A.J. Kitchen in our Brookfield office at (651) 290-5729. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely

A handwritten signature in black ink, appearing to read "A.J. Kitchen", with a long horizontal flourish extending to the right.

A.J. Kitchen
Lead Project Manager

cc:
Dobra Payant, WisDOT
Bethaney Bacher-Gresock, FHWA Environmental Program
Kristina Betzold, WDNR

From: Kitchen, Anthony J (A.J.) CIV USARMY CEMVP (USA)
<Anthony.J.Kitchen@usace.army.mil>
Sent: Wednesday, July 13, 2022 2:51 PM
To: LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>
Cc: Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Betzold, Kristina A - DNR <Kristina.Betzold@wisconsin.gov>
Subject: RE: I-94 East-West Project - Range of Alternatives (Corps #2012-02924-AJK)

Good afternoon,

Please see the attached letter regarding the Range of Alternatives for the I-94 East-West project. Thank you.

A.J.

A.J. Kitchen, Lead Project Manager
U.S. Army Corps of Engineers
St. Paul District, Regulatory Division
Brookfield Field Office
250 N. Sunnyslope Road, Suite 296
Brookfield, Wisconsin 53005
Office: 651-290-5729 | Anthony.J.Kitchen@usace.army.mil

From: LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>
Sent: Tuesday, June 14, 2022 10:22 AM
To: Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>; Kitchen, Anthony J (A.J.) CIV USARMY CEMVP (USA) <Anthony.J.Kitchen@usace.army.mil>; Westlake.Kenneth@epa.gov; Darin_Simpkins@fws.gov; Bert_Frost@nps.gov; Michael.Mullen4@va.gov; Carcanague, Michael <Michael.Carcanague@va.gov>; Quincy.Whitehead@va.gov; Matthew.Leddy@va.gov; Guyah, Timothy <timothy.guyah@bia.gov>; Betzold, Kristina A - DNR <Kristina.Betzold@wisconsin.gov>; Cook, Kimberly A - WHS <Kimberly.Cook@WisconsinHistory.org>; MikeW <Mikew@badriver-nsn.gov>; Daniels Jr. Ned <Ned.DanielsJr@fcpotawatomi-nsn.gov>; WhiteEagle, Marlon <Marlon.WhiteEagle@ho-chunk.com>; Louis Taylor <Louis.taylor@lco-nsn.gov>; jwildcatsr@ldftribe.com; Chairman-MITW <chairman@mitw.org>; Shannon Holsey <shannon.holsey@mohican-nsn.gov>; thill7@oneidanation.org; Defoe, Marvin - DNR <marvin.defoe@redcliff-nsn.gov>; William R <williamr@stcroixojibwe-nsn.gov>; garland.mcgeshick@scc-nsn.gov;

jim.williams@lvd-nsn.gov; josephrupnick@pbpnation.org;
tiauna.carnes@sacandfoxks.com; justinwood@sacandfoxnation-nsn.gov;
adminast.council@meskwaki-nsn.gov; countyexec@milwcnty.com;
mayor@milwaukee.gov; John.Stalewski@westmilwaukee.org; mayor@wauwatosa.net;
kmuhs@sewrpc.org; Devine, Dan - City of West Allis <ddevine@westalliswi.gov>;
Hiebert, Christopher <chiebert@sewrpc.org>; KShafer@mmsd.com;
MklappaSullivan@mmsd.com; Boyd, Chris <Chris.boyd@redcliff-nsn.gov>;
William.Hooker@va.gov; Glenn.Elliott@va.gov; Fernando.Fernandez@va.gov;
Hector.Abreu@va.gov; Douglas.Pulak@va.gov; Maribel.Alvarez-Cabrera@va.gov;
Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Mohr, Bill - DOT
<Bill.Mohr@dot.wi.gov>; Bliesner, Brian - DOT <Brian.Bliesner@dot.wi.gov>; Mykytiuk,
Carla/CHI <Carla.Mykytiuk@jacobs.com>; Dutkiewicz, Carly/CHI
<Carly.Dutkiewicz@jacobs.com>; Webb, Charlie/MKE <Charlie.Webb@jacobs.com>;
Goldsworthy, Benjamin/MKE <Benjamin.Goldsworthy@jacobs.com>; Waldschmidt, Jay
- DOT <Jay.Waldschmidt@dot.wi.gov>

Subject: [Non-DoD Source] I-94 East-West Corridor Study - Alternatives Summary Document

Dear I-94 East-West Project Cooperating and Participating Agency Representatives,

A summary of the I-94 East-West Project Supplemental Draft EIS Range of Alternatives is attached for your review. The project website will also be updated with this version in the near future. The summary document focuses on the alternatives analyzed in detail since the 2016 Final EIS. Please review the summary and provide WisDOT with any comments you may have by July 13, 2022. If you have any questions or if your agency would like to have a meeting to review the alternatives, please reach out and we can set up a meeting. I can be reached at (414) 750-1468 or Joshua.LeVeque@dot.wi.gov.

As a reminder, WisDOT is conducting two public involvement meetings for the project on June 14 and 15, 2022. On June 14, the meeting will be held at the Tommy Thompson Youth Center at State Fair Park (640 S. 84th Street, Milwaukee) from 4pm – 7pm. On June 15, the meeting will be held at Marquette University High School (3401 W. Wisconsin Avenue, Milwaukee) from 4pm – 7pm.

Thank you for your continued involvement in the I-94 East West Corridor Study.

Joshua LeVeque, P.E.

Wisconsin Department of Transportation, SE Freeways Unit

Cell: (414) 750-1468

Joshua.LeVeque@dot.wi.gov



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

July 13, 2022

Regulatory File No. 2012-02924-AJK

Josh LeVeque
Wisconsin Dept. of Transportation, SE Freeways Unit
141 NW Barstow Street
Waukesha, Wisconsin 53187-0798

Dear Josh LeVeque:

We have completed our review of the Draft Range of Alternatives summary prepared for the Interstate 94 East-West Corridor Supplemental Draft Environmental Impact Statement (EIS) (WisDOT Project I.D. 1060-27-00, 1060-27-03). We received the Supplemental Draft Range of Alternatives information on June 14, 2022. The study area is between 16th and 70th Streets in Milwaukee County, Wisconsin.

In the 2016 Final EIS, the preferred alternative was identified as: 8 through lanes, the at-grade alternative through the cemetery section with half interchange at Hawley Road, a hybrid service/system interchange at the Stadium interchange, and the on-alignment alternative east of the Stadium interchange. For the Supplemental DEIS, the range of alternatives that WisDOT and FHWA are reanalyzing are as follows:

- 1) the 8-lane alternative along with a 6-lane alternative with similar alignment. The 6-lane alternative was eliminated from consideration in the 2016 FEIS, but it is being reconsidered in the Supplemental DEIS.
- 2) the hybrid interchange and a diverging diamond interchange for both the 8- and 6-lane alternatives at the Stadium Interchange.

We concur with the range of alternatives carried forward for additional study.

Please continue to coordinate with our agency as you proceed with drafting the Supplemental Environmental Impact Statement. If you have any questions, contact me in our Brookfield office at (651) 290-5729. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely

A handwritten signature in black ink, appearing to read "A.J. Kitchen".

A.J. Kitchen
Lead Project Manager

cc:
Dobra Payant, WisDOT
Bethaney Bacher-Gresock, FHWA Environmental Program
Kristina Betzold, WDNR

U.S. Environmental Protection Agency
Correspondence

From: Sedlacek, Michael <Sedlacek.Michael@epa.gov>
Sent: Wednesday, January 5, 2022 3:35 PM
To: Bacher-Gresock, Bethaney (FHWA) <Bethaney.Bacher-Gresock@dot.gov>;
Joshua.LeVeque@dot.wi.gov <Joshua.LeVeque@dot.wi.gov>
Cc: Westlake, Kenneth <westlake.kenneth@epa.gov>
Subject: EPA Review of I-94 East-West Corridor Purpose and Need Document

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Bethaney & Josh,

We appreciate the opportunity to review the purpose and need document for the I-94 East-West Corridor Project. We do not have any comments. As work progresses on the forthcoming SDEIS, we recommend consideration of EPA's unresolved comments on the 2016 FEIS (see attached comment letter), which relate to visual and aesthetics, surface water, and diesel emissions. Feel free to contact me if you have any questions or concerns.

Sincerely,

Mike Sedlacek
Environmental Scientist
Tribal and Multimedia Programs Office
U.S. Environmental Protection Agency - Region 5
77 W. Jackson Blvd (RM-19J), Chicago, IL 60604
Phone: (312) 886-1765
Email: sedlacek.michael@epa.gov



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

MAR 10 2016

REPLY TO THE ATTENTION OF:

E-19J

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

**Re: Final Environmental Impact Statement for the I-94 East-West Corridor from
70th Street to 16th Street, Milwaukee County, Wisconsin - CEQ#20160028**

Dear Mr. Davies:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement (EIS) for the I-94 East-West Corridor from 70th Street to 16th Street in Milwaukee County, Wisconsin as provided by the Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT). 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.

FHWA and WisDOT identified the At-Grade alternative with the half-interchange at Hawley Road (West segment/70th Street to Stadium Interchange) and On-Alignment alternative (East Segment/Stadium Interchange to 16th Street) as the preferred alternative; EPA provided concurrence on the preferred alternative on March 17, 2016.

EPA provided comments on the Draft EIS on January 16, 2015, assigning a rating of Lack of Objections. However, we identified several issues that needed to be clarified in the Final EIS and mitigation measures that should be committed to in the Record of Decision (ROD). Based on our review of the Final EIS, including the response to comments found in Appendix E, we note the following:


- **Environmental Justice**: EPA finds the additional information provided in the Final EIS and response to comments satisfactory. We have no further comment or recommendation on this issue.
- **Visual and Aesthetics**: EPA previously commented on WisDOT and FHWA's commitment to community-sensitive design (CSD) to minimize impacts and identify mitigation measures. Per the response to comments, we acknowledge that funding no longer exists for CSD efforts, based on the 2015-2017 State of Wisconsin budget. However, we recommend WisDOT and FHWA consider pursuing auxiliary sources of funding for CSD. We also recommend WisDOT and FHWA work with community

groups to identify potential sources of funding for similar design features for the project area.

- **Utility Impacts:** EPA notes that because the preferred alternative does not require movement of the utility lines, there will be no impacts related to utility line relocation. We have no further comment or recommendation on this issue.
- **Surface Water:** EPA previously commented on potential opportunities for green stormwater management, such as in the parking facilities at Miller Park. We acknowledge and commend that this has been conceptually discussed with the Southeast Wisconsin Professional Baseball District, with final design to be completed after the ROD is finalized. EPA strongly encourages commitment to green stormwater management efforts be included in the ROD, even if the discussion is still conceptual at the point.
- **Diesel Emission:** EPA notes the reference to our diesel emission reduction measures in the Final EIS in section 3.27.4.3; we strongly encourage WisDOT and FHWA include these measures in the ROD and eventual contract specifications, as appropriate.

Thank you in advance for your consideration of our comments. Please send us a copy of the Record of Decision once it becomes available. If 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

cc (via email): Bethaney Bacher-Gresock, Federal Highway Administration
 Rebecca Graser, U.S. Army Corps of Engineers
 Jill Utrup, U.S. Fish and Wildlife Service
 Bill Jankowski, Department of Veterans Affairs
 Michele Curran, National Park Service
 Dobra Payant, Wisconsin Department of Transportation
 Michael Thompson, Wisconsin Department of Natural Resources
 Jim Draeger, Wisconsin Historical Society

From: [LeVeque, Joshua - DOT](#)
To: [Bacher-Gresock, Bethaney](#); [Anthony.j.kitchen@usace.army.mil](#); [Westlake.Kenneth@epa.gov](#); [Darin_Simpkins@fws.gov](#); [Bert_Frost@nps.gov](#); [Michael.Mullen4@va.gov](#); [Carcanague, Michael](#); [Quincy.Whitehead@va.gov](#); [Matthew.Leddy@va.gov](#); [Guyah, Timothy](#); [Betzold, Kristina A - DNR](#); [Cook, Kimberly A - WHS](#); [MikeW](#); [Daniels Jr. Ned](#); [WhiteEagle, Marlon](#); [Louis Taylor](#); [jwildcats@ldftribe.com](#); [Chairman-MITW](#); [Shannon Holsey](#); [thill7@oneidanation.org](#); [Defoe, Marvin - DNR](#); [William R](#); [garland.mcgeshick@scc-nsn.gov](#); [jim.williams@lyd-nsn.gov](#); [josephrupnick@pbbnation.org](#); [tiauna.carnes@sacandfoxks.com](#); [justinwood@sacandfoxnation-nsn.gov](#); [adminast.council@meskwaki-nsn.gov](#); [countyexec@milwcnty.com](#); [mayor@milwaukee.gov](#); [John.Stalewski@westmilwaukee.org](#); [mayor@wauwatosa.net](#); [kmuhs@sewrpc.org](#); [Devine, Dan - City of West Allis](#); [Hiebert, Christopher](#); [KShafer@mmsd.com](#); [MKlappaSullivan@mmsd.com](#); [Boyd, Chris](#); [William.Hooker@va.gov](#); [Glenn.Elliott@va.gov](#); [Fernando.Fernandez@va.gov](#); [Hector.Abreu@va.gov](#); [Douglas.Pulak@va.gov](#); [Maribel.Alvarez-Cabrera@va.gov](#); [Payant, Dobra - DOT](#); [Mohr, Bill - DOT](#); [Bliesner, Brian - DOT](#); [Mykytiuk, Carla/CHI](#); [Dutkiewicz, Carly/CHI](#); [Webb, Charlie/MKE](#); [Goldsworthy, Benjamin/MKE](#); [Waldschmidt, Jay - DOT](#)
Subject: [EXTERNAL] I-94 East-West Corridor Study - Alternatives Summary Document
Date: Tuesday, June 14, 2022 10:25:36 AM
Attachments: [I-94_EW_AltsSummary_2022_v3.pdf](#)

Dear I-94 East-West Project Cooperating and Participating Agency Representatives,

A summary of the I-94 East-West Project Supplemental Draft EIS Range of Alternatives is attached for your review. The project website will also be updated with this version in the near future. The summary document focuses on the alternatives analyzed in detail since the 2016 Final EIS. Please review the summary and provide WisDOT with any comments you may have by July 13, 2022. If you have any questions or if your agency would like to have a meeting to review the alternatives, please reach out and we can set up a meeting. I can be reached at (414) 750-1468 or Joshua.LeVeque@dot.wi.gov.

As a reminder, WisDOT is conducting two public involvement meetings for the project on June 14 and 15, 2022. On June 14, the meeting will be held at the Tommy Thompson Youth Center at State Fair Park (640 S. 84th Street, Milwaukee) from 4pm – 7pm. On June 15, the meeting will be held at Marquette University High School (3401 W. Wisconsin Avenue, Milwaukee) from 4pm – 7pm.

Thank you for your continued involvement in the I-94 East West Corridor Study.

Joshua LeVeque, P.E.
Wisconsin Department of Transportation, SE Freeways Unit
Cell: (414) 750-1468
Joshua.LeVeque@dot.wi.gov

From: Sedlacek, Michael <Sedlacek.Michael@epa.gov>
Sent: Friday, June 24, 2022 10:07 AM
To: LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>
Cc: Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>; Westlake, Kenneth <westlake.kenneth@epa.gov>
Subject: EPA Review of I-94 East-West Project Range of Alternatives

Mr. LeVeque,

EPA reviewed the Supplemental Draft EIS Range of Alternatives for the I-94 East-West Project that we received via email on June 14, 2022, and we do not have any comments. We appreciate the opportunity to review the range of alternatives as a cooperating agency. Feel free to reach out if you have any questions.

Sincerely,

Mike Sedlacek
Environmental Scientist
Tribal and Multimedia Programs Office
U.S. Environmental Protection Agency - Region 5
77 W. Jackson Blvd (RM-19J), Chicago, IL 60604
Phone: (312) 886-1765
Email: sedlacek.michael@epa.gov

Wisconsin Department of Natural
Resources Correspondence

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

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463



September 30, 2021

Dobrogniewa (Dobra) S. Payant, P.E.
WisDOT SE Region
141 NW Barstow Street
Waukesha, WI

Subject: DNR Initial Review

Project I.D. 1060-27-03
I94 East West Corridor
70th Street to 16th Street
WIS 175: between National Avenue and N. of Wells Avenue
City of Milwaukee
Milwaukee County

Dear Ms. Payant :

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the above-referenced project. According to your proposal, the purpose of the proposed reconstruction of the I-94 East-West Corridor is to address the deteriorated condition of I-94, obsolete roadway and bridge design, existing and future traffic demand, and high crash rates. The need for the project is based on an aggregation of factors, including regional land use and transportation planning, system linkage and route importance, high crash rates, existing freeway condition and deficiencies, and existing and future traffic volumes. There have been no changes to the purpose and need elements from the 2016 Final EIS, but updates to the data are required to reflect more recent conditions. If the project proposal changes, please reinitiate coordination with the DNR.

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT Cooperative Agreement. Initial comments on the project as proposed are included below, and we assume that additional information will be provided that addresses all resource concerns identified. When requesting Final Concurrence/Water Quality Certification, please send the most up-to-date plan set (including the erosion control plan sheets), contract special provisions, Wetland Impact Tracking Form, Notice of Intent for the Transportation Construction General Permit (TCGP), and any additional pertinent information to demonstrate environmental commitments will be met.

Project-Specific Resource Concerns

Public Lands:

The project, as proposed, may impact publicly held properties. This letter addresses those properties DNR is aware of, however, local jurisdictions may have public properties in the project area DNR is not involved with. Some properties may have state or federal encumbrances that require additional

coordination. Below you will find more detailed encumbrance information and coordination requirements for the proposed project.

Please consider design alternatives that completely avoid impacts to public lands. However, if avoidance is not practicable, please allow ample time for coordination and resolution.

US DOT Section 4(f) Coordination:

The U.S. Dept. of Transportation "Section 4(f)" process applies to federally funded transportation projects that impact specific properties (e.g. public parks, wildlife refuges, and recreation areas) as well as properties where Pittman-Robertson or Dingle-Johnson funds have been expended. There is property within the project limits that is a specific type of property and/or where federal funds have been expended and is owned by DNR: Hank Aaron State Trail, Three Bridge Park and Valley Passage Bridges, Menomonee River Parkway, American Family Field parking lot and facilities, VA National Cemeteries and Soldier's Home. If it is determined the project will affect certain portions of this property, early coordination with WDNR will be necessary under the Section 4(f) review process to evaluate the significance of potential impacts on the uses and management of this property.

Wetlands:

There is potential for wetland impacts to occur as a result of this project. Wetland impacts must be avoided and/or minimized to the greatest extent practicable. Unavoidable wetland losses must be compensated for in accordance with the DNR/DOT Cooperative Agreement and the WisDOT Wetland Mitigation Banking Technical Guideline. Please provide the wetland community type and quantity of unavoidable wetland impacts, and mitigation information for this project using the Wetland Impact Tracking Form.

Fisheries/Stream Work:

The Monomonee River is a navigable waterway. Unless otherwise agreed upon prior to the start of construction, there shall be no in-stream disturbance between March 1 and June 15th, with both dates inclusive of the timeout period. This construction BMP minimizes impacts to fish and other aquatic organisms during sensitive time periods such as spawning and migration.

If erosion control matting is to be used along stream corridors, DNR recommends biodegradable non-netted matting (e.g. Class I Type A Urban, Class I Type B Urban, or Class II Type C). Long-term netted mats may cause animal entrapment. Avoid the use of fine mesh matting that is tied or bonded at the mesh intersection such that the openings in the mesh are fixed in size.

Waterway Connectivity and Road/Stream Crossing Work:

Culverts/bridges need to be set and sized in such a manner to avoid or minimize adverse impacts to stream morphology, aquatic organism passage, and water quality. The invert elevation of the new culverts/bridges should be set at a distance below the natural streambed elevation, to allow for a natural and continuous streambed condition to occur.

Natural Heritage Conservation

Natural Heritage Conservation Concerns Present

Based upon a review of the Natural Heritage Inventory (NHI) and other DNR records dated September 30, 2021, the threatened, endangered and/or special concern species in the attached review document are known to occur in the project area or its vicinity and could be impacted by this project. The Transportation Liaison has coordinated with DNR Conservation Biologist on required and recommended measures for the project. Please see the attached review document for additional information and contact this office with any questions.

**NHI Disclaimer: This review letter may contain NHI data, including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law (s. 23.27 3(b), Wis. Stats.). As a result, endangered resources-related information contained in this review letter may be shared only with individuals or agencies that require this information in order to carry out specific roles in the permitting, planning and implementation of the proposed project. Endangered resources information must be redacted from this letter prior to inclusion in any publicly disseminated documents*

Migratory Birds:

Under the U.S. Migratory Bird Treaty Act, intentional 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 (USFWS). Therefore, the project should either occur only between August 1st and May 15th (non-nesting season) or utilize measures to prevent nesting (e.g., *remove unoccupied nests during the non-nesting season and install barrier netting prior to May 1*). If netting is used, ensure the maximum mesh hole size in the net is ¾ inch or less (Swallows – Damage prevention and Control Methods. 1994. United States Department of Agriculture Animal and Plant Health Inspection Service Animal Damage Control), is properly maintained, then removed as soon as the nesting period is over. If neither of these options are practicable then the USFWS must be contacted to apply for a depredation permit.

Invasive Species:

All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices (<https://dnr.wi.gov/topic/Invasives/bmp.html>) to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For further information, please refer to the following: <https://dnr.wi.gov/topic/invasives/classification.html>

- **Emerald Ash Borer:** This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. While it is legal to freely move ash debris or wood throughout Wisconsin, it is a best management practice to prevent spreading the pest to areas where it is not yet established. A frequently updated map of where EAB is confirmed in WI is available at [Wisconsin's EAB Information website](#). As a rule of thumb, if your project is in the southern half of the state and you are removing many dead or dying ash, they may be infested with EAB. If so, consider these [best management practices to prevent spread of EAB](#).

- **Oak Wilt:** This project involves work that may involve cutting, pruning, or accidental wounding of oak trees. Follow WDOT policy regarding preventing transmission of oak wilt, <https://wisconsindot.gov/rdwy/cmm/cm-03-10.pdf#cm3-10.2>

Floodplains:

A preliminary review of the Surface Water Data Viewer (SWDV) indicates that mapped floodplain exists within the project limits.] Any proposed temporary or permanent changes to the road or waters of the state in mapped floodplain areas require that DOT coordinate with the City of Milwaukee to ensure compliance with the local zoning ordinance and intent of NR116. Examples of floodplain encroachments include but are not limited to: changes to waterway crossings; culvert extensions; changes to road surface elevations and/or side-slopes; temporary causeways; temporary structures; general fill.

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. WisDOT should apply for permit coverage by submitting a Notice of Intent (NOI) prior to, or when requesting Final Concurrence. Permit coverage will be issued by DNR with the Final Concurrence letter 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 implementation of erosion control measures as it relates to the construction project, as well as 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.

Temporary Structure for Bridge Projects:

It appears that a causeway may be utilized to complete this project. Please provide DNR with details describing the dimensions of the causeway, and what materials would be used to construct it. In addition, the DOT must meet the standards of chapter NR 116, Wis. Adm. Code, Floodplain Management, for the causeway. The causeway should be clearly marked and lit for the navigational safety of any recreationist who may use the river at night, and a waterway marker permit maybe required. Consideration should be given to making accommodations for passing high flows while the causeway is installed.

If a temporary bridge will likely be used, please include the location of the temporary bridge on the plans of the existing bridge to minimize potential environmental impacts. In addition, the DOT must meet the standards of chapter NR 116, Wis. Adm. Code, Floodplain Management, for the temporary bridge. Lastly, the temporary bridge should be clearly marked and lit for the navigational and recreational safety, and a waterway marker permit may be required.

If a temporary bridge is used, all disturbed areas will need full restoration to pre-construction contours unless otherwise agreed upon with the Transportation Liaison. Please identify restoration details in the plans and special provisions.

Temporary Stream Channel or Culvert:

If a temporary channel is needed for culvert/bridge construction in navigable waterways, the diversion channel shall be lined with plastic or other non-erodible material, staked, and weighted down with clean stone. A temporary channel or culvert should convey as much flow as possible. At a minimum, the temporary diversion channel/culvert must pass baseflow (approximately a Q-2 year 24-hour storm event). If the waterway is particularly flashy, size the diversion accordingly. Additionally, the temporary channel/culvert should match stream depth and velocity as close as possible to allow the passage of migrating fish and aquatic species. Fish that become stranded in dewatered areas or temporary channels should be captured and returned to the active channel immediately.

These requirements should be addressed in the special provisions and require the contractor to outline these construction methods in the ECIP.

Asbestos:

A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (chapters NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-5-1 (November 2019) and the DNR's notification requirements web page:

<http://dnr.wi.gov/topic/Demo/Asbestos.html> for further guidance on asbestos inspections and notifications. Contact Mark Chamberlain, Air Management Specialist (920) 424-7898, with questions on the form. The notification must be submitted 10 working days in advance of demolition projects, regardless of asbestos quantities. Please refer to WisDOT procedures on asbestos inspection and abatement for supplemental information.

Public Waterway Navigation:

The ability for the public to navigate Wisconsin Lakes and rivers in a safe manner is outlined in the Public Trust Doctrine. Based on the state constitution, this doctrine has been further defined by case law and statute. The proposed project will impact the Menomonee River which is utilized by recreational craft.

Navigational Clearance

- The bridge replacement must maintain the current navigational clearance as measured from the lowest chord of the bridge to the Ordinary High Water Mark (OHWM). The DNR can help identify the OHWM in the field.
- The current structure does not have the navigational clearance required to allow safe passage for some recreational craft. WDNR requests navigational clearance be increased to 5 feet, as measured from the lowest chord of the bridge to the Ordinary High Water Mark (OHWM). The DNR can help identify the OHWM in the field.

Bridge Piers & Navigational Channels

Please consider structure designing the structure to have a clear span to minimize navigation hazards.

Temporary Portage for Construction

If construction may temporarily result in a narrow throughway or completely prevent users from using the waterway to pass from one side of the roadway to the other, DNR requests that preliminary design ensures recreational users have an alternative to passing through the construction zone by designing a temporary portage (including signing).

Navigational Waterway Markers

This reach of Menomonee River is regularly used by recreational watercraft. It will be necessary to place navigational aids such as waterway markers throughout the construction zone to promote safe passage. Prior to the placement of waterway markers, a *Waterway Marker Application and Permit* will need to be obtained. For reference, there are two types of waterway markers, informational or controlling/restrictive. During the application process you will be notified if you need informational or controlling/restrictive markers. If controlling/restrictive markers are required, please allot enough time to work with the municipality as a local ordinance will need to be adopted.

The general steps for submission of a *Waterway Marker Application and Permit* are as follows:

1. Please fill out the Waterway Marker Application and Permit form:
<http://dnr.wi.gov/files/PDF/forms/8700/8700-058.pdf> Please identify The Wisconsin Department of Transportation as the applicant
2. Include an aerial map-diagram or engineered-diagram of the work location and the placement of the waterway markers (buoys). If proposed GPS coordinates for each buoy are not provided, then markers placed on the diagram must show distance (in feet) from each marker location and from one permanent fixture as a benchmark.
3. Forward the signed application/permit to myself, as well as the Boating Program Specialist:

Penny Kanable
Wisconsin Dept. of Natural Resources
101 S Webster Street – LE/8
Madison, WI 53703

4. If controlling/restrictive navigational markers are required, also provide the completed application/permit to the local municipality having jurisdictional authority over the area in which the waterway markers will be placed. Consult with the local municipality regarding their ordinance adoption process.

The Boating Program Specialist will communicate with the local Warden and Recreational Safety Warden in processing and finalizing the permit. If the permit application is incomplete, or additional information is needed, the Boating Program Specialist will work with DNR's Regional WisDOT Liaison to resolve.

NOTE: If permanent waterway markers are proposed to be modified, added, or temporarily relocated please include this information in the permit application.

Special Features:**Seeding:**

DNR is requesting that native seed mix be used in areas of suitable pollinator habitat within the corridor to replace pollinator functions lost or diminished due to roadway reconstruction. Multiple municipal efforts throughout the corridor have invested in native insect pollinator habitat and any an all efforts to avoid, minimize and mitigate impacts to these areas should be implemented into the project design.

DNR also encourages implementing use of smart planning, community sensitive design and transit alternatives throughout the corridor to remove and/or reduce physical barriers to residential neighborhoods and minority communities within the corridor

U.S. Army Corps of Engineers Coordination:

This project may require a permit from the U.S. Army Corps of Engineers (USACE). Please contact USACE for more details.

Other:

All local, state, and federal permits and/or approvals must be obtained prior to commencing construction activities.

The above comments represent the DNR's initial concerns for the proposed project and does not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, Erosion Control Plan, Wetland Impact Tracking Form, Special Provisions, NOI for the TCGP, and additional coordination if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at 414.343.9346, or email at: Kristina.betzold@wisconsin.gov

Sincerely,



Kristina Betzold
Environmental Analysis & Review Specialist

cc: Bill Mhor, Josh LeVeque, Ben Goldsworthy, WisDOT
Carla Mykytiuk, CHI
Jeff Bauer, MKE

U.S. Fish and Wildlife Service
Correspondence



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
4101 American Blvd E
Bloomington, MN 55425-1665
Phone: (952) 252-0092 Fax: (952) 646-2873

In Reply Refer To:
Project Code: 2022-0020497
Project Name: I-94 East-West Corridor Study

August 16, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
 - Trees found in highly developed urban areas (e.g., street trees, downtown areas),
-

- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

If any of the above activities are proposed, please use the northern long-eared bat determination key in IPaC. This tool streamlines consultation under the 2016 rangewide programmatic biological opinion for the 4(d) rule. The key helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. No further review by us is necessary.

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the bat by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of northern long-eared bats after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

Whooping Crane

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of](#)

[Whooping Cranes in the Eastern United States.”](#)

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: Review.NHIS@state.mn.us

Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: DNRRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

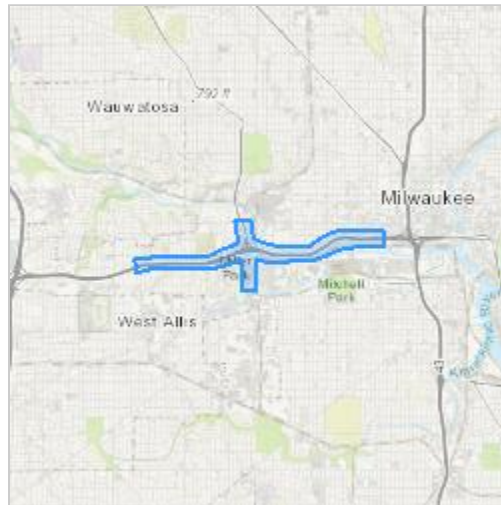
(952) 252-0092

Project Summary

Project Code: 2022-0020497
Project Name: I-94 East-West Corridor Study
Project Type: Road/Hwy - Maintenance/Modification
Project Description: WisDOT is developing alternatives and preparing a Supplemental Environmental Impact Statement to modernize the stretch of I-94 between 70th and 16th streets in Milwaukee, WI. The goal of the project is to improve safety, replace aging infrastructure (originally constructed in the 1960s) and reduce congestion.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.031787800000004,-87.96629057711074,14z>



Counties: Milwaukee County, Wisconsin

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383 General project design guidelines: https://ipac.ecosphere.fws.gov/project/JIMXW2JUBVHM3D5LESBQJ6K3PI/documents/generated/5967.pdf	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
<p>Black Tern <i>Chlidonias niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093</p>	Breeds May 15 to Aug 20
<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399</p>	Breeds May 15 to Oct 10
<p>Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 20 to Jul 31
<p>Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 20 to Aug 10
<p>Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974</p>	Breeds Apr 22 to Jul 20
<p>Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Mar 15 to Aug 25
<p>Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 20
<p>Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680</p>	Breeds elsewhere
<p>Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745</p>	Breeds May 1 to Jul 20
<p>Henslow's Sparrow <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941</p>	Breeds May 1 to Aug 31
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere

NAME	BREEDING SEASON
Marbled Godwit <i>Limosa fedoa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Upland Sandpiper <i>Bartramia longicauda</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9294	Breeds May 1 to Aug 31
Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see

below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

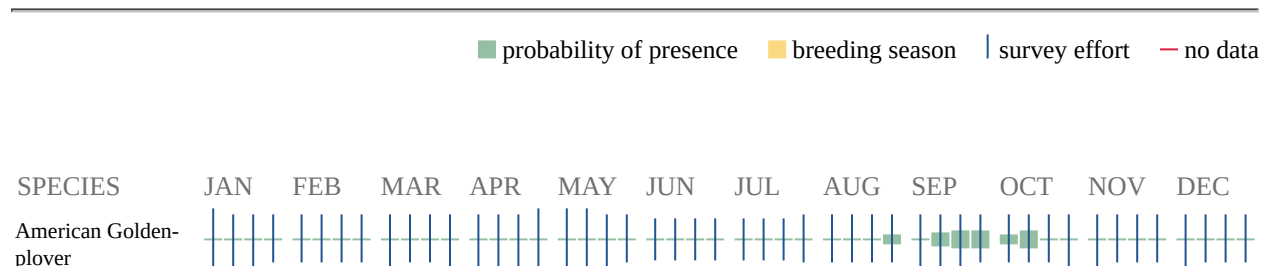
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

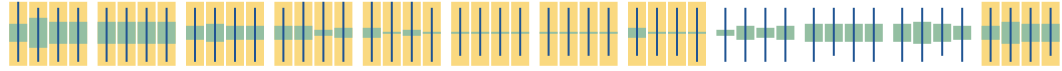
Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



BCC Rangewide (CON)

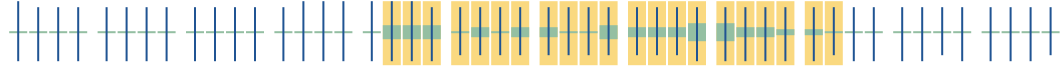
Bald Eagle
Non-BCC
Vulnerable



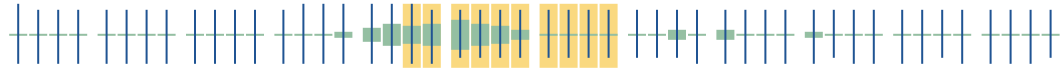
Black Tern
BCC Rangewide
(CON)



Black-billed
Cuckoo
BCC Rangewide
(CON)



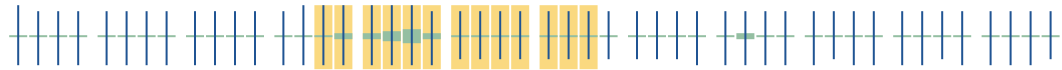
Bobolink
BCC Rangewide
(CON)



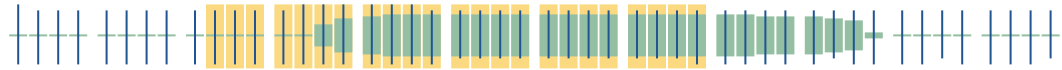
Canada Warbler
BCC Rangewide
(CON)



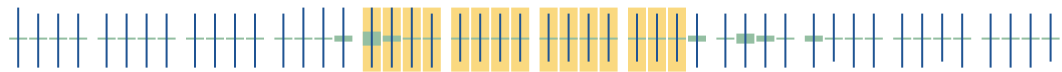
Cerulean Warbler
BCC Rangewide
(CON)



Chimney Swift
BCC Rangewide
(CON)



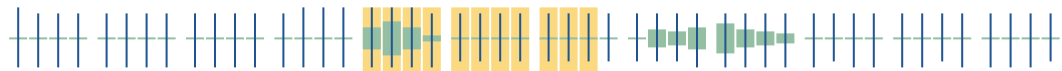
Eastern Whip-poor-
will
BCC Rangewide
(CON)



Golden Eagle
Non-BCC
Vulnerable



Golden-winged
Warbler
BCC Rangewide
(CON)



Henslow's Sparrow
BCC Rangewide
(CON)



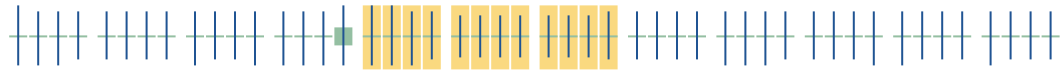
SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

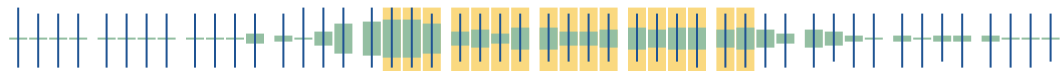
Lesser Yellowlegs
BCC Rangewide
(CON)

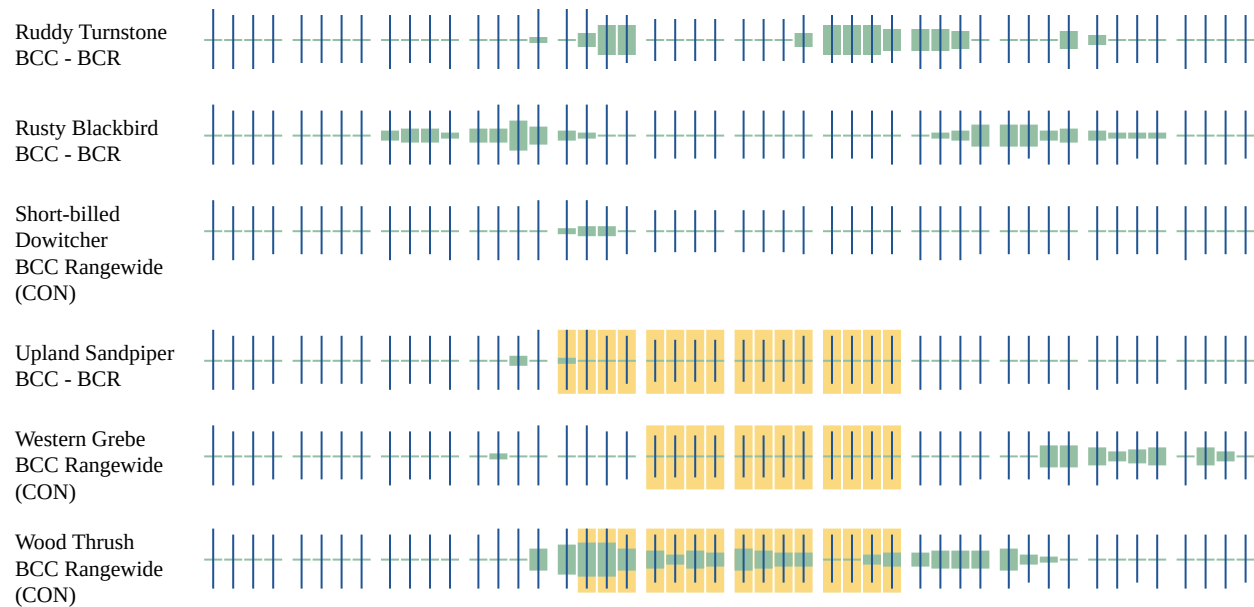


Marbled Godwit
BCC Rangewide
(CON)



Red-headed
Woodpecker
BCC Rangewide
(CON)





Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as

occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can

implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- [Palustrine](#)

RIVERINE

- [Riverine](#)
-

IPaC User Contact Information

Agency: Wisconsin Department of Transportation
Name: Carly Dutkiewicz
Address: 8735 W Higgins Road
Address Line 2: Suite 400
City: Chicago
State: IL
Zip: 60631
Email: carly.dutkiewicz@jacobs.com
Phone: 6309130603



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

December 17, 2021

Consultation code: 03E19000-2022-TA-0989

Event Code: 03E19000-2022-E-03381

Project Name: I-94 East-West Corridor Study

Subject: Verification letter for the 'I-94 East-West Corridor Study' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Carly Dutkiewicz:

The U.S. Fish and Wildlife Service (Service) received on December 17, 2021 your effects determination for the 'I-94 East-West Corridor Study' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Rusty Patched Bumble Bee *Bombus affinis* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

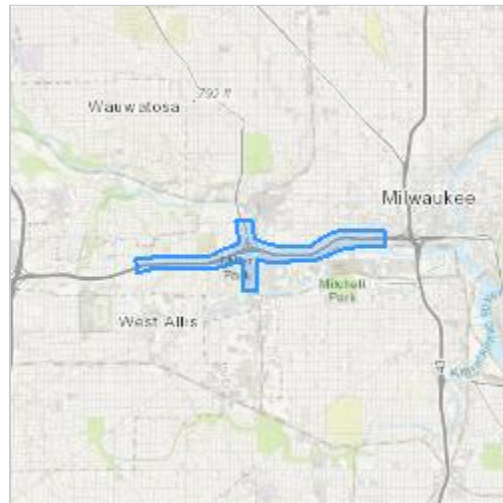
I-94 East-West Corridor Study

2. Description

The following description was provided for the project 'I-94 East-West Corridor Study':

WisDOT is developing alternatives and preparing a Supplemental Environmental Impact Statement to modernize the stretch of I-94 between 70th and 16th streets in Milwaukee, WI. The goal of the project is to improve safety, replace aging infrastructure (originally constructed in the 1960s) and reduce congestion.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.031787800000004,-87.96629057711074,14z>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?
No
 7. Will the action involve Tree Removal?
Yes
-

8. Will the action only remove hazardous trees for the protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

From: [Simpkins, Darin](#)
To: [Payant, Dobra - DOT](#)
Cc: [LeVeque, Joshua - DOT](#); [Mykytiuk, Carla](#); [Goldsworthy, Benjamin](#)
Subject: Re: [EXTERNAL] I-94 East-West WisDOT Project 1060-27-03 Informal Section 7 Consultation
Date: Monday, September 26, 2022 10:19:33 AM

FWS No. : 2022-0063928 / 03E19000-2022-TA-0989

Ms. Payant:

The U.S. Fish and Wildlife Service (Service) received the information provided regarding the Wisconsin Department of Transportation (WisDOT) I-94 East-West Corridor Project (WisDOT ID 1060-27-03) in Milwaukee County, WI with effects analyses on rusty patched bumble bee (*Bombus affinis*; RPBB). WisDOT requested concurrence with effects determinations of “*May Affect, Not Likely to Adversely Affect*” the RPBB, in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The project consists of reconstructing I-94 from 70th Street to 16th Street in Milwaukee, Wisconsin by rebuilding the freeway and bridges, modifying interchanges to improve safety and traffic flow, and reconstructing local streets affected by the freeway reconstruction. The project is anticipated to occur 2025-2029.

Project activities will result in ground disturbance to potential RPBB habitat in the High Potential Zone (HPZ). Approximately 24 acres of suitable but low quality habitat (13 acres of potential overwintering, 7 acres of potential foraging, and 4 acres of undisturbed shrubland) are estimated to be disturbed, including approximately 22 acres (12 acres of potential overwintering, 6 acres of potential foraging, and 4 acres of undisturbed shrubland) within the RPBB HPZ. The project area is highly urbanized and has been historically and recently disturbed. Land use in the area includes residential, commercial, and industrial areas, developed roads and highways, mowed and landscaped areas, drainage ditches, and scattered woodlots.

The Service concurs that this project *May Effect, Not Likely to Adversely Affect* the RPBB. If RPBB were present within the action area, we do not anticipate the temporary loss of this habitat to have a significant impact to the species, especially since impacts are to low quality habitat. As mitigation measures, WisDOT will reseed disturbed areas within HPZ outside of 15-foot buffer reserved for mowing with a WisDOT flowering seed mix, appropriate to local soil conditions. Initial ground disturbance will occur during late spring and summer to avoid impacts to overwintering queens and deter nesting.

This concludes consultation under Section 7 of the Endangered Species Act, as amended for the species listed above. Should you have any questions regarding this response, or if a change in project plans occurs, please contact Darin Simpkins (darin_simpkins@fws.gov; 920-866-1739) for additional assistance.

From: Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>
Sent: Thursday, July 28, 2022 12:27 PM

To: Simpkins, Darin <Darin_Simpkins@fws.gov>

Cc: LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>; Mykytiuk, Carla <Carla.Mykytiuk@jacobs.com>; Goldsworthy, Benjamin <Benjamin.Goldsworthy@jacobs.com>

Subject: [EXTERNAL] I-94 East-West WisDOT Project 1060-27-03 Informal Section 7 Consultation

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon Darin,

The Wisconsin Department of Transportation's (WisDOT) is proposing the I-94 East-West Corridor Project (Project) located in Milwaukee County, Wisconsin. The scope of the project is to reconstruct I-94 from 70th Street to 16th Street in Milwaukee, Wisconsin by rebuilding the freeway and bridges, modifying interchanges to improve safety and traffic flow, and reconstructing local streets affected by the freeway reconstruction.

The project area termini are 70th Street on the west and 16th Street on the east. The service interchanges along I-94 at 68th Street/70th Street, Hawley Road, General Mitchell Boulevard, 35th Street, and 25th/26th/28th Street are included in the project, as is the Stadium Interchange (**Figure 1**, see link below). The Bluemound Road/Wisconsin Avenue/Wells Street service interchange with Wisconsin State Highway 175 (WIS 175) is also included as part of this project. At each interchange, the project limit extends north-south until each crossroad ties into existing alignment. The east-west termini for the project area generally match the termini for two previously completed projects: the Zoo Interchange reconstruction to the west of the I-94 East-West Corridor, and the Marquette Interchange reconstruction to the east.

The project area is highly urbanized and has been historically and recently disturbed. Land use in the area includes residential, commercial, and industrial areas, developed roads and highways, mowed and landscaped areas, drainage ditches, and scattered woodlots. Although most of the land adjacent to I-94 in the study area is developed, there are upland undeveloped areas and wooded areas including in the American Transmission Company (ATC) transmission line corridor, along the Menomonee River and Story Parkway. Upland habitat occurs in environmental corridors, isolated natural areas, and other tracts of land that have forested or grassland cover.

The Project is currently in environmental analysis phase. It is anticipated that the final Environmental Impact Statement will be complete in the fall of 2023 with construction starting in 2025 and on-going for four to five years (until 2030).

Consultation with the USFWS on federally listed species in the project area occurred through USFWS's Information for Planning and Consultation (IPaC) system. On July 14, 2022 (**Attachment 1**, see link below), WisDOT received an Official Species List from USFWS noting there were three threatened or endangered species that may occur in the project area. There are no critical habitats within the project area under USFWS jurisdiction.

Northern Long Eared bat (NLEB)

Based upon WisDOT's IPaC submission (July 14, 2022), the Project is consistent with activities analyzed in USFWS's January 5, 2016, Programmatic Biological Opinion (**Attachment 2**, see link below). The letter verifies that the Programmatic Biological Opinion satisfies and concludes WisDOT's responsibilities for this Project under ESA Section 7(a)(2) with respect to the northern long-eared bat. WisDOT will not clear trees between April 1 through October 31. Note, this verification letter was sent prior to the anticipated NLEB's reclassification as an endangered species. WisDOT will work with USFWS to arrive at an updated determination using the FHWA Programmatic Consultation key.

Monarch Butterfly

The Monarch Butterfly is a candidate species and not yet listed or proposed for listing. There are no Section 7 requirements for candidate species unless the proposed action is likely to jeopardize the species' continued existence. The proposed project will not jeopardize the Monarch's continued existence and no further action is needed.

Rusty Patched Bumble Bee (RPBB)

The Project area from 70th Street to S. Layton Boulevard/N. 27th Street is in the High Potential Zone (HPZ) for the Rusty Patched Bumble Bee (RPBB) (*Bombus affinis*). I-94 East-West project actions include disturbing low quality RPBB feeding habitat and low-quality woodlands potentially suitable for RPBB nesting or overwintering habitat. These areas are not high-quality areas for the following reasons:

- Proximity to the interstate; impacts are within the median of roads or immediately adjacent.
- Past construction activities have disturbed the project area and soils are likely composed of compacted soils and/or dense with gravels.
- Impacted areas receive influxes of salt from plowing activities and/or runoff from the roadway.
- Little diversity of nectar resources present. Flowering species are dominated by invasive species such as crown vetch. Invasive species do not supply the RPBB with their “superfoods”; these “superfoods” include wild bergamot, prairie clover, hyssop, goldenrod, joe pye weed, coneflowers, native thistles, aster, leadplant, jewelweed, mountain mint, native spiraea, and wild cranberry. Goldenrod, coneflowers, and jewelweed were observed in portions of the project area but were intermixed with invasive species.
- Invasive species are prevalent and dominant throughout the project area.

Furthermore, using the assisted determination key (**Attachment 3**, see link below), the project may affect, but is not likely to adversely affect the RPBB for the following reasons:

- The project does not include seed collection.
- WisDOT will not use herbicide treatment in non-mowed areas with flowering species.
- There are no upland grasslands, shrublands, forest, and woodland edges within the project that contain native sources of pollen and nectar that constitute as nesting habitat.
- There are no forest or woodland edges within the project that contain native plants that provide pollen and nectar that constitute as overwintering habitat.
- There is no newly planted foraging habitat within the project area.

Work disturbance will occur over four to five years starting in 2025. **Figure 1** shows the general footprint of ground disturbance; however, not all areas within the ground disturbance footprint will be disturbed and/or converted to impervious surface. **Attachment 4** (see link below) shows photos of the project area, and their locations are numbered on **Figure 1**. The project is approaching the 30% design phase and has both 6-lane and 8-lane alternatives as well as two proposed interchange designs that are currently being considered for the new freeway corridor: the hybrid interchange and diverging diamond Interchange (DDI) .

Below is a high-level summary of acreage calculations based upon the current design models.

Area Type	Existing Footprint	8-lane Hybrid	8-lane DDI	6-lane Hybrid	6-lane DDI	
			Acres			
Pavement & Bridge Area	70	109	102	104	98	
Disturbed Area	-	186	184	186	184	

Mow Strip Area (15-foot buffer)	17	19	19	19	19
Open Water Area	1	1	1	1	1

Because the project is only at the preliminary design phase, actual acreage impacts are unknown and can only be estimated at this time. Based upon a field survey complete in 2021, a general RPBB habitat survey was completed within the ground disturbance footprint. Some areas could not be accessed due to fence lines and the I-94 Highway, but the majority of the ground disturbance footprint was surveyed. No high-quality habitat areas were observed within the ground disturbance footprint (see criteria listed above). Wooded and shrub areas were documented, as well as areas that were not mowed and had flowering species present. The following are approximate acres. It should be noted that these land use classifications, such as being un-mowed, is temporal and can change in the future. Within the ground disturbance footprint that is within the RPBB HPZ, there is approximately 12 acres of wooded area, approximately 4 acres of scrub-shrub areas, and approximately 6 acres of un-mowed areas that contained some flowering species.

Because some low-quality foraging habitat and wooded areas are being converted to impervious surface, WisDOT proposes habitat improvement by reseeding disturbed areas within HPZ outside of 15-foot buffer reserved for mowing with a WisDOT flowering seed mix, appropriate to local soil conditions.

Due to the impacts on low quality feeding habitat and on low quality nesting and overwintering habitat, WisDOT has made the determination that this project “May affect, but is not likely to adversely affect” the RPBB, and is requesting USFWS concurrence with this determination. WisDOT requests any knowledge or guidance on known RPBB habitat (foraging, nesting, or overwintering sites) in the area.

If any additional information is needed, please do not hesitate to reach out.

The link with Fig. 1 and Attachments 1-4 is below.

<https://wisdot.box.com/s/tkiynsydxq5iwig9t2gmx7kxe1c4gjdms>

Thank you.

Dobra

Dobrogniewa (Dobra) S. Payant, P.E.
WisDOT SE Region – Technical Services Unit
141 NW Barstow Street
Waukesha, WI 53187-0798
(414) 750-2677

Section 106 Correspondence and
Meeting Minutes

From: Bacher-Gresock, Bethaney (FHWA) <Bethaney.Bacher-Gresock@dot.gov>

Sent: Wednesday, May 12, 2021 12:01 PM

To: Betsy Merritt <emerritt@savingplaces.org>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; mpa dmccarthy <dmccarthy@milwaukeepreservation.org>

Cc: Penkiunas, Daina J - WHS <Daina.Penkiunas@WisconsinHistory.org>; Pulak, Douglas D. (CFM) <Douglas.Pulak@va.gov>; Buechel, Mark T <mark_buechel@nps.gov>; Carlen Hatala <Carlen.Hatala@milwaukee.gov>; Milwaukee Preservation <mpa@milwaukeepreservation.org>; Bliesner, Brian - DOT <Brian.Bliesner@dot.wi.gov>; Goldsworthy, Benjamin/MKE <Benjamin.Goldsworthy@jacobs.com>; Mohr, Bill - DOT <Bill.Mohr@dot.wi.gov>; LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>; Mandy Ranslow <mranslow@achp.gov>; Kaliszewski, Katherine N - DOT <katherinen.kaliszewski@dot.wi.gov>; Clarke, David (FHWA) <david.clarke@dot.gov>; Brown, Joel R - DOT (joel.brown@dot.wi.gov) <joel.brown@dot.wi.gov>

Subject: [EXTERNAL] RE: I-94 East-West Study in Milwaukee, Wisconsin - August 2017 Bi-Annual Report

Hi Betsy and Hello to our other Section 106 Consulting Parties

As you may know, WisDOT Secretary Thompson recently announced that the I-94 East-West project would be transitioning from a re-evaluation of the 2016 Final EIS to a Supplemental EIS, see <https://wisconsin.gov/Documents/projects/by-region/se/94ew-study/2021/supplemental-release.pdf>.

WisDOT and FHWA are working together to assess what we will be updating and completing new analysis on as part of the Supplemental EIS. We will be publishing a Federal Register notice *soon* and will work shortly thereafter to ensure that we have updated contact info for our Section 106 consulting parties. We will work with all of you to catch up on the project and assess any changes to the APE, if there are new eligible properties, any changes in project design, etc.

We look forward to re-consulting with all of you soon

Regards

Bethaney

Bethaney Bacher-Gresock

Environmental Program/Project Specialist
& FOIA Liaison
FHWA - Wisconsin Division Office
City Center West
525 Junction Road, Suite 8000
Madison WI 53717

(p)608-662-2119

From: Betsy Merritt [<mailto:emerritt@savingplaces.org>]

Sent: Wednesday, May 12, 2021 9:36 AM

To: Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; mpa dmccarthy <dmccarthy@milwaukeepreservation.org>; Bacher-Gresock, Bethaney (FHWA) <Bethaney.Bacher-Gresock@dot.gov>

Cc: Penkiunas, Daina J - WHS <Daina.Penkiunas@WisconsinHistory.org>; Pulak, Douglas D. (CFM) <Douglas.Pulak@va.gov>; Buechel, Mark T <mark_buechel@nps.gov>; Carlen Hatala <Carlen.Hatala@milwaukee.gov>; Milwaukee Preservation <mpa@milwaukeepreservation.org>; Bliesner, Brian - DOT <Brian.Bliesner@dot.wi.gov>; Goldsworthy, Benjamin/MKE <Benjamin.Goldsworthy@jacobs.com>; Mohr, Bill - DOT <Bill.Mohr@dot.wi.gov>; LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>

Subject: RE: I-94 East-West Study in Milwaukee, Wisconsin - August 2017 Bi-Annual Report

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Dobra,

Now that May 12 has arrived (time flies!), I wanted to check back with you to get an update on the estimated timetable for this project, including the anticipated resumption of consultation.

Thank you for keeping us posted!

Sincerely,

Betsy Merritt

From: Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>

Sent: Thursday, March 4, 2021 11:39 AM

To: mpa dmccarthy <dmccarthy@milwaukeepreservation.org>; Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>

Cc: Betsy Merritt <emerritt@savingplaces.org>; Penkiunas, Daina J - WHS <Daina.Penkiunas@WisconsinHistory.org>; Pulak, Douglas D. (CFM) <Douglas.Pulak@va.gov>; Buechel, Mark T <mark_buechel@nps.gov>; Carlen Hatala <Carlen.Hatala@milwaukee.gov>; Milwaukee Preservation <mpa@milwaukeepreservation.org>; Bliesner, Brian - DOT <Brian.Bliesner@dot.wi.gov>; Goldsworthy, Benjamin/MKE <Benjamin.Goldsworthy@jacobs.com>;

Mohr, Bill - DOT <Bill.Mohr@dot.wi.gov>; LeVeque, Joshua - DOT <Joshua.LeVeque@dot.wi.gov>
Subject: RE: I-94 East-West Study in Milwaukee, Wisconsin - August 2017 Bi-Annual Report

Hi Dawn,

It is good to hear from you. Hope you are doing well.

Currently we are updating information for the project to evaluate any changes in the corridor since 2016. We are planning on resuming our S. 106 consultation process within next few months and, at that point, we will reconvene with all S. 106 Consulting parties involved in this project. Although the full schedule for S. 106 consultation has not been established yet, we anticipate that our first meeting (likely virtual) may happen around **May 12**. Once we have this date finalized, we will send out a formal invitation.

Thank you for reaching out.

Dobra

*Dobrogniewa (Dobra) S. Payant, P.E.
Civil Engineer Advanced – Environmental Lead
WisDOT SE Region – Technical Services Section
141 NW Barstow Street
Waukesha, WI 5187-0798
(414) 750-2677*

From: Dawn McCarthy <dmccarthy@milwaukeepreservation.org>

Sent: Tuesday, March 02, 2021 10:42 AM

To: Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>

Cc: Betsy Merritt <emerritt@savingplaces.org>; Penkiunas, Daina J - WHS <Daina.Penkiunas@WisconsinHistory.org>; Pulak, Douglas D. (CFM) <Douglas.Pulak@va.gov>; Buechel, Mark T <mark_buechel@nps.gov>; Carlen Hatala <Carlen.Hatala@milwaukee.gov>; Milwaukee Preservation <mpa@milwaukeepreservation.org>

Subject: Fwd: I-94 East-West Study in Milwaukee, Wisconsin - August 2017 Bi-Annual Report

Hi Dobra and Bethaney,

I believe the email below is the most recent update that 106 Consulting parties received about the I-94 East-West Study in Milwaukee. I am wondering, now that Governor Evers is considering funding the project, will the consultation regarding fulfilling commitments listed in the PA be resumed? If so, what is the timetable and process?

Thanks very much for providing any information.

Very best wishes,

Dawn McCarthy

dmccarthy@milwaukeepreservation.org

Milwaukee Preservation Alliance

1100 S. 5th Street, Suite 319
Milwaukee, WI 53204

----- Forwarded message -----

From: **Payant, Dobra - DOT** <Dobra.Payant@dot.wi.gov>

Date: Wed, Aug 23, 2017 at 3:28 PM

Subject: I-94 East-West Study in Milwaukee, Wisconsin - August 2017 Bi-Annual Report

To: william.albrecht@va.gov <william.albrecht@va.gov>, Sean.Baumgartner@va.gov <Sean.Baumgartner@va.gov>, Cory.breu@va.gov <Cory.breu@va.gov>, Cook, Kimberly A - WHS <Kimberly.Cook@wisconsinhistory.org>, michele_curran@nps.gov <michele_curran@nps.gov>, bob@dryhootch.org <bob@dryhootch.org>, cdaniel@achp.gov <cdaniel@achp.gov>, Draeger, Jim R - WHS <Jim.Draeger@wisconsinhistory.org>, glenn.elliott@va.gov <glenn.elliott@va.gov>, mmccully@milwaukeehistory.net <mmccully@milwaukeehistory.net>, Rebecca.M.Graser@usace.army.mil <Rebecca.M.Graser@usace.army.mil>, Carlen.Hatala@milwaukee.gov <Carlen.Hatala@milwaukee.gov>, mhesse@achp.gov <mhesse@achp.gov>, william.hooker@va.gov <william.hooker@va.gov>, William.Janowski@va.gov <William.Janowski@va.gov>, mjarosz@uwm.edu <mjarosz@uwm.edu>, hkarsh@gmail.com <hkarsh@gmail.com>, Thomas.Koerting2@va.gov <Thomas.Koerting2@va.gov>, Sara.Leach@va.gov <Sara.Leach@va.gov>, Glenn.Madderom@va.gov <Glenn.Madderom@va.gov>, troy.martinson@va.gov <troy.martinson@va.gov>, dawnhmcc@gmail.com <dawnhmcc@gmail.com>, emerritt@savingplaces.org <emerritt@savingplaces.org>, mnaber@achp.gov <mnaber@achp.gov>, Diana.Ohman@va.gov <Diana.Ohman@va.gov>, Penkiunas, Daina J - WHS <Daina.Penkiunas@wisconsinhistory.org>, Douglas.Pulak@va.gov <Douglas.Pulak@va.gov>, Kathleen.Schamel2@va.gov <Kathleen.Schamel2@va.gov>, Dean.Schwaller@va.gov <Dean.Schwaller@va.gov>, frank.shepard@fcpotawatomi-nsn.gov <frank.shepard@fcpotawatomi-nsn.gov>, jensustar@yahoo.com <jensustar@yahoo.com>, Michael.LaRonge@fcpotawatomi-nsn.gov <Michael.LaRonge@fcpotawatomi-nsn.gov>, Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>, Becker, James - DOT <James.Becker@dot.wi.gov>, Bliesner, Brian - DOT <Brian.Bliesner@dot.wi.gov>, Dole, Keegan J - DOT <Keegan.Dole@dot.wi.gov>, Gates, Dylan P - DOT <Dylan.Gates@dot.wi.gov>, Goldsworthy, Benjamin <Benjamin.goldsworthy@ch2m.com>, Isawi, Hazem (FHWA) <hazem.isawi@dot.gov>, Kaurich, Tracy A - DOT (DTSD Consultant) <Tracy.Kaurich@dot.wi.gov>, dkeene@arch-res.com <dkeene@arch-res.com>, Kennedy, Jason - DOT <Jason1.Kennedy@dot.wi.gov>, Livermore, Jacob J - DOT <IMCEAEX-
_o=WIMail_ou=Exchange+20Administrative+20Group+20+28FYDIBOHF23SPDLT+29_cn=Recipients_cn=Jacob+2ELivermore@wisconsin.gov>, Lynch, Jason - DOT <Jason.Lynch@dot.wi.gov>, McKinney, Sean W - DOT <Sean.McKinney@dot.wi.gov>, Kelly.Nickodem@ch2m.com <Kelly.Nickodem@ch2m.com>, Sara.Orton@CH2M.com <Sara.Orton@ch2m.com>, Rohde, Andrew T - DOT <Andrew.Rohde@dot.wi.gov>, Smith, Cameron E - DOT <Cameron.Smith@dot.wi.gov>, Treazise, Michael - DOT <Michael.Treazise@dot.wi.gov>, jvogel@hrltd.org <jvogel@hrltd.org>, Charlie.Webb@CH2M.com <Charlie.Webb@ch2m.com>, Gary Whited <whited@wisc.edu>, MSeidel@savingplaces.org <MSeidel@savingplaces.org>, ThielM@archmil.org <ThielM@archmil.org>

Dear Section 106 Consulting Parties,

As of the date of this email, there has been no change in funding for the project. Therefore, no progress in fulfilling commitments listed in the PA has occurred since last February.

I will make sure to provide an update, once the funding for the project is secured.

Sincerely,
Dobra Payant

From: Payant, Dobra - DOT

Sent: Wednesday, February 22, 2017 2:21 PM

To: william.albrecht@va.gov; Sean.Baumgartner@va.gov; Cory.breu@va.gov; champat@archmil.org; Cook, Kimberly A - WHS <Kimberly.Cook@WisconsinHistory.org>; michele_curran@nps.gov; bob@dryhootch.org; cdaniel@achp.gov; Draeger, Jim R - WHS <Jim.Draeger@WisconsinHistory.org>; glenn.elliott@va.gov; mmcullly@milwaukeehistory.net; Rebecca.M.Graser@usace.army.mil; Carlen.Hatala@milwaukee.gov; mhesse@achp.gov; william.hooker@va.gov; William.Janowski@va.gov; mjarosz@uwm.edu; hkarsh@gmail.com; Thomas.Koerting2@va.gov; Sara.Leach@va.gov; Glenn.Madderom@va.gov; troy.martinson@va.gov; dawnhmc@gmail.com; emeritt@savingplaces.org; mhaber@achp.gov; Diana.Ohman@va.gov; Penkiunas, Daina J - WHS <Daina.Penkiunas@WisconsinHistory.org>; Douglas.Pulak@va.gov; Kathleen.Schamel2@va.gov; gscheurell@savingplaces.org; Dean.Schwaller@va.gov; frank.shepard@fcpotawatomi-nsn.gov; jensustar@yahoo.com; 'Michael.LaRonge@fcpotawatomi-nsn.gov' <Michael.LaRonge@fcpotawatomi-nsn.gov>; Bacher-Gresock, Bethaney <Bethaney.Bacher-Gresock@dot.gov>; Becker, James - DOT <James.Becker@dot.wi.gov>; Bliesner, Brian - DOT <Brian.Bliesner@dot.wi.gov>; Dole, Keegan J - DOT <Keegan.Dole@dot.wi.gov>; Gates, Dylan P - DOT <Dylan.Gates@dot.wi.gov>; Goldsworthy, Benjamin <Benjamin.goldsworthy@ch2m.com>; 'Isawi, Hazem (FHWA)' <hazem.isawi@dot.gov>; Kaurich, Tracy A - DOT (DTSD Consultant) <Tracy.Kaurich@dot.wi.gov>; 'dkeene@arch-res.com' <dkeene@arch-res.com>; Kennedy, Jason - DOT <Jason1.Kennedy@dot.wi.gov>; Livermore, Jacob J - DOT <Jacob.Livermore@dot.wi.gov>; Lynch, Jason - DOT <Jason.Lynch@dot.wi.gov>; McKinney, Sean W - DOT <Sean.McKinney@dot.wi.gov>; 'Kelly.Nickodem@ch2m.com' <Kelly.Nickodem@ch2m.com>; Sara.Orton@CH2M.com; Rohde, Andrew T - DOT <Andrew.Rohde@dot.wi.gov>; Smith, Cameron E - DOT <Cameron.Smith@dot.wi.gov>; Treazise, Michael - DOT <Michael.Treazise@dot.wi.gov>; 'jvogel@hrltd.org' <jvogel@hrltd.org>; Charlie.Webb@CH2M.com; 'Gary Whited' <whited@wisc.edu>

Subject: I-94 East-West Study in Milwaukee, Wisconsin - February 2017 Bi-Annual Report

Dear Section 106 Consulting Parties,

The Section 106 Programmatic Agreement (PA) for I-94 East-West Corridor Study in Milwaukee, Wisconsin was signed by Signatories and Invited Signatories last summer. Shortly after the PA was executed, FHWA and WisDOT completed the NEPA phase of the study (FHWA signed the Record of Decision on September 9, 2016).

The PA stipulated that bi-annual reports would be provided to the consulting parties “summarizing the actions taken to fulfill the stipulations of this PA.” However, additional funding is necessary to continue advancing the project through the design. As of the date of this email, the project has not received necessary funding, therefore no progress in fulfilling commitments listed in the PA has occurred.

This email constitutes the first bi-annual report (February 2017). I will plan on sending another bi-annual report as scheduled - in 6 months (i.e., in August 2017).

We are looking forward to continuing our S. 106 consultation in the near future.

Sincerely,

Dobra

Dobrogniewa (Dobra) S. Payant, P.E.

WisDOT SE Region

I-94 East-West Study Team

141 NW Barstow Street

Waukesha, WI 53187-0798

(414) 750-2677

Agency Coordination Meeting

I-94 East-West Corridor Study
(70th Street to 16th Street)
Milwaukee County
Project I.D. 1060-27-03

Meeting Date: September 2, 2021

Location: Microsoft Teams

Purpose: Federal Highway Administration (FHWA) and WisDOT are currently preparing a Supplemental Environmental Impact Statement (EIS) for the I-94 East-West corridor study in Milwaukee County, Wisconsin.

FHWA and WisDOT completed the NEPA phase of the study (FHWA signed the Record of Decision (ROD) on September 9, 2016). The ROD was rescinded in 2017. However, in 2020, work began on a re-evaluation of the project's EIS which transitioned to a Supplemental EIS earlier this year.

WisDOT organized this agency coordination meeting as part of the kickoff to the agency coordination process for the Supplemental EIS. The meeting was intended to introduce/reintroduce the project to everyone, recognizing that there have been some changes in staff since the January 2016 Final EIS, as well as to share details of the Supplemental EIS process and project schedule, and to solicit comments on the updated Agency Coordination Plan.

Meeting Agenda:

1. Introduction/Opening Remarks
2. Overview of the I-94 East-West Corridor Project
3. Summary of Agency Coordination
4. Schedule
5. Next Steps

Participants:

Lead Agencies: Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT)		
Bethaney Bacher-Gresock FHWA Wisconsin Division, Madison	Dave Platz FHWA Wisconsin Division, Madison	Brian Bliesner WisDOT Southeast Region
Joel Brown WisDOT Central Office	Joshua LeVeque WisDOT Southeast Region	Dobra Payant WisDOT Southeast Region
Bill Mohr WisDOT Southeast Region	Jay Waldschmidt WisDOT Central Office	
Project Consultant Team		
Jeff Bauer Jacobs	Charlie Webb Jacobs	Carla Mykytiuk Jacobs

Agencies		
Matthew Leddy Department of Veterans Affairs Office of Construction and Facilities Management	Sam Woboril U.S. Army Corps of Engineers St. Paul District	Ryan Hoel Southeastern Wisconsin Regional Planning Commission (SEWRPC)
Fernando Fernandez Department of Veterans Affairs Office of Construction and Facilities Management	Mike Sedlacek U.S. Environmental Protection Agency (USEPA), Region 5	Micki Klappa-Sullivan Milwaukee Metropolitan Sewerage District
Alvarez-Cabrera, Maribel Department of Veterans Affairs NCA Midwest District	Dan Devine Mayor City of West Allis	Julie Esch Milwaukee County Department of Transportation
Antonio Henderson Department of Veterans Affairs Abraham Lincoln National Cemetery	Dennis McBride City Of Wauwatosa	John Stalewski Village President Village of West Milwaukee
Aaron J. Dishaw Wood National Cemetery		

FHWA, WisDOT, and the Consultant Team presented a project update, summary of agency coordination to date, the NEPA schedule, and the plan for upcoming agency outreach and coordination. Brian Bliesner/WisDOT and Bethaney Bacher-Gresock/FHWA gave opening remarks with Jeff Bauer/Jacobs, Josh LeVeque/WisDOT and Charlie Webb/Jacobs presenting the PowerPoint.

The Agencies were asked to provide any comments; particularly those on the updated Agency Coordination Plan by October 1, 2021. The Plan will be posted to the project website after the close of the comment period.

There were no questions or comments from agencies except a request that the presentation be made available after the meeting. A copy of the presentation was emailed to the invitation list.

Section 106 Consultation Meeting

I-94 East-West Corridor Study
(70th Street to 16th Street)
Milwaukee County
Project I.D. 1060-27-00

Meeting Date: November 16, 2021

Location: Microsoft Teams

Purpose: Federal Highway Administration (FHWA) and WisDOT are currently preparing a Supplemental Environmental Impact Statement (EIS) for the I-94 East-West corridor study in Milwaukee County, Wisconsin.

WisDOT organized this 2nd consultation meeting with the Section 106 Consulting Parties during the Supplemental EIS process to provide a project update and share changes to the alternatives under consideration since the 2016 Final EIS as well as changes to the Area of Potential Effects since the first consultation meeting held on August 18, 2021.

Meeting Agenda:

1. Introductions/Opening Remarks
2. Overview of the I-94 East-West Corridor Project Alternatives
3. Potential changes to 2016 Final EIS Preferred Alternative
4. Comparison of 6-lane and 8-lane Options
5. Changes to Area of Potential Effects
6. Programmatic Agreement
7. Changes to Historic Properties
8. Schedule
9. Next Steps

Participants:

Lead Agencies: Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT)		
Bethaney Bacher-Gresock FHWA Wisconsin Division, Madison	Dobra Payant WisDOT Southeast Region	Phillip Ferris WisDOT Central Office
Joel Brown WisDOT Southeast Region	Joshua LeVeque WisDOT Southeast Region	Katherine Kaliszewski WisDOT Southwest Region
Bill Mohr WisDOT Southeast Region		
Project Consultant Team		
Jeff Bauer Jacobs	Ben Goldsworthy Jacobs	Sara Orton Jacobs
Carla Mykytiuk Jacobs		
Section 106 Consulting Parties		
Tim Askin Milwaukee Historic Preservation Commission	Kimberly Cook Wisconsin Historical Society	Jeremy Ebersole Milwaukee Preservation Alliance

Fernando Fernandez Department of Veterans Affairs	AJ Kitchen U.S. Army Corps of Engineers	Glenn Madderom Department of Veterans Affairs
Angela McArdle Advisory Council on Historic Preservation	Dawn McCarthy Milwaukee Preservation Alliance	Elizabeth (Betsy) Merritt National Trust for Historic Preservation
Michael Mullen Zablocki VA	Daina Penkiunas SHPO Wisconsin Historical Society	

FHWA, WisDOT, and the Consultant Team presented a project update that included an overview of the project alternatives, potential changes to 2016 Final EIS Preferred Alternative being considered, and differences between the 6-lane and 8-lane alternatives being considered. The presentation also included additional changes to the area of potential effects since the August 2021 meeting.

Discussion during the meeting included Glen Madderom/Department of Veterans Affairs asking whether there would be an elevation change in the cemetery roadway section. Jeff Bauer/Jacobs explained that elevation changes are only associated with the Stadium Interchange and those changes result from the necessity to move ramps east; ultimately moving from a 3-level interchange to a 4-level interchange.

Daina Penkiunas/SHPO noted that the 16th Street Viaduct was listed in 2019. Kimberly Cook agreed. Ben Goldsworthy/Jacobs said that the Project Team is aware of the 16th Street viaduct that was listed in May of 2019. While the I-94 East-West project limit is 16th Street, the construction work ends about 1,000 feet west of the viaduct.

Tim Askin/Milwaukee Historic Preservation Commission noted that care should be taken to address the Marquette campus as one more eligible district also. Sara Orton/Jacobs asked Tim for details about his Marquette comment. Tim said he is new to the project, not having participated in the previous round, but that the Commission considers most of the Marquette campus adjacent to I-94 an eligible district. Sara Orton/Jacobs will contact Tim for additional information.

Jeremy Ebersole/ Milwaukee Preservation Alliance asked how the public meetings will be publicized. Jeff Bauer/Jacobs mentioned that mailing a postcard, social media, including posting a meeting notification on the website, and a newspaper advertisement are the primary methods of notification. Jeff mentioned that local radio announcements are being considered as well.

Betsy Merritt/ National Trust for Historic Preservation asked if there will be virtual access for the upcoming public meetings or if they were only in person. Jeff/Jacobs said that there will be virtual access, with most meeting materials available online, though it has not been determined yet, in what platform, but it would be through the WisDOT website. Betsy asked if virtual attendees would be able to hear questions asked during the meeting and Jeff clarified that the meeting will be in an open house

format, with no formal presentation. Any discussion will be one-on-one. Jeff confirmed that the presentation could be watched anytime online and would not be restricted to the hours of the open house meetings.

Discussion of Level of Service (LOS) in the project area followed when Betsy Merritt/ National Trust for Historic Preservation asked what the current LOS is. Jeff/Jacobs explained that the freeway currently experiences LOS of E and F during weekday peak periods. Jeff said that it's E & F out there today. To provide an understanding of the LOS letter system, Jeff explained that LOS is an A-F ranking that has been part of highway design for quite some time; with LOS A being free-flow while LOS F is complete rush hour/grid lock type conditions with bumper-to-bumper driving at 5-10 mph.

Angela McArdle/ Advisory Council on Historic Preservation said that the PA on file has the National Park Service as a signatory, but the copy on file has not been signed and that it will affect amending of the PA going forward. Bethaney Bacher-Gresock/FHWA said that the NPS decided not to sign but that they did participate and that the Project Team is working with their contact this go-round.

Consulting Parties are asked to provide comment on the revised Area of Potential Effects as presented during the meeting, as well as potential impacts from alternatives to the St. Paul Avenue Industrial Historic District by December 31, 2021.

A copy of the presentation and recording of the meeting was provided via email on November 17, 2021.