

SECTION 7
COMMENTS AND COORDINATION

THIS PAGE INTENTIONALLY LEFT BLANK

The Comments and Coordination section summarizes community involvement and agency coordination. This section is essentially the same as that presented in the 2010 FEIS and 2014 LS SFEIS except that it includes updated coordination.

7.0 INTRODUCTION

This section discusses community involvement and coordination with state and federal regulatory agencies during the development and evaluation of alternatives for WIS 23. The public involvement process was open in accordance with Executive Order 12898 on EJ, calling for WisDOT/FHWA to provide meaningful opportunities for low-income and minority populations to provide input in identifying potential impacts, alternatives, and mitigation measures. Information from *Promising Practices for EJ Methodologies in NEPA Reviews*¹ is a compilation of methodologies gleaned from current agency practices identified by the NEPA Committee concerning the interface of environmental justice considerations through NEPA process. This guidance was reviewed; however, there are limited EJ populations in the vicinity of the corridor. The next subsections summarize the project public involvement including project meetings, public involvement approaches, and public comments received at the meetings. Summaries and responses for the agency comments received during the comment periods for the 2004 DEIS, 2009 SDEIS, 2010 FEIS, 2013 LS SDEIS, and 2014 LS SFEIS are located in the 2014 LS SFEIS document.

7.1 PROJECT MEETINGS

The WIS 23 project has had numerous meetings since it was initiated in 2003. They have included local official meetings, advisory committee meetings, meetings with special entities, public involvement meetings, and hearings. Table 7.1-1 provides a listing of the key project meeting.

Table 7.1-1 Key Project Meetings

| Date | Entity | Summary |
|----------|----------------------------|---|
| 7/2/02 | Agencies | Agency scoping–Purpose and Need |
| 12/10/03 | Agencies | Discussion on EIS |
| 12/18/03 | Agencies | Scoping, Purpose and Need and Range of Alternatives |
| 1/05/05 | Agencies and Public | DEIS Public Hearing |
| 4/21/05 | Agencies | WIS 23 Agency Scoping Meeting for Preferred Corridor Concurrence |
| 3/8/05 | Agencies | Project coordination |
| 4/21/05 | Agencies | Preferred Corridor concurrence |
| 3/13/06 | Agencies | IAT crossing |
| 11/5/07 | Agencies | US 151/WIS 23 connection alternatives |
| 8/24/09 | ACHP and SHPO | Signed MOA for archaeological and historic resources |
| 12/23/09 | WisDOT and FHWA | Signed Reevaluation formally documenting decision to produce 2009 SDEIS |
| 2/24/10 | Agencies and Public | 2009 SDEIS Public Hearing |
| 8/28/13 | Agencies and Public | 2013 LS SDEIS Public Hearing |
| 10/10/17 | Agencies | Meeting to discuss the project, schedule, range of alternatives. |
| 10/12/17 | Local Officials | Meeting to discuss the project, schedule, range of alternatives. |
| 10/12/17 | Public Involvement Meeting | Meeting to discuss the project, schedule, range of alternatives. |
| 10/24/17 | ICE Workshop | Indirect and Cumulative Effects Workshop with local officials |

¹ Promising Practices for EJ Methodologies in NEPA Reviews, Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee; March 2016; https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

7.2 PUBLIC INVOLVEMENT

Various approaches were used to engage the public throughout the planning process for this project. The following paragraphs describe the main methods used since the 2014 LS SFEIS.

A. Newsletter

A newsletter was sent out in September 2017 to property owners along the corridor, as well as federal, state, and local officials. The newsletter provided notification of the upcoming public meeting on October 12, 2017.

B. Public Information Web Site

WisDOT created a public information website to provide an additional source of information to the public. The site became available to the public on February 5, 2003 with interim updates and a period of time when the website was removed. An updated site became available in 2017. The website contains EIS study information, updates, study area maps, alternatives being studied, and a list of contacts. The website address is: <http://wisconsindot.gov/Pages/projects/by-region/ne/wis23exp/default.aspx>

C. Public Informational Meeting October 12, 2017

A public meeting was announced by media releases and by a newsletter of invitation to property owners and local officials along the corridor. The public meeting was held in a handicapped accessible building and opportunities to request an interpreter/signer were given. The public meeting was held in an open format that allowed one-to-one interaction with property owners and interested parties. Comment sheets were available for written comments.

Summary of Public Comments

The following summary are comments received at the public involvement meeting and during the comment period, which went from October 12, 2017 to November 12, 2017.

- Over 700 comments were received during the comment period.
- Approximately 615 residents supported a 4-lane On-alignment Alternative.
- Approximately 24 residents supported a Passing Lane Alternative.
- Approximately 14 supported either a 4-lane On-alignment Alternative or a Passing Lane Alternative.
- Approximately 408 residents used the comment form to mention that WIS 23 is dangerous.
- Approximately 104 residents used the comment form to mention that WIS 23 is dangerous because of trucks/farm equipment and slow-moving traffic.
- Approximately 90 residents used the comment form to mention that WIS 23 is dangerous because of bad drivers and illegal maneuvers.
- Approximately 37 residents used the comment form to mention that WIS 23 is dangerous because of the curves, few passing opportunities, and steep grades.
- Approximately 52 residents commented they take other routes or avoid WIS 23 altogether (many others stated that people they know avoid WIS 23).
- Approximately 63 residents used the comment form to mention that improvements to WIS 23 would help economic development.
- Approximately 32 residents request that the Old Plank Road Trail allow snowmobiles.

7.3 LOCAL GOVERNMENT COORDINATION

WisDOT received letters from several local governments. Their comments are summarized in Table 7.3-1. Letters received before the publication of the 2014 LS SFEIS are included in Appendix D of the 2010 FEIS and Appendix D of the 2014 LS SFEIS. Letters received after the 2014 LS SFEIS are provided in Appendix C.

Coordination with local government officials occurred throughout the project. Local officials attended public meetings and also were in contact with the project staff about their concerns and recommendations and helped WisDOT understand their community's dynamics for the environmental document. In October 2017 an additional local officials meeting was held to obtain input for this LS SEIS. Local officials also participated in information gathering to assist the indirect and cumulative effects analysis. These meetings are summarized below.

A. Local Officials Meetings

1. Local Officials Meeting of October 12, 2017–city of Fond du Lac

This meeting discussed the status of the WIS 23 Study and next steps. The meeting reviewed the timeline of events and the proposed schedule. The Purpose and Need presented in the previous 2014 LS SFEIS and Alternatives were reviewed. Information related to project needs was updated after this meeting. WisDOT reviewed previous alternatives and asked if additional alternatives should be reviewed. The meeting allowed the public officials to preview and discuss displays and information for the upcoming public involvement meeting.

2. Indirect and Cumulative Effects Meeting of October 24, 2017–city of Fond du Lac

The analysis for indirect and cumulative effects included an panel workshop on October 24, 2017. The expert panel consisted of local and regional land use and transportation planners, economic development professionals, and agricultural, natural, and cultural resource experts. (The initial indirect and cumulative effects workshop was held on January 17, 2012 for the 2013 LS SFEIS and 2014 LS SFEIS.)

B. Local Government Correspondence

Table 7.3-1 summarizes correspondence from local governments and interest groups received since the notice of intent to prepare an LS SEIS was published.

Table 7.3-1 Recent Local Government Comments

| Local Government | Comment |
|---|--|
| Sheboygan County October 24, 2017 | Resolution No. 15 (2017/2018): The Sheboygan County Board of Supervisors supports all state and federal efforts to improve State Highway 23 and encourages all necessary studies, including a new LS SEIS that will address the issues raised in the US District Court decision, to be completed promptly and accurately so that the needed construction of WIS 23 can be commenced and completed. |
| City of Sheboygan (Director of Planning & Development) October 27, 2017 | Expansion of the WIS 23 corridor from Sheboygan to Fond du Lac is extremely important for the vitality and economic growth of the Sheboygan and region. Supports the efforts to expand WIS 23 both for the quality of life for our residents and the economic vitality of the community. |
| City of Plymouth October 31, 2017 | Resolution No. 25 of 2017: It is the opinion of the city of Plymouth that the 4-lane divided highway project would improve safety and operational capacity. Therefore, be it resolved, that the city of Plymouth Common Council, supports and recommends the WIS 23 4-lane expansion from US 151 to County P. |
| City of Sheboygan Falls November 1, 2017 | Resolution No. 10 (2017, 2018): The Sheboygan Falls City Council supports all state and federal efforts to improve State Highway 23 and encourages all necessary studies, including a new LS SEIS that will address the issues raised in the US District Court |

Table 7.3-1 Recent Local Government Comments

| Local Government | Comment |
|---|--|
| | decision, to be completed promptly and accurately so that the needed construction of WIS 23 can be commenced and completed. |
| Fond du Lac County November 7, 2017 | Resolution No. 58-17: The Fond du Lac County Board of Supervisors continues to support WisDOT's proposed construction of a 4-lane facility and opposes anything less than a 4-lane facility from Plymouth to Fond du lac to significantly improve safety, advance economic growth, and support efficient travel throughout the state and requests that WisDOT continues full effort with getting this project back on line for immediate construction. |
| Fond du Lac County (County Highway Commission) November 9, 2017 | Fully reconstructing the corridor to a four-lane facility will allow safe passage of vehicles. The slotted left turn lanes, removal of lesser traveled at-grade intersections, and construction of full interchanges will reduce the conflict points and provide for safer overall travel movements. The construction of the bike path (Old Plank Road Trail) will connect the existing Sheboygan facility with Fond du Lac and eliminate any on road bike and pedestrian conflicts. |
| Fond du Lac County (Office of the County Executive) November 10, 2017 | I strongly request that the DOT and those who make the policy decisions in this state, move forward with the four-lane expansion as soon as it can be done. Delays will be costly to the people who use the road and to the businesses and communities that are supported by the highway. |
| Town of Marshfield November 13, 2017 | Resolution No 2017-05: Safety is a critical factor in the scope of this project and by widening the existing two lane highway to a four lane highway, safety would improve. The Town Board of Marshfield supports and endorses this resolution for the purpose of expediting and completing the Wisconsin Highway 23 project in Sheboygan and Fond du Lac counties. |

7.4 COORDINATION LETTERS

The following figures provide key local, state, and federal communications to WisDOT regarding the project. Some letters received prior to the 2014 LS SFEIS are included because they include important agency position or include concurrence points associated with the NEPA/404 synchronization process. Table 7.4-1 lists the entity and the figure number.

Table 7.4-1 Project Correspondence

| Figure No. | Date | Entity | Contents |
|------------|------------|-------------------------|--|
| 7.4-1 | 9/9/2013 | USEPA | Comments on 2013 LS SDEIS Assign rating of Lack of Objections |
| 7.4-2 | 9/26/2013 | USACE | Comments on 2013 LS SDEIS |
| 7.4-3 | 1/27/14 | USACE | Concur with Purpose and Need, Range of Alternatives, and Preferred Alternative. States Preferred Alternative has least impact of practicable alternatives. |
| 7.4-4 | 9/15/2017 | USDOJ/NPS | Reaffirms agreement regarding IAT |
| 7.4-5 | 10/24/2017 | Sheboygan County | Resolution supporting reconstruction and improvement of WIS 23 |
| 7.4-6 | 10/26/2017 | USEPA | Early coordination letter. |
| 7.4-7 | 10/31/2017 | City of Plymouth | Resolution supporting 4-lane WIS 23 project. |
| 7.4-8 | 11/1/2017 | City of Sheboygan Falls | Resolution supporting reconstruction and improvement of WIS 23 |
| 7.4-9 | 11/7/2017 | Fond du Lac County | Resolution supporting WIS 23 project. |
| 7.4-10 | 11/13/2017 | Town of Marshfield | Resolution supporting 4-lane WIS 23 project. |
| 7.4-11 | 11/21/2017 | WDNR | Project comments |
| 7.4-12 | 5/11/2018 | US Coast Guard | Coast Guard does not exercise jurisdiction over Mullet River. |

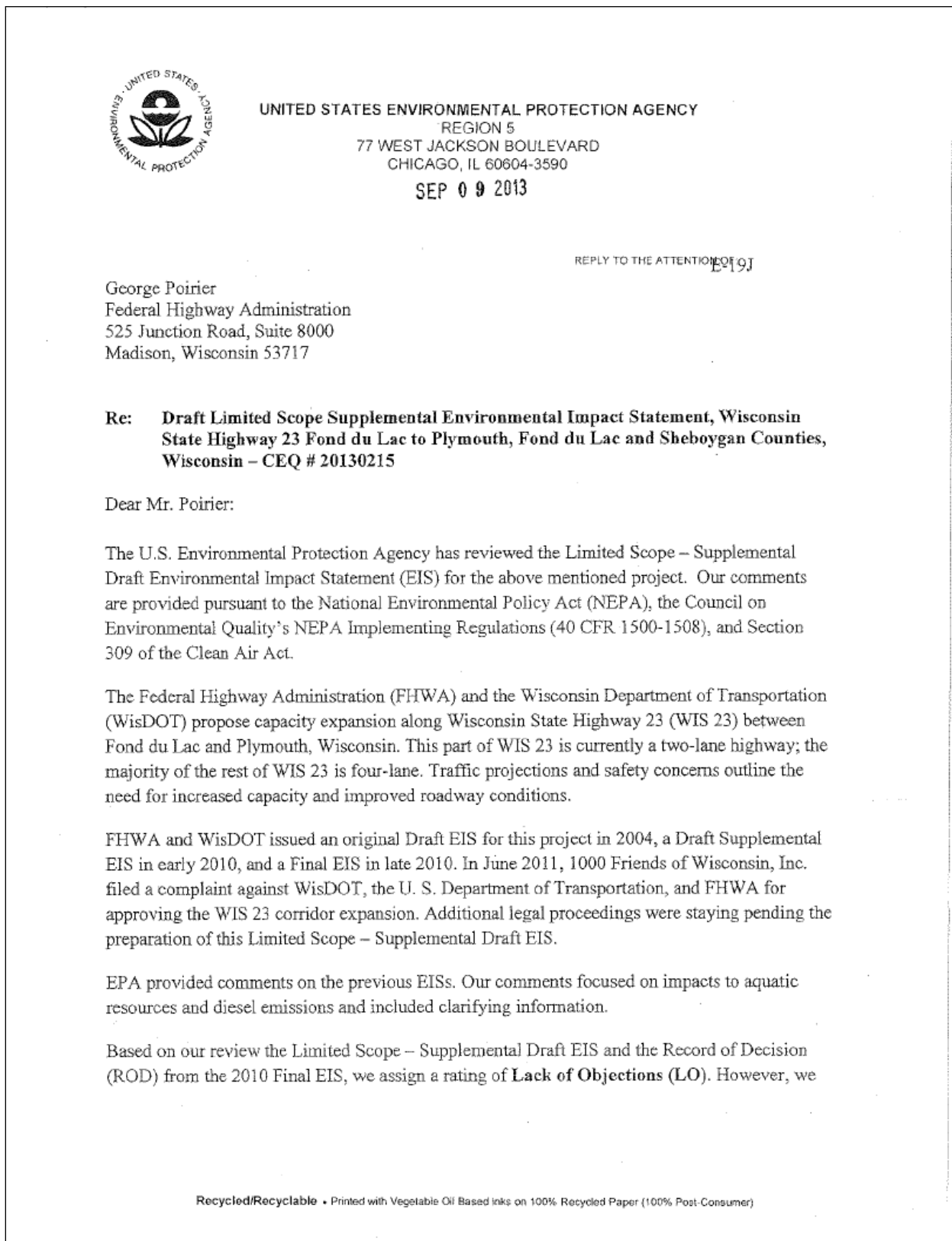


Figure 7.4-1 USEPA September 9, 2013 Letter

2

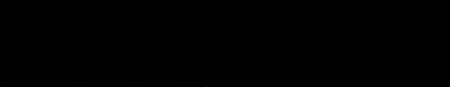
have one point of clarification for the Limited Scope –Supplemental Final EIS. Our summary of ratings is enclosed.

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

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

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

Sincerely,



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

Enclosure: Summary of Ratings Definitions

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

WISDOT-NE REGION
2013 SEP 16 PM 1 08

Figure 7.4-1 USEPA September 9, 2013 Letter (cont)



REPLY TO
ATTENTION OF

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

September 26, 2013

Operations
Regulatory (2010-00379-JRS)

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

Dear Mr. Wagner:

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

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

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

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

Figure 7.4-2 USACE September 26, 2013 Letter

- 2 -

Operations
Regulatory (MVP-2010-00379-JRS)

2. The act of describing the environmental consequences of preserving corridor level ROW should not be construed to imply future authorization for impacts. Should an interchange be proposed at a later date, the environmental consequences of the proposal would need to be identified at a design level. Future interchanges would also need to meet our public interest review and Section 404(b)(1) guidelines. Once completed, our agency would need to determine that the project as proposed is the least environmentally damaging practicable alternative (LEDPA) before any DA authorization could be issued.
3. The LSDEIS states that wetland locations were field-delineated by WisDOT staff and WDNR reviewers. To date the Corps has not concurred with the wetland locations. Therefore, please be advised that wetland boundaries are subject to change pending Corps review.
4. The LSDEIS does not identify proposed temporary impacts to wetlands or change in wetland type/conversion impacts (eg. forested to herbaceous) for ROW clear zones, utility crossings, etc. These impacts should be considered in the LSDEIS if they have the potential to become relevant in the design phase.
5. Our Section 404(b)(1) guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. Although the SDEIS identifies various alternatives for the actual roadway expansion (to include alternative routes and alternative lane configurations), it does not appear that the proposed trail was included in the analysis of each alternative. Please note that the Corps' review of a Section 404 permit for this project must include an evaluation of alternatives for the proposed trail. Any Section 404 application submittal should include an alternatives analysis that clearly outlines why the proposed trail alignment and configuration should be considered as part of the LEDPA for the overall project.
6. Compensatory mitigation should replace the aquatic functions and values unavoidably lost due to the project. We urge WisDOT to take all practicable and appropriate steps to ensure that compensatory mitigation is located within the same watershed(s) as the impact site(s), and that it would support the sustainability or improvement of aquatic resources within the same watershed(s).
7. It is understood that WisDOT regulations require allow for the contractor(s) to select borrow sites and obtain any permits that may be needed. Please note that this does not preclude the Corps from evaluating impacts in accordance with NEPA as it pertains to our authority under the Clean Water Act. If off-site fill material is not obtained from a licensed commercial facility, the Corps may be required to evaluate potential impacts and incorporate additional analysis into our administrative record for this project. This evaluation would be required prior to conducting any authorized work in waters of the United States.

Figure 7.4-2 USACE September 26, 2013 Letter (cont.)

- 3 -


Operations
Regulatory (MVP-2010-00379-JRS)

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

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

Sincerely,



 Tamara E. Cameron
Chief, Regulatory Branch

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

Figure 7.4-2 USACE September 26, 2013 Letter (cont)



REPLY TO
ATTENTION OF

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

JAN 27 2014

Operations
Regulatory (2010-00379-AMN)

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

Dear Mr. Wagner:

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

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

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

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

Figure 7.4-3 USACE January 27, 2014 Letter

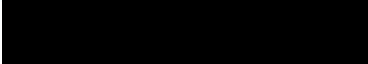
- 2 -

Operations
Regulatory (MVP-2010-00379-AMN)

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

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

Sincerely,


Tamara E. Cameron
Chief, Regulatory Branch

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

Figure 7.4-3 USACE January 27, 2014 Letter (cont)



United States Department of the Interior

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

I.D(MWR-PCL)

ER-17/0397

September 15, 2017

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

Dear Ms. Varney:

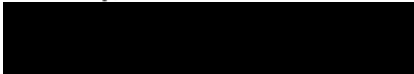
The National Park Service (NPS) has reviewed the Federal Highway Administration (FHWA) Notice of Intent to prepare a Limited Scope Supplemental Environmental Impact Statement (LS SEIS) for proposed transportation improvements on Wisconsin State Highway 23 (WIS 23) from U.S. Highway 151 to County Highway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

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

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

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

Sincerely,


Cameron H. Sholly
Regional Director

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

Figure 7.4-4 USDIO September 15, 2017 Letter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

SHEBOYGAN COUNTY RESOLUTION NO. 15 (2017/18)

Re: Supporting Reconstruction and Improvement of State Highway 23

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

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

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

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

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

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

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

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

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

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

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

Date: 10-24-2017
(Seal)  County Clerk

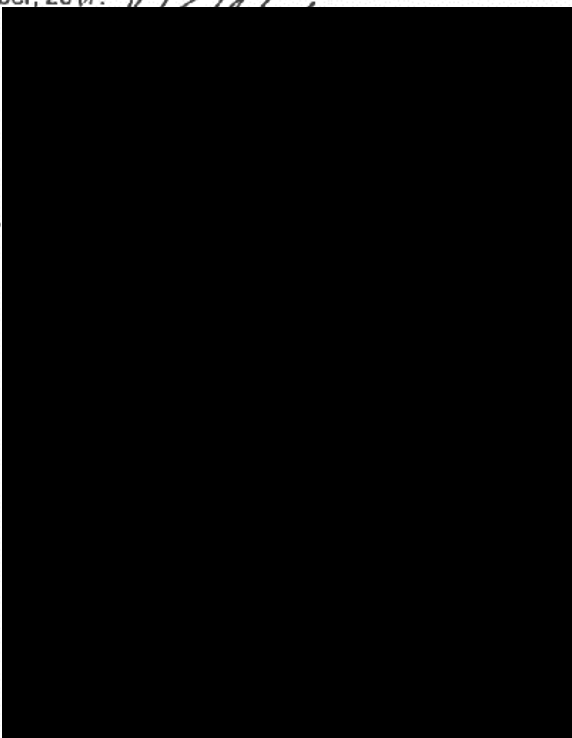
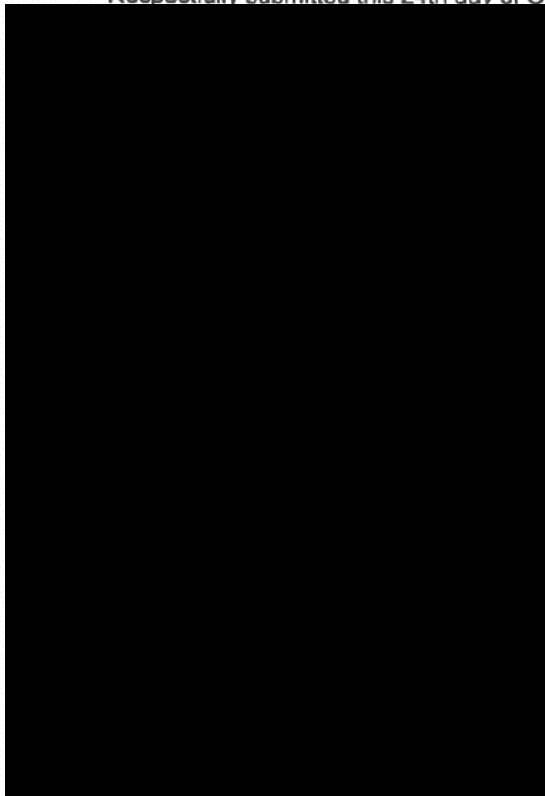
Figure 7.4-5 Sheboygan County Resolution October 24, 2017

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

53
54 **NOW, THEREFORE, BE IT RESOLVED** the Sheboygan County Board of Supervisors
55 supports all state and federal efforts to improve State Highway 23 and encourages all necessary
56 studies, including a new Limited Scope Supplemental Environmental Impact Statement that will
57 address the issues raised in the US District Court decision, to be completed promptly and accurately
58 so that the needed construction of State Highway 23 can be commenced and completed.

59
60 **BE IT FURTHER RESOLVED** that the Clerk shall send copies of this Resolution to the
61 Wisconsin Department of Transportation, local legislators, and such other individuals or agencies as
62 directed by the County's Administrator and/or County Board Chairperson.

63
64
65 Respectfully submitted this 24th day of October, 2017.



66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95 R:\CLIENT\08299\00008\00116784.DOCX

October 18, 2017, draft

Figure 7.4-5 Sheboygan County Resolution October 24, 2017 (cont)



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

OCT 26 2017

REPLY TO THE ATTENTION OF:

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

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

Dear Ms. Bacher-Gresock:

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

The Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) seek to address deficiencies along Wisconsin State Highway 23 (WIS 23) between Fond du Lac and Plymouth, Wisconsin. EPA has previously provided comments on this project in 2004, 2010, and 2014. The forthcoming, second Limited Scope EIS will address updated traffic forecasts and methodologies and changes in demographic data.

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

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

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

Figure 7.4-6 USEPA October 26, 2017 Letter

Sincerely,



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

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

Figure 7.4-6 USEPA October 26, 2017 Letter (cont)

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

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

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

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

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

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

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

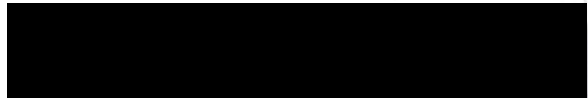
WHEREAS, it is the opinion of the City of Plymouth that the 4-Lane divided highway project would improve safety and operational capacity;

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

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

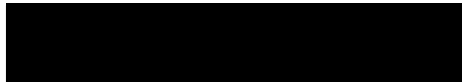
CITY OF PLYMOUTH

APPROVED:



Donald O. Pohlman, Mayor

ATTEST:



Patricia Huberty, Clerk/Treasurer



Figure 7.4-7 City of Plymouth Resolution October 31, 2017

CITY OF SHEBOYGAN FALLS RESOLUTION NO. 10 (2017/18)

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

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

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

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

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

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

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

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

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

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

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

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

Figure 7.4-8 City of Sheboygan Falls Resolution November 1, 2017

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

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

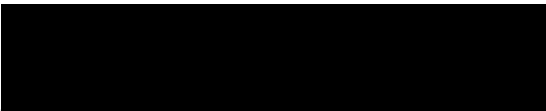
WHEREAS the City Council is well aware that the present condition of State Highway 23 between Highway 67 and US Highway 41 (Interstate 41) represents a safety hazard and is inadequate for the current commercial and individual transportation requirements for the region;

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

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

Respectfully submitted this 1st day of November, 2017.

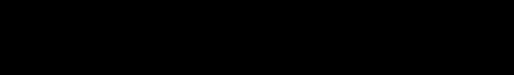
CITY OF SHEBOYGAN FALLS

By 

RANDY MEYER Mayor

CERTIFICATION

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



SABRINA DITTMAN, Clerk/Treasurer

Figure 7.4-8 City of Sheboygan Falls Resolution November 1, 2017 (cont)

RESOLUTION NO. 58-17**RESOLUTION SUPPORTING THE WISCONSIN DEPARTMENT OF TRANSPORTATION'S
CONTINUED EFFORT TO CONSTRUCT A FOUR-LANE FACILITY
ON STATE HIGHWAY 23 FROM PLYMOUTH TO FOND DU LAC**

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

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

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

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

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

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

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

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

Figure 7.4-9 Fond du Lac County November 7, 2017 Resolution

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

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

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

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

WHEREAS, with significant accidents continuing to occur on the current two-lane facility, including multiple fatalities in the past years, the corridor represents a safety hazard for the citizens of Fond du Lac County and all travelers who rely on this important highway to go to work, deliver goods, and provide services throughout Wisconsin, and

WHEREAS, Fond du Lac County has gone on record as supporting the construction of a full interchange at County Trunk Highway G and State Highway 23, along with the overall reconstruction to a four-lane facility, with the adoption of Resolution No. 135-09 on March 16, 2010, Resolution No. 42-13 on September 17, 2013, and Resolution No. 36-15 on July 21, 2015, and

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

NOW, THEREFORE, BE IT RESOLVED that the Fond du Lac County Board of Supervisors continues to support the Wisconsin Department of Transportation's proposed construction of a four-lane facility – and opposes anything less than a four-lane facility – from Plymouth to Fond du Lac to significantly improve safety, advance economic growth, and support efficient travel throughout the state and requests that the Wisconsin Department of Transportation continues full effort with getting this project back on line for immediate construction.

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

Figure 7.4-9 Fond du Lac County November 7, 2017 Resolution (cont)

Dated November 7, 2017

SUBMITTED BY:
HIGHWAY, AIRPORT AND
FACILITIES COMMITTEE

[Redacted]
Joseph W. Kocik

[Redacted]
John G. Zorn

[Redacted]
Steven A. Abel

[Redacted]
Karen Madigan

[Redacted]
Dennis N. Stenz

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

APPROVED BY:

[Redacted]
Allen J. Buechel
COUNTY EXECUTIVE

APPROVED BY: *AA*

[Redacted]
Meggin R. McNamara
CORPORATION COUNSEL

Figure 7.4-9 Fond du Lac County November 7, 2017 Resolution (cont)

TOWN OF MARSHFIELD, FOND DU LAC COUNTY, WI

RESOLUTION #2017-05

RESOLUTION FOR HIGHWAY 23

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

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

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

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

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

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

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

Adopted this 13th day of November, 2017.

[Redacted Signature]

Town Chairman

[Redacted Signature]

Town Supervisor #1

[Redacted Signature]

Town Supervisor #2

[Redacted Signature]

Town Treasurer

[Redacted Signature]

Town Clerk

Figure 7.4-10 Town of Marshfield November 13, 2017 Resolution

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
 Northeast Region Headquarters
 2984 Shawano Avenue
 Green Bay WI 54313-6727

Scott Walker, Governor
 Dan Meyer, Secretary
 Telephone 920-662-5100
 FAX 920-662-5413
 TTY Access via relay - 711



November 21, 2017

Via Email

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

Subject: Department of Natural Resources 2017 Initial Project Review:

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

Dear Mr. Lipke,

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

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

Wetlands

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

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

Endangered Resources

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

dnr.wi.gov
 wisconsin.gov



Figure 7.4-11 WDNR November 21, 2017 Letter

Mr. Lipke
November 21, 2017
Initial Review
RE: DOT ID # 1440-13/15-00
WIS 23 Corridor Environmental Review
Page 2 of 4

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

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

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

Fisheries/Stream work

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

Migratory birds

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

Invasive species & VHS

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

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

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

Figure 7.4-11 WDNR November 21, 2017 Letter (cont)

Mr. Lipke
November 21, 2017
Initial Review
RE: DOT ID # 1440-13/15-00
WIS 23 Corridor Environmental Review
Page 3 of 4

Control, which includes the protocol found at the following website:
<http://dnr.wi.gov/topic/invasives/disinfection.html>

Erosion Control

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

Figure 7.4-11 WDNR November 21, 2017 Letter (cont)

Mr. Lipke
November 21, 2017
Initial Review
RE: DOT ID # 1440-13/15-00
WIS 23 Corridor Environmental Review
Page 4 of 4

Other Issues/Unique Features

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

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

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

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

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

Sincerely,



Jay Schiefelbein
Environmental Analysis & Review Specialist

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

Figure 7.4-11 WDNR November 21, 2017 Letter (cont)



Commander
Ninth Coast Guard District

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

16590
May 10, 2018
B-072/wbs

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

Dear Mrs. Petersen:

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

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

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

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

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

Sincerely,



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

Figure 7.4-12 US Coast Guard May 11, 2018 Letter