



# INFORMATION FOR RE-EVALUATION OF ENVIRONMENTAL DOCUMENT VALIDITY

Wisconsin Department of Transportation  
DT2095 1/2018

**PROJECT ID: 1229-04-01**  
**PROJECT NAME: I-43 North-South Freeway**  
**PROJECT TERMINI: Silver Spring Drive to WIS 60**

**ORIGINAL PROJECT ID (if different from ID above):**

## STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION

DocuSigned by:  
*Brett Wallace* Brett Wallace Director 20 April 2020  
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Region Approving Authority [Name, Title] [Sign and Print] Date

DocuSigned by:  
*Scott J. Lawry* Scott Lawry 20 April 2020  
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Bureau of Technical Services Director Date

## U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

**Wisconsin Division**  
*Glenn D Fulkerson* GLENN D FULKERSON  
2020.04.23 15:21:12  
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FHWA Approving Authority [Name, Title] [Sign and Print Name] Date

### 1. PURPOSE OF THIS RE-EVALUATION

This re-evaluation has been prepared in accordance with the requirements of the following documents as applicable; Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 40 CFR 1500-1508; Federal Highway Administration Environmental Impact and Related Procedures 23 CFR 771; Federal Highway Administration Technical Advisory T 6640.8A; the Wisconsin Environmental Policy Act; Wisconsin Administrative Code Chapter Trans 400 and the policy of WisDOT to evaluate the status of a project's environmental documentation prior to authorization of each major project development step.

Elements considered in the re-evaluation are:

- Changes in scope, design of the project or funding
- Changes in laws, rules, codes
- Changes to the existing environment
- Changes to project impacts and mitigation

Before beginning preparation of this re-evaluation document, consultation must occur between the preparer, the Region Environmental Coordinator, the Environmental Process and Documentation Section liaison and FHWA (if federal funding or a federal action is involved) to ensure a re-evaluation is applicable, and if so, what information should be included and the level of public involvement required.

Has this consultation occurred?  Yes  No

### 2. ORIGINAL ENVIRONMENTAL DOCUMENT TYPE AND PROJECT TERMINI

Draft ER  Final ER  EA  FONSI  Draft EIS  Final EIS  ROD  Latest Re-evaluation  
 Other, describe:

Approval Date of Original Environmental Document: FEIS/ROD approved 11/25/14 (See Appendix A)

Approval Date(s) of Previous Re-evaluation(s): Not applicable

Termini of Original Environmental Document: Silver Spring Drive to WIS 60 (See Appendix B)

Termini of This Re-evaluation (Study Area): I-43 from Silver Spring Drive to WIS 60 (See Appendix B)

### 3. PROPOSED ACTION

**YES** **NO**

Have there been any changes to the following since the approval of the original environmental document:

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| • The project scope?                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • The project design?                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • The project funding sources?                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • The project delivery or construction schedule? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Describe changes:

WisDOT advanced the Green Tree Road Bridge replacement, which was part of the Selected Alternative in the FEIS/ROD, as a separate action (WisDOT Project No. 1228-16-01) to correct urgent structural deficiencies. WisDOT completed an Environmental Report for the bridge replacement in 2017. The action included replacing the Green Tree Road bridge, reconstructing Green Tree Road from Elm Tree Road to Port Washington Road, removal of the pedestrian tunnel under I-43 at Jean Nicolet High School, and reconstructing the southbound Good Hope Road I-43 entrance ramp to a parallel type ramp that meets modern design standards. Construction was completed in 2018.

Overall, the current scope of the remainder of the project is the same as the FEIS/ROD, but with areas of horizontal and vertical shifts due to additional engineering such as updating models, drainage analysis, truck turning, staging and constructability reviews. In most areas where the current design has changed, the horizontal movement is less than 10 feet different from the FEIS/ROD design. Vertical shifts up to 1-foot in elevation compared to the FEIS/ROD design are proposed in Ozaukee County to accommodate the higher design speed of 75 miles per hour (mph). Areas where the horizontal or vertical movement is greater than described above are discussed below:

- The northwest quadrant ramp at the Good Hope Road interchange is shifted approximately 30 feet westerly of the location shown in the FEIS/ROD.
- The northwest quadrant ramp lane of the Brown Deer Road interchange is shifted approximately 60 feet westerly of the location shown in the FEIS/ROD.
- The northbound off ramp to Port Washington (north of County Line Road) is shifted up to 35 feet easterly of the location shown in the FEIS/ROD.

- The Port Washington Road southbound lane at the County Line Road interchange (west of I-43) is shifted approximately 25 feet west of the location shown in the FEIS/ROD.
- The FEIS/ROD included replacing a pedestrian tunnel under I-43 at Nicolet High School. The removal of the tunnel under I-43 (part of the Green Tree Road bridge replacement) allows for vertical shifts of up to 5 feet north and south of Daphne Road. North of Daphne Road, the freeway profile would lower up to 5 feet. The profile would move 5 feet closer to the existing profile. South of Daphne Road, the profile would move up to 5 feet closer to the existing profile in this area, which would raise the roadway in elevation, but would still be in a cut.

Initial preparatory work is scheduled in 2021. Project construction is now scheduled to begin in 2022 and end in 2024. The FEIS/ROD identified construction beginning as early as 2020. See Appendix C for project design plans.

**4. PURPOSE AND NEED**

**YES NO**

Have there been any changes to the project purpose and need since the approval of the original environmental document including changes or updates to underlying analyses such as traffic data, crash data or infrastructure condition?

Briefly describe the purpose and need in the original approved document:

The purpose of the project as described in the FEIS/ROD is to provide a safe and efficient transportation system to serve existing and future travel demand and support regional and local land use planning objectives. The project is needed to address deteriorating pavement and modernize I-43 to eliminate design and geometric deficiencies, improve safety and declining traffic operations, address existing and future traffic volumes, provide consistency with regional land use and transportation planning, and maintain system linkages in the freeway and local arterial street system.

The FEIS/ROD identified and described the following needs as the basis for improvements to I-43:

- Pavement, freeway design and geometric deficiencies;
- Safety;
- Existing and future traffic volumes;
- Regional land use and transportation planning;
- System linkage and route importance.

WisDOT updated traffic and safety (crash) data to current conditions to validate the original purpose and need statement in the FEIS/ROD. Findings from analysis of current traffic and crash data is presented below. The remaining needs listed above remain unchanged.

If 'YES' is checked, describe the changes or updates:

**Existing and Future Traffic Volumes**

WisDOT coordinated with the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to update existing and forecast traffic volumes in the I-43 North-South Freeway corridor. A comparison of the year 2040 future "No Build" volumes from the FEIS/ROD and the current (2019) "No-Build" forecast of 2045 future traffic volumes is found in Table 1.

**Table 1: Comparison of Existing and Future Average Weekday Traffic (AWDT)**

Freeway Segment	FEIS/ROD 2010 Existing (AWDT)	FEIS/ROD 2040 No-Build Forecast (AWDT)	SEWRPC 2019 Existing (AWDT)	SEWRPC 2045 No-Build Forecast (AWDT)
WIS 60 to County C	49,000	65,000	50,100	59,800
County C to Mequon Road	53,620	68,000	56,300	68,200
Mequon Road to County Line Road	54,940	75,000	64,600	79,400
County Line Road to Brown Deer Road	60,560	84,000	68,100	79,600
Brown Deer Road to Good Hope Road	75,000	104,000	80,900	96,000
Good Hope Road to Silver Spring Drive	85,460	112,500	91,000	105,200

AWDT: Average Weekday Daily Traffic  
Source: SEWRPC

The FEIS/ROD indicated an overall annual traffic growth rate of 0.93 percent in the freeway corridor between 2010 and 2040. The revised SEWRPC forecast for 2045 shows slightly lower future traffic volumes in the freeway corridor compared to those projected for 2040 in the FEIS/ROD, with an overall annual growth rate of 0.73 percent in the freeway corridor between 2019 and 2045.

The basis for the lower traffic projections are based on two factors:

- SEWRPC updated its regional travel demand model since the FEIS/ROD forecast (4th generation model), which includes updated land use and planning information. In addition, the FEIS/ROD forecast (2040) was based on an extrapolation of land use changes from 2030-2035 applied to 2035 to estimate 2040 conditions. The current forecast is based on a more refined 5th generation regional travel demand model which has a horizon year of 2050. The new model uses the land use and socioeconomic inputs from SEWRPC's updated land use and transportation plan, VISION 2050. As VISION 2050 has a design year of 2050, SEWRPC did not need to project beyond the design year of the plan as was done for the 2040 forecasts in the FEIS/ROD. Thus, while the Vision 2050 Plan in general expects the same level of development to occur by the year 2050 as was expected under SEWRPC's previous land use and transportation plan, the updated traffic forecasts for 2045 are already taken into consideration in the current plan.
- The current SEWRPC forecast (5th generation) does not include capacity expansion of I-43 (south of the project) between Brown Street and Hampton Avenue (eight lanes) whereas the former SEWRPC forecast (4th generation) that was utilized for the FEIS/ROD included a capacity expansion assumption for this section of the freeway.

While forecasts are lower, the overall trend of traffic growth is validated based on observations of increased traffic volumes between 2010 and 2019, which exhibits an annual growth rate of 0.96 percent.

### Safety

The need to maintain safety by correcting geometric and design deficiencies and addressing congestion remains valid. WisDOT updated the crash data from the FEIS/ROD. Table 2 shows the total number of crashes (not including deer/other animal crashes) on the I-43 North-South Freeway corridor mainline from 2008-2012. Table 3 shows the most recent crash data between 2014 and 2018. The most recent five-year data shows an increase from 1,006 crashes to a total of 1,165 crashes reported between Silver Spring Drive and WIS 60.

The FEIS/ROD reported 76 percent of crashes were property damage crashes, and 24 percent were injury crashes. Truck crashes accounted for about 12 percent of the total crashes between 2008 and 2012. The 2010-2018 crash data is consistent with that reported in the FEIS/ROD. Between 2010 and 2018, 77 percent of crashes were property damage crashes, and 23 percent were injury crashes. Truck crashes accounted for about 10 percent of the total crashes during the same time frame. The number of crashes in the corridor increased from the previous study period (2008-2012) by 16 percent. The total number of crashes statewide has also increased steadily in recent years, from 118,254 in 2013 to 129,051 in 2016 (most recent data posted).

Table 4 summarizes total crashes from interchange to interchange between 2014 through 2018 in Milwaukee and Ozaukee counties. All but two segments between Good Hope Road and County Line Road indicate increased crashes compared to data presented in the FEIS/ROD. Overall, crash data is consistent with the findings in the FEIS/ROD. The greatest number of crashes still occur in the I-43 segment from Silver Spring Drive to Good Hope Road. Rear-end and side-swipe crashes account for nearly half of the crashes in this segment, indicating continued need to address congestion as well as inadequate acceleration/deceleration lanes, weaving and substandard ramp spacing.

**Table 2: FEIS/ROD Total Number of Crashes (2008-2012)**

Year	Property Damage Only	Injuries	Fatalities	Total
2008	176	60	0	236
2009	136	57	0	193
2010	177	53	0	230
2011	160	35	0	195
2012	111	41	0	152
<b>Total</b>	<b>760</b>	<b>246</b>	<b>0</b>	<b>1,006</b>

Source: WisDOT, 2014

**Table 3: Updated Total Number of Crashes (2014-2018)**

Year	Property Damage Only	Injuries	Fatalities	Total
2014	145	56	1	202
2015	172	51	0	223
2016	188	51	2	241
2017	187	52	0	239
2018	210	49	1	260
<b>Total</b>	<b>902</b>	<b>259</b>	<b>4</b>	<b>1,165</b>

Source: WisDOT, 2019

**Table 4: Comparison of Total Crashes by I-43 Segment**

I-43 Segment	FEIS/ROD (2008-2012)	Current (2014-2018)
Silver Spring Drive to Good Hope Road	303	362
Good Hope Road to Brown Deer Road	191	174
Brown Deer Road to County Line Road	151	125
County Line Road to Mequon Road	108	160
Mequon Road to Highland Road	66	97
Highland Road to County C	87	101
County C to WIS 60	100	146

Source: WisDOT, 2019

WisDOT used crash and traffic volume data described above to update the crash rates in the project corridor and compare them to statewide average crash rates for similar highways. Crash rates are calculated as crashes per 100 million vehicle miles traveled (100MVT). WisDOT updated crash rate data since the publication of the FEIS/ROD based on the current 5-year time frame of 2014-2018. After the 2014 FEIS/ROD was approved, the statewide facility peer groups changed, causing the I-43 segment from north of Silver Spring Drive to WIS 60 to be in a group with a lower overall average crash rate. Within the project limits, I-43 is now categorized as a 4-Lane Freeway facility. It was characterized as an Urban Freeway facility in the FEIS/ROD. The FEIS/ROD compared I-43 crash rates to an Urban Freeway facility with a statewide average crash rate of 73 crashes/100MVT. The current statewide crash rate for a 4-Lane Freeway facility is 49 crashes/100MVT. Table 5 compares crash rates between the FEIS/ROD and current data.

**Table 5: Comparison of I-43 Crash Rate Data**

Direction	Segment	Crash Rate (crashes/100MVT)	
		2008-2012 <sup>1</sup>	2014-2018 <sup>2</sup>
I-43 Northbound	Silver Spring Dr to Good Hope Rd	95.2 <sup>3</sup>	69.9
	Between Good Hope Rd exit and entrance ramps	45.5	112.8
	Good Hope Rd to Brown Deer Rd	44.6	38.2
	Between Brown Deer Rd exit and entrance ramps	151.4	72.4
	Brown Deer Rd to County Line Rd	35.8	51.2
	County Line Rd to Mequon Rd	31.9	55.1
	Between Mequon Rd exit and entrance ramps	39.1	41.2
	Mequon Rd to CTH C	34.5	43.3
	Between CTH C exit and entrance ramps	70.5	47.3
	CTH C to WIS 60	39.0	39.2
	Between WIS 60 exit and entrance ramps	27.3	37.2
I-43 Southbound	Between WIS 60 exit and entrance ramps	14.2	35.7
	WIS 60 to CTH C	44.0	57.3
	Between CTH C exit and entrance ramps	32.8	26.2
	CTH C to Mequon Rd	31.1	38.6

Between Mequon Rd exit and entrance ramps	74.2	30.9
Mequon Rd to County Line Rd	61.2	65.2
County Line Rd to Brown Deer Rd	30.1	58.1
Between Brown Deer Rd exit and entrance ramps	358.2	220.1
Brown Deer Rd to Good Hope Rd	60.6	36.7
Between Good Hope Rd exit and entrance ramps	62.9	101.2
Good Hope Rd to Silver Spring Dr	54.8	81.6
Between Silver Spring Dr exit and entrance ramps	17.7	174.8

1. Statewide Crash Rate reported in FEIS/ROD for Urban Freeways: 73/100MVMt.
2. Current statewide crash rate for 4-Lane Freeways: 49.4/100MVMt.
3. Highlighted cells indicate segments of I-43 exceeding statewide crash rate.

During the current time frame, crash rates in the project limits increased compared to rates reported in the FEIS/ROD, with additional segments of I-43 experiencing crash rates exceeding the statewide crash rate. The segments with high crash rates continue to occur near the Brown Deer Road interchange and the northbound freeway lanes between the Silver Spring Drive and Good Hope Road, but with added segments exceeding the statewide crash rate in both northbound and southbound lanes throughout the corridor. The updated crash rate data validates the need for safety improvements identified in the FEIS/ROD.

## 5. AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

Identify if there have been any changes in the affected environment or project impacts from those identified in the original approved environmental document. For each 'YES', describe the change and include a statement regarding whether or not the change will result in a new significant impact not identified in the original document. If the change results in a new significant impact, supplemental or new environmental documentation is required. Include any supporting analysis, studies or comparison maps as an attachment to this document. Summarize all changes on the Re-evaluation Impact Comparison Matrix and indicate any changes to commitments on the Updated Environmental Commitments Document. If the resource is not present in the study area, put an "X" in the "NO" box and no further information is needed.

### A. Affected Environment Changes

Have there been any changes in the affected environment within or adjacent to the project area that could affect any impact categories (e.g. transportation infrastructure, protected resources, land use plans, etc.)?

**YES**      **NO**

Describe changes:

#### **Land Use**

Existing land use has changed in specific locations throughout the project corridor and some land use plans have been updated. Overall, the land use patterns along the corridor have not changed substantially since the FEIS/ROD. Changes to existing and planned land use will not result in a new significant impact not identified in the FEIS/ROD. See Section 5.C. for more detailed land use information.

#### **Wetlands**

WisDOT mapped wetland boundaries in 2012 to identify the potential magnitude of wetland impacts in the FEIS/ROD. WisDOT completed formal delineations in October 2019 to update wetland impacts. The formal delineations validated the 2012 wetland mapping. This change will not result in a new significant impact not identified in the original FEIS/ROD. See section 5.J. for additional information regarding wetlands.

#### **Threatened and Endangered Species**

WisDOT completed a U.S Fish & Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) query to update federal listed threatened and endangered species. Also, WisDOT received an updated Wisconsin Department of Natural Resources (WDNR) review of the Natural Heritage Inventory (NHI) for state listed threatened and endangered species. Based on this information, WisDOT updated surveys for potential threatened and endangered species habitat in October 2019. A follow up presence/absence survey for threatened and endangered plant species is scheduled for Spring 2020. With proposed mitigation commitments, this change will not result in a new significant impact not identified in the FEIS/ROD. See Section 5.N. for additional information regarding threatened and endangered species.

### B. Law, Regulation and Policy Changes

Have there been any changes to laws, regulations and policies that could affect any impact categories?

**YES**      **NO**

Describe changes:

**Community Sensitive Solutions**

WIS Statute 85.0205(1m) restricts WisDOT’s ability to fund community sensitive solutions (CSS) considered to be aesthetic treatments. Aesthetics outside of those deemed as environmental mitigation, can be discussed with local communities and typically integrated on the project, but will require local commitment for cost and maintenance.

**Threatened and Endangered Species**

On April 15, 2015, the United State Fish and Wildlife Service (USFWS) listed the Northern Long-eared Bat (*Myotis septentrionalis*; NLEB) as threatened under the Endangered Species Act. The project occurs within the range of the NLEB. See Section 5N, Threatened and Endangered Species (T&E) Impacts for more information on the NLEB in the project area. The USFWS has issued a Programmatic Biological Opinion (PBO) that address activities excepted from the “take” prohibitions application to the Northern Long-eared Bat under the Endangered Species Act. The PBO applies to the I-43 North-South Freeway project.

On January 11, 2017, the USFWS listed the Rusty Patched Bumble Bee (*Bombus affinis*: RPBB) as endangered under the Endangered Species Act. This designation became effective March 21, 2017. The USFWS also established a RPBB High Potential Zone (HPZ) through which the project corridor travels in Milwaukee County. See Section 5.N. for more information on the RPBB.

**Milwaukee River TMDL**

The U.S. Environmental Protection Agency (EPA) approved the Milwaukee River Watershed Total Maximum Daily Load (TMDL) on March 9, 2018, which covers waters in the basin impaired for Total Phosphorus, Sediment/Total Suspended Solids, and bacteria (E. coli and Fecal Coliform). <https://dnr.wi.gov/water/impairedDetail.aspx?key=426339>.

WisDOT is completing planning to address the post-construction elements of its Transportation Construction General Permit (TCGP) and will provide as much stormwater treatment as practicable to help address the effects of the Milwaukee River TMDL.

**Wisconsin Statute 283**

In 2016 the Wisconsin Legislature passed legislation (promulgated under Wis. Statutes Chapter 283) regulating WisDOT activities under a Wisconsin Pollution Discharge Elimination System - Transportation Construction General Permit (WPDES-TCGP). The statutory modification and permit development was initiated in response to direction provided by the EPA.

EPA has delegated the administration of the National Pollution Discharge Elimination System (NPDES) to WDNR under the Wisconsin Pollution Discharge Elimination System (WPDES), which is authorized under Chapter 283. WDNR regulates the general public under the WPDES and EPA determined WDNR did not have the authority to exempt WisDOT from this federally required permit. In response, WDNR and WisDOT drafted WPDES-TCGP, which became effective on April 2, 2018. WisDOT and WDNR have incorporated the TCGP into the existing WisDOT/DNR Cooperative Agreement.

**Wisconsin Statute 84.01**

In 2009, Wisconsin Statute 84.01(35) required WisDOT to promulgate rules identifying exceptions when bike and pedestrian facilities may be omitted. Trans 75 was developed in response to the statute. Trans 75 was repealed as part of the 2015-2017 Wisconsin budget bill Act 55. Current Wisconsin Statute 84.01(35) requires that WisDOT “shall give due consideration to establishing bikeways and pedestrian ways” on reconstruction projects funded in whole or in part by state and federal funds.

**C. Land Use, Transportation and Other Plans**

Have there been any changes to the following since the approval of the original environmental document:

**YES**                      **NO**

- The State Transportation Improvement Program or other state plans?
- The Regional Land Use Plan, Region Transportation Plan, Transportation Improvement Program?
- Local land use or transportation plan(s)?
- The potential for the project to have adverse indirect and cumulative effects on land use or transportation?

Describe changes:

**Planning Documents and Land Use Updates**

Table 6 lists the local, regional and state plans that were reviewed in the FEIS/ROD. The table identifies updates to those plans that pertain to the land use and development pattern along the I-43 project corridor. The table also indicates if any new plans have been adopted and if any new developments along the corridor have occurred or are planned to occur.

**Table 6: Local, Regional and State Plans Relevant to the I-43 Project Corridor**

Plans	Summary of Plan Updates Since FEIS/ROD
<b>Local Plans</b>	
City of Glendale Smart Growth Update as relates to the comprehensive plan, city of Glendale and amendments thereto; series of subarea plans (2011)	<p>No change to plan; The following three new developments to the east of I-43 have been approved by the city of Glendale:</p> <ul style="list-style-type: none"> <li>• Bayshore Mall north of Silver Spring Drive: This major mall renovation project will demolish the indoor portion of the mall. The reconfigured space will include new multi-family residential units along Lydell Avenue and potentially at the former Sears site. New commercial uses are also planned.</li> <li>• Commercial development north of Bender between the ACE Hardware store and railroad tracks: The existing commercial office buildings on the east side of I-43 will be replaced with new commercial uses including a credit union on the north side of site and a dentist office on the south side of the site. Construction of the new buildings is expected to start spring 2020.</li> <li>• Commercial development at Nicolet High School Field: A 5.9-acre site on the east side of I-43 to the south of Pick 'n Save and north of Daphne Road has been converted from an outdoor sports field associated with the high school to private commercial uses. An Aldi grocery store is located on the north side of the property and an Associated Bank branch is planned for the south side of property. A single multitenant commercial building will be constructed between the grocery store and the bank.</li> </ul>
Village of Bayside: Comprehensive Plan (2009)	No change to plan or land use along I-43
Village of Fox Point Comprehensive Plan (2010)	No change to plan or land use along I-43
Village of River Hills Comprehensive Plan (Draft No. 2) (2009)	Plan updated in 2019; General update to the plan, no land use changes indicated or planned along I-43.
A Park and Open Space Plan for Milwaukee County (1991)	No change to plan
A Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035 (2008, 2009, 2013)	No change to plan
A Park and Open Space Plan for Ozaukee County (3rd Edition) (2011)	No change to plan
Ozaukee County Land and Water Resource Management Plan 2011-2015 (2011)	No change to plan
A Farmland Preservation Plan for Ozaukee County: 2035 (Draft) (pending)	No change to plan; final version of plan dated December 2013
A 2035 Comprehensive Plan for the City of Mequon (2012)	No change to plan; ongoing commercial infill along Port Washington Road corridor in accordance with the local land use plan. The East Growth Area Plan (the area between Highland Road and Pioneer Road along Port Washington Road) is currently under subcommittee review at the city. The committee is determining a recommended land use mix that will be presented to the Plan Commission, likely in 2020.



Village of Grafton Comprehensive Plan for 2035 (2009)	Amended October 2016; The purpose of the amendment was to address specific land use issues and include an evaluation of the village's housing mix. The amendment also updated the corridor plan for Port Washington Road and provided a new future land use map for the village. Along the I-43 corridor, the updated land use plan expanded areas of planned commercial and institutional development along the Port Washington corridor and expanded areas of planned commercial development on the east side of I-43. According to local officials, no new development has occurred along the I-43 corridor since 2014.
Town of Grafton Comprehensive Plan: 2035 (2008, 2013)	Amended May 10, 2017; amendment included an update to land use map that revised some residential classifications on the east side of I-43. The prior R-3 classification (1-acre minimum) on the east side of the I-43 was changed to R-2 (3-acre minimum) and R-TR (2-acre minimum) classifications.
<b>Regional Plans</b>	
Planning Report No. 47: A Regional Freeway System Reconstruction Plan for Southeastern Wisconsin (2003)	No change to plan
Planning Report No. 48: A Regional Land Use Plan for Southeastern Wisconsin: 2035 (2006)	Regional Land Use Plan updated: Planning Report No. 55: Vision 2050, A Regional Land Use and Transportation Plan for Southeastern Wisconsin (adopted 2016, amended 2018; 2020 Update in progress). VISION 2050 provides a guide for future land use within the region. The land use component of VISION 2050 recommends focusing development within planned urban service areas, preserving environmentally significant lands, and preserving highly productive agricultural lands. A comparison of the VISION 2050 land use plan map to the 2035 land use plan map shows essentially no change in the recommended land use pattern along the I-43 project corridor in Milwaukee County. In Ozaukee County, the 2050 land use plan map shows some limited areas along the I-43 corridor, primarily in Mequon and Grafton, that were previously identified as rural or low density residential in the 2035 plan are now recommended as small lot traditional neighborhood areas.
Planning Report No. 39: A Regional Transportation System Plan for Southeastern Wisconsin: 2035 and Memorandum Report No. 197: Review, Update and Reaffirmation of the Year 2035 Regional Transportation Plan (2006 original and 2010 affirmation)	Regional Transportation Plan updated: Planning Report No. 55: Vision 2050, A Regional Land Use and Transportation Plan for Southeastern Wisconsin (adopted 2016, amended 2018; 2020 Update in progress). VISION 2050 recommends "widening and/or other improvement to provide significant additional capacity" for I-43 along the project corridor. The plan also recommends adding a new full access interchange at Highland Road (no interchange currently) and a full access interchange to Port Washington Road (partial access interchange currently). The I-43 project is consistent with these plan recommendations as the project will increase capacity along the mainline and construct full access interchanges at Highland Road and Port Washington Road.
A Transportation Improvement Program for Southeastern Wisconsin: 2011-2014, TIP No. 787: Preliminary engineering for reconstruction of I-43 from Silver Spring Drive to STH 60 in Ozaukee and Milwaukee Counties (2011)	TIP updated; Project included in the Regional Transportation Improvement Program: 2019-2022, TIP No. 444: Reconstruction with Additional Traffic Lanes of I-43 From Silver Spring Dr to STH 60 and Construction of a New Interchange at Highland Rd in Milwaukee and Ozaukee Counties (14.0 Mi) (TIP amendment December 2018, Resolution No. 2019-16).
Community Assistance Planning Report No. 331: Ozaukee County Transit Plan: 2019-2023 (June 2019)	This is a new plan that was adopted after the FEIS/ROD. SEWRPC prepared a short-term plan for public transit services for Ozaukee County covering the period of 2019 through 2023. The plan includes an analysis of potential transit system alternatives and proposes a set of recommended service changes for the transit system. The plan recommends the following short-term improvements if funding is increased: extend shared-ride taxi service hours; expand marketing of transit options; increase service frequencies and hours on the Ozaukee County Express; improve bus stops along Port Washington Road; and reduce transfer fares at three MCTS bus stop

	connections points. The plan recommends further study of the following four alternative: bus-on-shoulder operations along I-43; merging Ozaukee County and Washington County shared-ride taxi services; implementing a new route along Port Washington Road; and implementing flexible shuttles. The I-43 project is compatible with these transit alternatives since it would improve traffic operations along I-43 that would benefit the Ozaukee County Express and it would not preclude the potential for bus-on-shoulder operations along I-43.
<b>State Plans</b>	
Connections 2030: Statewide Long-Range Transportation Plan (2009)	WisDOT is in the process of updating plan to Connect 2050.

**Indirect and Cumulative Effects**

The Indirect and Cumulative Effects Analysis included in the FEIS/ROD was reviewed to confirm that the conclusions of the analysis remain valid based on the updated plan information described in the prior section. Based on this review, the indirect and cumulative effects analysis remains valid and the project is not expected to produce substantive indirect or cumulative effects to resources. The following sections summarize the main conclusions from the FEIS/ROD.

Indirect Effects

In accordance with the *WisDOT Guidance for Conducting Indirect Effects Analysis*, the indirect effects analysis completed for the FEIS/ROD utilized a qualitative approach based on trend data, land use and economic development plans, natural and historic resource inventories and input from local stakeholders. Indirect effects as defined by the Council on Environmental Quality (CEQ) are project impacts “caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” (40 CFR 1508.08)

**Milwaukee County:** The indirect effects analysis in the FEIS/ROD concluded that new travel lanes along I-43 are likely to facilitate planned redevelopment within the Milwaukee County primary study area because the I-43 corridor is highly interconnected with local land use and development since it is the primary transportation route that serves the businesses and communities in Milwaukee County. The magnitude of this effect on land use would be moderated by several factors: the Milwaukee County portion of the primary study area contains mature communities that are fully developed, and the local population growth rates are relatively slow or declining; some areas within the city of Milwaukee have high poverty rates, which can make it challenging to encourage private sector development; and redevelopment opportunities within the North Shore communities are limited due to a prevalence of residential land uses and government zoning policies that protect residential neighborhoods.

**Ozaukee County:** The indirect effects analysis in the FEIS/ROD concluded that adding new travel lanes would facilitate planned development in the Ozaukee County portion of the study area by reducing commuting times between Ozaukee and Milwaukee counties. Capacity expansion may encourage more people to live in Ozaukee County, and in turn, would encourage additional commercial and industrial development (in conformance with local plans). Capacity expansion could also facilitate the continued redistribution of population between Milwaukee and Ozaukee counties. Although the original construction of I-43 greatly improved accessibility to Ozaukee County and most likely helped to facilitate the spread of development along the I-43 corridor in Ozaukee County, the addition of new travel lanes is expected to have a smaller effect on land use for the following reasons:

- Mature transportation system: I-43 is an existing multi-lane, limited access freeway corridor that is part of a mature regional transportation system that already has a high degree of accessibility.
- Limited travel time savings: Since I-43 is an existing limited access freeway corridor, the improvement to travel times is not expected to be great enough to substantially change regional land use patterns. Adding new travel lanes would not shorten the distance between destinations, nor would it serve lands that do not already have access to the freeway.
- Established land use patterns/planned growth: The communities within the Ozaukee County primary study area already have fairly established land use patterns with designated residential and business areas that are already served by the freeway system and the local arterial street network. The growth and intensity of development outside the urbanized areas is limited by a lack of sewer and water services, large lot zoning requirements, conservation easements and environmental corridors that are protected by local zoning or conservation easement. For planned development, the communities utilize comprehensive plans and supporting development policies to promote an efficient growth pattern that is consistent with existing and planned public services and the county’s comprehensive plan.

**Highland Road Interchange:** The indirect effects analysis in the FEIS/ROD concluded that a new interchange at Highland Road would improve transportation accessibility to the Highland Road corridor and help facilitate the city of Mequon's planned land uses by making land near the interchange more desirable for development. However, the analysis also concluded that development of this area would occur even without a Highland Road interchange since this area already has transportation access to the Port Washington Road corridor, which connects to the Mequon Road interchange on the south and the County C (Pioneer Road) interchange on the north. The City of Mequon prepared a land use and development concept in 2013 for the East Growth Area, which includes the area west of the freeway, east of the Milwaukee River, north of Highland Road and south of County C (Pioneer Road). To date, Mequon has not formally adopted a land use plan for the East Growth area, and the area is still shown as low density 5-acre residential lots in their land use plan and zoning regulations. Mequon is in the process of determining the recommended types of land use for the East Growth area. Regardless of the outcome of the plan, the conclusions in the indirect analysis for Highland Road remain valid.

### Cumulative Effects

The cumulative effects analysis completed for the FEIS/ROD considered the resources that could be affected directly or indirectly by the I-43 North-South Corridor Study alternatives when combined with other past, present or reasonably foreseeable future actions that potentially affect the same resources as follows:

- Agricultural lands
- Surface water quality and quantity
- Wetlands and floodplains
- Environmental corridors and stream crossings
- Air quality
- Residential properties
- Commercial properties
- Municipal tax Base
- Regional land use patterns

Overall, the conclusions in the cumulative effect analysis completed for the FEIS/ROD remain valid since the project's direct impacts and indirect effects have not substantially changed. Also, based on the review of land use change along the corridor, no new reasonably foreseeable future actions have been identified that would change the conclusions of the cumulative effect analysis.

**Agricultural Land:** Since limited new direct or indirect impacts to agricultural land would occur from the project, the conclusion regarding the cumulative impacts on agricultural land from the FEIS/ROD has not changed. The project could require the acquisition of up to 9.6 acres of agricultural land for highway right of way. These direct agricultural impacts from the project, in combination with the ongoing conversion of farmland to urban land uses, may cumulatively contribute to a decline in farming in Ozaukee County. Overall, the cumulative effect to agricultural lands is not expected to be substantial. WisDOT is minimizing the impact of the project by widening I-43 to the inside median between the northbound and southbound travel lanes and using steeper side slopes where practicable. Also, no farms would be split and existing access to farms would not be changed. In addition, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has determined that an agricultural impact statement would not be required, which is an indication that the agricultural impacts from the project are considered minimal by the government agency.

**Surface Water Quality and Quantity:** The conclusion regarding the cumulative impacts on surface water quality and quantity from the FEIS/ROD has not changed. Increases in impervious surface area from the project, in combination with ongoing urban development, may cumulatively affect surface water quality and quantity within the Milwaukee River and Fish Creek watersheds. While runoff volumes would increase under the project, the project's water quality analysis indicates that the use of best management practices would reduce the level of pollutants in stormwater runoff compared to the existing conditions and provide the opportunity to bring the I-43 study corridor into compliance with Wisconsin's stormwater management regulations. Current and future land development within the study area watersheds could also increase the likelihood of stormwater carrying sediment and other pollutants in streams that are already heavily degraded from historic urbanization. As noted under Section 5.B., WisDOT will follow current stormwater management requirements as it completes planning to comply with its Transportation Separate Storm Sewer (TS4) permit and meet TMDL requirements. To mitigate the impact of non-point source runoff from private development, NR 151 sets performance standards for stormwater quality control measures. Short-term highway construction impacts to water quality would be avoided or minimized by using WisDOT's Standard Specifications for Road and Bridge Construction and complying with Wisconsin's Trans 401 regulations that regulate construction site erosion control and stormwater management for transportation facilities.

**Wetlands and Floodplains:** The project would impact about 26 acres of wetlands, compared to 27 acres reported in the FEIS/ROD. The project also would fill approximately 5 acres of floodplain, compared to 4.92 acres reported in the FEIS/ROD. These impacts, combined with existing and future non highway development activities, could have a cumulative impact on wetland and floodplain resources in the study area. The cumulative effect to wetlands and floodplains would be minimized and avoided by following existing regulations that restrict development activity in wetlands and floodplains. Section 404 of the Clean Water Act regulates wetland filling. Concurrently, the WDNR regulates wetland filling through NR 103 and Section 401 water quality certification for federal 404 permits. Local communities manage floodplain development through implementation of Wisconsin Administrative Code NR 116, which requires local communities to establish zoning ordinances that maximize flood protection by limiting development in floodplains. NR 117 has a similar requirement for local communities to establish zoning for shoreland and wetland protection. To further avoid and minimize a cumulative effect on wetlands, project impacts would be managed according to WisDOT's Wetland Mitigation Banking Technical Guideline. In addition, WisDOT would minimize the cumulative effect on floodplains by designing structures with adequate capacity for the 100-year flood flow.

**Environmental Corridors and Stream Crossings:** While most environmental corridors in the study area are in protective ownership or have protective measures in place, environmental corridors and other natural areas in areas without these protections could be cumulatively affected by the project and other past, present and reasonably foreseeable future actions. The project would affect 4 acres of environmental corridors and isolated natural areas and crossings of Indian Creek, Ulao Creek and Fish Creek or their tributaries for a total of 13 crossings (updated from 21 crossings identified in the FEIS/ROD). All crossings would occur at existing crossings and no new crossings would be created. Design refinements also identified stream relocations at three locations to accommodate interchange ramp reconstruction. Approximately 2,943 linear feet of streams would be affected by either culvert upgrades or stream relocation. To minimize potential cumulative impacts to environmental corridors, WisDOT would widen the freeway mainline to the inside in the existing median, along with steepening side slopes where practicable. Potential temporary effects from construction would be avoided and minimized by using WisDOT's Standard Specifications for Road and Bridge Construction and complying with Wisconsin's Trans 401 regulations that oversee construction site erosion control and stormwater management, as well as WDNR's newly implemented TCGP requirements. WisDOT will also continue coordination with the Ozaukee County Fish Passage program to incorporate design criteria developed for the program. Local communities in the study area have land use policies, zoning and permitting regulations in place to limit development in environmental corridors and natural areas. WisDOT will work with the U.S. Army Corps of Engineers (USACE) to determine appropriate mitigation for stream impacts.

**Air Quality:** The conclusion regarding the cumulative effect to air quality from the FEIS/ROD has not changed. The project, along with other past, present and reasonably foreseeable future activities and developments in the study area, may have a cumulative impact on air quality in the region. Other activities in the region, such as the expanded Oak Creek coal-fired power plant and continued regional traffic growth are sources of air pollutants. The WDNR manages, monitors and enforces air quality programs in Wisconsin. To help manage the air quality program, the WDNR works with a range of industries, agencies, interest groups, and individuals to develop the State Implementation Plan (SIP) that demonstrates how Wisconsin will attain compliance with national air quality standards. Conformity with the SIP means projects included in the transportation improvement program will not worsen air quality or delay attainment of air quality standards. At the regional level, SEWRPC prepares a Transportation Improvement Program (TIP) to assure conformance with the SIP. The project is included in TIP: 2019-2022 under TIP No. 444: Reconstruction with Additional Traffic Lanes of I-43 From Silver Spring Drive to STH 60 and Construction of a New Interchange at Highland Road in Milwaukee and Ozaukee Counties (14.0 Mi). WisDOT reviewed factors affecting the FEIS/ROD findings for Particulate Matter, 2.5 micrometers or smaller (PM<sub>2.5</sub>) and Mobile Source Air Toxics (MSATs) and determined the FEIS/ROD analyses for air quality remain valid. On January 14, 2020, the Wisconsin Transportation Conformity Interagency Consultation Workgroup confirmed the project is not a project of air quality concern. Therefore, the project would not contribute to a substantial negative cumulative impact to air quality, as measured by current pollutant standards.

**Residential Properties:** The conclusion regarding the cumulative effect to residential properties from the FEIS/ROD has not changed. Maintaining infrastructure is important to the quality of life for a community. Highways and other transportation infrastructure provide reliable access to employment and cultural centers, improve mobility of people and goods, and reduce congestion, all of which encourage continued investment throughout the community and within neighborhoods. Conversely, infrastructure in and adjacent to neighborhoods can cause direct and proximity impacts such as right of way acquisition, displacements, and increased air, noise and visual impacts. The combination of these impacts can negatively impact quality of life. Neighborhoods close to large infrastructure become more vulnerable to these impacts as the infrastructure expands. The project would not split neighborhoods but would acquire 11 residences in Milwaukee County. The anticipated impact is not substantial compared to an overall population in Milwaukee and Ozaukee counties and many residents could be relocated within close proximity to their existing residences. But, the direct impact to residential properties when combined with other past, present and future freeway reconstruction projects could cumulatively affect neighborhoods within Milwaukee County. Additional residences are likely to be displaced in

Milwaukee County as the remaining segments of the freeway network are reconstructed along I-894, US 45, I-43 and I-94 in the future. This is particularly true for the city of Milwaukee that has multiple freeway corridors within its boundaries and had substantial loss of residences from the original construction of the freeway system.

**Commercial Properties:** The conclusion regarding the cumulative effect to commercial properties from the FEIS/ROD has not changed. The FEIS/ROD identified three commercial relocations; one in Milwaukee County and two (located in one building) in Ozaukee County. With design refinements, the project avoids two commercial relocations in Ozaukee County, leaving one relocation in Milwaukee County (See Section 5.G.). This direct project impact when combined with other past, present and future freeway reconstruction projects could cumulatively affect businesses within Milwaukee County. Businesses would be impacted by southeastern Wisconsin freeway reconstruction projects that have been completed, are under construction or are in the planning phase. Additional businesses are likely to be relocated in Milwaukee County as the remaining segments of the freeway network are reconstructed along I-894, US 45, I-43 and I-94 in the future. Maintaining jobs in Milwaukee County where existing local transit is available is especially important for low income and minority populations who are more likely to be dependent on transit to access employment. Potential cumulative business impacts in Ozaukee County would be less since I-43 is the only freeway corridor within the county. The business impacts are not expected to have a substantial cumulative effect on the Milwaukee County or Ozaukee County economies. The business impacts make up a very small portion of the business establishments that are located in Milwaukee County and Ozaukee County. Also, the business losses are expected to be offset by business development in other nearby areas. As discussed in the indirect effect analysis, the project is expected to facilitate planned redevelopment within the primary study area.

**Municipal Tax Base:** The conclusion regarding the cumulative effect to municipal tax base from the FEIS/ROD has not changed. The project could cumulatively affect local government tax bases, particularly in Milwaukee County, when combined with past, present and future freeway reconstruction projects. The tax revenue losses are small in comparison to the total annual property taxes collected. However, a loss of tax base can affect a community's ability to provide municipal services. Additional municipal property tax base in Milwaukee County is likely to be impacted as the remaining segments of the freeway network are reconstructed along I-894, US 45, I-43 and I-94 in the future. This cumulative effect to municipal tax base is likely to be offset by the potential indirect land use effects that would facilitate planned development within the primary study area and other areas within Milwaukee and Ozaukee counties.

**Regional Land Use Patterns:** The conclusion regarding the cumulative effect to regional land use patterns from the FEIS/ROD has not changed as land use patterns have not substantially changed from original analysis. While the original construction of I-43 in Milwaukee and Ozaukee counties in combination with post 1950s historic development patterns played a large cumulative role in the decentralization of development and jobs in the past, subsequent improvements and widening to I-43 (downtown to WIS 57) and other freeway corridors in the region are expected to have a continued, though much smaller cumulative effect on regional land use patterns and the redistribution of population and employment for the following reasons:

- The land use patterns in Milwaukee and Ozaukee counties have developed around a mature transportation system that already has a great deal of transportation accessibility from existing freeway interchanges, state and county highways and the local arterial network.
- Travel time savings are not expected to be great enough to substantially change the regional distribution of development over and beyond existing conditions since I-43 is already a limited access freeway.
- Local development regulations place limitations on Ozaukee County's development potential. The growth and intensity of development outside the urbanized areas of the county is limited by a lack of sewer and water services, large lot zoning requirements, conservation easements and environmental corridors that are protected by local zoning. Also, the towns in the northern half of the county have agricultural preservation zoning in place that maintains a minimum of 35-acre lots.
- Local market conditions limit the economic development potential of Ozaukee County. The high cost of housing in Mequon and the southern portion of the county have hindered its population growth. In addition, the market for business development in the northern half of Ozaukee County (north of WIS 60) where large amounts of undeveloped land are available is limited because employers often perceive it as being too far from the existing workforce pool and are concerned they would not be able to attract employees.

Consistency with the SEWRPC Regional Land Use Plan and Regional Transportation Plan is the best way for governments to promote coordinated transportation and land use policies that will promote the most efficient land use patterns. Local units of government are responsible for land use policies and the local street network. Counties have some jurisdiction over land use in unincorporated areas and are responsible for the county road network. WisDOT does not have jurisdiction over land use but is responsible for the state highway system and the interstate system in coordination with the Federation Highway Administration (FHWA).

**D. Right of Way Changes**

**YES**      **NO**

Have there been any changes to the following since the approval of the original environmental document:

- The right of way requirements for the project (in final design or construction)?

Describe changes or any right of way that has already been acquired:

The right of way acquisition estimate for the FEIS/ROD was 28.3 acres. This estimate is reduced to 28.13 acres because WisDOT has already acquired 0.17 acres of new right of way and 0.19 acres permanent limited easement for the Green Tree Road bridge replacement, which was advanced as a separate action under WisDOT Project No. 1228-16-01. The total remaining right of way acquisition is 28.13 acres.

**E. Social and Cultural Impacts**

**YES**      **NO**

Have there been any changes to the following since the approval of the original environmental document:

- The number of residential acquisitions/relocations required?
- The project's effect on neighborhoods or community cohesion?
- The project's effect on travel patterns and accessibility (e.g. vehicular, commuter, bicycle, or pedestrian)?
- The project's effect on schools, recreation areas, churches, businesses, police and fire protection, etc.?
- The project's effects on the elderly, handicapped, non-drivers or transit-dependent?
- Has the U.S. Census been updated?
- Unresolved project issues or concerns of an Indian Tribe?

Describe changes for each 'YES' above including any acquisitions that have already occurred:

The FEIS/ROD identified 11 residential and 3 commercial relocations. Updated design plans require 11 residential relocations and 1 commercial relocation (See Project Design Plans in Appendix C). As part of its athletic facility redevelopment, Nicolet High School removed one residential rental structure on its property in the southwest corner of the Green Tree Road/Nicolet Drive intersection (thus reducing the relocations to 10). Subsequently, WisDOT determined that design refinement required an additional residential relocation north of Green Tree Road and west of I-43, revising the number of relocations to 11. See Section 5.G. for additional discussion of business acquisitions.

The FEIS/ROD used 2010 U.S. Census Data to describe the population in the project study area. The most recent census data is from the 2017 American Community Survey (ACS). Table 7 shows a comparison of the 2010 population data presented in the FEIS/ROD to the 2017 population data. Since 2010, the study area counties and municipalities have exhibited limited population change. Mequon saw population growth of 2.8 percent, the largest of any study area community, while River Hills saw the largest decline (-2.4 percent) in population. See Section 5F, Environmental Justice Impacts for U.S. Census data changes related to minority and low-income populations.

**Table 7: Population Changes Since FEIS/ROD**

Community	2010 Population (FEIS/ROD)	2017 Population
State of Wisconsin	5,686,986	5,763,217
Southeast Wisconsin Region	2,019,970	2,041,005
Milwaukee County	947,735	955,586
City of Glendale	12,872	12,868
Village of Bayside	4,389	4,450
Village of Fox Point	6,701	6,706
Village of River Hills	1,597	1,558
Village of Whitefish Bay	14,110	14,099
Ozaukee County	86,395	87,817
City of Mequon	23,132	23,787
Village of Grafton	11,459	11,576
Town of Grafton	4,053	N/A*

\*American Community Survey 2017 data is unavailable for the Town of Grafton  
 Source: U.S. Census Bureau, American Community Survey 2017 5-Year Estimates

**F. Environmental Justice Impacts**

Is there an Environmental Justice population in the study area?

**YES**

**NO**

If 'NO', describe the methodology(ies) to make this determination:

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The project's effects related to each resource category on minority or low-income populations as defined in DOT Order 5610.2(a), May 2, 2012 and DOT Order 6640.23A, June 14, 2012?

If 'YES', describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

In Milwaukee County and Ozaukee County, minority populations make up 47.8 percent and 7.9 percent of the total population, respectively. In the FEIS/ROD, the percentage was 45.7 percent and 6.6 percent, respectively (2010 U.S. Census). Table 8 summarizes updated race composition within the study area counties and municipalities. Within the study area communities, minority populations have not substantially changed since the FEIS/ROD with minority populations under 20 percent, except for Glendale (24.4%) and River Hills (20.3%).

As indicated in the FEIS/ROD, the block groups that exhibited the highest percentages of minorities were generally located at the southern end of the study area in Glendale. Updated 2017 ACS data shows that some block groups exhibit higher proportions of minority populations than shown in the FEIS/ROD, with the highest percentages of minorities located in the Milwaukee County portion of the corridor. All block groups within the study area remain below the proportions found in Milwaukee County as a whole (47.8 percent). (See Appendix D for minority map.)

**Table 8: Percentages of Racial Composition (2017) – State, County and Community**

Place	Total population	White alone	Total Minority Population
State of Wisconsin	100%	81.8%	18.2%
Milwaukee County	100%	52.2%	47.8%
City of Glendale	100%	75.6%	24.4%
Village of Bayside	100%	82.2%	17.8%
Village of Fox Point	100%	88.6%	11.4%
Village of River Hills	100%	79.7%	20.3%
Village of Whitefish Bay	100%	85.7%	14.3%
Ozaukee County	100%	92.1%	7.9%
Village of Grafton	100%	91.3%	8.7%
City of Mequon	100%	90.1%	9.9%

Source: U.S. Census Bureau, American Community Survey 2017 5-Year Estimates

Note: Minority population includes persons reported in the U.S. Census as being of Hispanic origin or reporting their race as non-Hispanic Black or African American, American Indian/Alaska Native, Asian, Native Hawaiian/Pacific Islander, some other race, or more than one race.

The 2017 ACS 5-Year Estimates in Table 9 indicate that the percentage of families living below the poverty level in the study area counties has increased slightly since the FEIS/ROD. In Ozaukee County the family poverty rate has increased from 2.4 to 3.7 percent and from 14.9 percent to 15.9 percent in Milwaukee County. Study area municipalities exhibit similar family poverty rates to the FEIS/ROD, with less than 5% of families in poverty in all communities. Median household income levels in the study area communities are also consistent with the FEIS/ROD with all study area municipalities having a median household income above \$65,000. See Appendix D for poverty and median income maps.

**Table 9: Median Household Income and Percent Families below Poverty Level (2017) – State, County and Community**

Place	Median Household Income	Family Poverty Rate
State of Wisconsin	\$56,759	8.1%
Milwaukee County	\$46,784	15.9%
City of Glendale	\$65,992	4.4%
Village of Bayside	\$99,125	2.3%
Village of Fox Point	\$118,281	2.0%
Village of River Hills	\$156,944	1.6%
Village of Whitefish Bay	\$111,069	2.6%
Ozaukee County	\$80,526	3.7%
Village of Grafton	\$70,436	4.0%
City of Mequon	\$109,488	3.2%

Source: U.S. Census Bureau, American Community Survey 2017 5-Year Estimates

As indicated in the FEIS/ROD, most of the study area low-income populations live in the Milwaukee County portion of the study area. The updated 2017 ACS data for poverty and median income shown in Appendix D, Figure 2 and Figure 3, largely confirm the findings of the FEIS/ROD with limited low-income populations found in the study area.

Given the limited changes in low-income and minority populations and limited design changes since the FEIS/ROD, WisDOT’s and FHWA’s conclusion in the FEIS/ROD that the project will not have a disproportionately high and adverse impact on low-income or minority communities remains valid.

**G. Economic and Farmland Impacts**

Are there businesses or farmlands in the study area?

**YES**  **NO**

If ‘YES’, have there been any changes to the following since the approval of the original environmental document:

- The number of business acquisitions/relocations required?  YES  NO
- The project’s potential to have adverse economic impacts on the regional and/or local economy, such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales?  YES  NO
- The project’s potential to have adverse effect on established businesses or business districts?  YES  NO
- The project’s impact on farmland or farming operations?  YES  NO

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

The FEIS/ROD identified three business relocations, two of which are located in one structure at the Mequon Road interchange. Due to design refinements, the structure at the interchange will no longer be acquired and these two relocations will not occur, reducing the number of business relocations to one.

The FEIS reported 9.6 acres of farmland impacts. No change to farmland impacts is expected from the project. WisDOT notified DATCP of this update on January 14, 2020 (See Appendix E).

**H. Historic Resource/Archaeological/Burial Site Impacts**

Are there historic/archeological resources or burial sites in the study area?

**YES**  **NO**

If ‘YES’, have there been any changes to the following since the approval of the original environmental document:

- The status of National Register-listed or eligible sites in the project area?  YES  NO
- The conclusions reached in the original environmental document regarding the project’s effect on cultural and historical resources?  YES  NO



- The project activities described in consultation or findings letters previously submitted to SHPO or other consulting parties?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

In November 2019, WisDOT reviewed the 2011 project survey for historic properties, updated the Area of Potential Effect (APE) and resurveyed structures based on the Selected Alternative identified in the FEIS/ROD. Little change was noted in the resurveyed structures. One new property was surveyed, the former Chicago & North Western Railroad (now Union Pacific Railroad) bridge over I-43. WisDOT determined the bridge is not eligible for listing on the National Register of Historic Places (NRHP).

In the FEIS/ROD, WisDOT determined no adverse effects to six properties that were either listed on or eligible for listing on the NRHP:

- Clovernook Estates Residential Historic District
- North Shore Water Treatment Plant (Section 4(f) de minimis impact for 0.16 acre right of way impact)
- Elderwood House
- Phillips Petroleum Company Service Station
- Johann F. and Catherine Hennings Farmstead
- Henry and Mary Hennings House

Because the project scope and design have not substantially changed since the FEIS/ROD, FHWA concluded the determinations of effect remain valid.

In addition to the historic structures review, an archeological resources literature review was conducted to determine if any newly identified cultural resources studies or sites are located within the area for proposed improvements in the project APE. A search of the Wisconsin Historic Preservation Databased (WHPD) indicated that there are no new recorded archeological sites located within the I-43 APE in Milwaukee County or Ozaukee County.

The State Historic Preservation Office (SHPO) concurred with the determination of no adverse effect on March 30, 2020 (See Appendix E).

I. Section 4(f)/Section 6(f)/Other Uniquely Funded Lands

Are there Section 4(f), 6(f) or other uniquely funded lands in the study area?

**YES**  **NO**

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The status of Section 4(f) properties affected by the proposed action or the project's effects on such properties?
- The determination of whether the project would "use" land from a Section 4(f) property?
- The status of Section 6(f) or other uniquely funded properties affected by the proposed action?
- The determination of whether the use of a Section 6(f) or other uniquely funded property is a "conversion of use" per Section 6(f) of the LWCFR or other regulation/statute?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments and attach appropriate Section 4(f) and Section 6(f) documentation:

WisDOT completed a Section 4(f) evaluation in the FEIS/ROD for ten properties and identified Section 4(f) use at three properties listed below:

- North Shore Water Treatment Plant – A finding of de minimis impact for a 0.16-acre strip right of way acquisition to reconstruct Nicolet Road and associated sidewalk and bike lanes.
- Craig Counsell Park – A finding of de minimis impact for a 0.05-acre strip right of way acquisition to reconstruct Port Washington Road and associated sidewalk and bike lanes.
- Nicolet High School (public athletic fields) – Section 4(f) Use for a 0.28-acre of strip right of way for freeway widening and providing either a pedestrian tunnel or bridge to maintain access on both sides of the freeway.

Since the FEIS/ROD, Nicolet High School sold its property on the east side of I-43 to a private developer for mixed use commercial development and no longer uses the pedestrian tunnel under I-43. Section 4(f) no longer applies to the impacts to the property and a tunnel replacement is not required.

There are no design impact changes at the historic North Shore Water Treatment Plant discussed in the FEIS/ROD. The de minimis determination for this property remains valid. Impacts have been updated at Craig Counsell Park to include 0.01 acres of fee acquisition and 0.37 acres of temporary easement. WisDOT presented the updated impact information at public involvement meetings held on January 21 and January 22, 2020. The village of Whitefish Bay concurred with the updated de minimis finding (See Appendix F).

Since the FEIS/ROD, additional work is required at two waterways within, or adjacent to Section 4(f) properties identified in the FEIS/ROD. Construction will require 0.54 acres of temporary easement in Katherine Kearney Carpenter Park to reconstruct the existing box culvert and construct an additional box culvert to convey Fish Creek as it crosses under I-43. See Appendix F and also Section 5.L., Floodplains Impacts. WisDOT has coordinated with the City of Mequon and will restore disturbed vegetation in the park to prior conditions, or better. WisDOT presented the proposed temporary easement impacts at the public involvement meetings held on January 21 and 22, 2020.

The City of Mequon concurs with the proposed work, including the need for temporary occupancy to complete construction (See Appendix F). The city's finding is based on the following conditions:

- The land use is of short duration (defined as less than the time needed for the construction of the project)
- There is no change in ownership of the property
- The scope of work is minor
- There are no temporary or permanent adverse changes to the activities, features, or attributes of the property
- The land will be fully restored to a condition at least as good as prior to the project and will include post-construction erosion coordination with the City of Mequon.

Because the construction in Katherine Kearney Carpenter Park is temporary in nature, Section 4(f) will not apply to the impact pursuant to 23 CFR 774.13(d).

Construction of a new box culvert conveying Indian Creek under I-43 will require 0.12 acres of temporary easement next to the playfield at Maple Dale Elementary School. The proposed construction will shift the box culvert southerly to minimize impacts to the school property. The proposed temporary easement will occur on school property, outside the fenced play area. The temporary easement will not affect the recreational activities, features, or attributes of the playground. A Section 4(f) use will not occur. See Appendix F for an illustration of the proposed work at the school property.

No additional Section 4(f) properties will be affected.

**J. Wetland Impacts**

Are there wetlands in the study area?

<b><u>YES</u></b>	<b><u>NO</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Are new wetland delineations required?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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If 'YES' to either, have there been any changes to the following since the approval of the original environmental document:

- The project's wetland impacts? *If yes, complete a b and c. Attach resource agency coordination.*
  - a. Total acres of impact (original/changed): 27.48/26.47
  - b. Total acres of temporary impact included in the total acres above (original/changed): 0/to be determined in Section 404 permit application
  - c. Total fill quantities in wetlands (original/changed): 27.48/26.47
- The project wetland mitigation measures?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Was a Least Environmentally Damaging Practicable Alternative (LEDPA) determination made?  
 If "YES", was the LEDPA determination re-validated?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

WisDOT updated wetland delineations in Fall 2019 and Spring 2020. The findings in the FEIS/ROD have been re-validated; the design has not substantially changed, and wetland impacts are reduced from impacts reported in the FEIS/ROD.

As documented in the original FEIS/ROD, the USACE provided concurrence on alternatives in two letters (See Appendix E, pages C-44 and C-54 of the FEIS/ROD). Also, see the Only Practicable Alternative Finding on page 3-95 in FEIS/ROD, which includes discussion of the Selected Alternative as the environmentally preferred alternative.

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

Total wetland impacts were reduced by approximately one acre compared to the FEIS/ROD. There are no changes to previously proposed mitigation or commitments in the FEIS/ROD. Mitigation of unavoidable wetland impacts will occur at a WisDOT wetland mitigation bank in accordance with WisDOT Wetland Mitigation Banking Technical Guideline.

**K. Rivers, Streams, Lakes, Springs and Wells Involvement**

Are there rivers, streams, lakes, springs or wells in the study area?

<b>YES</b>	<b>NO</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The project's effects on water bodies?
- The project's effects on a navigable water body as defined by USCG (Section 9)?
- The project's effects on Waters of the U.S. as defined by the USACE (Section 404) other than those wetlands described in Item 5.J above?
- The project's effects on Navigable Waters of the U.S. as defined by the USACE (Section 10)?
- The project's effects on a designated Wild and Scenic River or land adjacent to a Wild and Scenic River?
- The project's effects on springs or wells?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

The FEIS/ROD indicated project improvements would extend or replace pipe culverts or box culverts conveying 21 waterways. There are 13 crossings connecting natural streams on either side of I-43; there are also culverts conveying waterways on one side of the freeway only. The project would impact approximately 2,943 linear feet of waterways.

Additional design has identified stream relocations at three of the streams noted above. Approximately 55 feet of an unnamed waterway between Pheasant Lane and the County Line Road southbound entrance ramp will be relocated to accommodate ramp reconstruction. Ramp reconstruction in the southeast quadrant of the I-43/Mequon Road interchange relocates approximately 1,304 feet of unnamed waterways. Another 74 feet of an unnamed waterway (north of Highland Road and west of I-43) will also be relocated to accommodate construction of the new Highland Road interchange. Ongoing design refinement does not require relocating Ulao Creek. Appendix G provides a summary of linear feet of impact by stream.

To manage Fish Creek flood flow under I-43, WisDOT will construct a second 8-foot by 4-foot box culvert that will outfall near the existing box culvert on the east side of Katherine Drive at Katherine Kearney Carpenter Park. See Section 5.L., Floodplains Impacts and Section 5.I., Section 4(f)/Section 6(f)/Other Uniquely Flooded Lands for more information.

As of September 4, 2019, the USACE began requiring 404 permit applicants to discuss stream mitigation with the USACE when stream loss exceeds 300 linear feet. WisDOT initiated

coordination with the USACE on February 28, 2020 to discuss project stream impacts and determine appropriate mitigation measures. The proposed design for many of the existing culverts incorporates stream mitigation elements such as larger structures and burying structure bottoms to prevent perched culverts. WisDOT will continue to look for other opportunities in final design to improve stream conditions within the project limits. WisDOT will continue to coordinate with USACE during the 404 permit application process.

The commitments in the FEIS/ROD remain valid, which includes continuing to develop measures during final design to minimize stream impacts (See Updated Environmental Commitments Document) and water quality and quantity impacts. WisDOT is coordinating with Ozaukee County to incorporate fish passage design criteria, as appropriate, for Ozaukee County stream crossings to accommodate the county's fish passage goals. WisDOT will continue ongoing coordination with DNR on design measures to minimize stream impacts in both Ozaukee and Milwaukee counties.

WisDOT will also apply for and comply with WDNR's WPDES-TCGP requirements.

**L. Floodplains Impacts**

Are there floodplains or floodways in the study area?

<u>YES</u>	<u>NO</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The project's encroachment into the 100-year floodplain?
- The project's potential to encroach on a regulatory floodway?
- The project's consistency with local flood protection standards and E.O. 11988?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Was FHWA required to make an Only Practicable Alternative Finding under 23 CFR 650.113?

If 'YES', was the Only Practicable Alternative Finding re-validated? See discussion below.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

Design refinements identified an additional 0.08 acre of impact to the FEMA 100-year Floodplain reported in the FEIS/ROD. Table 10 summarizes changes from the FEIS/ROD.

WisDOT is completing hydraulic modeling at the Fish Creek crossing under I-43 and Port Washington Road. Current SEWRPC models indicate I-43 would be flooded by upstream flows during a 100-year flood event. In addition to reconstructing the existing Fish Creek box culvert under I-43, WisDOT will construct a second box culvert to convey Fish Creek flood flow and avoid potential impacts to I-43. WisDOT is continuing coordination with SEWRPC and the City of Mequon to coordinate and manage upstream flood flows. Based on WisDOT's continued commitment to minimize risks associated with unavoidable floodplain impacts to the greatest extent practicable, the Only Practicable Alternative Finding under 23 CFR 650.113 in the FEIS/ROD remains valid. See also commitment to address erosion in Katherine Kearney Carpenter Park in Section 5.I. Section 4(f)/Section 6(f)/Other Uniquely Funded Lands, above.

**Table 10: FEMA 100-Year Floodplain Impacts**

Alternative	FEIS/ROD Floodplain Impact (acres)	Updated Floodplain Impact (acres)	Comments
<b>I-43 Mainline-Modernization 6-lanes</b>			
Milwaukee County	0	0.079	Impacts to Indian Creek and tributary to Fish Creek
Ozaukee County	4.22	4.22	Impacts to Ulao Creek and its tributaries, and tributaries to the Milwaukee River
<b>UPRR alignment (Milwaukee County)</b>			
	0	0.001	Impact to tributary to Milwaukee River
<b>Highland Road interchange</b>			
Tight Diamond	0.14	0.14	Impacts to Ulao Creek
<b>County C interchange</b>			
Diamond	0.56	0.56	Impacts to Ulao Creek tributary
<i>Total impact of Selected Alternative</i>	<i>4.92</i>	<i>5.00</i>	

**M. Fish and Wildlife Impacts**

Is there fish, wildlife or migratory bird species or habitat in the study area?

**YES**  **NO**

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The project's effects on wildlife or fish species or habitat?
- The project's effect on migratory birds?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

Fish and wildlife species are present in the study area. Changes have been made to in-stream work restriction timeframes. The FEIS/ROD identified in-stream work restrictions between September 30-June 15 for Fish Creek and March 15-June 15 for all other streams. Through ongoing coordination, WDNR has updated in-stream restrictions between March 1 and June 1 within specific streams (See Mitigation and Commitments table for Threatened and Endangered species).

There are no changes to WisDOT's commitment to avoid impacts to migratory birds as identified in the FEIS/ROD. WisDOT will inspect bridges for the presence of nesting birds. If nests are present, WisDOT would install nets on the structure before May 1 in the construction year or remove nests if no eggs are present. See Updated Commitments Document (threatened and endangered species).

**N. Threatened and Endangered Species (T&E) Impacts**

Are there any federally-listed T&E species or critical habitat in the study area?

**YES**  **NO**

Are there any state-listed T&E species in the study area?

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The status of listed, proposed or candidate T&E species that will be directly or indirectly affected by the project?
- The status of critical habitat for federally-listed species in the project area?

- The project's effect or the WDNR/U.S.F&WS affect finding on listed, proposed or candidate T&E species or designated critical habitat for federally-listed species?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

WisDOT completed coordination with USFWS and WDNR and obtained updated information on threatened and endangered species potentially affected by the project.

WisDOT and FHWA have determined the project will have either no effect or may affect, but not likely to adversely affect federally listed threatened and endangered species through implementation of avoidance and minimization measures in advance of construction (See Threatened, Endangered and Protected Resources Factor Sheet).

WisDOT is continuing coordination with WDNR to develop measures to avoid and minimize impact to state listed threatened and endangered species in advance of construction. See Threatened, Endangered and Protected Resources Factor Sheet for detailed discussion of state listed species.

**O. Unique Upland Habitat**

Has any unique upland habitat been identified in the study area?

**YES**  **NO**

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The project's effect on identified unique upland habitat?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

The project does not impact unique upland habitat.

**P. Air Quality (Conformity)**

Have there been any changes to the following since the approval of the original environmental document:

- the project's effect on a non-attainment area or maintenance area, which will require a new or revised conformity determination?
- the requirement to perform a hot-spot analysis for mobile source air toxics or PM<sub>2.5</sub>?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

WisDOT reviewed factors affecting the FEIS/ROD findings for Particulate matter, 2.5 micrometers or smaller (PM<sub>2.5</sub>) and Mobile Source Air Toxics (MSATs) and determined the FEIS/ROD analyses for air quality remain valid. Forecast traffic volumes and land uses have not substantially changed. WisDOT presented the project at the Wisconsin Transportation Conformity Interagency Consultation Workgroup meeting on January 14, 2020, which confirmed the project is not a project of air quality concern (See Appendix H for MSAT analysis and PM<sub>2.5</sub> Memo and agency concurrence).

**Q. Noise Impacts**

Have there been any changes to the following since the approval of the original environmental document:

- The project's scope or design that would change the project to or from a Type I project per Procedure 23-10-1 of the WisDOT Facilities Development Manual?
- Factors that influence sound levels as described in Section 23-15 of the WisDOT Facilities Development Manual that would require a revision to the noise analysis completed for the original environmental document?
- Determinations regarding the feasibility and reasonability of mitigation for identified noise impacts?

Describe results of a new noise analysis, identification of new impacts, newly identified noise sensitive receptors or changes in noise abatement measures. If noise abatement was determined feasible and reasonable, identify what public involvement has occurred and explain what public involvement is still required.

WisDOT reviewed updated traffic volumes and forecasts, land use changes and project design changes and determined the FEIS/ROD noise analysis and noise abatement analysis remains valid.

Four noise barriers are proposed through the final design and public involvement process as the project advances. Barriers identified as feasible and reasonable are subject to a vote of support for construction by the owners and residents of the receptors benefited by each barrier. A simple majority of all votes cast by the benefited receptors is required for the proposed barriers to be constructed as part of the project. (See Appendix I).

**R. Hazardous Materials or Contaminated Sites**

Have hazardous materials or contaminated sites been identified in the study area?

<b><u>YES</u></b>	<b><u>NO</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- The status of known or potentially contaminated sites within or adjacent to the existing and/or proposed ROW?
- Any proposed excavation plans adjacent to, or within, a known contaminated site?
- The potential for encountering contamination during construction?
- Additional bridge repairs or replacements requiring asbestos inspection?

Describe changes, including any changes to previously identified remediation plans and/or environmental commitments:

In August 2019, WisDOT reviewed and validated the findings of the Phase 1 Hazardous Materials Assessment completed for the FEIS/ROD. There are no new additional sites that could impact the project from WisDOT's hazardous materials program perspective. WisDOT identified 13 sites at 10 locations requiring additional Phase 2 and Phase 2.5 investigations. Investigations will evaluate:

- 8 closed or open Leaking Underground Storage Sites (LUSTs)
- 2 Underground Storage Sites (USTs)
- 1 Aboveground Storage Site (AST)
- 1 closed Environmental Repair Program site (ERP)
- 1 site along an existing rail corridor

Residual soil/groundwater contamination associated with the listed sites may extend into the proposed areas of improvements within the project corridor. Additional investigations are scheduled to begin in Spring 2020.

WisDOT identified 10 structures on the project containing asbestos in the FEIS/ROD. WisDOT replaced one structure, the Green Tree Road bridge, in 2018. No additional structures have been added to the project and the findings and mitigation measures utilizing WisDOT's standard special provisions 203-005 for asbestos abatement for the remaining 9 structures remain valid.

**S. Stormwater Impacts**

Have there been any changes to the following since the approval of the original environmental document:

- The project's involvement with a public or private drinking water source?
- The project's effect on discharges of stormwater into waters of state?
- The project's effect on a WisDOT Phase I or II stormwater management area?
- Changes to the stormwater management methodologies resulting from project scope or design changes?

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

The project design has not changed substantially since the FEIS/ROD and measures to manage stormwater quality and quantity described in the FEIS/ROD remain valid. WisDOT will implement best management practices, including stormwater detention basins, infiltration devices and in-line storage to comply with state stormwater management regulations. WisDOT will follow current stormwater management requirements of 40 percent reduction of total suspended solids (TSS) as it completes planning to comply with its Transportation Separate Storm Sewer (TS4) permit and meet TMDL requirements.

**T. Construction Impacts**

Have there been any changes to the following since the approval of the original environmental document:

- |  | <b><u>YES</u></b>        | <b><u>NO</u></b>                    |
|--|--------------------------|-------------------------------------|
| • Temporary degradation of water quality?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Temporary wetland impacts?               | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Temporary stream diversion?              | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Temporary degradation of air quality?    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Temporary delays and detours of traffic? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Temporary impacts on businesses?         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Temporary noise impacts?                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Other construction impacts?              | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

The overall scope of the I-43 North-South construction has not changed, only the sequencing and contract package. The traffic management plan (TMP) will be revised to reflect current contract packaging. As appropriate, WisDOT will develop special provisions reflecting coordination with the WDNR, USFWS and other agencies, as well as from public involvement.

**U. Permits and Authorizations**

Are permits or other authorizations following environmental documentation approval such as a Section 404 permits for work in waters of the United States required for work in the study area?

<b><u>YES</u></b>	<b><u>NO</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'YES', have there been any changes to the status of permits and authorizations since the approval of the original environmental document?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

Describe changes:

WisDOT will apply for a USACE Section 404 permit and WDNR TCGP in Spring 2020.

**6. COMMENTS AND COORDINATION CONDUCTED**

Has public and/or agency coordination occurred since the approval of the original environmental document?

<b><u>YES</u></b>	<b><u>NO</u></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Describe all outreach and coordination efforts conducted for this project since approval of the original environmental document. Discuss pertinent issues raised by the public and other agencies. Attach applicable correspondence and responses. If no additional public involvement was conducted, explain why.

With the advancement of project design and this re-evaluation, WisDOT completed the following agency coordination and public outreach activities:

Project website

WisDOT refreshed the project website with current information (<https://wisconsindot.gov/Pages/projects/by-region/se/43crdr/default.aspx> ).

Agency Coordination

WisDOT sent an email update to participating and cooperating agencies on November 14, 2019 informing them of the project initiation. No comments were received. Tribes with an interest in undertakings in Milwaukee and Ozaukee counties were also notified on November 8, 2019. No tribal comments were received.



WisDOT hosted a web-based agency meeting update on January 16, 2020. The following comments were received:

- Concern with other local construction projects coming up, where will detours go and at what point in the study will traffic flow mitigation come up?

Response: WisDOT will engage communities in Spring 2021 to determine best use of traffic mitigation funds.

- Stormwater clarification about TMDL and TS4 permit – WisDOT is completing planning to comply with its TS4 permit and comply with TMDLs as required by the TS4 and TCGP permits.
- The villages of Fox Point and Bayside requested videos of diverging diamond interchanges for posting on websites.

Response: WisDOT will provide videos when available.

WisDOT is also meeting weekly with WDNR to coordinate design to avoid and minimize impacts to natural resources and develop mitigation measures for unavoidable impacts (See Updated Commitments Document below).

WisDOT continued coordination with the USACE during the re-evaluation process to discuss potential stream impacts and mitigation requirements. WisDOT will continue coordination with USACE and WDNR to look for opportunities in final design and the 404 permit application process to improve stream conditions within the project limits.

#### Public Outreach

WisDOT met with local officials to provide a project update in each of the corridor communities, including the cities of Glendale and Mequon, the villages of Whitefish Bay, Fox Point, River Hills, Bayside and Grafton, and Milwaukee and Ozaukee counties. Comments focused on concerns around several planned projects in the I-43 corridor, including I-43 reconstruction south of Silver Spring Drive and disruption to traffic and access, staging, detour routes and impacts to local infrastructure during construction.

On January 21, 2020, WisDOT hosted a local officials meeting to provide information to be presented at public involvement meetings held on January 21 and January 22. The following comments were received:

- Can WisDOT extend its communications on the west side of the Brown Deer Road Interchange to the east side of the interchange for use by local emergency service providers, Bayside Police and North Shore Fire Department?

Response: WisDOT will review the location and operation of its communication network as a part of final design and will consider the request.

- The Village of Bayside and Village of Fox Point would like to post a video on how to use the new diverging diamond interchange (DDI) interchange at Brown Deer Road on their web sites.

Response: WisDOT will provide videos when available.

- Please build in median turnarounds for emergency response along the corridor.

Response: Per previous coordination during the FEIS/ROD phase of the project with all the local EMS services along the corridor, WisDOT will construct median turn arounds. The exact number and locations will be confirmed during final design.

- There is concern that the northbound lane drop at WIS 60 will cause congestion and is it possible to move this lane drop further north to WIS 57 to alleviate the problem? It is noted that the I-43 bridges over WIS 33 appear wide enough to accommodate three lanes in each direction on I-43.

Response: WisDOT and FHWA considered several factors to determine the project limits, including projected future traffic volumes, design deficiencies, crash rates and other freeway features. The freeway becomes less urbanized and traffic volumes drop north of WIS 60, making this a logical terminus for the study. This study does not restrict future consideration of improvements on I-43 north of WIS 60. The final design of the lane drop will be based on the design speed and projected volumes to ensure acceptable operation.

WisDOT held public involvement meetings in Ozaukee County on January 21, 2020 and Milwaukee County on January 22, 2020. WisDOT presented general project information, current design plans, information on potential noise barrier locations and collected comments. The comment period was open until January 31, 2020. The following comments were received:

- Noise barriers are needed in residential areas. Concerns that noise reflecting off barriers and retaining walls will increase noise impacts in areas not receiving noise barriers. Some residents further removed from the freeway commented on the noise levels now and how the project will increase noise levels.

Response: FEIS/ROD Subsection 3.15.2, Subsection 3.15.3 and Appendix E provide detailed discussion of noise impacts and mitigation. WisDOT's noise policy requires a noise impact before considering mitigation measures. In many of the locations where comments were made that noise mitigation was not being provided, the noise analysis indicated no noise impact. When an impact is identified, WisDOT's noise policy requires that barriers must be both reasonable and feasible to be built; that is, they must provide a measurable benefit and be cost effective. Noise analyses identified four locations along the study corridor where barriers are feasible and reasonable. Residential areas far removed from the freeway would not benefit from noise barriers because the effectiveness of noise barriers diminishes as distance increases between a receptor (such as a home) and the barrier.

WisDOT will hold a public involvement meeting following approval of this re-evaluation to determine whether the feasible and reasonable barriers described above would likely be incorporated into the project. For a proposed noise barrier project to be considered for construction, WisDOT must receive a vote of support for the project from a simple majority of all votes cast by the owners or residents of the benefitted receptors.

Barriers that are feasible and reasonable will be constructed using sound absorptive materials, absorbing between 70 to 80% of acoustical energy that hits the noise barrier. Therefore, noise reflected to an opposite side would increase about one decibel, which would not be perceptible in the urban environment.

Noise reflected off hard surfaces could result in a doubling of sound energy at the surface itself and would be about 3 dBA higher in noise level. This noise level increase would reduce as it travels to the opposite side of the road. A change in the Leq noise levels of 3dBA is barely perceptible in the urban environment to the human ear.

Noise reflections from parallel hard wall or barrier surfaces were considered in the noise analysis and noise level increases above 3 dBA from these reflections were not predicted.

- Stormwater and flooding need to be addressed and the reevaluation needs to consider and address the increased severity of storms. Concerns about impact of increased stormwater runoff on water quality and quantity; how will the project comply with TMDL allocations, encourage WisDOT to meet MMSD Chapter 13 rules to mitigate flood impacts.

Response: WisDOT will meet water quality standards required under Trans 401 and NR 151. FEIS/ROD Exhibit 3-10 discusses water quality-related issues, impacts and mitigation. It is WisDOT's policy in the Southeast Region that post-construction peak discharge rates from a highway improvement project are restricted to preconstruction levels to the maximum extent practicable and reasonable regardless of the percent increase. WisDOT must also adhere to NR116 requirements which regulate floodplain activities. WisDOT will implement a number of stormwater control measures including detention ponds, ditch storage and inline pipe storage to manage stormwater. Details are under development during the final design phase.

The U.S. Environmental Protection Agency (EPA) approved the Milwaukee River Watershed Total Maximum Daily Load (TMDL) on March 9, 2018, which covers waters in the basin impaired for Total Phosphorus, Sediment/Total Suspended Solids, and bacteria (E. coli and Fecal Coliform).

<https://dnr.wi.gov/water/impairedDetail.aspx?key=426339> .

Stormwater clarification about TMDL and TS4 permit – WisDOT is completing planning to comply with its TS4 permit and comply with TMDLs as required by the TS4 and TCGP permits.

WisDOT recognizes MMSD's efforts and will continue to coordinate with MMSD during final design phases. WisDOT will comply with Trans 401 and its memorandum of understanding with WDNR and will engage in further discussions with WDNR, SEWRPC, MMSD and other partner communities during final design to identify stormwater management measures that may be cost effective to implement, consistent with WisDOT's stormwater management policies.

- Concerns about offsite wetland impact mitigation; look for mitigation sites close to the project area. Concerns about aquatic passage obstructions when stream crossings are rebuilt.

Response: Compensation for unavoidable wetland loss will be done in accordance with the July 2012 WisDOT-WDNR memorandum of understanding titled "Compensatory Mitigation for Unavoidable Wetland Losses Resulting from State Transportation Activities." The memorandum of understanding on compensatory mitigation states that mitigation banking is the preferred compensation option, though WisDOT and WDNR agree that other practicable and ecologically valuable project specific opportunities may be pursued on a case-by-case basis. Consistent with federal rules and the WisDOT Wetland Mitigation Banking Technical Guideline, the mitigation goal is to compensate wetland loss as near as practicable to the area where the loss occurs, recognizing important factors such as land acquisition availability, resource sensitivity, project schedules, and the linear nature and length of WisDOT projects that may cross multiple watersheds. Mitigation of unavoidable wetland impacts will occur at a WisDOT wetland mitigation bank in accordance with WisDOT Wetland Mitigation Banking Technical Guideline.

WisDOT will coordinate with Ozaukee County and other stakeholders to incorporate fish passage design criteria, as appropriate.

- Need to include transit in the project, or instead of the expansion of lanes. People who provided comments opposing capacity expansion cited potential negative consequences that might result from expansion such as increased sprawl, traffic, pollution, racial inequality and climate change. Some people commented that transit, bike and pedestrian facilities need to be part of the plan.

Response: The analysis for the purpose and need factors for the I-43 North-South Corridor include travel demand projections, which indicate the need for capacity expansion. This need is also reflected in SEWRPC's long-range land use and transportation plans, which are developed through coordination with local communities. SEWRPC's current land use and transportation plan, VISION 2050, only considers highway capacity expansion after other solutions such as expanded public transit, bicycle and pedestrian facilities, more efficient land use and other strategies were considered to address congestion. VISION 2050 recommends an arterial street and highway system designed to serve the expected increase in vehicle-miles of travel in the region of 23 percent by the year 2050.

Subsection 2.1.1 of the EIS/ROD further explains WisDOT's role in implementing Transportation Demand Management measures. For example, while WisDOT contributes to transit operating expenses, WisDOT is statutorily prohibited from funding capital transit projects without legislative approval. The project will not preclude any transit recommendations found in SEWRPC's long range transportation plan and would improve rapid transit bus service on I-43 by decreasing congestion, thereby improving travel time reliability.

- Need to accommodate bikes and pedestrians, including pedestrian crossings of the freeway or on sideroads.

Response: The I-43 project improvements include provisions for bicycles and pedestrians where local governments have agreed to long-term maintenance of bicycle and pedestrian facilities. Additional bicycle and pedestrian facilities outside the I-43 improvements would be the responsibility of local governments.

- Comments questioning the traffic projections and the need to add lanes.

Response: WisDOT relies on SEWRPC to provide traffic forecasts for corridor studies in southeastern Wisconsin. Traffic forecasts indicate likely future roadway use on specific corridors based on actual traffic counts in the corridor. SEWRPC applies national best practices to produce traffic forecasts, which include using travel demand models and regression techniques using historic traffic count information. SEWRPC is continuously reviewing the data and methods used to produce traffic forecasts to ensure that they are valid and current; this review includes comparisons and communication with peer agencies as well as independent and original research on the topic. SEWRPC's current land use and transportation plan, VISION 2050, identifies the need for capacity expansion in the I-43 North-South Freeway corridor.

- Concerns that the DDI is confusing and dangerous; a full cloverleaf is better.

Response: The DDI has been successfully implemented in Wisconsin, as well as other states. It is the preferred alternative for the Brown Deer interchange because it has better capacity to accommodate traffic volumes compared to a traditional diamond interchange. The existing clover leaf interchange at Brown Deer Road contains the highest number of crashes in the corridor due to high speed differentials between entering and exiting traffic and insufficient merge distances. The DDI removes this interaction and provides safe, efficient operations of traffic accessing I-43 via Brown Deer Road.

- Why isn't the northern project limit at WIS 57?

Response: WisDOT and FHWA considered a number of factors to determine the project limits, including projected future traffic volumes, design deficiencies, crash rates and other freeway features. The freeway becomes less urbanized and traffic volumes drop north of WIS 60, making this a logical terminus for the study. This study does not restrict future consideration of improvements on I-43 north of WIS 60.

- Opposition to the project because it will increase traffic, pollution, racial inequity, climate change and because it is a waste of money.

Response: The project addresses the needs identified in the FEIS/ROD; to improve pavement, design and geometric deficiencies; safety needs; future traffic demands; and remain consistent with SEWRPC’s regional plan.

- Need a traffic signal at County Line Road and Port Washington Road.

Response: WisDOT is updating the signal warrant analysis with updated SEWRPC traffic forecasts. Because this is an intersection of local roads, local government (either a municipality or county) would have to agree to maintain and operate the signal if the signal is warranted.

- Concerns that freeway traffic lighting will cause impacts to adjacent residential areas.

Response: Freeway lighting will match current lighting in corridor.

- Concerns about increased traffic on Highland Road due to the new interchange.

Response: The Highland Road interchange is not expected to substantially increase traffic along Highland Road. Traffic currently uses local roads to access destinations in the vicinity of Highland Road and I-43. It can be expected that traffic on these local roads may decline with direct access from the Highland Road interchange. The Highland Road interchange will provide more direct access to St. Mary’s Hospital and Concordia University. Most traffic increases are based on locally determined land use changes.

- Don’t need an interchange at Highland Road.

Response: The proposed interchange at Highland Road is consistent with SEWRPC’s regional plan and helps manage future traffic demands at Port Washington Road intersections with Mequon Road and County C. While some stated the new interchange would spur undesirable development in a rural area and increase traffic in the area, many favored the new interchange because it would benefit nearby land uses and minimize impacts at the Mequon Road and Port Washington Road intersection.

- Don’t need an interchange or a full interchange at County Line Road.

Response: A partial access interchange does not meet FHWA Interstate policy that requires full access at all interchanges to benefit the traveling public by providing logical access to and from the interstate system. The proposed full access interchange addresses current design deficiencies, improves safety, addresses future traffic demand and is consistent with SEWRPC’s regional plan.

During the FEIS/ROD phase, WisDOT held a meeting in Mequon with local residents and officials to discuss interchange access at County Line Road. Since FHWA had determined that a partial interchange was inconsistent with federal policy, WisDOT requested input between the two options of “No Interchange” or “Full Interchange”. There was strong support for the full interchange.

**7. ENVIRONMENTAL RE-EVALUATION DETERMINATION**

	YES	NO
The supporting information included in this re-evaluation indicate that the original approved environmental decision remains valid.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The changes in the project scope, identification of new significant environmental impacts not previously evaluated, changes to environmental commitments or public controversy identified through the supporting information included in this re-evaluation indicate a new or supplemental environmental document is required. [If ‘Yes’, consultation with the Region Environmental Coordinator, Local Roads Program Management Consultant or BTS-EPDS Region Liaison and FHWA, as appropriate, if required.]	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## RE-EVALUATION IMPACT COMPARISON MATRIX

All estimates in the 'Original Document' column including costs are based on conditions described in the original, approved document at the time of preparation in the year of expenditure (YOE). All estimates in the 'Re-evaluation' column, including costs, are based on present conditions described in this document at the time of preparation in the year of expenditure (YOE). Additional agency or public involvement may change these estimates in the future. Attach the Alternatives Comparison Matrix or other summary of impacts table from the original environmental document as an appendix. If other re-evaluations have been done of the original environmental, also attach all previously completed Re-evaluation Impact Comparison Matrixes.

PROJECT PARAMETERS	Unit of Measure	Original Document	Re-evaluation	Change
Year of Expenditure	Year	2020	2021	N/A
Project Length	Miles	14	14	No
<b>PRELIMINARY COST ESTIMATE (YOE)</b>				
Construction	Million \$	\$538	\$608	Yes
Real Estate	Million \$	\$22	\$26	Yes
<b>TOTAL</b>	Million \$	\$560	\$634	Yes
<b>LAND CONVERSIONS</b>				
Total Area Converted to ROW	Acres	28.3	28.13	Yes
<b>REAL ESTATE</b>				
Number of Farms Affected	Number	23	23	No
Total Area Required From Farm Operations	Acres	9.6	9.6	No
AIS Required		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Farmland Rating	Score	136	N/A	No
Total Buildings Required	Number	15	12	Yes
Housing Units Required	Number	11	11	Yes
Commercial Units Required	Number	3	1	Yes
Other Buildings or Structures Required	Number & Type	0	0	No
<b>ENVIRONMENTAL FACTORS</b>				
Indirect Effects		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Cumulative Effects		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Environmental Justice Populations		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No
National Register Listed or Eligible Historic Structures Impacted or Potentially Impacted	Number	1	1	No
National Register Listed or Eligible Archeological Sites Impacted or Potentially Impacted	Number	0	0	No
106 MOA Required		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Burial Site Protection ( <i>authorization required</i> )		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Section 4(f) Evaluation Required		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes
Section 6(f) Land Conversion Required		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Floodplain Impacts		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes
Unique Upland Habitat Identified		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No
Total Wetlands Filled	Acres	27.48	26.47	Yes
Stream Crossings	Number	21	13	Yes
Threatened/Endangered Species		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes
Noise Analysis Required Total Receptors Impacted	Number	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 290 Residences 2 school athletic fields 1 place of worship 1 day care center	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 291 Residences 1 school athletic field 1 place of worship 1 day care center	No
Contaminated Sites	Number	30	30	No

## UPDATED ENVIRONMENTAL COMMITMENTS DOCUMENT

Complete this page and attach a copy to the revised Design Study Report and the PS&E submittal package if project changes have resulted in changes or additions to the environmental commitments identified in the original approved environmental document. All original commitments that remain applicable along with any updated or added commitments should be included in the 'Commitment' column. Indicate which commitments were included in the original document and which commitments are new or updated.

Environmental Factor	<b>Commitment</b> (If none, include 'No special or updated commitments required.')
General Economics	See Transportation section
Business	See Commercial and Industrial Development section
Agriculture	See Agriculture section
Community or Residential	See Residential Development and Institutional and Public services section
Indirect Effects	No special or updated commitments required
Cumulative Effects	No special or updated commitments required
Environmental Justice	No special or updated commitments required
Historic Resources	No special or updated commitments required
Archaeological or Burial Sites	See Archeological Resources/Burial Sites section
Tribal Coordination/Consultation	No special or updated commitments required
Section 4(f) and 6(f) or Other Unique Areas	See Public Parks and Recreation Areas/Public Use Lands and Private Recreation Areas section
Aesthetics	See Visual Character and Aesthetics section
Wetlands	See Wetlands section
Rivers, Streams and Floodplains	See Water Resources and Floodplain sections
Lakes or other Open Water	No special or updated commitments required
Groundwater, Wells and Springs	No special or updated commitments required
Upland Wildlife and Habitat	See Other Natural Resources section
Coastal Zones	No special or updated commitments required
Threatened and Endangered Species	See Threatened and Endangered Species section
Air Quality	No special or updated commitments required
Construction Stage Sound Quality	See Construction section
Traffic Noise	See Noise section
Hazardous Substances or Contamination	See Hazardous Materials section
Stormwater	See Water Resources section
Erosion Control	See Construction section
Other	

**Mitigation and Commitments: FEIS/ROD and Re-Evaluation**

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
Transportation	<p>WisDOT will develop a Traffic Management Plan to coordinate and manage impacts associated with construction. WisDOT will continue coordination with the Union Pacific Railroad to develop preliminary and final plans to relocate the railroad bridge over I-43 and reconstruct cross street grade crossings. WisDOT will coordinate with Milwaukee County Transit System to minimize impacts to bus services.</p>	<p>No change in FEIS/ROD commitments.</p> <p><u>Additional Commitment:</u> WisDOT will engage communities in Spring 2021 to determine best use of traffic mitigation funds.</p>
Residential Development	<p>Federal property acquisition law provides for payment of just compensation for residences displaced for a federally funded transportation project. Acquisition price, replacement dwelling costs, moving expenses, increased rental or mortgage payments, closing costs and other relocation costs are covered for residential displacements.</p> <p>Under state law, no person or business would be displaced unless a comparable replacement dwelling, business location or other compensation (when a suitable replacement business location is not available) would be provided. Compensation is available to all displaced persons without discrimination. Before appraisals and property acquisition, an authorized relocation agent interviews each owner and renter to be relocated to determine their needs, desires and unique situations associated with relocating. The agent explains the relocation benefits and services each owner may be eligible to receive.</p> <p>Property acquisitions not involving residential, business or other building relocations are also compensated in accordance with state and federal laws. Before initiation of property acquisition, WisDOT provides information explaining the acquisition process and the state's Eminent Domain Law under Wisconsin Statutes Section 32.05. A professional appraiser inspects the property to be acquired. Property owners are invited to accompany the appraiser to ensure that full information about the property is taken into consideration. Property owners may also obtain an independent appraisal. Based on the appraisal, the value of the property is determined and that amount offered to the owner. In the event agreement on fair market value cannot be reached, the owner would be advised of the appropriate appeal procedure.</p> <p>Any septic tanks, drain fields or wells on acquired properties would be abandoned in accordance with state regulations and local zoning standards. WisDOT will survey all buildings to be demolished to determine whether asbestos or lead paint is present. All appropriate and applicable engineering and regulatory controls will be followed during the handling and disposal of asbestos-containing material and lead-based paint. Contractors must comply with the most recent editions of U.S. Environmental Protection Agency (EPA) regulations; National Emission Standards for Asbestos; Occupational, Safety, and Health Administration regulations on asbestos removal; local government regulations; and all other applicable regulations. In addition, any person performing asbestos abatement must comply with all training certification requirements, rules, regulations and laws of the state of Wisconsin regarding asbestos removal.</p>	<p>No change in FEIS/ROD commitments.</p>



Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>Before a contractor demolishes a building that may contain or is known to contain asbestos, the contractor must notify the WDNR and Wisconsin Department of Health and Family Services at least 10 working days before starting the work, using WDNR Form 4500-113, Notification of Demolition and/or Renovation and Application for Permit Exemption.</p> <p>Demographic data for the areas in which residential displacements would occur indicate that no age or income-level characteristics that would require special relocation consideration or services. WisDOT also coordinated with potential relocated residents prior to and during public meetings and no needed special relocation considerations or services were identified at those times. If unusual circumstances were to arise during real estate activities, WisDOT real estate personnel would be available to provide appropriate relocation services.</p>	
Commercial and Industrial Development	<p>Commercial and industrial acquisitions and relocations would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. In addition to providing just compensation for property acquired, additional benefits are available to eligible displaced businesses, including relocation advisory services, reimbursement of moving expenses, and down-payment assistance. Under state law, no person would be displaced unless a comparable business location or other compensation (when a suitable business location replacement is not practical) is provided. Compensation is available to all displaced businesses without discrimination.</p> <p>Before initiating property acquisition activities, property owners would be contacted and given a detailed explanation of the acquisition process and Wisconsin's Eminent Domain Law under Wisconsin Statutes Section 32.05. Any property acquired would be inspected by one or more professional appraisers. The property owner would be invited to accompany the appraiser during the inspection to ensure that the appraiser is informed of every aspect of the property. Property owners will be given the opportunity to obtain an appraisal by a qualified appraiser that will be considered by WisDOT in establishing just compensation. Based on the appraisal, the value of the property would be determined and that amount offered to the owner.</p> <p>Before a contractor demolishes a building that may contain or is known to contain asbestos, the contractor must notify the WDNR and Wisconsin Department of Health and Family Services at least 10 working days before starting the work, using WDNR Form 4500-113, Notification of Demolition and/or Renovation and Application for Permit Exemption.</p>	No change in FEIS/ROD commitments.
Institutional and Public Services	<p>WisDOT and FHWA will fairly compensate schools, churches and other institutions for land acquired as part of the project. WisDOT will continue to coordinate with affected institutions and other community stakeholders to minimize property impacts with future design refinements. Among specific issues, WisDOT will also continue coordination with the North Shore Water Commission to minimize impacts to operations and Nicolet High School regarding pedestrian access to the athletic fields east of I-43.</p>	No change in FEIS/ROD commitments for property impacts (except that no further coordination with Nicolet High School is required for pedestrian access under I-43), traffic mitigation, and eruv coordination.

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>During preliminary engineering, WisDOT would initiate its Community Sensitive Solutions (CSS) process. During this process WisDOT develops concepts through coordination with study corridor communities and stakeholders to integrate aesthetic treatments into highway design.</p> <p>WisDOT is developing a traffic mitigation plan, which will include coordination with emergency service providers and other stakeholders to mitigate traffic impacts and maintain access during construction.</p> <p>WisDOT will coordinate with local Jewish communities to maintain eruv that may be affected by construction activities.</p>	<p><u>The CSS commitment is changed as follows:</u>  WIS Statute 85.0205(1m) restricts WisDOT's ability to fund community sensitive solutions (CSS) primarily related to aesthetic treatments. WisDOT coordinated with the cities of Glendale and Mequon, the villages of Bayside and River Hills, and Milwaukee and Ozaukee counties to present design updates as well as local responsibilities regarding CSS. Without local funding, WisDOT will not include CSS on the project.</p> <p><u>Additional Commitments:</u>  Per previous coordination during the FEIS/ROD phase of the project with all the local EMS services along the corridor, WisDOT will construct median turn arounds. The exact number and locations will be confirmed during final design.</p>
Socioeconomic	<p>WisDOT will continue to coordinate with communities to minimize unavoidable socioeconomic impacts during future design phases for a preferred alternative. Improved travel reliability and safety in the study corridor can also support local economic development efforts, which can help offset unavoidable impacts to the local tax base.</p>	<p>No change in FEIS/ROD commitments.</p> <p><u>Additional Commitment:</u>  WisDOT will provide videos of the Diverging Diamond Interchange to local communities when available.</p>
Utilities	<p>WisDOT and FHWA will continue coordinating with utilities, municipalities, and the county to avoid or minimize utilities relocations and interruptions in service during preliminary engineering and construction.</p>	<p>No change in FEIS/ROD commitments.</p>

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
Agriculture	<p>WisDOT will continue to evaluate measures to further minimize unavoidable impacts to farmlands through preliminary engineering. During preliminary design, WisDOT will follow up with Ozaukee County to confirm that no affected properties are in wetland reserve program or conservation reserve programs. WisDOT will follow up with the city of Mequon during preliminary engineering to determine where drainage tiles might be located and determine design and construction measures to maintain drainage patterns.</p>	<p><u>The Agriculture commitment is changed as follows:</u>  The USDA NRCS and FSA both determined there are no properties in wetland reserve or conservation reserve programs (See Appendix E).</p>
Visual Character and Aesthetics	<p>Future CSS efforts will further identify existing viewsheds and vistas, and provide concepts for visual benefits and the minimization of impacts resulting from a larger scale freeway. If the I-43 North-South Freeway Corridor Study proceeds to preliminary engineering for a selected alternative, WisDOT would form a CSS committee of local stakeholders to identify aesthetic treatments and beautification measures to ensure the freeway complements surrounding communities' cultural context, including their architectural, historic and natural features. The build alternatives could create excess fill material during construction, which may offer WisDOT an opportunity to coordinate with local communities to identify suitable locations for earth berms to block views of the freeway. WisDOT will continue during design to quantify available fill and work with local communities to refine potential berm locations if fill material is available</p>	<p><u>The CSS commitment is changed as follows:</u></p> <p>Wis Statute 85.0205(1m) restricts WisDOT's ability to fund community sensitive solutions (CSS) primarily related to aesthetic treatments. WisDOT coordinated with the cities of Glendale and Mequon, the villages of Bayside and River Hills, and Milwaukee and Ozaukee counties to present design updates as well as local responsibilities regarding CSS. Without local funding, WisDOT will not include CSS on the project.</p> <p>No change in FEIS/ROD commitments regarding opportunities use of excess fill with local communities.</p>
Water Resources	<p>WisDOT will implement stormwater management techniques for the build alternatives. The build alternatives would increase impervious area and therefore increase the amount of stormwater runoff from the study area freeway and local roadway system. However, these alternatives also provide the opportunity to implement best management practices to treat the runoff and bring the study corridor and local roadway system in compliance with state stormwater management regulations that limit the amount of pollution in runoff.</p> <p>Stormwater treatment measures will be evaluated during the study's design phase. Best management practices can be utilized for stormwater management, which could include:</p>	<p>No change in FEIS/ROD commitments.</p> <p><u>Additional Commitments:</u>  WisDOT will work with the USACE to determine appropriate mitigation for stream impacts and incorporate any required mitigation into project plans and specials provisions.</p>

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<ul style="list-style-type: none"> <li>• Retention basins (wet detention basins) – Retention basins have a permanent pool of water year round. The permanent pool allows pollutant particles in stormwater runoff to settle out over an extended period of time. Nutrient uptake also occurs through increased biological activity.</li> <li>• Dry detention basins – A dry detention basin is typically designed to store runoff and discharge it slowly to reduce the peak discharge downstream. As normally designed, these basins typically have little effect on the volume of stormwater released to the receiving water. The peak flow reduction is often accomplished through use of a multistage outlet structure that allows increased discharge as water levels in the basin increase.</li> <li>• Infiltration devices – Infiltration devices such as trenches or grass swales are used to slow the water flow so that more water is absorbed into the ground, and more pollutants are removed from runoff.</li> <li>• Grass ditches – This best management practice generally helps reduce total suspended solids (TSS) to meet the regulatory goal of Trans 401. The majority of the stormwater quality control in Milwaukee and Ozaukee counties would be achieved with this best management practice.</li> <li>• Trapezoidal swale through infield – This best management practice combines grass ditch treatment with peak flow reduction, and it is considered to provide the same level of TSS control as grass ditches.</li> <li>• Vegetated rock filters – This best management practice may be used at outfalls to waterways or anywhere concentrated runoff leaves the right of way. It is similar in concept to a level spreader, which attempts to reintroduce sheet flow and also provides a small amount of peak flow and volume reduction.</li> <li>• Swale blocks/ditch checks – These are small, earthen berms constructed in the bottom of a ditch at regular intervals to detain runoff from frequent storms. This best management practice provides peak flow reduction and may provide infiltration benefits depending on soil conditions.</li> </ul> <p>In-line storage – This method is not desirable from a water quality standpoint but would manage water quantity. Storm sewer pipes would be designed larger than normal to provide storage in the sewer during rain events, and then the water is gradually released after the rain event ends.</p> <p>Due to space and cost, and the urban nature of the corridor from the southern study limits to Good Hope Road, best management practices to be utilized in this area are street sweeping and in-line pipe storage. North of Good Hope and Mequon roads, ditches and detention basins may be used in addition to street sweeping and in-line pipe storage. The study corridor becomes fully rural at Mequon Road, and roadside and median ditches along the I-43 corridor become viable for best management practices that reduce TSS. Preliminary estimates show that maximizing opportunities for best management practices using open space at the northern end of the corridor will reduce TSS in excess of Trans 401 requirements.</p>	<p>WisDOT will continue coordination with USACE and WDNR to look for opportunities in the 404 permit application process to improve stream conditions within the project limits. Any additional stream mitigation agreed upon by WisDOT and USACE through the 404 permitting process will be added into the final project plans and special provisions. The WisDOT project manager will ensure the stream mitigation design considerations will be carried through to construction.</p> <p>WisDOT will apply for a WPDES - TCGP prior to construction.</p> <p>WisDOT is completing planning to comply with its TS4 permit and comply with TMDLs as required by the TS4 and TCGP permits.</p>

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>During preliminary engineering, WisDOT will continue coordination with the city of Glendale to determine if the existing storm sewer at Nicolet High School will have adequate capacity. If the storm sewer will not have adequate capacity, WisDOT will consider a range of options that could include adding capacity to the existing stormsewer or separating freeway runoff from non-freeway sources. To comply with Wisconsin Statute 87.30 and NR 216, and to address concerns raised by MMSD and local communities, WisDOT and FHWA are investigating retention and detention basins to manage stormwater from the proposed improvements. The retention and detention basins would also improve water quality by allowing solid pollutants such as sand and grit to settle out of the water before it flows into storm sewers or streams. If these retention basins, detention basins or both are built, WisDOT would landscape the area around the basin. Wetlands within the study area limit space for retention and detention basin placement. Potential locations for retention basins, detention basin or both include:</p> <ul style="list-style-type: none"> <li>• Milwaukee County – Stormwater detention basins may be located within the infields at the Brown Deer Road interchange.</li> <li>• Ozaukee County – Stormwater detention basins may be placed within the right of way along the west side of I-43 at the Mequon Road interchange, both north and south of Mequon Road.</li> </ul> <p>WisDOT will coordinate with Ozaukee County and other stakeholders to incorporate fish passage design criteria, as appropriate. WisDOT will further assess the water quality and quantity management options during the design phase. WisDOT will comply with <i>Trans 401</i> and its Memorandum of Understanding with WDNR on Erosion Control and Stormwater Management. WisDOT will engage in further discussions with WDNR, MMSD and other partner communities during design to identify additional stormwater management measures that may be cost-effective to implement, consistent with WisDOT's stormwater management policies. WisDOT will coordinate with EPA, and Milwaukee and Ozaukee counties to meet any new runoff quality and volume standards when necessary.</p> <p>During the design phase, some design measures for culverts could include:</p> <ul style="list-style-type: none"> <li>• Appropriately sized structures to ensure that stable channel morphology can be maintained and baseflow is accommodated.</li> <li>• Bottomless culverts, where feasible, or at minimum, lowered into the substrate to allow accumulation of a natural stream bottom.</li> <li>• Completing construction during low-flow conditions, which may include a dam and pump-around to ensure construction is completed in dry conditions.</li> </ul>	
Floodplains	All structures would have adequate capacity for 100-year flood flow without public or emergency vehicle interruption from damage to the roadway or structures and would not increase the base flood elevations by more than 0.01 foot. None of the floodplain crossings would cause a substantial potential for interruption or termination of a transportation facility needed for emergency vehicles or	No change in FEIS/ROD commitments.

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>the community's only evacuation route. Crossings would be consistent with local floodplain management goals and objectives. Additionally, floodplain crossings would be designed to avoid impacts to existing flood profiles on adjacent landowners properties. The build alternatives do not support development in floodplains, as communities surrounding the I-43 North-South Freeway Corridor study area have floodplain management regulations in place to prevent inappropriate development.</p>	<p><u>Additional Commitments:</u> WisDOT is coordinating with the City of Mequon and SEWRPC to determine measures to maintain current conditions at Fish Creek.</p> <p>Any proposed temporary or permanent changes to the road or waterway geometry in mapped floodplain areas require that DOT coordinate with the Milwaukee and Ozaukee Zoning Administrators to ensure compliance with the local zoning and NR 116.</p>
Wetlands	<p>In accordance with state and federal agency policies and regulations for wetland preservation, including the Section 404(b)(1) Guidelines for Specifications of Disposal Sites for Dredged or Fill Material (40 CFR part 230), the following sections describe wetland mitigation strategies for the I-43 North-South Freeway Corridor Study alternatives.</p> <p><b>Avoid and Minimize Wetland Impacts.</b> WisDOT will investigate additional measures to avoid and minimize wetland impacts, such as keeping roadway side slopes as steep as practicable; disposing of excavated material on new roadway side slopes or in upland areas; using equalizer pipes to maintain wetland hydrology; minimizing sedimentation and siltation into adjacent wetlands by using strict erosion control measures; and using detention ponds, where allowed, to reduce pollutant loading and protect streams from sedimentation.</p> <p><b>Wetland Compensation.</b> If a build alternative is implemented, a wetland mitigation plan would be developed during the future project's design phase, in consultation with state and federal agencies. Where there is no practicable alternative to filling wetlands, state and federal regulations require compensatory mitigation. Compensation for unavoidable wetland loss will be done in accordance with the July 2012 WisDOT-WDNR memorandum of understanding titled "Compensatory Mitigation for Unavoidable Wetland Losses Resulting from State Transportation Activities."</p> <p>The memorandum of understanding on compensatory mitigation states that mitigation banking is the preferred compensation option, though WisDOT and WDNR agree that other practicable and ecologically valuable project specific opportunities may be pursued on a case-by-case basis. Consistent with federal rules and the Wetland Mitigation Banking Technical Guideline, the mitigation goal is to compensate wetland loss as near as practicable to the area where the loss occurs, recognizing important factors such as land acquisition availability, resource sensitivity, project schedules, and the linear nature and length of WisDOT projects that may cross multiple watersheds.</p>	No change in FEIS/ROD commitments.

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>The mitigation banking guidelines also recommend compensation ratios for wetland debits from an established wetland mitigation bank site. The wetland compensation ratios reflect the types of impacted wetlands versus types available at the established mitigation site and whether the mitigation site is in the same watershed as the impacted wetlands.</p> <p>Compensation will also be done in accordance with WisDOT's Wetland Mitigation Banking Technical Guideline developed in 1993 and updated in 1997 and 2002, in cooperation with the WDNR, USACE, EPA, FHWA and U.S. Fish &amp; Wildlife Service (USFWS), and in accordance with the regulations for compensatory wetland mitigation issued jointly by USACE and EPA in 2008 (33 CFR Parts 325 and 332; and 40 CFR Part 230-dated April 10, 1998).</p>	
Threatened and Endangered Species	<p>Impacts to threatened and endangered species can be avoided through mitigation measures.</p> <p><b>Plants.</b> To avoid and minimize impacts to the forked aster and the seaside crowfoot, WisDOT would physically relocate any plants found. If needed, field surveys would be conducted during design if a build alternative is selected at the conclusion of the environmental study phase. The need for and extent of field surveys would be determined in consultation with the WDNR and other interested agencies. The timing of the field survey would coincide with the optimal identification periods established by the WDNR. If a particular plant species is found to be within the study's area of potential effect, further measures to avoid or minimize impacts would be evaluated. Where avoidance is not possible, WisDOT would coordinate with the WDNR on possible mitigation measures such as transplanting affected plants outside the area of potential effect.</p> <p><b>Fish.</b> To avoid and minimize impacts to listed fish species, WisDOT would use erosion-control best management practices (See Water Resources above) and follow the following restriction dates for work in streams:</p> <ul style="list-style-type: none"> <li>• Fish Creek: Implement cold water restriction of work (no work between Sept. 30 and March 15).</li> <li>• All other stream crossings: Implement warm-water restrictions (no work between March 15 and June 15).</li> <li>• As long as physical work is done within the construction window (such as installing coffer dams), then work could continue in protected area (such as working within the coffer dam).</li> </ul> <p><b>Birds.</b> About one year before construction, WisDOT would inspect bridges for the presence of nesting birds. If nests are present, WisDOT would install nets on the structure before May 1 in the construction year or remove nests if no eggs are present.</p> <p>WisDOT will contact USFWS should additional information on species become available, if project plans change or if a portion of the proposed project was not evaluated in the EIS. If the Northern Long-eared Bat is listed under the Endangered Species Act, WisDOT will resume coordination with USFWS during preliminary engineering to determine if habitat is present in the study and develop measures to avoid potential impacts.</p>	<p><u>The FEIS/ROD Commitments are superseded as follows:</u></p> <p><b>Plants:</b> WisDOT will complete surveys for state and federal listed plant species [REDACTED] [REDACTED] [REDACTED] in Spring 2020 to identify, remove and transplant threatened and endangered species to a location determined through coordination with WDNR.</p> <p><b>Fish:</b> General in-stream restrictions between March 1- June 1 in streams identified by WNDNR: Indian Creek; a channel east of 43, south of Mequon Road; a tributary north of Marcus Cinema; Ulao Creek north of Pioneer Road; Ulao Creek main channel; and a tributary to Ulao Creek under Lakefield Road. WisDOT will implement additional in-stream restrictions for [REDACTED] [REDACTED] between June 1 and July 31 within streams identified by WDNR. WisDOT will implement</p>

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>If bald eagles are identified in the project area, WisDOT will notify USFWS and follow <i>Bald Eagle Management Guidelines and Conservation Measures</i>, located at <a href="http://www.fws.gov/midwest/eagle/guidelines/index.html">http://www.fws.gov/midwest/eagle/guidelines/index.html</a>.</p> <p><b>Bats.</b> Minimization measures are required to protect bats that may use bridges for summer roosting. WisDOT would use the following WDNR protocol:</p> <ul style="list-style-type: none"> <li>• Demolitions occurring from Aug. 16 to May 31 do not have any restrictions.</li> <li>• Demolitions between June 1 and August 15 have restrictions. Unless bats are excluded before April to prevent them from using the bridge, demolition may not occur from June 1 to August 15.</li> </ul>	<p>erosion control in consultation with DNR.</p> <p><b>Birds:</b> No change from FEIS/ROD commitments.</p> <p><u>Additional Commitments for Birds:</u> To avoid impacts to nesting birds, removal of trees and shrubs or ground disturbance and vehicle traffic in grasslands with potential ground-nesting migratory birds should be completed between August 1<sup>st</sup> and May 1<sup>st</sup>.</p> <p><b>Rusty Patched Bumble Bee:</b> In consultation with USFWS, WisDOT will restore vegetation in prescribed areas with native flowering seed mix #70A.</p> <p><b>Bats:</b> To the extent practicable, WisDOT will not clear trees between the Mequon Road and Highland Road between June 1 and August 15.</p>
Other Natural Resources	To minimize impacts to environmental corridors, isolated natural resources, and natural areas adjacent to the study corridor, the Modernization – 6 Lanes alternative for the freeway mainline would be widened to the inside in the existing median. WisDOT would consider design measures such as steepened slopes to further avoid and minimize impacts. Such measures would be determined in coordination with the WDNR during preliminary engineering. During preliminary engineering, WisDOT will coordinate with Ozaukee County to confirm no affected properties are in conservation or wetland reserve programs.	No change in FEIS/ROD commitments.
Noise	Based upon the requirements of 23 CFR 772 and within the framework of FDM 23 Noise, various methods were reviewed to mitigate the noise impact of the proposed improvements. Among those considered were restricting truck traffic to specific times of the day, prohibiting trucks, altering horizontal and vertical alignments, property acquisition for construction of noise barriers or berms, property acquisition to create buffer zones to prevent development that could be adversely impacted, and insulating public use or nonprofit institutional buildings, berms, and sound barriers.	No change in FEIS/ROD commitments.



Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>Restricting or prohibiting trucks is counter to the project's purpose and need. Design criteria and recommended termini for the proposed project preclude substantial horizontal and vertical alignment shifts that would produce noticeable changes in the projected acoustical environment. Due to right of way limitation the construction of noise berms is neither feasible nor reasonable. Therefore, only the construction of noise barriers was reviewed. Abatement is recommended only when it is feasible and reasonable to construct a noise barrier.</p> <p>FDM 23 Noise, has established criteria for determining feasibility and reasonableness and is summarized as follows:</p> <ul style="list-style-type: none"> <li>• The barrier must provide a minimum 5-dB reduction to be considered feasible.</li> <li>• One receptor or common use area must meet the 9-dB design goal for the noise barrier to be considered for reasonableness.</li> <li>• A noise barrier must reduce noise levels by a minimum of 8 dBs for a receptor or common use area to be considered as benefited for the purposes of determining reasonableness. The total cost of the barrier may not exceed \$30,000 per benefited receptor.</li> <li>• If a common noise environment exists within the project termini, cost averaging of multiple barriers within the common noise environment may occur as part of the reasonableness determination. Noise barriers exceeding \$60,000 per benefited receptor cannot be included in the cost averaging. The order of cost averaging of eligible multiple barriers will start with the most cost-effective noise barrier increasing to the second most cost effective barrier to the third, etc., until the average cost approaches or equals but does not exceed \$30,000 per benefited receptor. The noise barriers included in the cost averaging may be carried forward for a determination of whether the barrier(s) will be incorporated into the project. WisDOT must receive a vote of support for the project from a simple majority of all votes cast by the owners or residents of the benefitted receptors.</li> </ul> <p>WisDOT analyzed the feasibility and reasonableness of 14 noise barriers at 13 locations including historic sites, 4(f) lands and two day care centers adjacent to the freeway system within the I-43 North-South Freeway Corridor study area. Maps in FEIS/ROD Appendix E identify barrier locations that are feasible and reasonable. Thirteen of the 14 noise barriers analyzed would meet WisDOT's feasibility criteria, of which five noise barriers would meet both of the FDM 23 Noise definitions for feasible and reasonable noise mitigation.</p> <p>Based on the study WisDOT is likely to incorporate the feasible and reasonable noise barriers shown in FEIS/ROD <b>Appendix E</b> into the project. During the design phase of the project the location of feasible and reasonable noise mitigation will be reassessed. If final design results in substantial changes in roadway design from the conditions modeled for the DEIS or FEIS/ROD, noise abatement measures will be reviewed. A final decision on the installation of the abatement measure(s) will be made upon completion of the project's final design and through the public</p>	

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	involvement process which will solicit the viewpoints of residents and property owners benefited by the construction of the feasible and reasonable noise barriers.	
Air Quality	See Construction Impacts.	No change in FEIS/ROD commitments.
Hazardous Materials	<p>If a build alternative is selected, WisDOT would conduct a follow-up Phase 2 survey of identified sites that may present an environmental risk. WisDOT would develop remediation measures for contaminated sites that cannot be avoided during the design phase. Disturbance near potentially contaminated sites would be minimized to the extent possible and practicable. As applicable, the contract special provisions would include a Notice to Contractor describing the potential contamination with names and locations of the sites. The areas of potential contamination would be marked on the plan sheets with reference to check the Notice to Contractor in the special provisions.</p> <p>WisDOT will include special provisions to notify contractors of potential presence of oil storage tanks or potential contaminated soils before proceeding with any construction activities at those sites. The Phase I Assessment also indicated that any soils to be disturbed within the UP Railroad right of way would most likely be impacted with industrial railroad contamination. Any excavated contaminated materials within the UP Railroad corridor areas should be characterized and managed appropriately during construction activities.</p> <p>The regional WisDOT office would work with concerned parties to ensure that the disposition of any petroleum contamination is resolved to the satisfaction of the WDNR, WisDOT and FHWA before acquiring any questionable site, and before advertising the project for letting.</p> <p>Nonpetroleum sites would be handled on a case-by-case basis, with detailed documentation and coordination with the FHWA as needed. During the project's real estate acquisition phase, WisDOT would survey all buildings that need to be demolished to determine whether asbestos is present. A pre-demolition inspection should be completed at any relocated structures to determine the presence of additional hazardous materials. A notification of demolition and/or renovation and application for permit exemption (WDNR Form 4500-113) must be submitted to the WDNR 10 days before demolition or abatement activities.</p> <p>During the future project's real estate acquisition phase, WisDOT will survey all buildings that need to be demolished to determine whether asbestos is present.</p> <p>Standard special provision 203-005, Abatement of Asbestos Containing Material Structure __ (bid item 203.0210.S), will be included in the plan. The contractor will be responsible for completion of the Notification of Demolition and/or Renovation (WDNR Form 4500-113).</p>	<p>No change in FEIS/ROD commitments.</p> <p><u>Additional Commitment:</u> Additional Phase 2 and 2.5 investigations are scheduled to begin in Spring 2020 for 13 sites at 10 locations.</p>
Archaeological Resources/Burial Sites	The WisDOT construction project manager shall immediately stop construction activities and fence off the site area if any inadvertent burial related discoveries are encountered. On state or privately owned lands, WisDOT will comply with Wisconsin Statute § 157.70. Any such finds will be considered within the category of a "known uncatalogued burial site," and a Wisconsin Historic	No change in FEIS/ROD commitments.

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>Preservation Division standard contract for treatment of human remains will be followed. If human remains are discovered, all construction in the area of the discovery will be stopped and the area protected. The project manager will immediately notify WisDOT Bureau of Technical Services (BTS). BTS will notify FHWA and interested consulting parties, including tribes, of discoveries.</p>	
<p>Public Parks and Recreation Areas/Public Use Lands and Private Recreation Areas</p>	<p>Before construction, WisDOT will compensate the Nicolet High School District and the village of Whitefish Bay for unavoidable right of way acquisitions at the high school and Craig Counsell Park. WisDOT will continue to use measures to avoid and minimize impacts to Nicolet High School athletic fields and Craig Counsell Park to the greatest practicable extent by using steeper side slopes and retaining walls. The pedestrian tunnel replacement between Nicolet High School main campus and its upper athletic fields would benefit public recreational uses on the school property by providing an ADA-compliant connection that can be used by both pedestrians and bicyclists. WisDOT will coordinate with the Town of Grafton to provide sufficient room at the I-43 overpass at Lakefield Road to allow horse-riding passage.</p>	<p>No change in FEIS/ROD commitments for property impacts, except that no further coordination with Nicolet High School is required since property east of I-43 is sold and the pedestrian access across I-43 is no longer required.</p> <p><u>Additional Commitment:</u> WisDOT will restore temporarily disturbed areas on Katherine Kearney Carpenter Park to prior condition or better and will include post-construction erosion coordination with the City of Mequon.</p>
<p>Construction</p>	<p>By reducing unnecessary idling at the construction site, emissions would be reduced and fuel would be saved. Proper maintenance of the diesel engine would also allow the engine to perform better and emit less pollution through burning fuel more efficiently. Switching to fuels that contain lower levels of sulfur reduces particulate matter. Using ultra-low sulfur diesel does not require equipment changes or modification. Using fuels that contain a lower level of sulfur also tends to increase the effectiveness of retrofit technologies. Retrofitting off-road construction equipment with diesel emission-control devices can reduce particulate matter, nitrogen oxides, carbon monoxide or hydrocarbons, in addition to other air pollutants.</p> <p>Diesel particulate filters can be used to physically trap and oxidize particulate matter in the exhaust stream and diesel oxidation catalysts can be used to oxidize pollutants in the exhaust stream.<sup>3</sup> In the final design phase, WisDOT will consider including these measures on a voluntary or mandatory basis.</p> <p>Fugitive dust impacts generated by construction would be mitigated by standard dust-control measures, which may include the following: frequent watering of construction sites that have large expanses of exposed soil; watering debris generated during demolition; washing construction vehicle tires before they leave construction sites; and securing and covering equipment and loose materials before travel. Dust control during construction would be accomplished in accordance with WisDOT's Standard Specifications for Road and Bridge Construction, which requires the application</p>	<p>No change in FEIS/ROD commitments, except to note that there are no existing noise barriers to be replaced as part of the project.</p> <p><u>Additional Commitments:</u> WisDOT will obtain project coverage under the WPDES-TCGP prior to construction.</p> <p>WisDOT will engage communities in Spring 2021 to determine best use of traffic mitigation funds.</p>

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>of water or other dust-control measures during grading operations and on haul roads. The location and operation of concrete batch plants would be in accordance with the standard specifications, and any special provisions developed during coordination with the WDNR regarding air quality standards and emissions. Any portable material plants would be operated in accordance with WDNR air quality requirements and guidelines. Demolition and disposal of residential or commercial buildings is regulated under WDNR's asbestos renovation and demolition<sup>4</sup> requirements.</p> <p>EPA suggested additional construction-related air quality control measures (see FEIS/ROD <b>Appendix C</b>, Page C-115). WisDOT will coordinate with WDNR to consider additional measures that may be appropriate to include in contract specifications. Specific suggested measures to consider include:</p> <ul style="list-style-type: none"> <li>• Using low-sulfur diesel fuel (15 parts per million sulfur maximum) in construction vehicles and equipment.</li> <li>• Retrofitting engines with an exhaust filtration device to capture diesel and particulate matter before it enters the construction site.</li> <li>• Positioning the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, thereby reducing the fume concentration to which personnel are exposed.</li> <li>• Using catalytic converters to reduce carbon monoxide, aldehydes and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.</li> <li>• Using enclosed, climate-controlled cabs pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes.</li> <li>• Regularly maintaining diesel engines, to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures.</li> </ul> <p>Reducing exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection and maintaining filtration devices.</p> <ul style="list-style-type: none"> <li>• Purchasing new vehicles that are equipped with the most advanced emission control systems available.</li> <li>• Using electric starting aids such as block heaters with older vehicles.</li> <li>• Using respirators, which are only an interim measure control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care and use of respirators must perform the fit testing. Respirators</li> </ul>	

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>must bear a NIOSH approval number. Never use paper masks or surgical masks with NIOSH approval numbers.</p> <p><b>Noise/Vibration.</b> Construction noise would be controlled according to WisDOT Facilities Development Manual Procedure 23-40-1. Where noise walls currently exist, WisDOT would also make every effort to construct new noise walls before demolition of the existing noise walls.</p> <p>To reduce the potential impact of construction noise, special WisDOT provisions would require operation of motorized equipment in compliance with all applicable local, state and federal laws and regulations relating to noise levels permissible within and adjacent to a construction site. All motorized construction equipment would be required to have mufflers constructed in accordance with the equipment manufacturer's specifications or a system of equivalent noise reducing capacity. WisDOT would also require that mufflers and exhaust systems be maintained in good operating condition, free of leaks and holes.</p> <p>Ground-borne vibration can affect nearby buildings. Blasting and impact pile driving are traditionally associated with high levels of vibration. Excavation and backfilling can generate vibration that is noticeable in nearby buildings. Vibration created by the movement of vehicles such as graders, loaders, dozers, scrapers and trucks are generally the same magnitude as the vibration caused by heavy vehicles traveling on streets and highways. In general, ground-borne vibration from vehicles on streets is not sufficient to impact adjacent buildings.</p> <p>Buildings that are in good structural condition would likely not be affected by construction-related vibration. WisDOT would coordinate with adjacent property owners before construction to determine if any buildings near construction areas are in poor structural condition. In communities that do not have vibration ordinances, WisDOT would comply with the Wisconsin Department of Workforce Development vibration regulations.</p> <p><b>Material Source/Disposal Sites.</b> The construction contractor is responsible for the selection of material source sites. Material would most likely be obtained from local existing quarry sites. Unusable excavated material would be disposed of by the contractor in accordance with WisDOT's Standard Specifications for Road and Bridge Construction, or special provisions to ensure protection of wetlands and waterways. Local zoning, reclamation plans and other approvals may be needed for materials source and disposal sites.</p> <p>Soil and excavated material (including vegetation) would be stockpiled or disposed of in an upland area, away from wetlands, streams, and other open water; and, where applicable, silt fence would be placed between the disposal area and wetland and open water areas.</p> <p>If any material sources are necessary to construct the project, appropriate erosion control measures would be applied to these sites during and following construction; and following use, such sites would be properly seeded, mulched and protected from erosion.</p>	

Resource	FEIS/ROD Mitigation Measures and Commitments	Re-Evaluation
	<p>Any portable materials plants would be managed to prevent erosion, and WDNR would be able to review site plans including any gravel-washing operations, high-capacity wells, and site closure and restoration.</p> <p><b>Cultural Resources/Burial Sites.</b> If previously unrecorded cultural resources are found during construction, activities in the site area would be immediately halted, and the project manager would immediately notify WisDOT's Bureau of Technical Services who would then notify FHWA and any interested consulting parties.</p>	
Indirect and Cumulative Effects	No specific WisDOT mitigation measures and commitments identified for indirect and cumulative effects other than those mitigation measures and commitments identified for individual resource areas summarized in this section.	No change in FEIS/ROD commitments.

# **Threatened, Endangered and Protected Resources Factor Sheet**

Note to Readers: The Threatened, Endangered and Protected Resources Factor Sheet is removed to protect confidential information related to sensitive resources. For questions related to sensitive resources, please contact WisDOT Project Manager, Steve Hoff, at [Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov) or 262-548-6718.



**Appendix A**  
**FEIS/ROD Cover**



**FHWA-WISC-EIS-2014-01-F**  
INTERSTATE 43 NORTH-SOUTH FREEWAY  
SILVER SPRING DRIVE TO WIS 60  
Ozaukee and Milwaukee Counties, Wisconsin

WISDOT PROJECT I.D. 1229-04-01  
FINAL ENVIRONMENTAL IMPACT STATEMENT and RECORD OF DECISION  
and Section 4(f) Evaluation

SUBMITTED PURSUANT TO 42 USC 4332 (2) (c) AND 49 USC 303

BY THE

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION

AND

WISCONSIN DEPARTMENT OF TRANSPORTATION

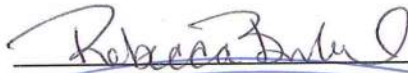
AND

COOPERATING AGENCIES:

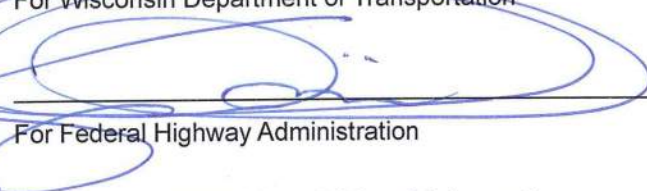
US ARMY CORPS OF ENGINEERS

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

11/10/14  
Date of Approval

  
For Wisconsin Department of Transportation

11-25-14  
Date of Approval

  
For Federal Highway Administration

**The following persons may be contacted for additional information concerning this document:**

**Rebecca Burkel**  
Wisconsin Department of Transportation  
Bureau of Technical Services  
P.O. Box 7965  
Madison, WI 53707-7965  
Phone (608) 516-6336  
Fax (608) 264-6667

**George Poirier**  
Federal Highway Administration  
525 Junction Road, Suite 8000  
Madison, WI 53717  
Phone (608) 829-7500  
Fax (608) 662-2121

**ABSTRACT**

The proposed I-43 North-South Freeway Corridor Study will provide a safe and efficient transportation corridor to correct freeway deficiencies, improve highway safety, address growing traffic volumes and declining traffic operations, support regional land use and transportation plans, maintain a vital link with the highway network and other transportation modes, and to avoid and minimize impacts to the natural, cultural and built environment. This document reviews alternative actions to address these needs including modernization of the facility with or without additional lanes, the addition of an interchange at Highland Road, transportation system management, and travel demand management. The FEIS identifies the selected preferred alternative.

FHWA is issuing a single Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) document pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b). As a result, the 30 day waiting period between the FEIS and ROD, prescribed in 23 CFR 771.127(a), will not occur.

# **Appendix B**

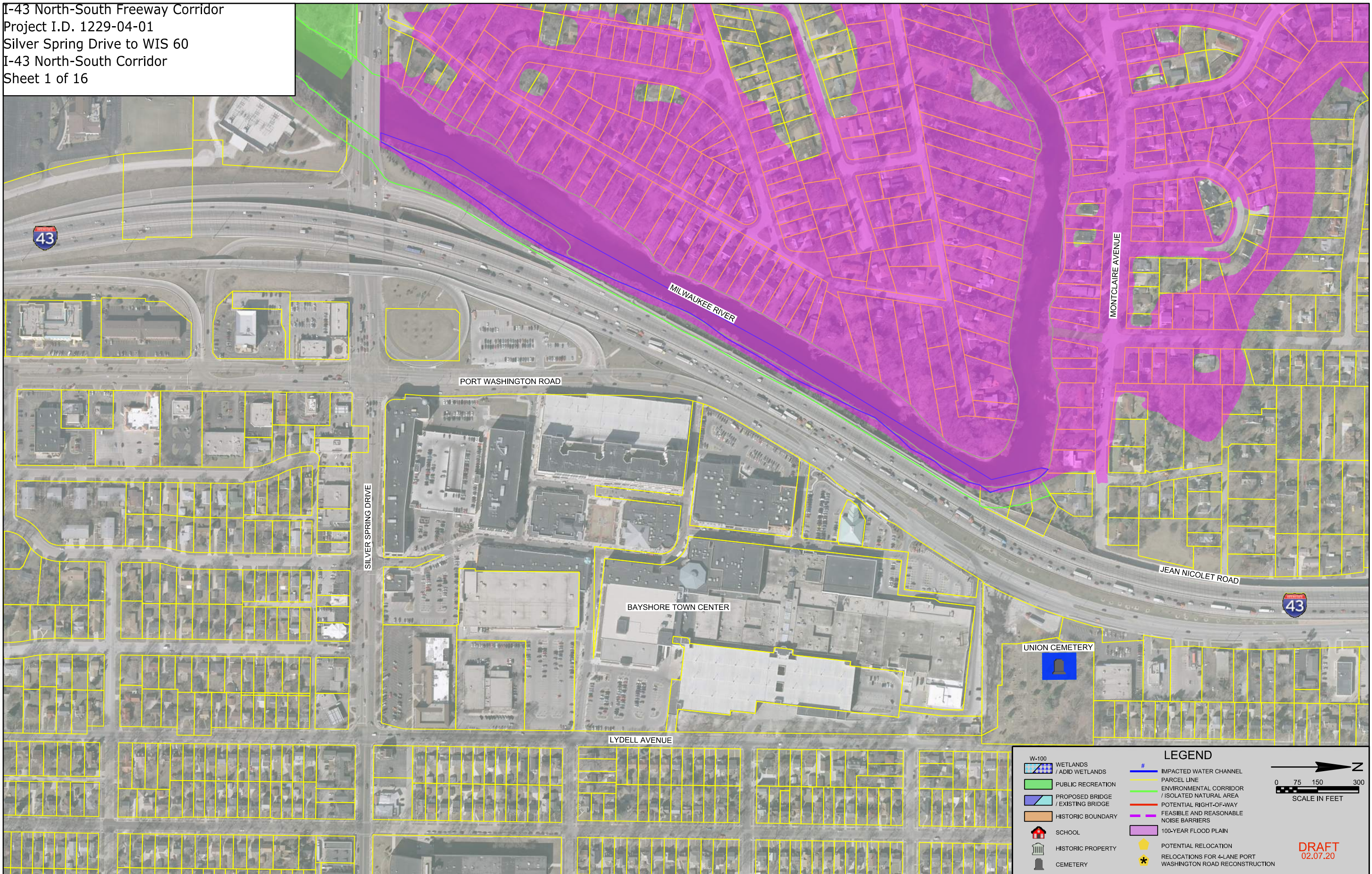
## **Project Location Map**

# I-43 North-South Freeway Project Location



# **Appendix C**

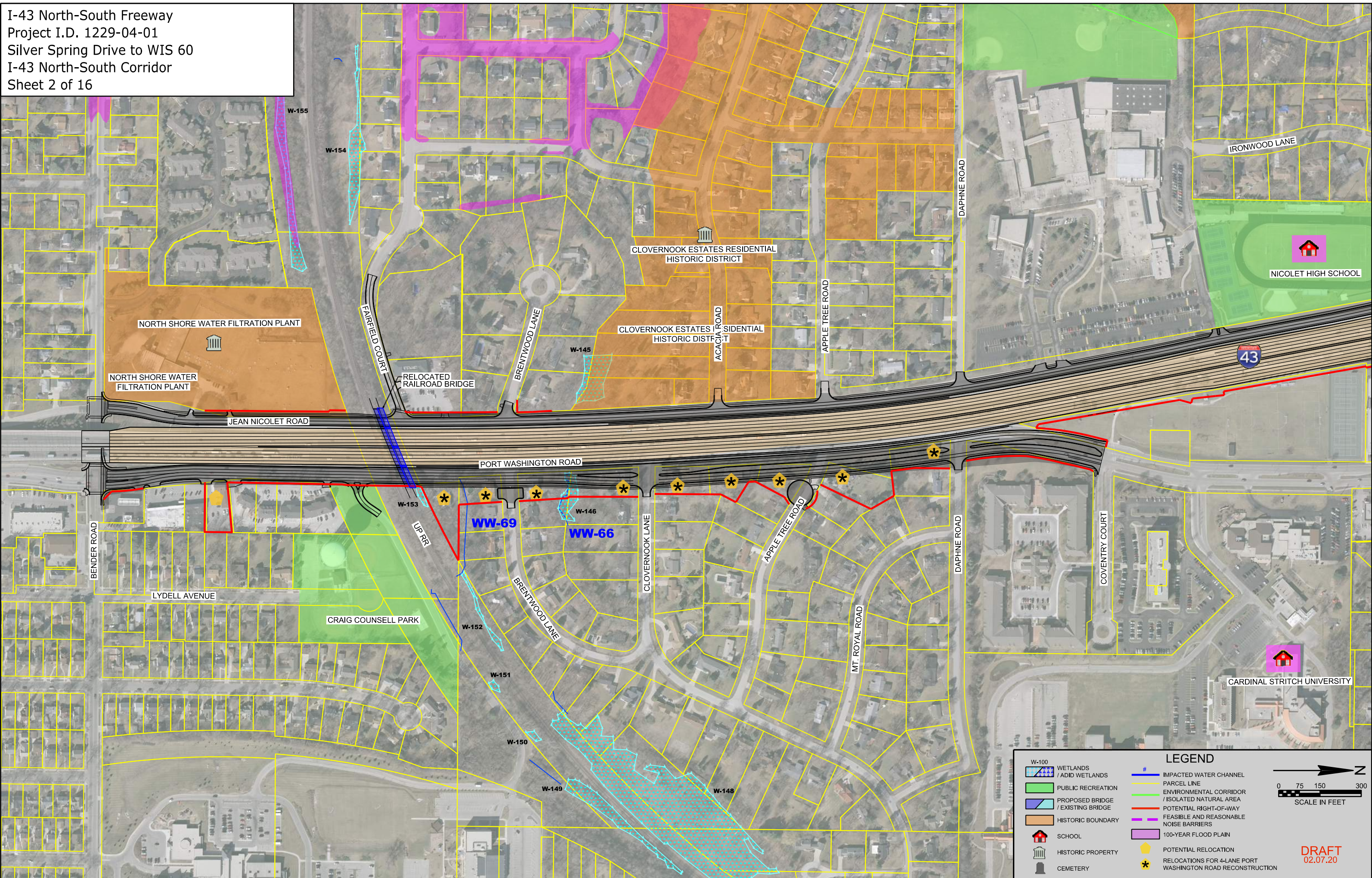
## **Project Design Plans**

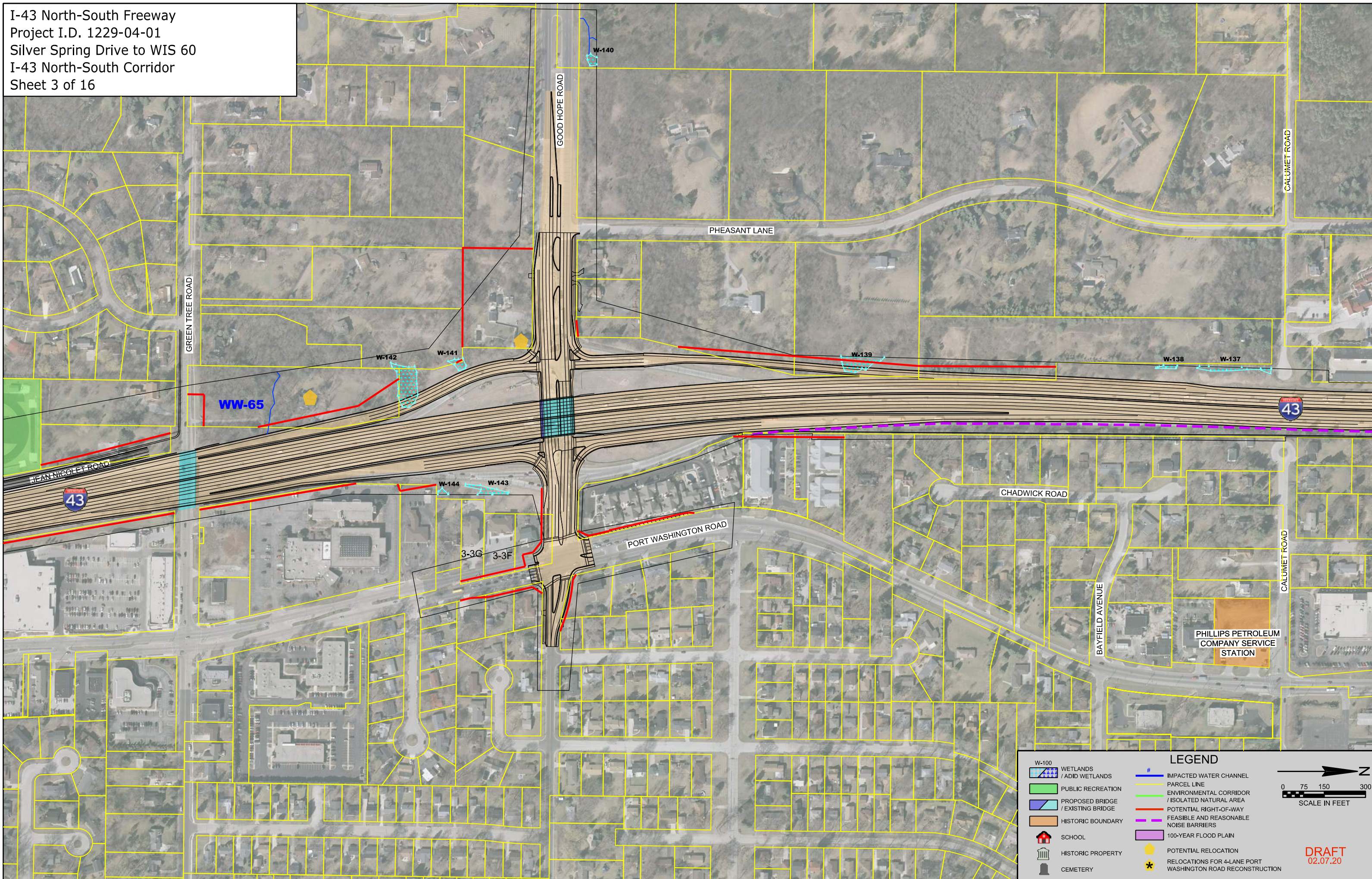


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PUBLIC RECREATION	PARCEL LINE
PROPOSED BRIDGE / EXISTING BRIDGE	ENVIRONMENTAL CORRIDOR / ISOLATED NATURAL AREA
HISTORIC BOUNDARY	POTENTIAL RIGHT-OF-WAY
SCHOOL	FEASIBLE AND REASONABLE NOISE BARRIERS
HISTORIC PROPERTY	100-YEAR FLOOD PLAIN
CEMETERY	POTENTIAL RELOCATION
	RELOCATIONS FOR 4-LANE PORT WASHINGTON ROAD RECONSTRUCTION

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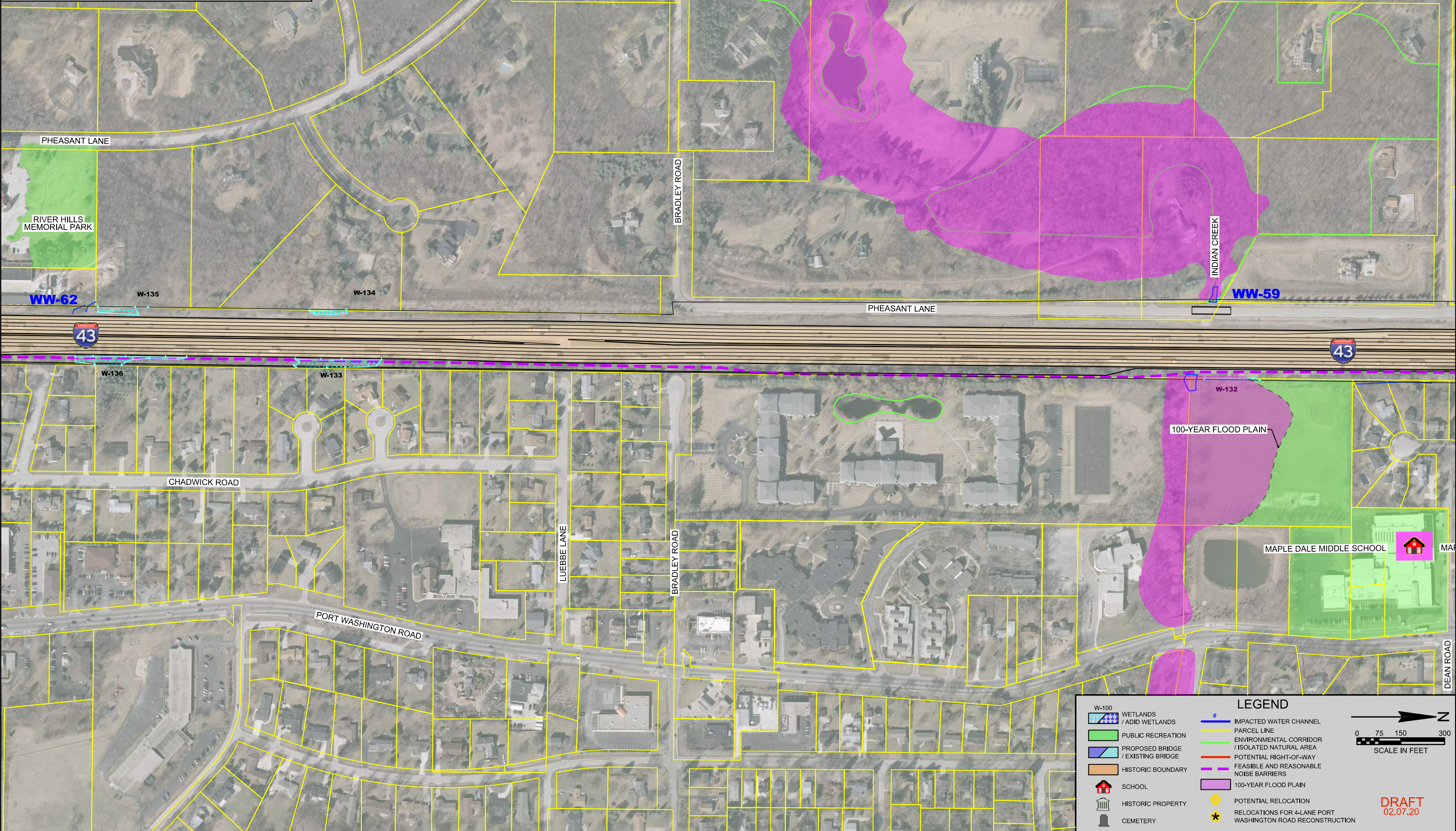


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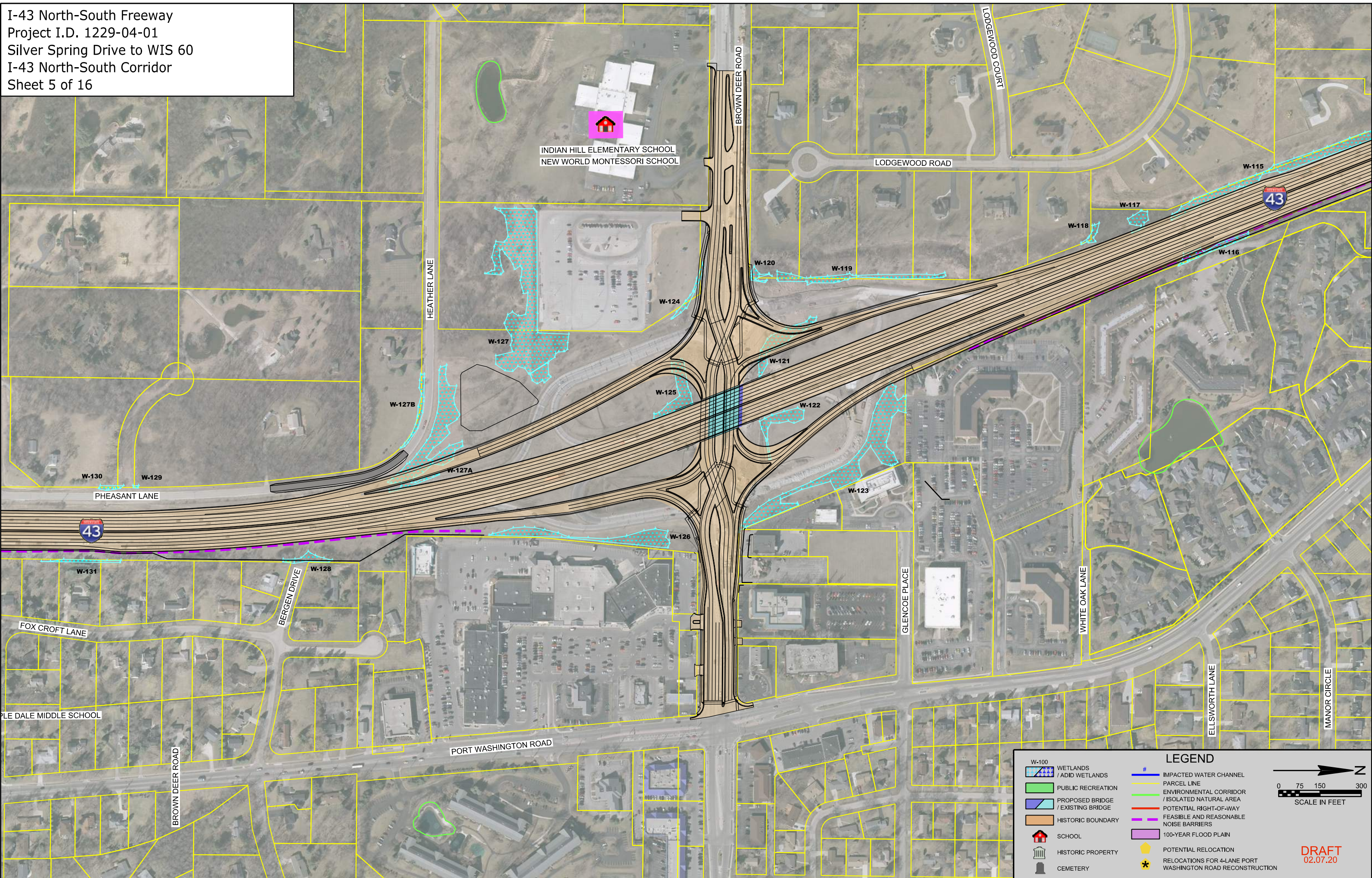




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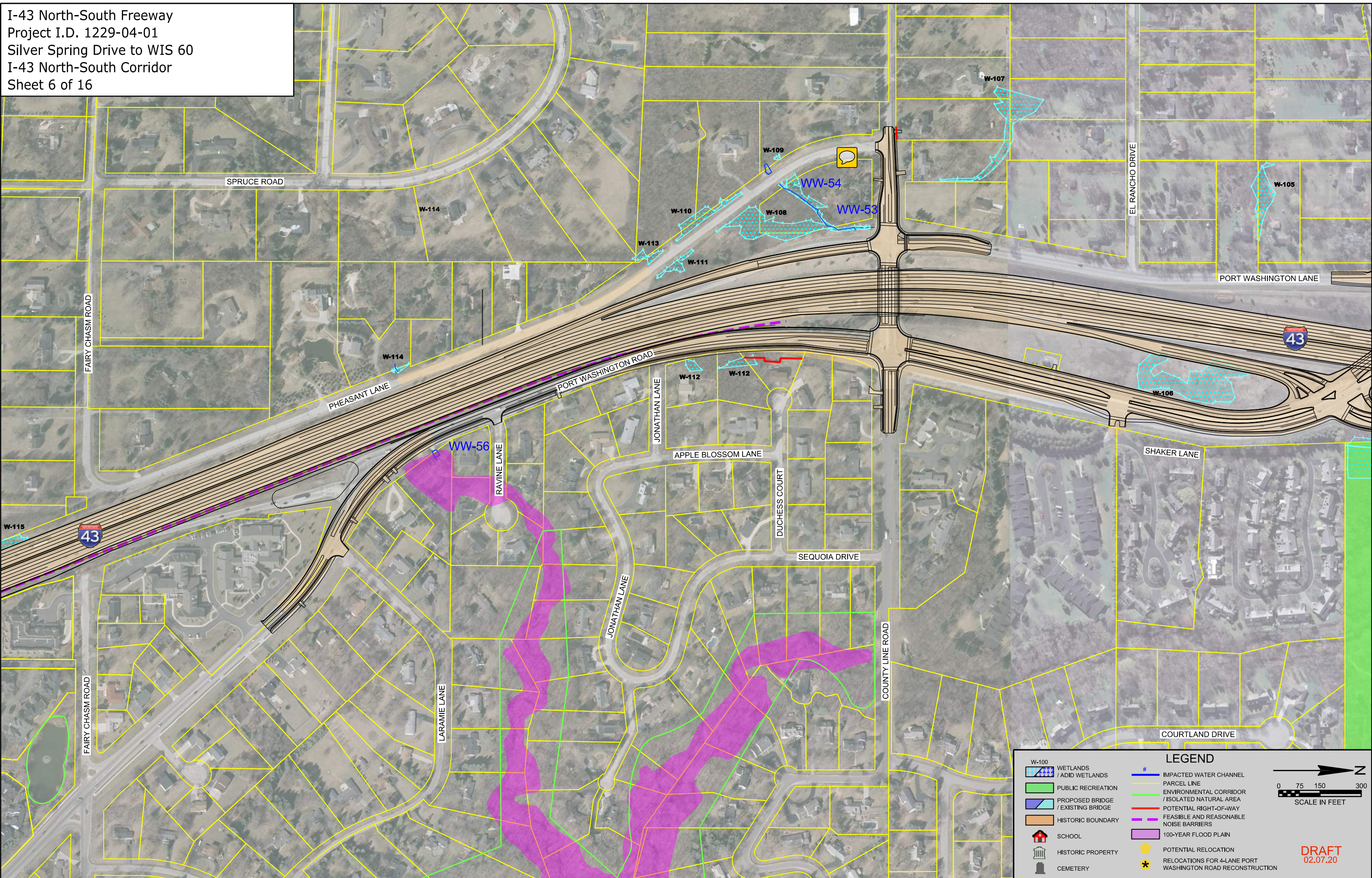
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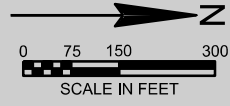
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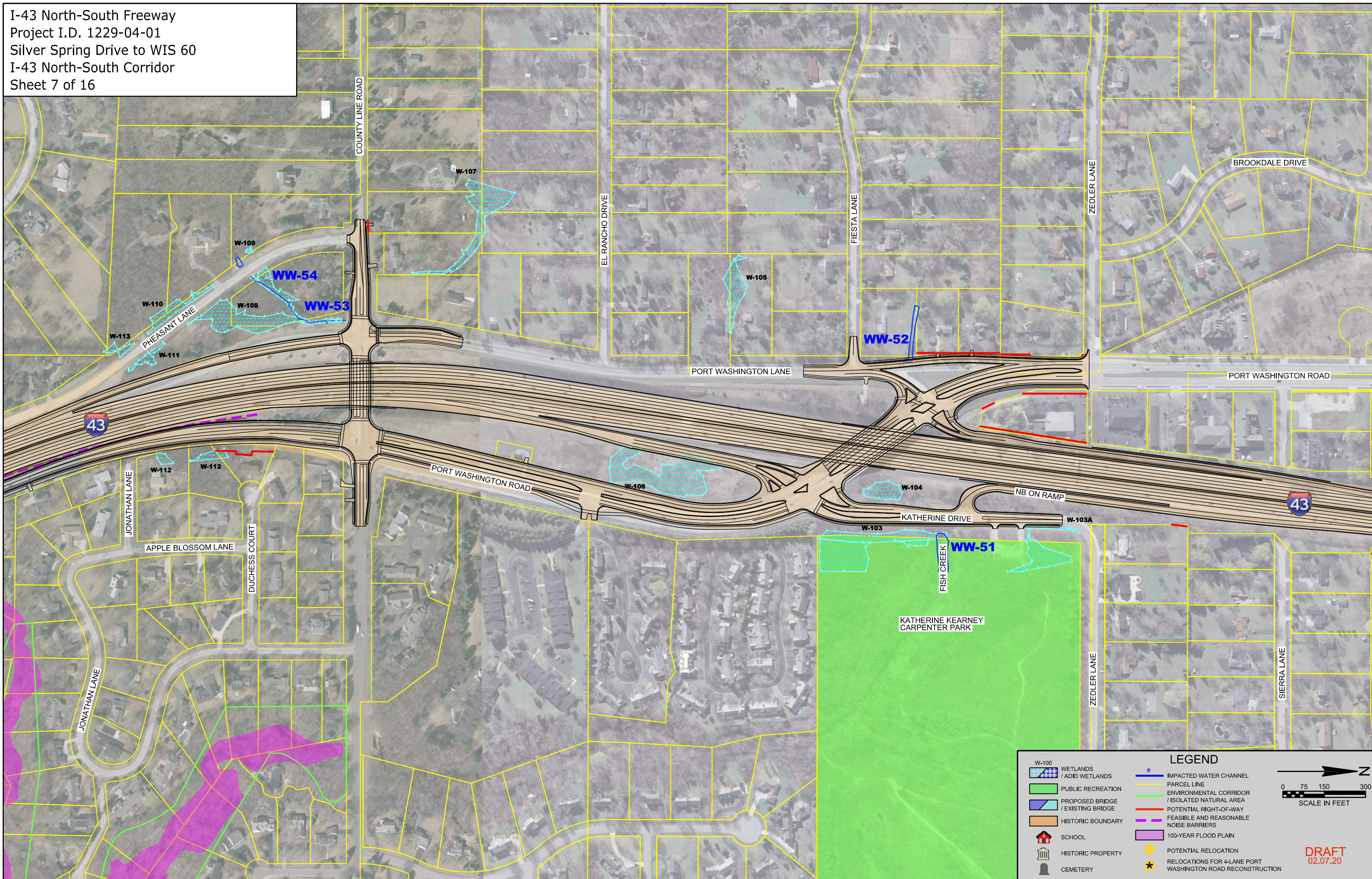
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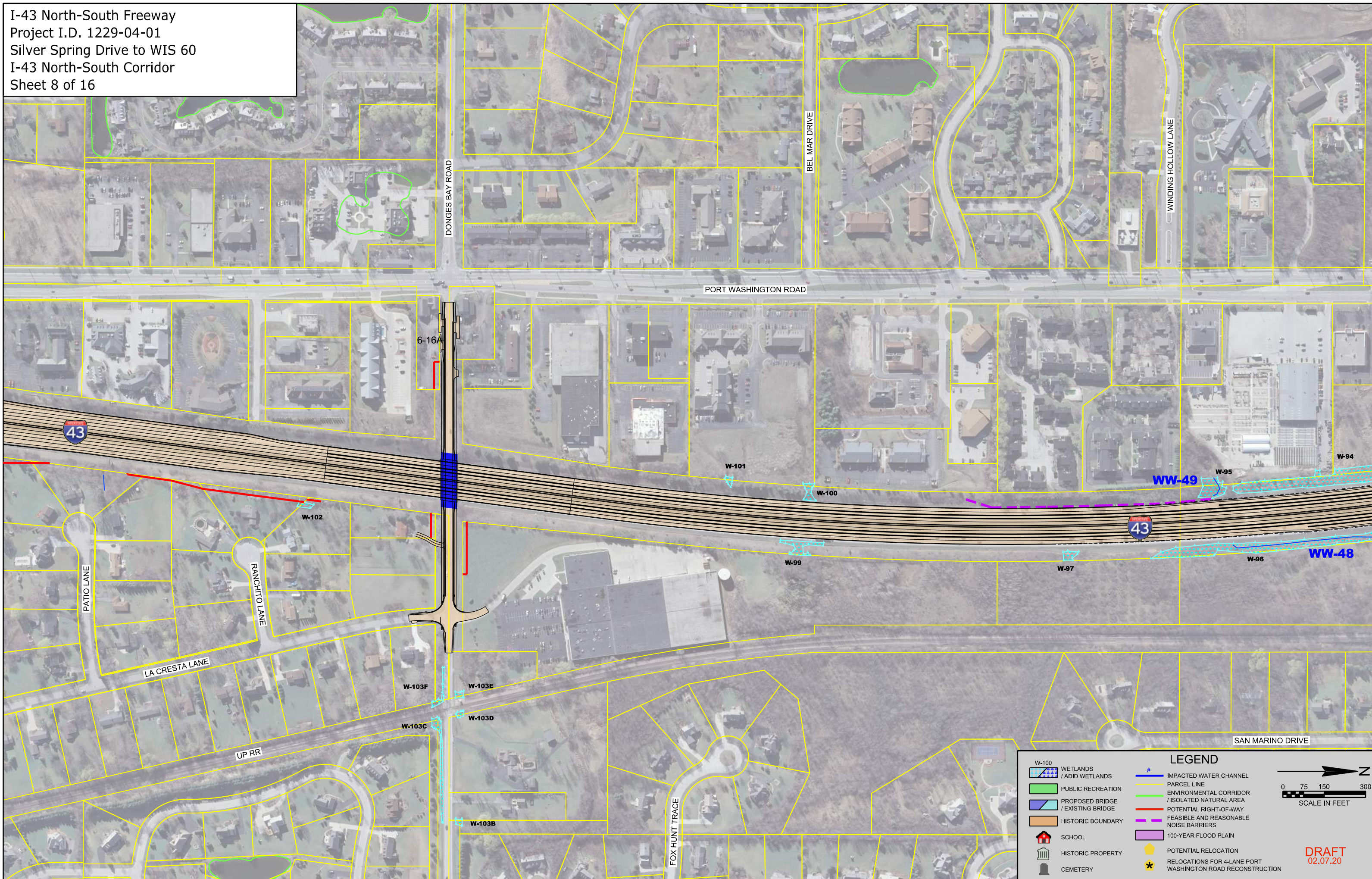


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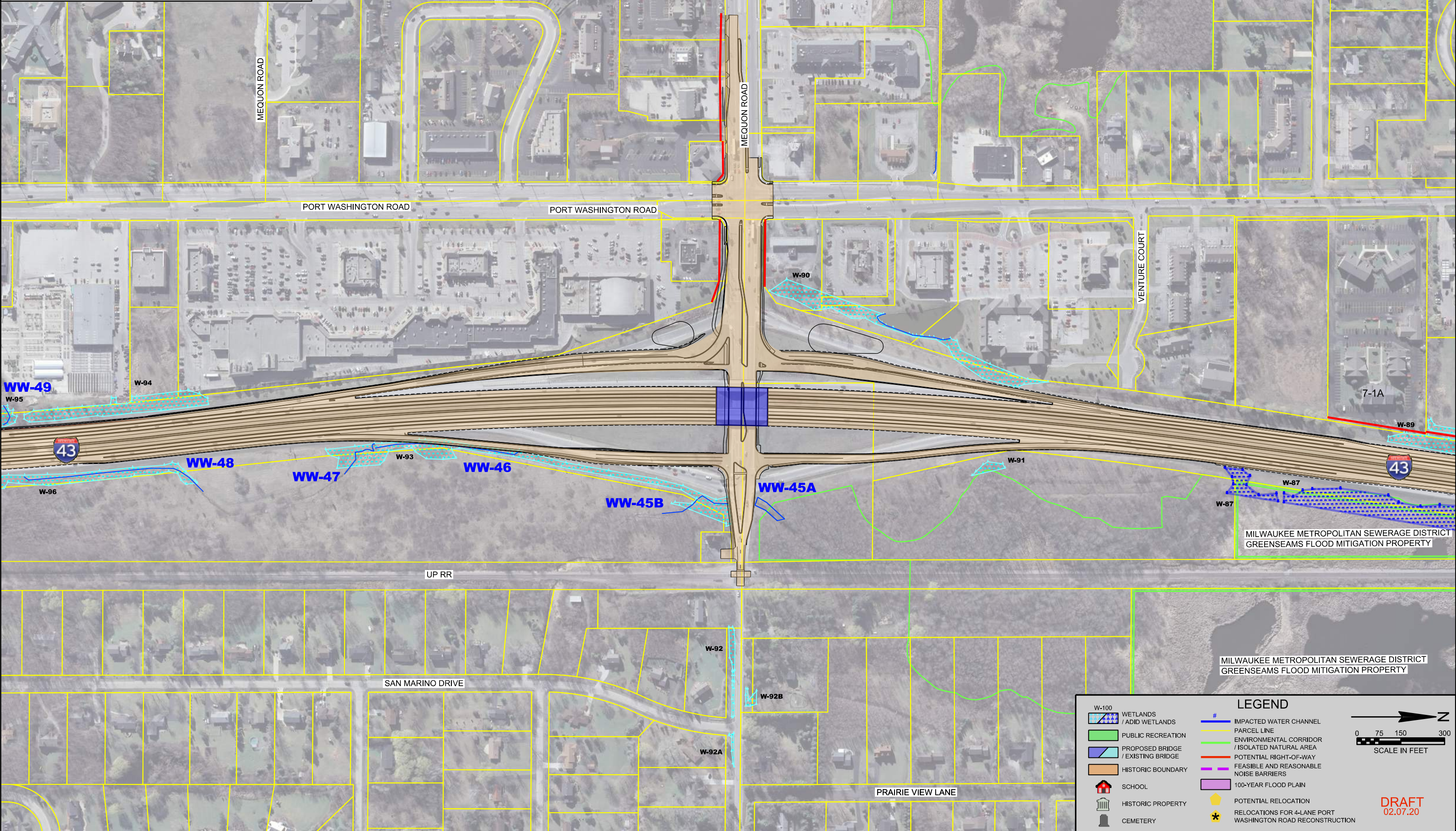
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HISTORIC PROPERTY	100-YEAR FLOOD PLAIN	
CEMETERY	RELOCATIONS FOR 4-LANE PORT WASHINGTON ROAD RECONSTRUCTION	



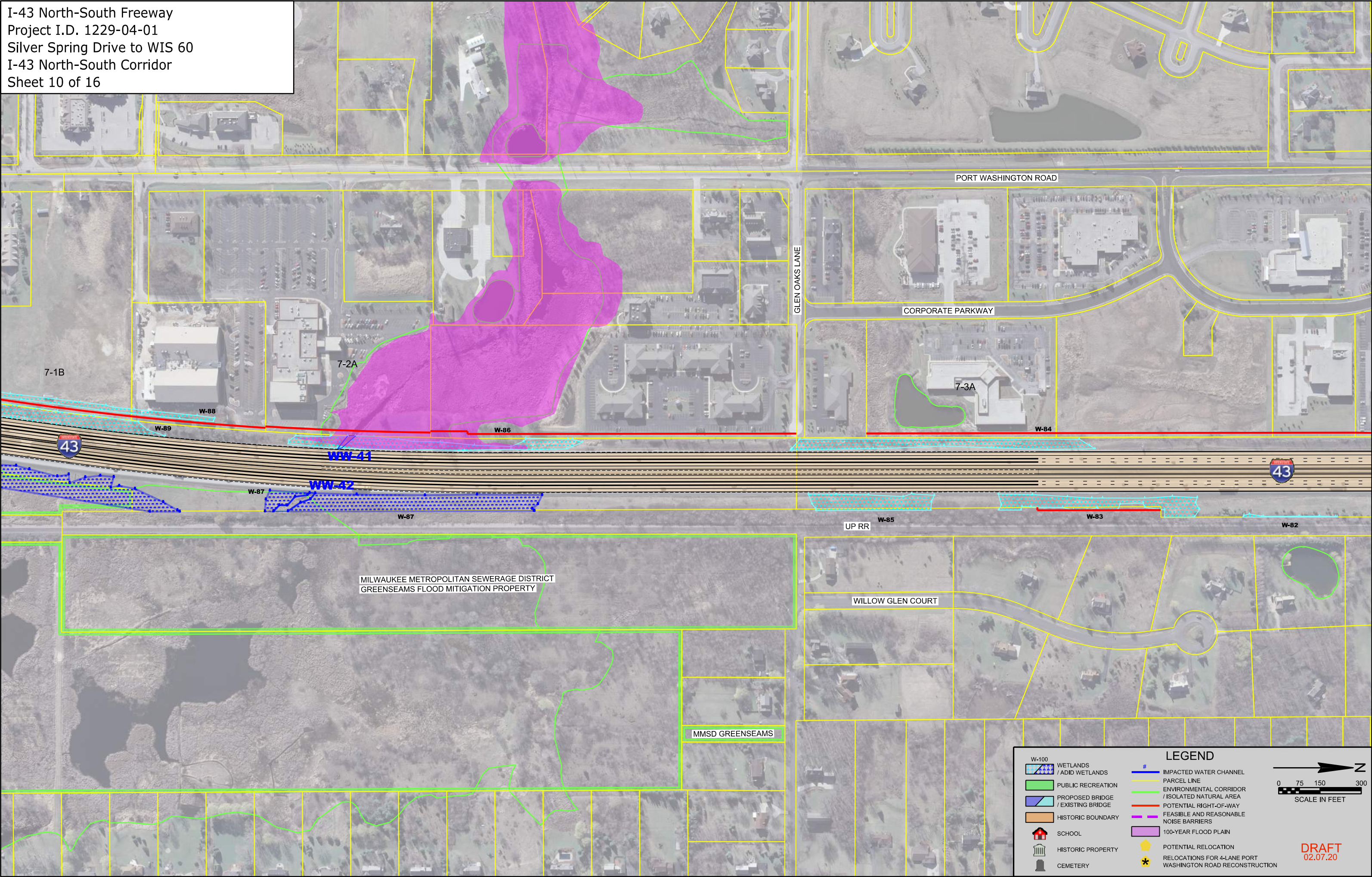
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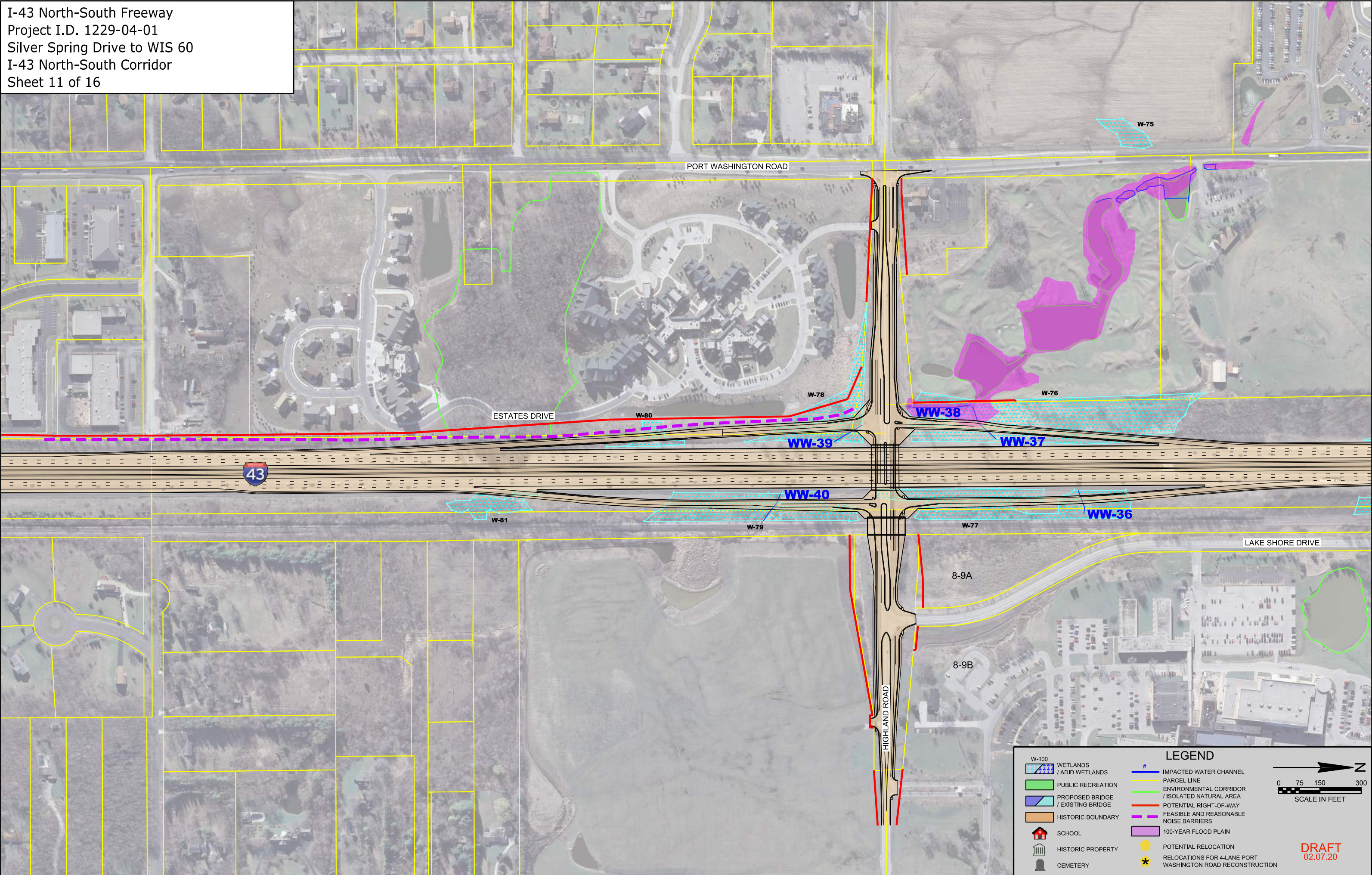
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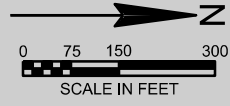
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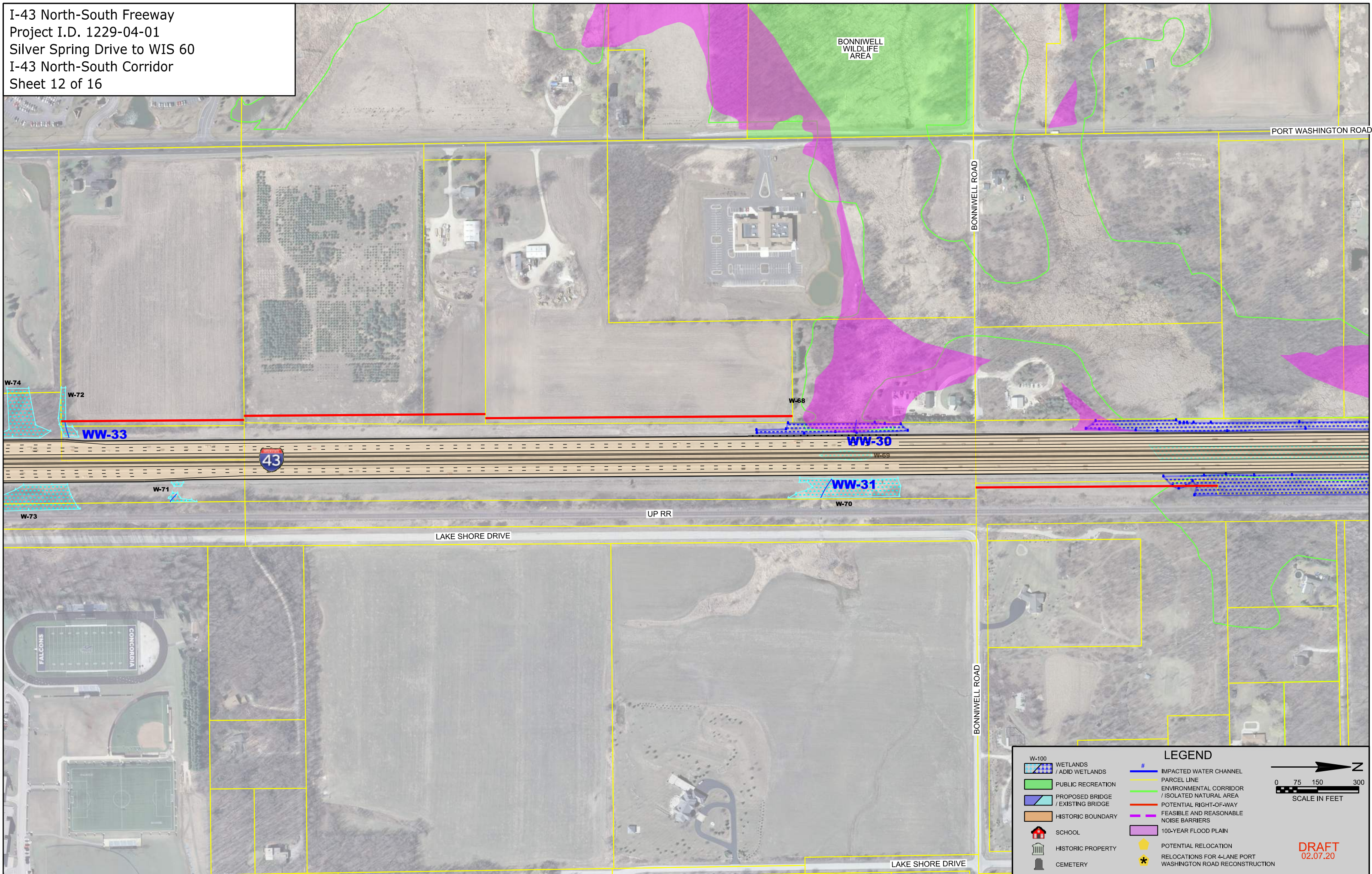
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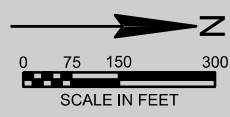
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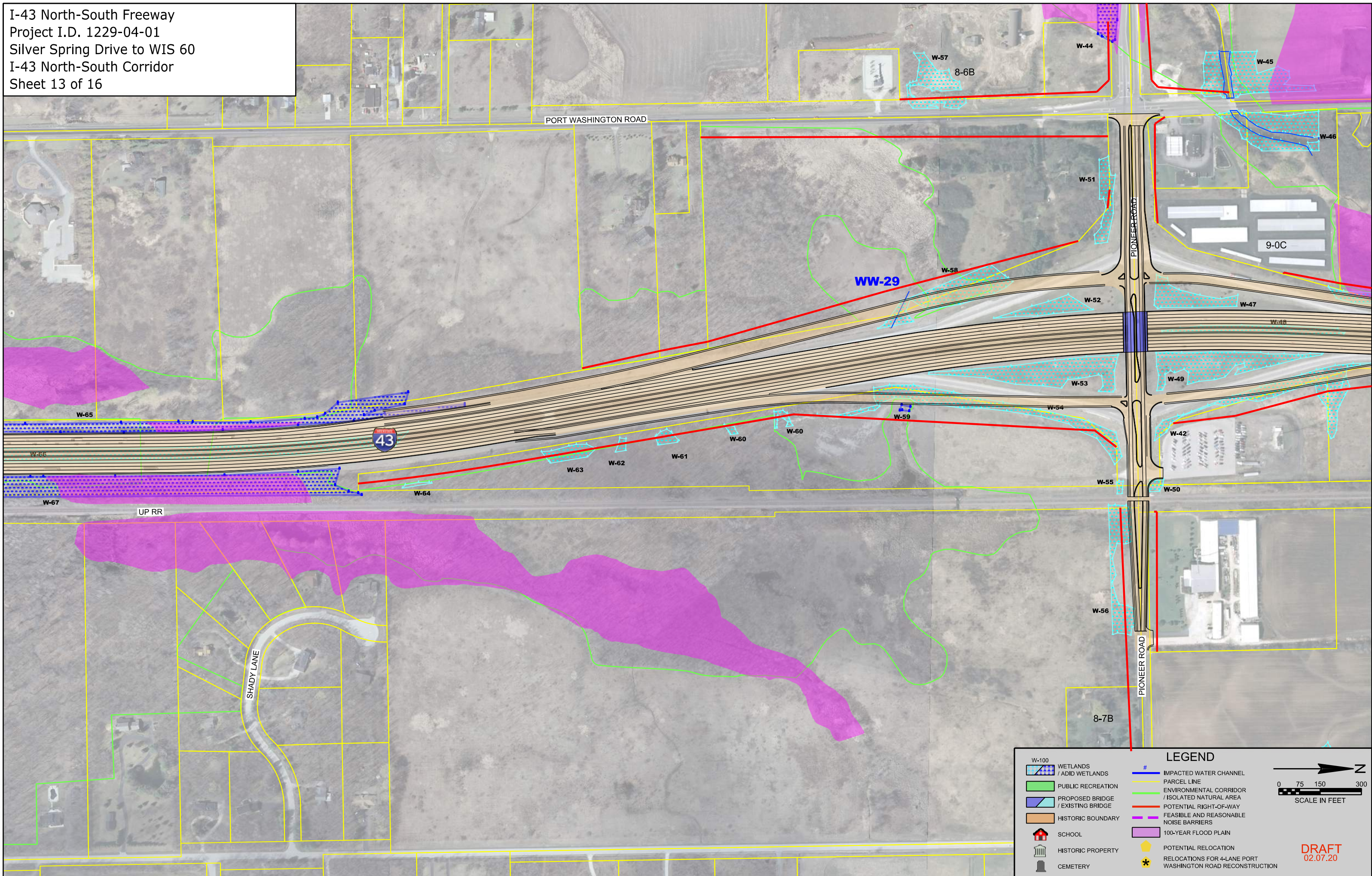
I-43 North-South Freeway  
 Project I.D. 1229-04-01  
 Silver Spring Drive to WIS 60  
 I-43 North-South Corridor  
 Sheet 12 of 16



LEGEND	
W-100	WETLANDS / ADID WETLANDS
	PUBLIC RECREATION
	PROPOSED BRIDGE / EXISTING BRIDGE
	HISTORIC BOUNDARY
	SCHOOL
	HISTORIC PROPERTY
	CEMETERY
	IMPACTED WATER CHANNEL
	PARCEL LINE
	ENVIRONMENTAL CORRIDOR / ISOLATED NATURAL AREA
	POTENTIAL RIGHT-OF-WAY
	FEASIBLE AND REASONABLE NOISE BARRIERS
	100-YEAR FLOOD PLAIN
	POTENTIAL RELOCATION
	RELOCATIONS FOR 4-LANE PORT WASHINGTON ROAD RECONSTRUCTION

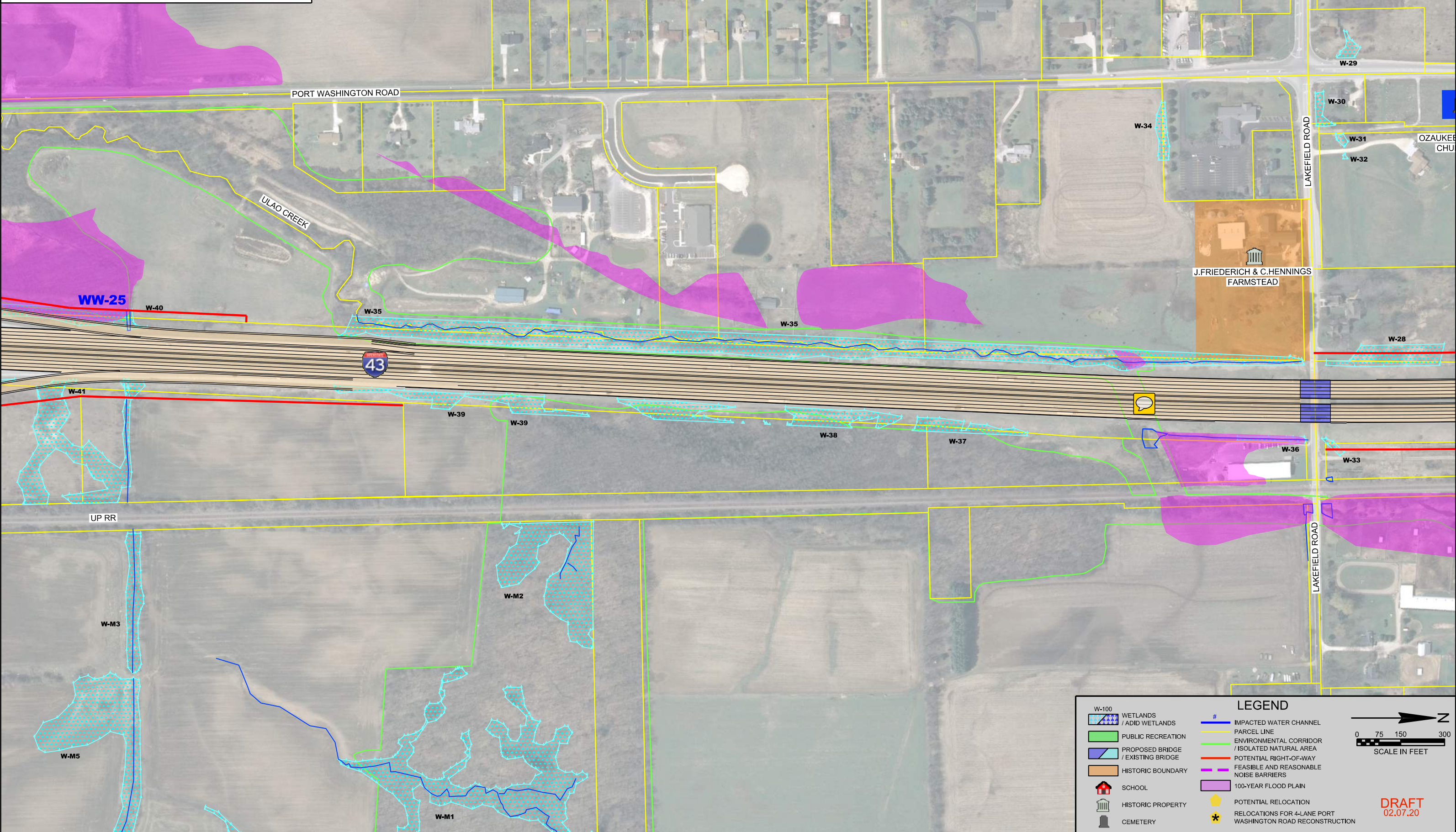


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02.07.20



LEGEND	
W-100	WETLANDS / ADID WETLANDS
	PUBLIC RECREATION
	PROPOSED BRIDGE / EXISTING BRIDGE
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	100-YEAR FLOOD PLAIN
	POTENTIAL RELOCATION
	RELOCATIONS FOR 4-LANE PORT WASHINGTON ROAD RECONSTRUCTION

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SCALE IN FEET



LEGEND	
W-100	WETLANDS / ADID WETLANDS
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	POTENTIAL RELOCATION
	RELOCATIONS FOR 4-LANE PORT WASHINGTON ROAD RECONSTRUCTION

**SCALE IN FEET**

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02.07.20



OZAUKEE CONGREGATIONAL  
 CHURCH CEMETARY

PORT WASHINGTON ROAD

SPLIT RAIL COURT

HENRY & MARY  
 HENNINGS HOUSE

W-27

W-25

W-23



W-26

W-24

UP RR

W-21

ULAO CREEK

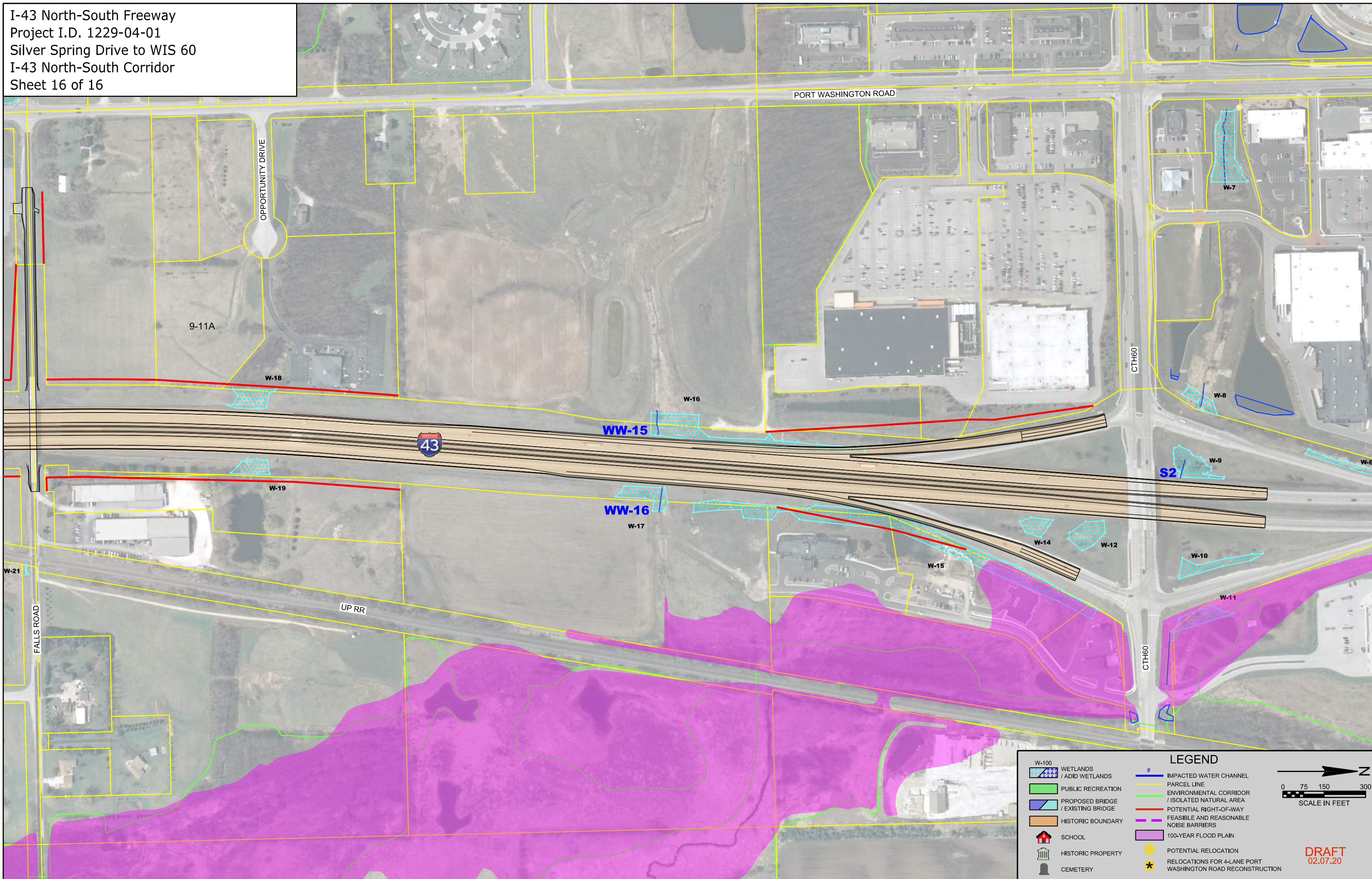
FOX TRAILS LANE

ANTERBURY DRIVE

LEGEND	
W-100	WETLANDS / ADID WETLANDS
	PUBLIC RECREATION
	PROPOSED BRIDGE / EXISTING BRIDGE
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	POTENTIAL RELOCATION
	RELOCATIONS FOR 4-LANE PORT WASHINGTON ROAD RECONSTRUCTION

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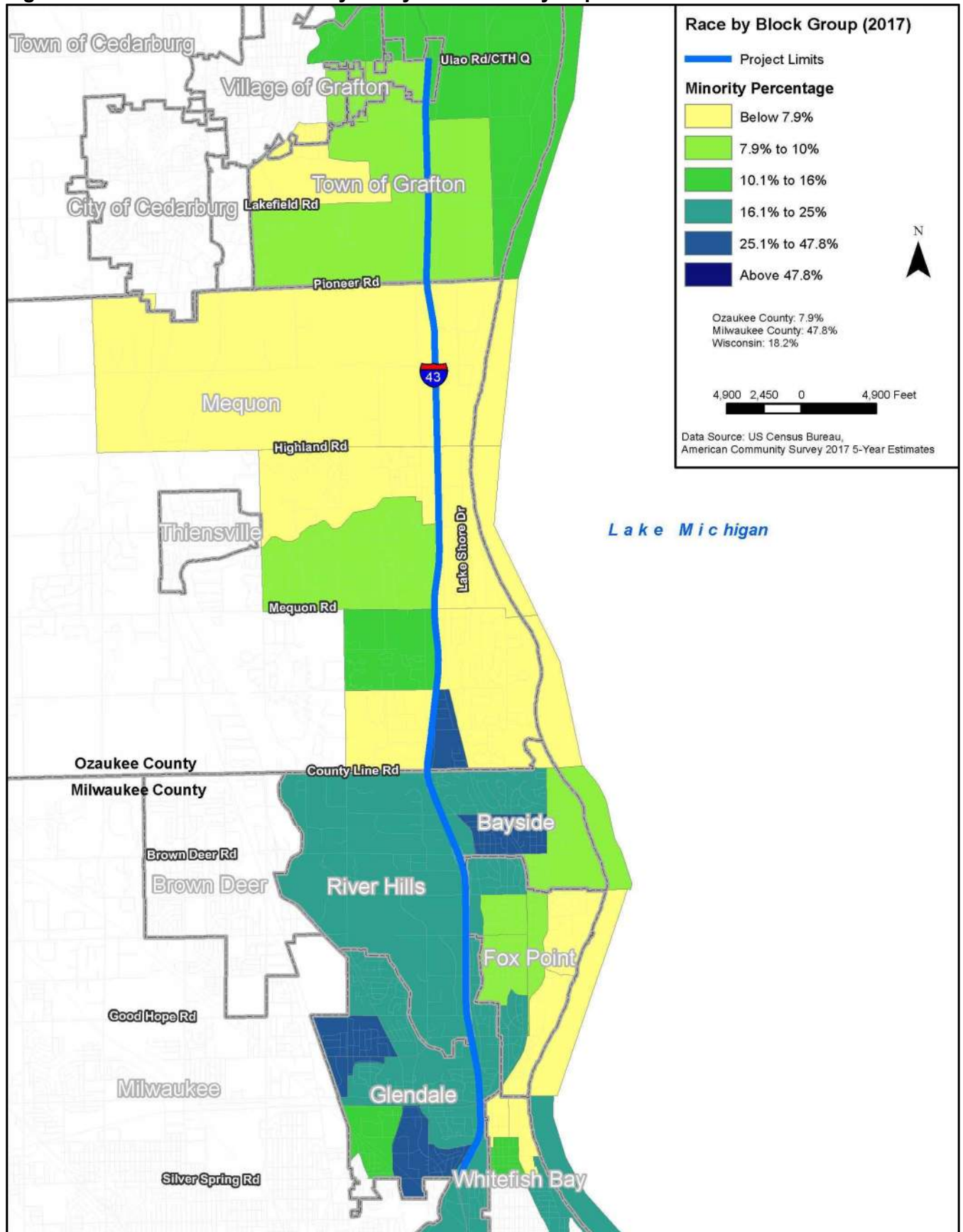
LEGEND	
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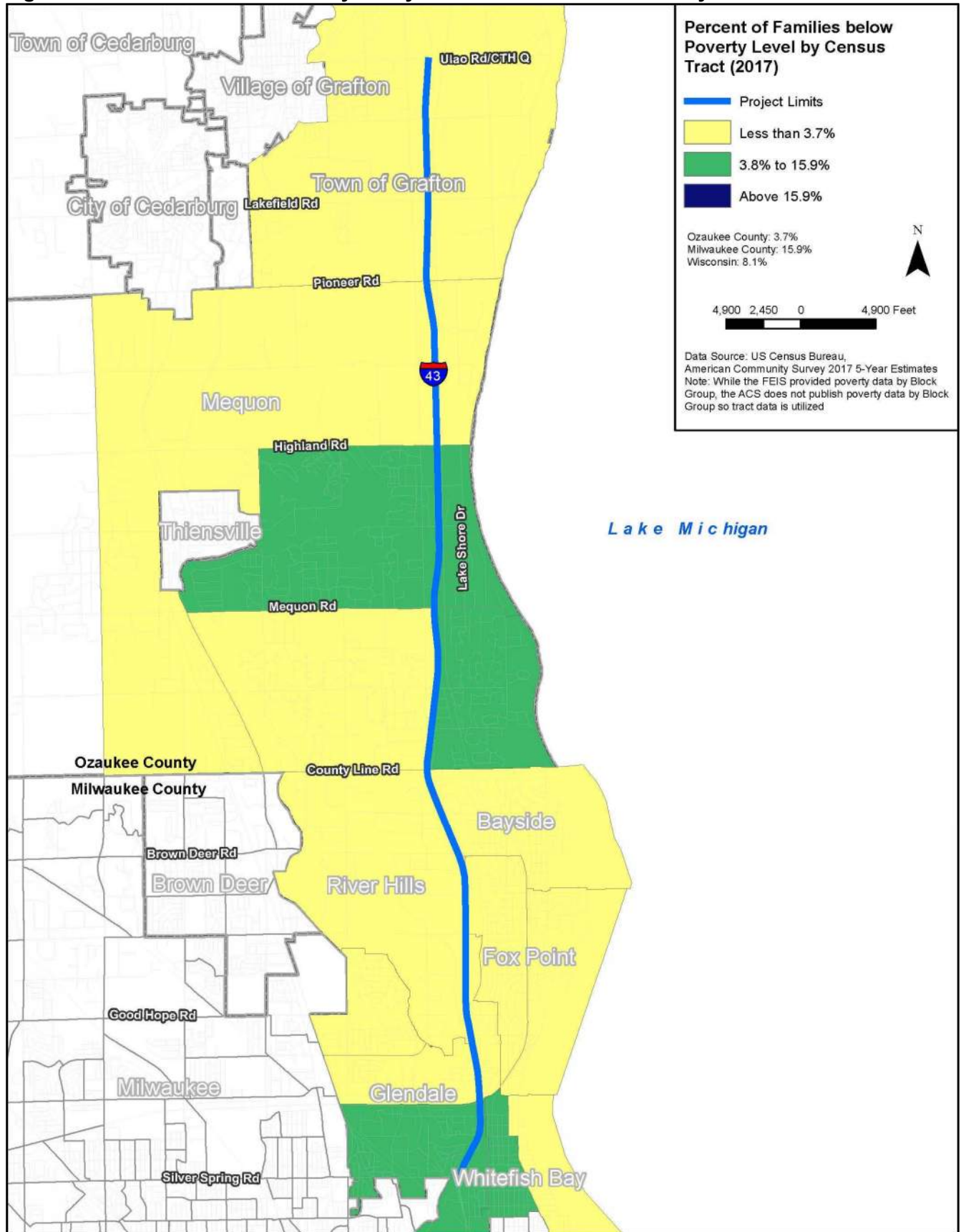
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02.07.20

**Appendix D**  
**Minority and Low-income Population**  
**Maps**

**Figure 1: I-43 North-South Freeway Study Area Minority Populations**

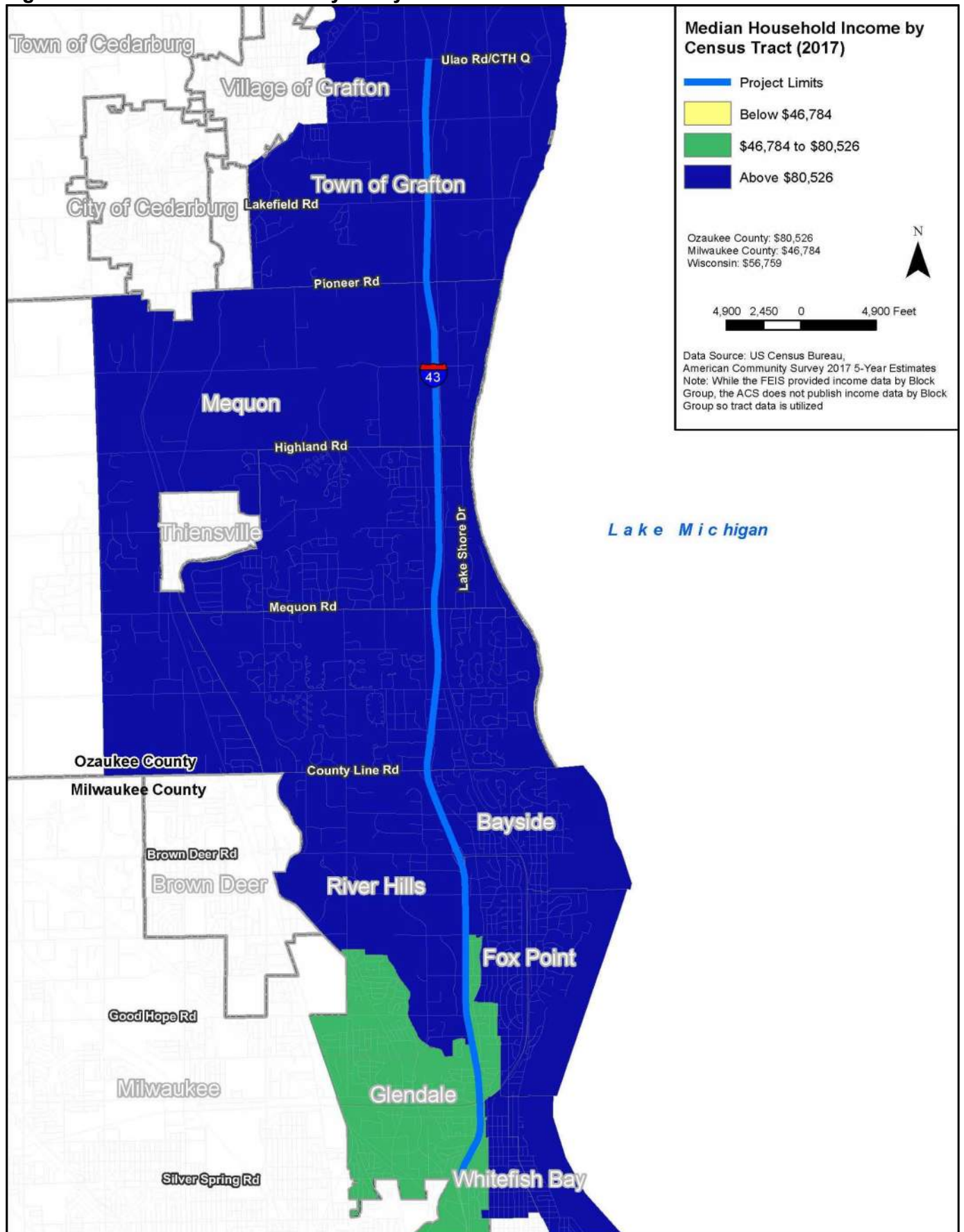


**Figure 2: I-43 North-South Freeway Study Area Families Below Poverty Level**





**Figure 3: I-43 North-South Freeway Study Area Median Household Income**



# **Appendix E**

## **Agency Correspondence**

**Wisconsin Department of Natural Resources**

**Wisconsin Department of Agriculture, Trade and Consumer Protection**

**WisDOT Bureau of Aeronautics**

**U.S. Fish and Wildlife Service**

**U.S. Coast Guard**

**U.S. Department of Agriculture, Natural Resources Conservation Service**

**U.S. Department of Agriculture, Farm Service Agency**

**Wisconsin State Historic Preservation Officer**



August 5, 2019

Dobra Payant  
Wisconsin Department of Transportation  
141 N.W. Barstow Street  
P.O. BOX 798  
Waukesha, WI 53187-0798

**Subject: DNR Initial Project Review**  
Project I.D. 1229-04-01  
USH I-43 Corridor Study  
Silver Spring Drive to STH 60  
Milwaukee and Ozaukee Counties

Dear Ms. Payant:

The Department has received the information you provided for the proposed above referenced project. According to your proposal, the purpose of this project is to study the corridor, including the service interchanges and adjacent arterial roads in Milwaukee and Ozaukee Counties to identify safety concerns, assess physical condition and configuration of the roadways and identify potential environmental concern and socioeconomic factors that may be affected by the project. Construction is planned for 2022 at this time.

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT (Wisconsin Department of Transportation) Cooperative Agreement. Resources that may be potentially impacted by this project include, but are not limited to, wetlands, waterways, floodplains, environmental corridors, state and federal threatened and endangered species, air quality, water quality, public lands and recreational trails. In addition, the project has the potential to affect other environmental factors including, but not limited to, noise levels, disturbance of contaminated soil or groundwater, invasive species and historic or archeological sites.

Initial comments on the project as proposed are included below, and we assume that additional information will be provided to address all resource concerns identified. To ensure compliance with resource protections, we are recommending that Special Provisions be developed for specific resource protections described below. DNR expects that the full range of DOT roadway standards will be applied throughout the design and construction process.

### **A. Project-Specific Resource Concerns**

#### **Section 4(f) Requirement:**

Public lands are present in the vicinity of this project. If there is potential for impacts to these lands, please begin coordination with us as soon as possible.

There is a U.S. Dept. of Transportation “Section 4(f)” process for federally funded transportation projects that impact various types of public parks, wildlife refuges, and recreation areas. This requirement is coordinated by state and federal transportation departments. Please ensure the 4f process is followed according to the DOT facilities development manual.

### **Stewardship Funded Lands:**

An additional review requirement applies to the Oak Leaf Trail/Union Pacific Railroad Corridor per the state Knowles-Nelson Stewardship grant program. The subject property was acquired or developed with financial assistance via the Stewardship program. The Stewardship property in question is owned by Milwaukee County, who will need to be engaged in the review process.

Avoiding impacts to Stewardship property is ideal. However, if avoidance is not practicable, option to replace impacted property with additional land or development of equal or greater value than the impacted property. The process is coordinated by the DNR Transportation Liaison, working with the DNR Grant Manager, and, in cases where the 6(f) property is not owned by DNR, the property owner.

### **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 DOT Wetland Mitigation Banking Technical Guideline. DNR requests information regarding the amount and type of unavoidable wetland impacts and also recommends that all practicable alternatives be considered for mitigation of wetland impacts within the same watershed as the project (Southwest Lake Michigan watershed).

- A preliminary review of the Surface Water Data Viewer (SWDV) indicates that wetlands exist within the project limits and will be impacted by proposed roadway expansion.

### **Fisheries/Stream Work:**

The Milwaukee River and tributaries in the project corridor are navigable waterways. Fish Creek, Indian Creek and Ulao Creek are navigable waterways within the corridor and are direct tributaries to Lake Michigan.

In addition, the Milwaukee River and Ulao Creek have been designated as Areas of Special Natural Resource Interest (ASNRI) waters. Impacts to these waterways and associated wetland complexes should be minimized. Construction impacts in the Milwaukee River and the known tributaries will be prohibited between March 1st and June 15th to protect endemic fish spawning

If erosion control matting is to be used along stream banks, 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 bonded at the mesh intersection such that the openings in the mesh are fixed in size.

### **Aquatic Connectivity and Culvert Work:**

Culverts should be set and sized in such a manner to avoid or minimize impacts to stream morphology, aquatic organism passage, and water quality. The invert elevation of the new culvert(s) should be set an adequate distance below the natural streambed elevation, to allow for a natural and continuous streambed condition to occur. The invert elevations of the existing and proposed structure(s), the water

surface elevations, and the natural streambed elevations upstream and downstream should be specified in the plans. The width and depth of any navigable waterway must not be altered. However, a minor amount of dredging necessary to place the structure elements is permissible.

### **Habitat Connectivity:**

This roadway has an AADT of over 40,000 cars per day and as such presents a barrier to safe crossing for any type of wildlife. As such, the roadway fragments habitat for wildlife and disrupts wildlife passage. DNR requests that wildlife passage accommodations be incorporated at road stream crossings or other underpasses in the corridor, in order to improve habitat connectivity and prevent vehicle wildlife collisions within the corridor. Please continue to work with you're the Department throughout the design process to evaluate and consider suitable solutions.

### **Endangered Resources:**

Based upon a review of the Natural Heritage Inventory (NHI) dated August 2, 2019, the project area is near known occurrences for the threatened and/or endangered species, and there is potential for these species to occur if there is suitable habitat within your project limits. To ensure there are no adverse impacts, habitat suitability should be determined for these listed species. If suitable habitat is found within the project limits, and impacts to that habitat cannot be avoided, then additional surveys may be necessary. Please refer to Natural Heritage Inventory reviews for detailed information on species. With this review the following has also been determined:

- This project is located within a High Potential Zones (HPZ) for the Rusty Patched Bumblebee (RPBB), and effect determinations need to be made by US Fish and Wildlife agency for this federally endangered species.

Some state listed species present in the project area are covered by the Broad Incidental Take Authorizations (fish and bats). No further actions for these endangered resources are necessary if all conservation measures listed in the Broad Incidental Take Authorizations are implemented into the project provisions.

- ❖ *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. As a result, 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. Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.*

### **Migratory Birds:**

Based on the information provided/based on site review, there is evidence of past migratory bird nesting on the existing structures, and a documented Migratory Bird Concentration site near the project area. 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 (USFWS). Therefore, bridge demolition should occur between August 30<sup>th</sup> and May 1<sup>st</sup> (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 it is wildlife appropriate netting that will not entrap birds (holes less than 5mm), that it is properly installed, properly maintained, removed as soon as the nesting period is over and properly disposed of. If avoidance options are not practicable then the USFWS must be contacted to apply for a depredation permit. Documentation of avoidance measures and feasibility is required for

application of a depredation permit and this method cannot be relied upon as a primary method of meeting migratory bird requirements. Please refer to Endangered Resources reviews for birds that are protected under state and federal Endangered species laws.

To avoid impacts to nesting birds, removal of trees and shrubs which are likely to support active nests, or ground disturbance and vehicle traffic in grasslands with potential ground-nesting migratory birds should be completed between August 1<sup>st</sup> and May 1<sup>st</sup>.

### **Invasive Species and Viral Hemorrhagic Septicemia (VHS):**

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 to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. This applies to equipment operating in any area of the project, regardless of the type of habitat (wetland, waterway, upland). For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>. Site specific planning for management of invasive species identified within the project corridor may be required if DNR determines this is necessary.

### **Emerald Ash Borer:**

This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. It is illegal to move or transport ash material, the emerald ash borer, and hardwood debris (i.e. firewood) from EAB quarantined areas to a non-quarantined area without a compliance agreement issued by WI Department of Agriculture, Trade and Consumer Protection. Regulated items include cut hardwood (non-coniferous) firewood, ash logs, ash mulch or bark fragments larger than one inch in diameter, or ash nursery stock (DATCP statute 21).

- For more information regarding the EAB and quarantine areas please click on the following link: <http://datcpservices.wisconsin.gov/eab/article.jsp?topicid=20>
- Recommendations to reduce the spread of EAB in potentially infested Ash wood: <http://datcpservices.wisconsin.gov/eab/articleassets/Recommendations%20to%20reduce%20the%20spread%20of%20EAB.pdf>

### **Air Quality:**

DNR recommends that the environmental analysis assess existing and projected air pollutant emissions, affects to mobile sources, identify health impacts and sensitive receptors, and alternatives to minimize temporary construction and long-term air quality impacts. DNR staff will coordinate with local planning commissions and federal agencies on type and methodology of air quality impact analyses required for the project.

### **Contaminated / Hazardous Materials:**

Properties with documented soil and/or groundwater contamination are present in the in the project area. An assessment of these properties should be included in the environmental study and a Hazardous Materials Management Plan should be developed for the project and submitted for DNR review and concurrence. The Department's Solid and Hazardous Waste Information Management System (SHWIMS) provides an on-line database of landfills, waste transporters, hazardous waste generation, and waste processing facilities. The database has links to information about spills, leaks, Superfund cleanups and other contaminated sites that have been discovered and reported. The web address is <http://sotw.dnr.state.wi.us/sotw/Welcome.do> . Additional information is available at: <http://dnr.wi.gov/org/aw/rr/gis/index.htm> .

**Floodplains:**

A determination must be made as to whether the project lies within a mapped/zoned floodplain and whether impacts to floodplain will result from structures over waterways or encroachment of roadways into floodplain areas. Any proposed temporary or permanent changes to the road or waterway geometry in mapped floodplain areas requires that DOT coordinate with the Milwaukee and Ozaukee Zoning Administrators to ensure compliance with the local zoning ordinance and NR116. Examples of floodplain development activity includes, but not limited to, the following: changes to waterway crossings; culvert extensions; changes to road surface elevations and/or side-slopes; temporary causeways; temporary structures; general fill.

- A preliminary review of the Surface Water Data Viewer (SWDV) indicates that floodplains exist within the project limits and will be impacted by proposed roadway expansion.

**Storm Water Management & Erosion Control:**

- For projects disturbing an acre or more of land, erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. DOT should apply for permit coverage before the project goes to final PS&E. Permit coverage will be issued by the DNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards, including ch. 283, Wis. Stats, chs. NR 151 and 216 Wis. Adm. Code.
- The project design and Erosion Control Plan (ECP) must comply with the TCGP in order to receive permit-coverage from the DNR and a valid Certificate of Permit Coverage must always be posted on an active construction site overseen by WisDOT. TCGP permit conditions that must be implemented into the design and construction of this project are attached to this letter and can be found at: <https://dnr.wi.gov/topic/Sectors/documents/FINALsignedWisDOTCSGPWI-S066796-1Apr2018.pdf>
- 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, including the expected level of sediment control on the construction site that achieves compliance with s. 151.23 Wis. Adm. Code, where applicable, documentation of compliance with the five (5) tons per acre per year sediment performance standard, and a description of interim and permanent stabilization practices, including a schedule of implementation.
- Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site, on a project-level, drainage basin basis. Post-construction stormwater requirements need to meet peak-flow reduction requirements and a minimum of 40% Total Suspended Solid reduction for areas of roadway reconstruction and expansion of project area, and 80% Total Suspended Solid reduction for areas of new roadway on a new alignment, including new roadway area planned for the Highland Road and Port Washington Road Interchanges.
- Once the project contract has been awarded, the contractor will be required to outline their construction methods in the Erosion Control Implementation Plan (ECIP). An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least

14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

#### **Selected Site & Commercial Non-Metallic Mines:**

- The DOT Select Site process must be adhered to for clean fill or any other material that leaves the work site. The DNR liaison will review all proposed select sites and a site visit may be required. Filling of wetlands, waterways or floodplain is not allowed under the select site process, unless the site owner obtains required permits. No new impermeable surfaces can be left at a select site (including gravel roads or pads), unless the site owner obtains required permits. Contaminated materials leaving the site need to adhere to the Hazardous Material Management Plan.
- Use of Commercial Non-Metallic Mines must accompany documentation that such mines have received all applicable local, state and federal permits before being used on the project, including local non-metallic mining reclamation permits and applicable WPDES permits as issued by the DNR.

#### **Structure Removal/Bridge Demolition:**

Due to characteristics of waterways in the project area, **STSP 203-025**, *Removing Old Structure over Waterway with Debris Capture System*, should be utilized for structures on this project. DNR believes the method of structure removal is necessary because documentation of a methodology is needed in the contract phase of the design.

#### **Temporary Structure:**

If causeways or temporary bridges are required to build culverts or bridges over waterways, please provide DNR with design 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.

The plans and special provisions should reflect that after the temporary bridge approaches have been removed, native wetland seed mix should be applied to those areas where the temporary bridge approaches were located.

#### **Temporary Stream Channel or Culvert:**

If a temporary channel is needed for culvert construction, the channel will be lined with plastic or other non-erodible material and weighted down with clean stone. A temporary channel or culvert must be capable of carrying all stream flows during the construction period, and must maintain a suitable depth and velocity 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 contract 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 21-35-45 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 Davis, Air Management Specialist 262-574-2118, with questions on the form. The notification must be submitted 10 working days in advance of demolition projects.

**Public Waterway Navigation Issues:**

Bridges should be designed to maintain the existing navigation and new navigational buoys may be required to ensure long-term safety is maintained. Clearance of four feet above the Ordinary High Water Mark of waterways should be designed for each bridge or culvert over navigable waterways.

It may be necessary to place navigational aids around the construction area during construction. A Waterway Marker Application and Permit is required for both types of navigational markers (informational vs. control/restrictive) prior to construction. A local ordinance will also be required for buoys that control or restrict navigation. Adequate time should be allowed for the passage of an ordinance with the local municipality. A local ordinance is not required for informational navigational aids (a waterway marker permit is required). DNR will determine which type of navigational aids are needed in accordance with the project design and methods used during construction. 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>
2. The Wisconsin Department of Transportation should be listed as the applicant.
3. Be sure to 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.
4. Provide the completed application/permit to the local municipality having jurisdictional authority over the area in which the waterway markers will be placed. If an ordinance is required, consult with the local municipality regarding their ordinance process.
5. 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**

6. 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 DOT Liaison to resolve.
7. Permanent Navigation Aids: The process outlined above will also apply to the placement of permanent navigational aids. This includes modifications, additions or temporary relocations of existing navigational aids. The locations of existing buoys (or other navigational aids) must be included in the permit application.

**Special Features:**

• **Seeding and Mulching Recommendation:**

- DNR may request that special seed mix be used on this project because wetlands, waterways, and sensitive environmental habitat exists within the project area.
  
- DNR may request that weed-free mulch be used for restoration of this project site, because wetlands, waterways, and sensitive environmental habitat exists within the project area. Some weed-free mulch suppliers can be found at: <http://wcia.wisc.edu/mulch.pdf>.

**Other Issues:**

This project may require coordination or permits from the U.S. Army Corps of Engineers (USACE) or other federal agencies. 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 do not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, and additional consultation if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at (414) 507-4946, or email at [Kristina.betzold@wi.gov](mailto:Kristina.betzold@wi.gov) .

Sincerely,



Kristina Betzold  
Environmental Analysis & Review Specialist

cc:

**From:** Halpin, Alice L - DATCP  
**To:** [Caron Kloser](#)  
**Subject:** RE: I.D. 1229-04-01; I-43 North-South Freeway; Agricultural Impacts  
**Date:** Tuesday, January 14, 2020 9:09:27 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Thanks Caron.

Alice

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

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

[alice.halpin@wisconsin.gov](mailto:alice.halpin@wisconsin.gov)**brief survey**

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**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>  
**Sent:** Tuesday, January 14, 2020 8:53 AM  
**To:** Halpin, Alice L - DATCP <[Alice.Halpin@wisconsin.gov](mailto:Alice.Halpin@wisconsin.gov)>  
**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>  
**Subject:** I.D. 1229-04-01; I-43 North-South Freeway; Agricultural Impacts

Hello Alice,  
On behalf of WisDOT, I am submitting the attached letter and package providing an update regarding ag impacts. The design has not changed substantially since the FEIS/ROD approval in 2014 and we do not expect substantial changes to the ag impact notice submitted in 2013. Along with a cover letter, the attached package includes the original AIN, along with DATCP's response for your reference.

Should you have any questions, please feel free to contact Steve Hoff, the WisDOT Project Manager, or myself.

Thank you,  
Caron Kloser

**From:** DOT BOA-Highway Coordination  
**To:** [Caron Kloser](#)  
**Cc:** [Hoff, Steve - DOT](#); [Payant, Dobra - DOT](#); [DOT BOA-Highway Coordination](#)  
**Subject:** RE: I.D. 1229-04-01; I-43 North-South Freeway, Milwaukee and Ozaukee counties  
**Date:** Monday, January 27, 2020 1:53:24 PM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Thank you for providing information for the above referenced project.

**Based on the project information provided no further Bureau of Aeronautics coordination is required,** unless:

- horizontal alignment is being changed by 20ft or more from existing built condition
- the roadway will be widened by 20ft or more from existing built condition
- the vertical alignment is being changed by 3ft or more from existing built condition;

OR any permanent or temporary object associated with the project will exceed the current site elevations by 15 ft for public roadways, and 17 ft for interstate highways for:

- Any permanent project structures such as signs, traffic signals, light masts, etc.
- The highest point of any bridge or overpass which is greater than the adjacent surface elevation.
- Any temporary construction equipment required

**Please ensure all storm water retention and/or detention facilities are constructed and maintained as outlined in the FAA guidance on hazardous wildlife attractants found in FAA Advisory Circular 150/5200-33B.** For information or further guidance on storm water systems and other hazardous wildlife attractants, please contact Michael Menon, Airport Operational Safety and Wildlife Program Manager at [michael.menon@dot.wi.gov](mailto:michael.menon@dot.wi.gov).

**If any permanent or temporary easements or land acquisition will be needed from an airport, please notify the Bureau of Aeronautics as soon as possible.** Land acquisition and easements require further review and involve a lengthy FAA approval process. Timely notification will assist in preventing unnecessary delays to the project. Property notifications should be directed to Teresa Kline, Airport Land Program Manager at [teresa.kline@dot.wi.gov](mailto:teresa.kline@dot.wi.gov).

A Notice of Impact should be provided to all airports within 5 miles of the project well in advance of beginning any construction activities. This notice should include the project schedule, any identified aeronautical impacts, identify project components whether temporary or permanent which will exceed the previously listed heights, and anticipated effects to surface access to the airport during construction. This is critically important to ensure first responder access procedures in the event of an aircraft emergency can be developed and coordinated locally. This also allows the airport operator to provide notification regarding delays or changed traffic patterns to aviators and passengers.

**Notice to the Federal Aviation Administration (FAA) may be required.** The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#). If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction. Notice must be filed at the FAA website <http://www.oaaaa.faa.gov> and a Notice Criteria Tool may also be found at this website to assist in determining the need for filing. Multiple project points may need to be run through the Notice Criteria Tool to assess the project.

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance (15 ft for public roadways, and 17 ft for interstate highways) would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

Exemptions to the FAA filing requirement may apply to your project and may be found at CFR Title 14 Part 77.9(e). You do not need to file notice for construction or alteration of:

- Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;
- Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
- Any construction or alteration for which notice is required by any other FAA regulation.
- Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

If notice is required to be filed to the FAA, no work should proceed until the FAA issues a final Determination Letter. If the contractor cannot limit their equipment to the heights and/or locations to FAA studied parameters, a new aeronautical study must be conducted. The recommendations of the FAA should be implemented.

**Joshua Cothren, C.M. | Airspace Safety Program Manager**

Wisconsin Department of Transportation | Bureau of Aeronautics

[BOAhighwaycoordination@dot.wi.gov](mailto:BOAhighwaycoordination@dot.wi.gov) | 608-266-6812



---

**From:** Caron Kloser <CKloser@HNTB.com>

**Sent:** Thursday, November 14, 2019 3:09 PM

**To:** Cothren, Joshua W - DOT <joshua.cothren@dot.wi.gov>

**Cc:** Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>

**Subject:** I.D. 1229-04-01; I-43 North-South Freeway, Milwaukee and Ozaukee counties

Hello Mr. Cothren, on behalf of WisDOT Project Manager, Steve Hoff, I am forwarding the attached coordination letter for the referenced project. Please let Steve know if you will have comments on the project requiring additional follow up.

Thank you.

Sincerely,

Caron Kloser

**Caron Kloser AVP, AICP**

Urban Development and Planning

Tel (414) 410-6776 Cell (414) 975-2030 Email [ckloser@hntb.com](mailto:ckloser@hntb.com)

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# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Green Bay Ecological Services Field Office  
2661 Scott Tower Drive  
New Franken, WI 54229-9565  
Phone: (920) 866-1717 Fax: (920) 866-1710

In Reply Refer To:  
Consultation Code: 03E17000-2019-SLI-1664  
Event Code: 03E17000-2019-E-04342  
Project Name: I-43 Milwaukee Co

August 29, 2019

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

## To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List



## 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:

**Green Bay Ecological Services Field Office**

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

## Project Summary

Consultation Code: 03E17000-2019-SLI-1664

Event Code: 03E17000-2019-E-04342

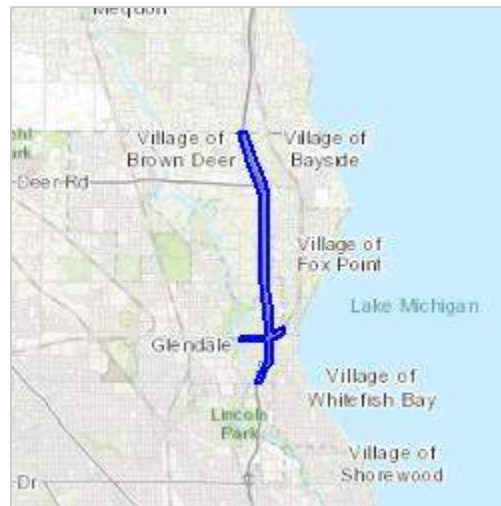
Project Name: I-43 Milwaukee Co

Project Type: TRANSPORTATION

Project Description: Proposed improvements include rebuilding the I-43 freeway mainline, bridges and interchanges, and reconstructing local streets affected by the freeway reconstruction

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.155446429998975N87.91568364467773W>



Counties: Milwaukee, WI

## 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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

### Insects

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9383">https://ecos.fws.gov/ecp/species/9383</a>	Endangered

## **Critical habitats**

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



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Green Bay Ecological Services Field Office  
2661 Scott Tower Drive  
New Franken, WI 54229-9565  
Phone: (920) 866-1717 Fax: (920) 866-1710

In Reply Refer To:

November 22, 2019

Consultation Code: 03E17000-2020-SLI-0336

Event Code: 03E17000-2020-E-00966

Project Name: I-43 Expansion Ozaukee County

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project "may affect" listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## 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:

**Green Bay Ecological Services Field Office**

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

## Project Summary

Consultation Code: 03E17000-2020-SLI-0336

Event Code: 03E17000-2020-E-00966

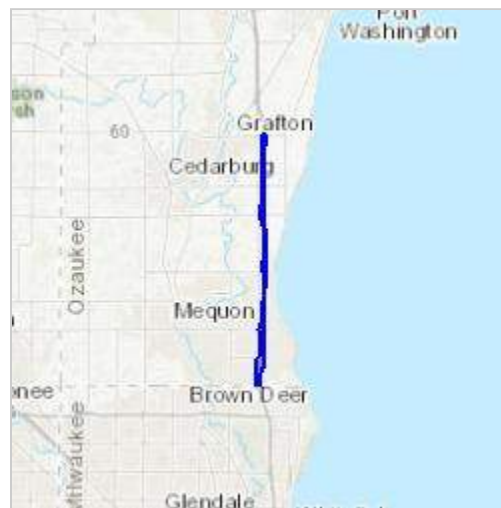
Project Name: I-43 Expansion Ozaukee County

Project Type: TRANSPORTATION

Project Description: Proposed improvements include rebuilding the I-43 freeway mainline, bridges and interchanges, and reconstructing local streets affected by the freeway reconstruction.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.25630850816637N87.91985925594201W>



Counties: Ozaukee, WI



## Endangered Species Act Species

There is a total of 4 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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

### Insects

NAME	STATUS
Hine's Emerald Dragonfly <i>Somatochlora hineana</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7877">https://ecos.fws.gov/ecp/species/7877</a>	Endangered

## Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/601">https://ecos.fws.gov/ecp/species/601</a>	Threatened

## Critical habitats

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



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Green Bay Ecological Services Field Office  
2661 Scott Tower Drive  
New Franken, WI 54229-9565  
Phone: (920) 866-1717 Fax: (920) 866-1710

In Reply Refer To:  
Consultation Code: 03E17000-2019-TA-1664  
Event Code: 03E17000-2020-E-01028  
Project Name: I-43 Expansion Milwaukee Co

November 26, 2019

Subject: Verification letter for the 'I-43 Expansion Milwaukee Co' 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 Diego Silva:

The U.S. Fish and Wildlife Service (Service) received on November 26, 2019 your effects determination for the 'I-43 Expansion Milwaukee Co' (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"<sup>1</sup> 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:

- Red Knot, *Calidris canutus rufa* (Threatened)
- 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

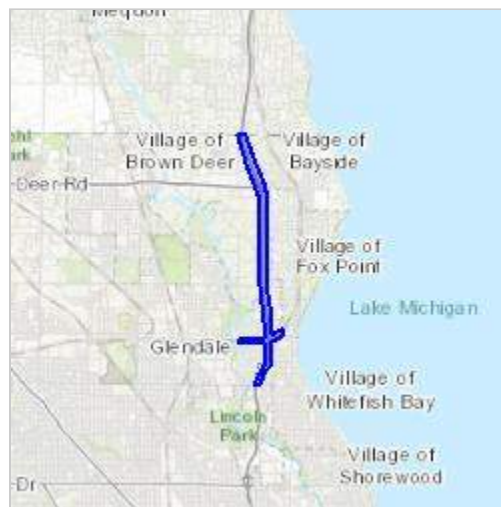
I-43 Expansion Milwaukee Co

### 2. Description

The following description was provided for the project 'I-43 Expansion Milwaukee Co':

Proposed improvements include rebuilding the I-43 freeway mainline, bridges and interchanges, and reconstructing local streets affected by the freeway reconstruction

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.155446429998975N87.91568364467773W>



### 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. 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 is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhsites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhsites.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?

Yes



## 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



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Green Bay Ecological Services Field Office  
2661 Scott Tower Drive  
New Franken, WI 54229-9565  
Phone: (920) 866-1717 Fax: (920) 866-1710

In Reply Refer To:

November 22, 2019

Consultation Code: 03E17000-2020-TA-0336

Event Code: 03E17000-2020-E-00967

Project Name: I-43 Expansion Ozaukee County

Subject: Verification letter for the 'I-43 Expansion Ozaukee County' 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 Diego Silva:

The U.S. Fish and Wildlife Service (Service) received on November 21, 2019 your effects determination for the 'I-43 Expansion Ozaukee County' (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"<sup>[1]</sup> 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:

- Eastern Prairie Fringed Orchid, *Platanthera leucophaea* (Threatened)
- Hine's Emerald Dragonfly, *Somatochlora hineana* (Endangered)
- Red Knot, *Calidris canutus rufa* (Threatened)

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

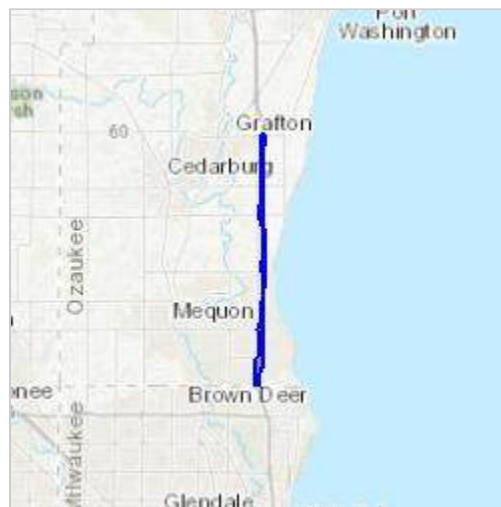
I-43 Expansion Ozaukee County

### 2. Description

The following description was provided for the project 'I-43 Expansion Ozaukee County':

Proposed improvements include rebuilding the I-43 freeway mainline, bridges and interchanges, and reconstructing local streets affected by the freeway reconstruction.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.25630850816637N87.91985925594201W>



## 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. 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 is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html](http://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?

Yes



## 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



United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Ecological Services  
MN-WI Field Office  
4101 American Boulevard East  
Bloomington, Minnesota 55425-1665  
Phone: (952) 252-0092 Fax: (952) 646-2873



March 20, 2020

Dobra Payant.  
Wisconsin Department of Transportation  
DTSD Southeast Region  
141 NW Barstow St., Suite 218  
P.O. Box 798  
Waukesha, WI 53187-0798

FWS No. 03E17000-2019-SLI-1664

Ms. Payant:

The U.S. Fish and Wildlife Service (Service) received the information provided regarding the Wisconsin Department of Transportation I-43 North-South Freeway: Silver Spring Drive to WIS 60 Project (WisDOT ID: 1229-04-01) located in Milwaukee and Ozaukee Counties, WI with effects analyses on rusty patched bumble bee (*Bombus affinis* RPBB), prairie-fringed orchid (*Platanthera praecleara*) and northern long-eared bat (*Myotis septentrionalis*, NLEB). WisDOT requested concurrence with effects determinations of “may affect, not likely to adversely affect” the Prairie-fringed Orchid and northern long-eared bat (NLEB), in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The slope of the interstate right of way will be regraded to accommodate the expansion of the roadway from two to three lanes in each direction. The project is confined to the existing transportation corridor, with limited areas of right of way acquisition. Most of this area is maintained or mowed. Construction activities will begin in 2021 and occur year round, concluding by end of 2024.

A portion of the action area of the proposed project is located within a mapped High Potential Zones (HPZ) for the RPBB. Total disturbance within existing and proposed right of way in the HPZ is 131.29 acres. The project will disturb 33.52 acres of potentially suitable habitat within the HPZ. Ground disturbance occurs in areas of previously disturbed and unpaved natural terrain. These areas are low quality because of past and ongoing disturbance resulting from high traffic volumes and noise in an urban environment. Some of these areas are routinely mowed, have disturbed compacted soils/gravel from previous construction activities, and experience salt influxes from roadway runoff. Typically, WisDOT routinely mows the interstate corridor 8-12 times per year.

The existing roadway shoulders that will be impacted have little diversity of nectaring plants to provide foraging habitat for the RPBB, and invasive species are prevalent and dominant throughout the corridor. All habitats were considered degraded based on the dominance by non-native vegetation, mowing/maintenance in the roadway right of way and private lawns, and generally associated with the I-43 roadway corridor or other roadway corridors.

We concur that this project *may affect, but is not likely to adversely affect* the rusty patched bumble bee. Construction activities will begin in 2021 and occur year round, affecting any life stage of RPBB present. If RPBB were present within the action area, we do not anticipated the temporary loss of this sub-optimal habitat to have a significant impact to the species.

Additionally, you have proposed a conversation measure to re-vegetate disturbed natural areas with a native seed mix that would benefit RPBB in the area. Of the 33.52 acres disturbed during construction by grading, tree and shrub clearing and new infrastructure, an estimated 11.95 acres would be available for potential mitigation as habitat restoration or creation in interchange areas. WisDOT will replant up to 11.95 acres at the Good Hope Road and Brown Deer Road interchange infield areas (which are in the HPZ) with a native flowering seed mix. There is limited high quality habitat along the freeway corridor that travels through the HPZ. The current vegetated areas along the freeway mainline and interchange areas are regularly mowed approximately 12-15 feet from pavement edge to maintain vehicular safety and snow removal. This mowing practice would continue after construction is complete. WisDOT will post “no-mow” signs in the proposed mitigation areas to avoid inadvertent mowing beyond the 15-foot mow zone required for maintenance.

The Eastern Prairie Fringed Orchid occurs in a wide variety of habitats, from mesic prairie to wetlands such as sedge meadows, marsh edges, even bogs. It requires full sun for optimum growth and flowering and a grassy habitat with little to no woody encroachment. There are no federal lands present in the project corridor. The orchid was not observed in the wetland delineation field review completed in Fall 2019. A follow-on rare plant survey is planned for Spring 2020 for federal and state-listed species, and we will look for evidence of the species’ presence. Should individual plants be identified during field surveys, WisDOT will remove affected plants prior to construction for transplanting at a location recommended in coordination with the Wisconsin DNR. Based on these factors, we concur that the subject project *may affect, but is not likely to adversely affect* Eastern Prairie Fringed Orchid.

In accordance with the final 4(d) rule issued for the NLEB, USFWS verified the project 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 Section 17.40 (o). No known Northern Long-Eared Bat roosting sites or hibernacula in or within 1/4 mile of the I-43 Corridor. The activity involves tree removal, but it will not occur within 0.25 miles of a known hibernacula at any time of the year, nor will the activity remove a known maternity roost tree or any other tree within 150 feet of a known maternity roost tree from June 1-July 31.

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](mailto:darin_simpkins@fws.gov); 920-866-1739) for additional assistance.

Sincerely,

Shauna Marquardt  
Assistant Field Supervisor

U.S. Department of  
Homeland Security

**United States  
Coast Guard**



Commandant  
United States Coast Guard

1240 E 9th St  
Cleveland, OH 44199  
Staff Symbol: (dpb)  
Phone: (216) 902-6086  
Fax: (216) 902-6088  
Email: [william.b.stanifer@uscg.mil](mailto:william.b.stanifer@uscg.mil)

16590  
November 15, 2019  
B-247/mow

Steve Hoff  
WisDOT Southeast Regional Office  
141 NW Barstow Street, Suite 218  
P.O. Box 798  
Waukesha, WI 53187-0798

Dear Mr. Hoff:

We are responding to your November 14, 2019 letter and e-mail regarding the proposed I043 North-South Freeway project between Silver Spring Drive and WIS 60.

Based on the information you provided, the proposed project is located in an area where the Coast Guard exercises jurisdiction. After reviewing the project scope and study area map you provided, we have determined it will not require a Coast Guard bridge permit application. Although no Coast Guard bridge permit is required for this proposed project, you may need to comply with the requirements of other federal, state, or local agencies. Please ensure satisfaction with these requirements.

However, coordination with this office is required thirty (30) days prior to the start of any work that temporarily alters the navigational clearances, places equipment in the waterway, or could potentially affect navigation during the project.

If you require further assistance, please contact Mr. Michael Walker at (216) 902-6087 or [michael.o.walker2@uscg.mil](mailto:michael.o.walker2@uscg.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read "W. B. Stanifer".

W. B. STANIFER  
Chief, Bridge Branch  
U. S. Coast Guard  
By direction

**From:** Olson, Stephaney (CTR) - NRCS, Madison, WI  
**To:** [Caron Kloser](#)  
**Cc:** [Kidd, Greg - NRCS, Madison, WI](#)  
**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties  
**Date:** Friday, April 3, 2020 8:38:28 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Caron,

The only ALE that is close to the project area is east of the WRP site, so it should not be impacted either. I believe we are all good. Please let me know if you need anything else.

Thanks & have a nice weekend,  
Stephaney

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>  
**Sent:** Thursday, April 2, 2020 2:55 PM  
**To:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>  
**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>; Soldner, Brandon - FSA, Madison, WI <[brandon.soldner@usda.gov](mailto:brandon.soldner@usda.gov)>  
**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Thank you Stephaney, it appears the site (in blue outline) is removed from the limits of the freeway construction since it's east of the railroad tracks. Thanks for checking on the other programs.

Brandon, Please let me know if you need any further information from me. I will follow up with you in the coming days.

Thanks again to all for your help!  
Caron

---

**From:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>  
**Sent:** Thursday, April 2, 2020 2:48 PM  
**To:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>  
**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>; Soldner, Brandon - FSA, Madison, WI <[brandon.soldner@usda.gov](mailto:brandon.soldner@usda.gov)>  
**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Caron,

There is one Wetlands Reserve Program (WRP) easement that may be impacted by the

reconstruction project, see the attached maps.

I am still looking into one of our other easement programs, Agricultural Land Easements (ALE) to see if any of those projects will be impacted. I will get back to you about ALE, apologies for the delay.

The Conservation Reserve Program (CRP) is administered by the Farm Service Agency (FSA), so you will need to work with Brandon Soldner from FSA. Here is his contact info (he is also cc'd):

***Brandon Soldner***

Agricultural Specialist

**Farm Service Agency**

**United States Department of Agriculture**

8030 Excelsior Dr.

Madison, WI 53717-2913

(608)662-4422 ext. 116

[Brandon.soldner@usda.gov](mailto:Brandon.soldner@usda.gov)

Thanks,  
Stephaney

Stephaney Olson  
GIS/Database Technician  
REMSA, Inc. (Contractor)  
USDA-NRCS Wisconsin State Office  
(608) 662-4422 Ext. 212

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Sent:** Thursday, April 2, 2020 8:44 AM

**To:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>

**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Stephaney,

Following up on the note below if you've had a chance to take a look at your files yet.

Thanks again for your time.

Caron

---

**From:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>

**Sent:** Monday, March 30, 2020 8:33 AM

**To:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Caron,

I am the GIS Technician for NRCS easements in Wisconsin. Would you please send the map that you had attached to the first email? It didn't get forwarded all the way through to me. I will be able to let you know which easements may be impacted.

Thanks!

Stephaney Olson  
GIS/Database Technician  
REMSA, Inc. (Contractor)  
USDA-NRCS Wisconsin State Office  
(608) 662-4422 Ext. 212

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Sent:** Thursday, March 26, 2020 1:11 PM

**To:** Stubbs, Brooke - NRCS, Dover, NH <[brooke.stubbs@usda.gov](mailto:brooke.stubbs@usda.gov)>

**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Andrew Kowske <[AKowske@HNTB.com](mailto:AKowske@HNTB.com)>; Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>; Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>; Peplinski, Matt - FSA, Juneau, WI <[matt.peplinski@usda.gov](mailto:matt.peplinski@usda.gov)>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Thank you for following up Brooke! I thought it was odd to see NH staff listed on the NRCS Wisconsin website (see link). But appreciate your getting back to me so quickly with correct contacts.

[https://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/home/?cid=nrcs144p2\\_015670](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/home/?cid=nrcs144p2_015670)

Stay well.

Regards,

Caron

---

**From:** Stubbs, Brooke - NRCS, Dover, NH <[brooke.stubbs@usda.gov](mailto:brooke.stubbs@usda.gov)>

**Sent:** Thursday, March 26, 2020 12:58 PM

**To:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Andrew Kowske <[AKowske@HNTB.com](mailto:AKowske@HNTB.com)>; Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>; Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>



**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Caron,

I've copied Greg Kidd and Stephaney Olson in Wisconsin who will be able to help you with your request. I work on NRCS easement programs in the state of New Hampshire.

Thanks,  
Brooke

Brooke Stubbs  
Resource Conservationist for Easement Programs  
Natural Resource Conservation Service  
United States Department of Agriculture  
273 Locust Street, Suite 2D  
Dover, NH 03820  
603-868-9931 x106  
Fax: 855-428-0332

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Sent:** Thursday, March 26, 2020 11:42 AM

**To:** [susan.knight@nh.usda.gov](mailto:susan.knight@nh.usda.gov); Stubbs, Brooke - NRCS, Dover, NH <[brooke.stubbs@usda.gov](mailto:brooke.stubbs@usda.gov)>

**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Andrew Kowske <[AKowske@HNTB.com](mailto:AKowske@HNTB.com)>

**Subject:** WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hello,

I am working for the Wisconsin Department of Transportation on the I-43 North-South freeway reconstruction project in Milwaukee and Ozaukee counties. I am contacting you to determine if properties adjacent to the project corridor are participating in a USDA Wetland Reserve Program, Conservation Reserve Program or other similar programs. The reconstruction project limits are between Silver Spring Drive in Milwaukee County and WIS 60 in Ozaukee County (see attached project location map). We anticipate some strip right of way acquisitions along the project corridor and would like to know if any of those acquisitions intersect with properties in USDA reserve programs.

Please let me know if you are the correct contacts to discuss the project and my request, or if there are other staff within USDA I should contact. If you need more information or would like a WebEx conference call, I would be happy to follow up. You can also contact the WisDOT Project Manager,

Steve Hoff, at the email address above or via phone at 262-548-6718 for additional questions.

Thank you for your time and assistance.

Regards,  
Caron Kloser

**Caron Kloser AVP, AICP**

Urban Development and Planning

Tel (414) 410-6776 Cell (414) 975-2030 Email [ckloser@hntb.com](mailto:ckloser@hntb.com)

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*This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.*

**From:** Soldner, Brandon - FSA, Madison, WI  
**To:** [Caron Kloser](#); [Olson, Stephaney \(CTR\) - NRCS, Madison, WI](#)  
**Cc:** [Kidd, Greg - NRCS, Madison, WI](#)  
**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties  
**Date:** Friday, April 3, 2020 8:44:37 AM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)

---

Caron,

No CRP contracts will be affected along the stretch I-43 as shown in the map.

***Brandon Soldner***

Agricultural Specialist

**Farm Service Agency**

**United States Department of Agriculture**

8030 Excelsior Dr.

Madison, WI 53717-2913

(608)662-4422 ext. 116

As precautionary health measures are put in effect nationwide to reduce the spread of coronavirus, the USDA is taking steps to ensure the safety of its employees and customers. USDA Service Centers are open for business by phone appointment only. While our program delivery staff will continue to come into to the office, they will be working with our agriculture producers by phone and using email and online tools whenever possible. Producers should contact their local service center by phone to schedule time for program or loan services needed. For the latest information on Service Center operations, visit [farmers.gov/coronavirus](https://farmers.gov/coronavirus).

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---

**From:** Caron Kloser <CKloser@HNTB.com>

**Sent:** Thursday, April 2, 2020 2:55 PM

**To:** Olson, Stephaney (CTR) - NRCS, Madison, WI <stephaney.olson@usda.gov>

**Cc:** Kidd, Greg - NRCS, Madison, WI <greg.kidd@usda.gov>; Soldner, Brandon - FSA, Madison, WI <brandon.soldner@usda.gov>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Thank you Stephaney, it appears the site (in blue outline) is removed from the limits of the freeway

construction since it's east of the railroad tracks. Thanks for checking on the other programs.

Brandon, Please let me know if you need any further information from me. I will follow up with you in the coming days.

Thanks again to all for your help!

Caron

---

**From:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>

**Sent:** Thursday, April 2, 2020 2:48 PM

**To:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>; Soldner, Brandon - FSA, Madison, WI <[brandon.soldner@usda.gov](mailto:brandon.soldner@usda.gov)>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Caron,

There is one Wetlands Reserve Program (WRP) easement that may be impacted by the reconstruction project, see the attached maps.

I am still looking into one of our other easement programs, Agricultural Land Easements (ALE) to see if any of those projects will be impacted. I will get back to you about ALE, apologies for the delay.

The Conservation Reserve Program (CRP) is administered by the Farm Service Agency (FSA), so you will need to work with Brandon Soldner from FSA. Here is his contact info (he is also cc'd):

***Brandon Soldner***

Agricultural Specialist

**Farm Service Agency**

**United States Department of Agriculture**

8030 Excelsior Dr.

Madison, WI 53717-2913

(608)662-4422 ext. 116

[Brandon.soldner@usda.gov](mailto:Brandon.soldner@usda.gov)

Thanks,

Stephaney

Stephaney Olson

GIS/Database Technician

REMSA, Inc. (Contractor)

USDA-NRCS Wisconsin State Office

(608) 662-4422 Ext. 212

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>  
**Sent:** Thursday, April 2, 2020 8:44 AM  
**To:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>  
**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>  
**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Stephaney,  
Following up on the note below if you've had a chance to take a look at your files yet.  
Thanks again for your time.  
Caron

---

**From:** Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>  
**Sent:** Monday, March 30, 2020 8:33 AM  
**To:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>  
**Cc:** Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>  
**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Caron,

I am the GIS Technician for NRCS easements in Wisconsin. Would you please send the map that you had attached to the first email? It didn't get forwarded all the way through to me. I will be able to let you know which easements may be impacted.

Thanks!

Stephaney Olson  
GIS/Database Technician  
REMSA, Inc. (Contractor)  
USDA-NRCS Wisconsin State Office  
(608) 662-4422 Ext. 212

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>  
**Sent:** Thursday, March 26, 2020 1:11 PM  
**To:** Stubbs, Brooke - NRCS, Dover, NH <[brooke.stubbs@usda.gov](mailto:brooke.stubbs@usda.gov)>  
**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Andrew Kowske <[AKowske@HNTB.com](mailto:AKowske@HNTB.com)>; Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>;

Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>; Peplinski, Matt - FSA, Juneau, WI <[matt.peplinski@usda.gov](mailto:matt.peplinski@usda.gov)>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Thank you for following up Brooke! I thought it was odd to see NH staff listed on the NRCS Wisconsin website (see link). But appreciate your getting back to me so quickly with correct contacts.

[https://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/home/?cid=nrcs144p2\\_015670](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/home/?cid=nrcs144p2_015670)

Stay well.

Regards,

Caron

---

**From:** Stubbs, Brooke - NRCS, Dover, NH <[brooke.stubbs@usda.gov](mailto:brooke.stubbs@usda.gov)>

**Sent:** Thursday, March 26, 2020 12:58 PM

**To:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Andrew Kowske <[AKowske@HNTB.com](mailto:AKowske@HNTB.com)>; Kidd, Greg - NRCS, Madison, WI <[greg.kidd@usda.gov](mailto:greg.kidd@usda.gov)>; Olson, Stephaney (CTR) - NRCS, Madison, WI <[stephaney.olson@usda.gov](mailto:stephaney.olson@usda.gov)>

**Subject:** RE: WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hi Caron,

I've copied Greg Kidd and Stephaney Olson in Wisconsin who will be able to help you with your request. I work on NRCS easement programs in the state of New Hampshire.

Thanks,

Brooke

Brooke Stubbs

Resource Conservationist for Easement Programs

Natural Resource Conservation Service

United States Department of Agriculture

273 Locust Street, Suite 2D

Dover, NH 03820

603-868-9931 x106

Fax: 855-428-0332

---

**From:** Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>

**Sent:** Thursday, March 26, 2020 11:42 AM

**To:** [susan.knight@nh.usda.gov](mailto:susan.knight@nh.usda.gov); Stubbs, Brooke - NRCS, Dover, NH <[brooke.stubbs@usda.gov](mailto:brooke.stubbs@usda.gov)>  
**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Andrew Kowske <[AKowske@HNTB.com](mailto:AKowske@HNTB.com)>  
**Subject:** WisDOT I.D. 1229-04-01: I-41 North-South Reconstruction project and USDA WRP/CRP properties

Hello,

I am working for the Wisconsin Department of Transportation on the I-43 North-South freeway reconstruction project in Milwaukee and Ozaukee counties. I am contacting you to determine if properties adjacent to the project corridor are participating in a USDA Wetland Reserve Program, Conservation Reserve Program or other similar programs. The reconstruction project limits are between Silver Spring Drive in Milwaukee County and WIS 60 in Ozaukee County (see attached project location map). We anticipate some strip right of way acquisitions along the project corridor and would like to know if any of those acquisitions intersect with properties in USDA reserve programs.

Please let me know if you are the correct contacts to discuss the project and my request, or if there are other staff within USDA I should contact. If you need more information or would like a WebEx conference call, I would be happy to follow up. You can also contact the WisDOT Project Manager, Steve Hoff, at the email address above or via phone at 262-548-6718 for additional questions.

Thank you for your time and assistance.

Regards,

Caron Kloser

**Caron Kloser AVP, AICP**

Urban Development and Planning

Tel (414) 410-6776 Cell (414) 975-2030 Email [ckloser@hntb.com](mailto:ckloser@hntb.com)

**HNTB CORPORATION**

250 E. Wisconsin Avenue, Suite 2000 | Milwaukee, WI 53202 | [hntb.com](http://hntb.com)

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*This e-mail and any files transmitted with it are confidential and are intended solely for the use of the*

**From:** Payant, Dobra - DOT  
**To:** [Caron Kloser](#)  
**Cc:** [Hoff, Steve - DOT](#); [Ruenger, Brenda H - DOT](#)  
**Subject:** FW: Completed Amended Section 106: Wis DOT 1229-04-01 Silver Spring Dr to STH 60  
**Date:** Monday, March 30, 2020 3:42:17 PM

---

Caron, we received concurrence from SHPO. Please incorporate email from Lynn/Kimberly in the environmental document.

Thanks,  
Dobra

---

**From:** Ruenger, Brenda H - DOT  
**Sent:** Monday, March 30, 2020 3:37 PM  
**To:** Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>  
**Cc:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>  
**Subject:** FW: Completed Amended Section 106: Wis DOT 1229-04-01 Silver Spring Dr to STH 60

fyi

---

**From:** Cloud, Lynn - DOT  
**Sent:** Monday, March 30, 2020 3:28 PM  
**To:** Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>  
**Cc:** DOT BEES Cultural Resources <[bees.cr@dot.wi.gov](mailto:bees.cr@dot.wi.gov)>; 'Emily Pettis ([emily.pettis@meadhunt.com](mailto:emily.pettis@meadhunt.com))' <[emily.pettis@meadhunt.com](mailto:emily.pettis@meadhunt.com)>; Amy Hootman <[amy.hootman@meadhunt.com](mailto:amy.hootman@meadhunt.com)>; McElmeel, Timothy J - DOT <[Timothy.McElmeel@dot.wi.gov](mailto:Timothy.McElmeel@dot.wi.gov)>; Ruenger, Brenda H - DOT <[Brenda.Ruenger@dot.wi.gov](mailto:Brenda.Ruenger@dot.wi.gov)>; Lee, Scott - DOT <[Scott.Lee@dot.wi.gov](mailto:Scott.Lee@dot.wi.gov)>; Curran, Thomas1 J - DOT <[thomas1.curran@dot.wi.gov](mailto:thomas1.curran@dot.wi.gov)>  
**Subject:** Completed Amended Section 106: Wis DOT 1229-04-01 Silver Spring Dr to STH 60

See email below. SHPO concurred with "No historic properties affected".

Please print for use in your environmental document. If the scope or activities of the undertaking should change the project will need to be re-evaluated for effects to historic properties and further consultation with BTS/CR is required.

This email documents SHPO concurrence pursuant to 36 CFR 800 and is to be used in lieu of the Section 106 form.

### **Cultural Resources**

Wisconsin Department of Transportation  
P.O. Box 7965  
Madison, WI 53707-7965  
[bees.cr@dot.wi.gov](mailto:bees.cr@dot.wi.gov)

[Lynn Cloud](#) - (608) 266-0099



---

**From:** KIMBERLY A COOK <[kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)>  
**Sent:** Monday, March 30, 2020 9:25 AM  
**To:** Amy Hootman <[amy.hootman@meadhunt.com](mailto:amy.hootman@meadhunt.com)>; Emily Pettis <[emily.pettis@meadhunt.com](mailto:emily.pettis@meadhunt.com)>;  
Cloud, Lynn - DOT <[Lynn.Cloud@dot.wi.gov](mailto:Lynn.Cloud@dot.wi.gov)>  
**Subject:** Re: WHS 12-0649 MI / Wis DOT 1229-04-01 Silver Spring Dr to STH 60

*Due to the recent global health crisis, Wisconsin SHPO Compliance staff are reviewing all projects digitally.*

We have completed review of WHS# 12-0649. We concur with the finding of No historic properties will be affected.

Please use this email as your official SHPO concurrence for the project. If you require a hard copy signed form, please contact me and I will do my best to provide you a signed copy as soon as possible.

Thank you,

Kimberly Cook

State Historic Preservation Office

Wisconsin Historical Society

816 State Street, Madison, WI 53706

[Kimberly.cook@wisconsinhistory.org](mailto:Kimberly.cook@wisconsinhistory.org)

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**Appendix F**  
**Section 4(f) Impacts**

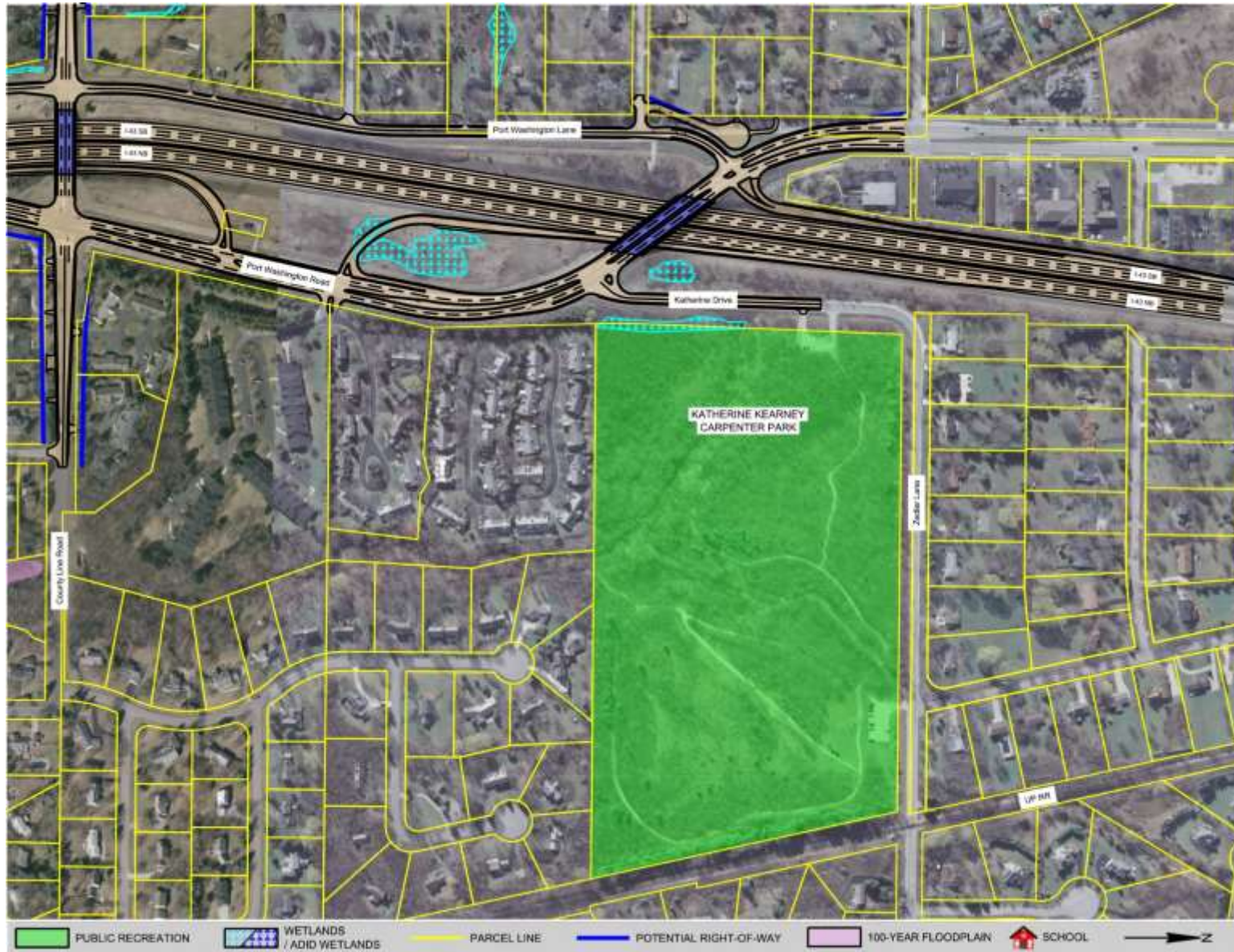
Impact at Craig Counsell Park as shown in FEIS/ROD



# Updated Impact at Craig Counsell Park



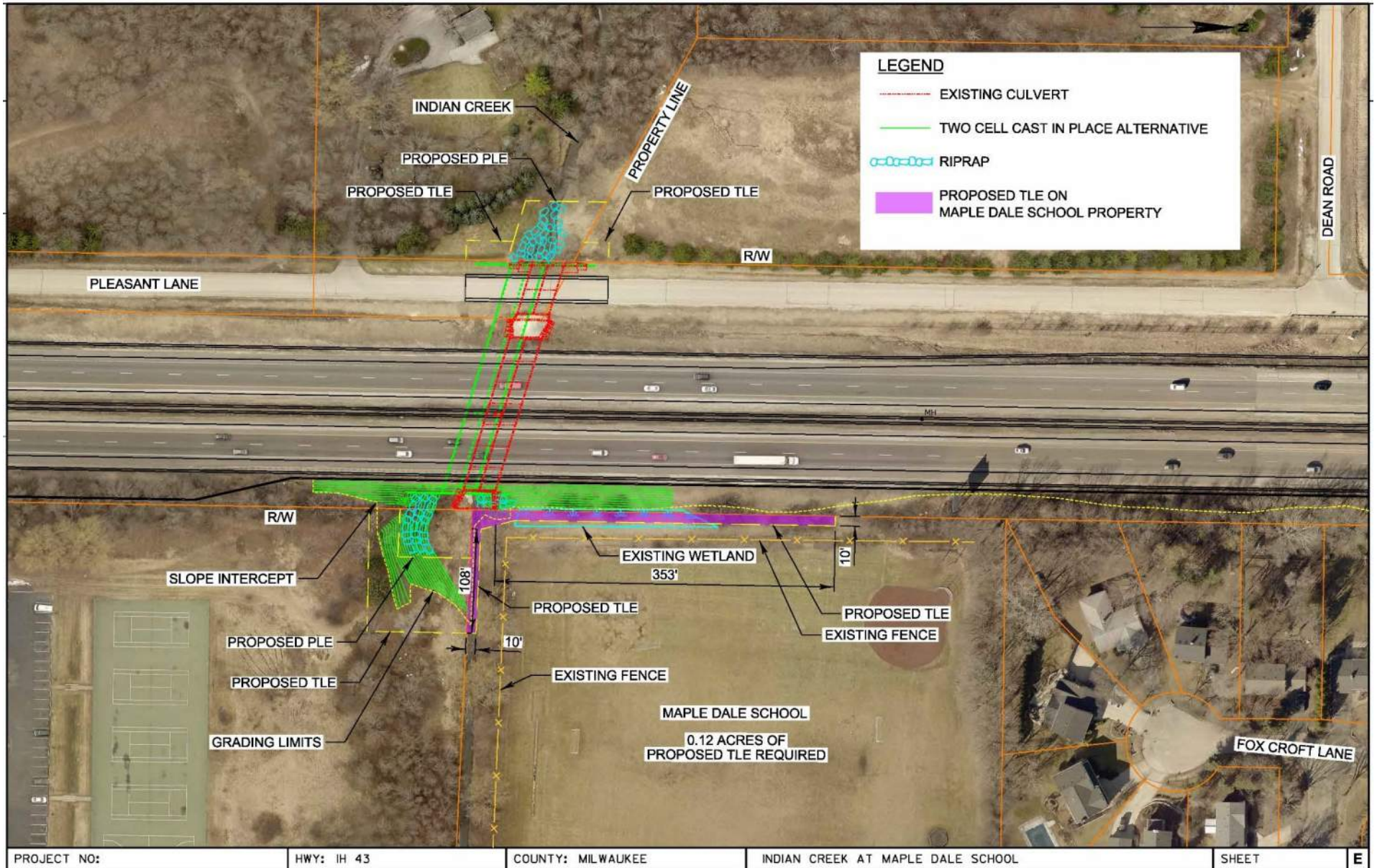
Impact at Katherine Kearney Park as shown in FEIS/ROD



# Updated Impact at Katherine Kearney Park



Updated Impact at Maple Dale School Property



## **Section 4(f) OWJ Coordination**



**WisDOT DTSD**

Southeast Regional Office  
141 NW Barstow St., Suite 218  
P.O. Box 798  
Waukesha, WI 53187-0798

**Governor Tony Evers**  
**Secretary Craig Thompson**  
[wisconsindot.gov](http://wisconsindot.gov)  
Telephone: (262) 548-5903  
FAX: (262) 548-5662



February 3, 2020

Mr. Paul Boening  
Village Manager  
Village of Whitefish Bay  
5300 Marlborough Dr.  
Whitefish Bay, WI 53217

Re: ID: 1229-04-01  
I-43 North-South Freeway  
Silver Spring Drive to WIS 60  
Milwaukee and Ozaukee Counties

Dear Mr. Boening,

Thank you for your recent communications with Caron Kloser of HNTB Corporation regarding proposed right of way acquisition and temporary easements in Craig Counsell Park to reconstruct Port Washington Road and Karl Campus Drive within the park.

As a publicly owned park and recreational resource, the Craig Counsell Park is subject to Section 4(f) considerations in accordance with Federal Highway Administration's (FHWA) Department of Transportation Act of 1966. The Section 4(f) process provides for review procedures to consider impacts to recreational properties, including de minimis impacts.

Continuing design refinement reduced the permanent right of way required at the park as presented in the 2014 Final Environmental Impact Statement/Record of Decision (FEIS/ROD). The changes in impacts are noted below (see also attached exhibits):

1. Original impact in FEIS/ROD: 0.05 acre permanent right of way acquisition along Port Washington Road
2. Updated impact: 0.01 acres permanent right of way acquisition along Port Washington Road and 0.37 acres temporary easement to reconstruct Karl Campus Drive.

Remaining portions of the park disturbed by construction activity will be restored to pre-construction conditions.

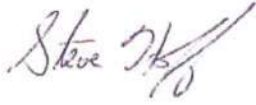
As Caron noted in her correspondence, WisDOT is validating that the impacts remain eligible for a Section 4(f) de minimis finding by the FHWA, meaning the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). The revised impacts were presented at the WisDOT public involvement meetings held on January 21 and January 22, 2020. No comments were received on the presented impacts at the park.

The revised impacts remain consistent with the original de minimis finding presented in the FEIS/ROD. The Village of Whitefish Bay concurred with the original de minimis finding on September 13, 2013.

In order to confirm the Section 4(f) de minimis finding on the updated impacts, your written concurrence is necessary. I am attaching a signature sheet for your use and requesting your written concurrence within 30-days receipt of this letter. Please sign below and return the signed copy to me at the letterhead address or via email. Your prompt response is appreciated.

If you would like to discuss the project further, please contact me at the WisDOT Southeast Region office, (262) 548-6718 or by email at [Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov).

Sincerely,

A handwritten signature in black ink that reads "Steve Hoff". The signature is written in a cursive style with a large, sweeping flourish at the end.

Steve Hoff, PE  
Project Manager, WisDOT – SE Region  
Enclosures: Concurrence form and park impact exhibits

**Concurrence:** As the official with jurisdiction over Craig Counsell Park, I hereby concur that the use and impacts of the I-43 North-South Freeway project (I.D. 1229-04-01) will not adversely affect the activities, features, and attributes that qualify Craig Counsell Park for protection under Section 4(f). I concur with the Section 4(f) *de minimis* determination for the impacts to the park.



Paul Boening  
Village Manager  
Village of Whitefish Bay, WI

2/14/20

Date:

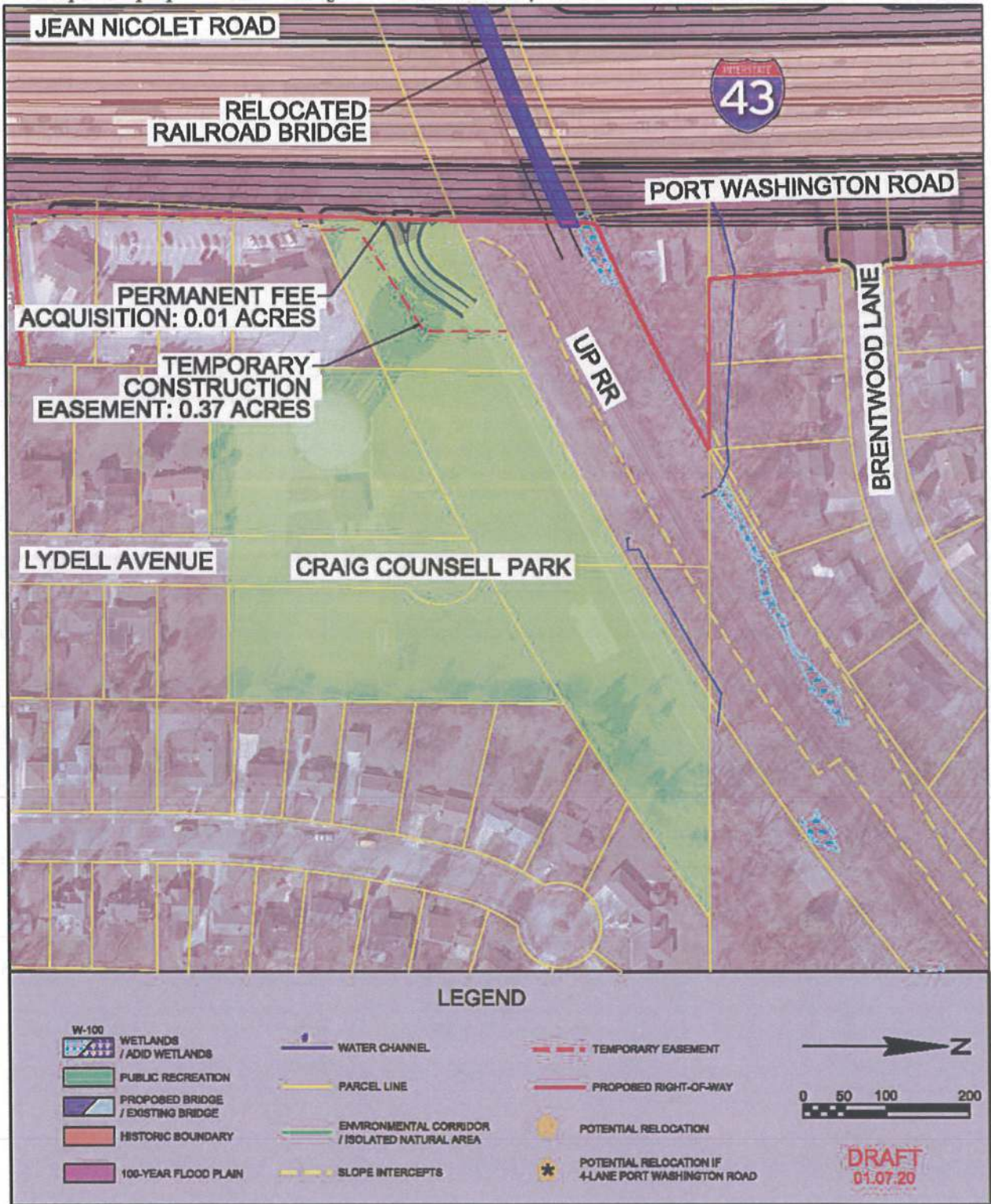
Original Impacts to Craig Counsell Park (2014 FEIS/ROD)



LEGEND

- Public Recreation
- Wetlands/ADID Wetlands
- Parcel Line
- Potential Right-of-Way
- Potential Relocation
- Proposed Bridge/ Existing Bridge

Updated Impacts at Craig Counsell Park



**WisDOT DTSD**  
Southeast Regional Office  
141 NW Barstow St., Suite 218  
P.O. Box 798  
Waukesha, WI 53187-0798

**Governor Tony Evers**  
**Secretary Craig Thompson**  
[wisconsindot.gov](http://wisconsindot.gov)  
Telephone: (262) 548-5903  
FAX: (262) 548-5662  
Email:



March 3, 2020

Mr. William Jones  
Administrator  
City of Mequon  
11333 N. Mequon Road  
Mequon, WI 53092

Re: ID: 1229-04-01  
I-43 North-South Freeway  
Silver Spring Drive to WIS 60  
Milwaukee and Ozaukee Counties

Dear Mr. Jones,

I am following up on recent meetings with Ms. Kristen Lundeen on January 13, 2020 and with you and Kristen February 13, 2020 where we discussed Fish Creek water levels in Katherine Kearney Carpenter Park and temporary construction easements required in the park related to the I-43 North-South Freeway project. As a publicly owned park and recreational resource, Katherine Kearney Carpenter Park is subject to Section 4(f) considerations in accordance with Federal Highway Administration's (FHWA) Department of Transportation Act of 1966. The Section 4(f) process provides for review procedures to consider impacts to recreational properties, including temporary impacts. As discussed with you and Kristen, Fish Creek water levels will be contained within the existing stream channel in the park, which avoids impacts on recreational uses. WisDOT is committed to continued coordination with the city of Mequon and SEWRPC through the design process to manage Fish Creek water levels.

The temporary construction easements in the park require review under Section 4(f) and further input from the City on the temporary activities, also defined as an occupancy or use. As discussed in our meetings, we anticipate a temporary easement of approximately 0.50 acres in the park to reconstruct an existing box culvert and construct a new box culvert to convey Fish Creek under I-43. Figures 1 and 2 illustrate the draft plan view of proposed work at Fish Creek in the park and proposed Fish Creek cross sections. Figure 3 shows the draft cross section of Katherine Drive at the box culvert showing the approximate end wall location. Construction activities are anticipated to be of short duration, approximately 8 weeks, within the anticipated 1-year construction schedule in this specific section of I-43. There will be no temporary or permanent impacts to the park's recreational uses and WisDOT will restore the disturbed area of the park to its prior condition. The temporary impacts were presented at public involvement meetings held on January 21 and January 22, 2020. No comments were received on the presented impacts at the park.

Based on the anticipated project construction, the effect on the park would meet the conditions for a temporary occupancy exception and would not constitute a use of Section 4(f) resources. In order to confirm the Section 4(f) temporary occupancy finding, your concurrence is necessary. I am attaching a signature sheet for your use and requesting your written concurrence within 30-days receipt of this letter. Please sign below and return the signed copy to me at the letterhead address or via email. Your prompt response is appreciated.

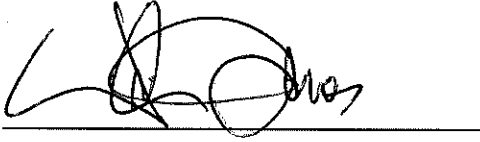
If you would like to discuss the project further, please contact me at the WisDOT Southeast Region office, (262) 548-6718 or by email at [Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Hoff".

Steve Hoff, P.E.  
Project Manager, WisDOT – SE Region  
Enclosures: Concurrence form and park impact figures

**Concurrence:** As the official with jurisdiction over Katherine Kearney Carpenter Park, I hereby concur that the temporary occupancy needed for Fish Creek box culvert construction as required by § 88.87 for the I-43 North-South Freeway project (I.D. 1229-04-01) will not adversely affect the activities, features and attributes that qualify the park for protection under Section 4(f) as demonstrated in this letter. Concurrence is conditioned upon WisDOT accepting responsibility for restoration efforts required due to increased acceleration of erosion, or new erosion issues resulting from the replacement of the box culvert.

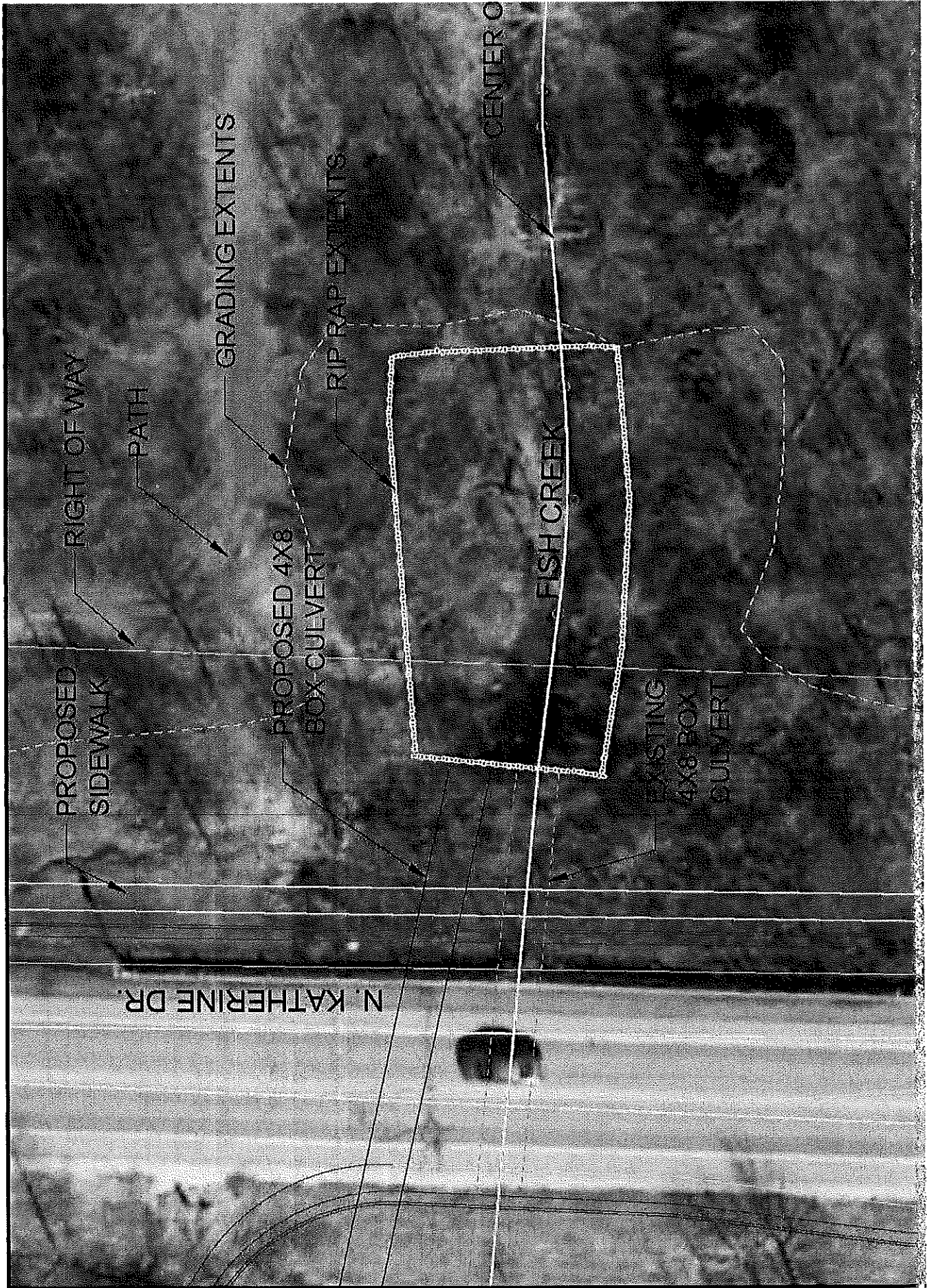


William Jones, City Administrator  
City of Mequon, WI

April 17, 2020

Date:

Figure 1: Temporary Construction Easement at Carpenter Park – Plan View



5



## **FHWA *De Minimis* Finding**

**Wisconsin Federal Highway Administration**  
**Finding of *De Minimis* Impact on Parks, Recreation Areas and Wildlife and Waterfowl**  
**Refuges (Updated 7/25/2017)**

1. Project Description

WISDOT ID: 1229-04-01

Route: I-43

Termini: Silver Spring Drive to WIS 60

City/County: Milwaukee and Ozaukee Counties

Project Description:

The proposed action reconstructs I-43 between Silver Spring Drive in the city of Glendale (south limit), and WIS 60 in the village of Grafton (north limit) – a distance of about 14 miles. The project will reconstruct the existing 4-lane mainline roadway as a 6-lane freeway and replace bridges. Existing interchanges, including Silver Spring Drive, Good Hope Road, Brown Deer Road, County Line Road Mequon Road and County C will be reconstructed. The project will replace the existing partial interchange at County Line Road with a full-access interchange and will construct a new interchange at Highland Road. WisDOT will reconstruct local roads affected by the freeway reconstruction, including widening Port Washington Road from two lanes to four lanes between Bender Road and Coventry Court. The proposed action is the Selected Alternative identified in the 2014 FEIS/ROD and is the subject of the current re-evaluation of the FEIS/ROD. Total project cost is estimated at \$634 million.

The FEIS/ROD identified a *de minimis* impact of 0.05 acre of permanent right of way acquisition at Craig Counsell Park. Updated engineering during the re-evaluation revised the impact to 0.01 acres of permanent right of way impact and 0.37 acres temporary construction impact (See Attachment 1).

2. Name of Section 4(f) resource: (If the resource is a park and a historic property please indicate the historic property name and the park name if different.)

Craig Counsell Park

3. Description of Section 4(f) resource (Include a map and/or photos of the property in relation to the proposed project):

Craig Counsell Park is located east of Port Washington Road and south of the Union Pacific (UP) Railroad. The westerly parcel next to Port Washington Road is in the city of Glendale but is owned by the village of Whitefish Bay. Although this parcel is zoned as B-1, business and commercial uses, the village of Whitefish Bay Public Works Department which administers the park system, indicated this parcel is part of the park. One of the parcel's functions is to provide access via Karl Campus Drive to the Jewish Community Center located east of the park. Before 2007, the Wisconsin Department of Transportation (WisDOT) granted a permit to connect the Karl Campus Drive to Port Washington Road, and this was a prerequisite for planned expansion of the community center. The village indicated that this parcel also provides parking access for the baseball fields and that its primary use is for recreational purposes. The parcel abutting Craig Counsell Park is subject to Section 4(f) requirements because it is considered by the village of Whitefish Bay to be parkland and a public use recreational area.

4. Description of impacts:

Reconstructing and widening Port Washington Road will require 0.01 acres permanent right of way acquisition from Craig Counsell Park, and 0.37 acres temporary easement to reconstruct Karl Campus Drive (See Attachment 1). Remaining portions of the park disturbed by construction activity will be

restored to pre-construction conditions.

The proposed work will not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). The revised impacts remain consistent with the original *de minimis* finding presented in the FEIS/ROD. The Village of Whitefish Bay concurred with the original *de minimis* finding on September 13, 2013.

5. Discuss avoidance, minimization, and compensation efforts and how the impacts after avoidance, minimization, and compensation do not adversely affect the activities, features, and attributes listed in Number 3 above:

The project reduces the permanent right of way acquisition of 0.05 acres identified in the FEIS/ROD to 0.01 acres. No recreational features in the park will be affected.

6. Describe the public involvement process and results:

The revised impacts were presented at the WisDOT public involvement meetings held on January 21 and January 22, 2020. No comments were received on the presented impacts at the park. (See Attachment 2 for public involvement handout and Section 4(f) board).

7. Name of and notification to the official(s) with jurisdiction over the property:

The Village of Whitefish Bay is the official with jurisdiction. WisDOT contacted the Village Administrator via phone and email on January 10, 2020 to inform him of the prior *de minimis* determination made in the 2014 FEIS/ROD. WisDOT provided updated impact information on January 10, 2020. The Village Administrator and Director of Public Works acknowledged the impact January 20, 2020.

8. Describe the results of coordination with the official(s) with jurisdiction over the property following public involvement (attach correspondence from the official(s)):

After the public involvement meeting on January 21 and 22, 2020, the village concurred with the *de minimis* impact (See Attachment 3).

9. Are there federal and/or state special funding encumbrances such as Land and Water Conservation funds or Knowles-Nelson Stewardship Program grants on the Section 4(f) resource? If “Yes”, indicate the type of encumbrance and discuss how all requirements relating to the encumbrance will be satisfied independent of this 4(f) determination. This should be addressed in Factor Sheet # in the Environmental Document.

There are no federal encumbrances on the property.

**This *de minimis* determination documentation was prepared by**

Signature Caron Kloser Date: March, 14, 2020

Print Name & Title: Caron Kloser, Environmental Planner, HNTB Corp.  
(Consultant or Region Project Staff)

**This *de minimis* determination documentation was reviewed by**

Signature Dobrogniewa Payant Date 20 April 2020  
DocuSigned by: 449C869A839C43E...

Print Name & Title Dobrogniewa Payant, Civil Engineer Advanced - Environmental Lead  
(Regional Environmental Coordinator or Region Local Program Manager)

Signature [Signature] Date 20 April 2020  
DocuSigned by: 1E5AFFE96A3C404...

Print Name & Title BTS - EPDS Liaison  
(EPDS Liaison or Section Manager)

**This *de minimis* determination documentation was reviewed and approved by**

Signature Bethaney L Bacher-Gresock **BETHANEY L BACHER-GRESOCK**  
Print Name & Title [Signature] **2020.04.22 05:52:48 -05'00'**  
(Federal Highway Administration) FHWA

cc: WISDOT Bureau of Technical Service /EPDS  
WISDOT Region

**Attachment 1**  
**Original Impacts to Craig Counsell Park**  
**Updated Impacts at Crag Counsell Park**

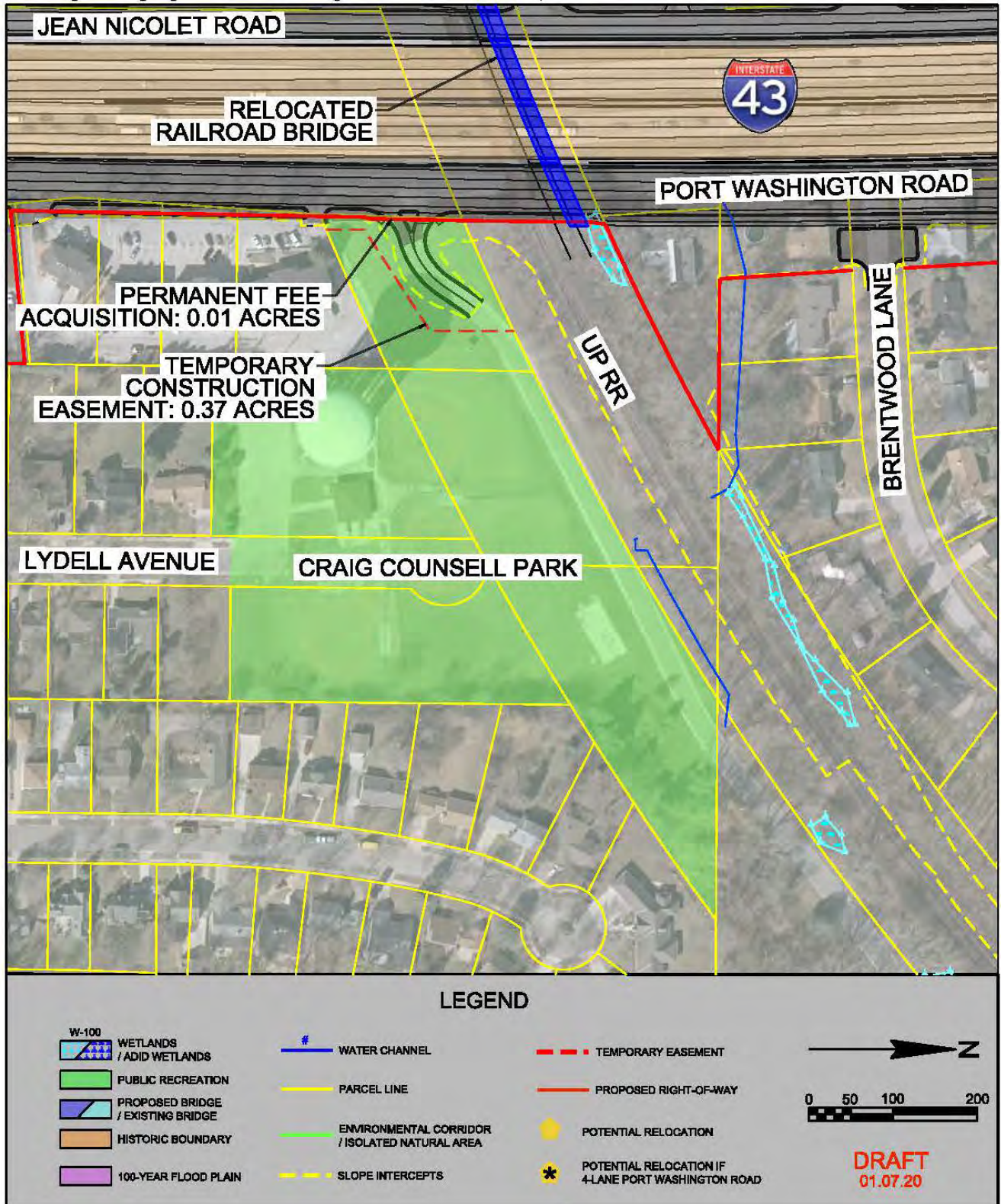
# Original Impacts to Craig Counsell Park (2014 FEIS/ROD)



## LEGEND

- Public Recreation
- Wetlands/ADID Wetlands
- Parcel Line
- Potential Right-of-Way
- Potential Relocation
- Proposed Bridge/ Existing Bridge

# Updated Impacts at Craig Counsell Park



# **Attachment 2**

## **Public Involvement Materials**



# I-43 Public Involvement Meeting Handout



## **Public Involvement Meeting** **I-43 North-South Freeway Project**

**(Silver Spring Drive to WIS 60)**

**Milwaukee and Ozaukee counties**

**Project ID: 1229-04-01**

### **Mequon City Hall**

**January 21, 2020 *from 4 to 7 p.m.***

### **Nicolet High School**

**January 22, 2020 *from 4 to 7 p.m.***



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

# Handout Packet Contents

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## Project Overview

The I-43 North-South Freeway between Silver Spring Drive on the south to WIS 60 on the north is approximately 14 miles in length. The project includes the reconstruction of the mainline freeway, adjacent arterial roads in Milwaukee and Ozaukee Counties, and the following existing interchanges:

- Good Hope Road
- Brown Deer Road
- County Line Road
- Mequon Road
- County C
- WIS 60

The project also includes the construction of a new interchange at I-43 and Highland Road.

WisDOT constructed I-43 during the 1950s and 1960s. I-43 provides access for manufacturers, merchants, commuters, and tourists within southeastern Wisconsin and the Milwaukee metropolitan area and to and from other areas including Green Bay, Sheboygan, Manitowoc, and Chicago.

The I-43 North-South Freeway is among the busiest routes in the state and is recommended for widening in the *Southeastern Wisconsin Regional Planning Commission's (SEWRPC) Vision 2050, A Regional Land Use and Transportation Plan for Southeast Wisconsin*.

The purpose of this project is to:

- Accommodate existing and projected future traffic volume
- Address pavement and structural needs
- Address safety issues relating to design deficiencies such as:
  - Merge distances
  - Insufficient shoulders
  - Curves
  - Interchange ramps
  - Bridge clearances



## Purpose and Need

The purpose and need for the I-43 North-South Freeway project is demonstrated through the combination of factors listed below:

### Pavement, freeway design and geometric deficiencies:

Design standards evolve over time and many features that met design criteria when this facility was originally constructed more than 50 years ago do not meet today's standards. Furthermore, the pavement has reached the end of its useful life and needs replacement.

### Increasing traffic volumes:

Currently, the roadway carries between 50,100 vehicles per day near WIS 60 and 91,000 vehicles per day near Silver Spring Drive. Traffic is expected to increase and cause additional congestion and delay throughout the entire length of the corridor during the next 30 years.

### Safety Issues:

Between 2014 and 2018, there were 1,165 crashes on the I-43 mainline. Between Silver Spring Drive and Good Hope Road, rear-end crashes and side-swipe crashes are prevalent, indicating congested conditions.

### Consistency with regional planning:

This project is an integral part of past and ongoing regional land use and transportation planning initiatives to meet continued population growth and travel demand. SEWRPC recommends widening and/or other improvements to provide significant additional capacity for the I-43 North-South Corridor in its *Vision 2050* long-range transportation plan.

### Maintain regional transportation linkage:

I-43 is part of the National Interstate System and provides a critical commercial/commuter interstate link to major metropolitan areas in Wisconsin.



## Purpose of Meeting

The purpose of the meeting is to provide a project update and to answer any questions you may have.

## Project Status

In November of 2014, WisDOT and the Federal Highway Administration (FHWA) approved the Final Environmental Impact Statement and Record of Decision (FEIS/ROD) regarding the reconstruction of this section of I-43.

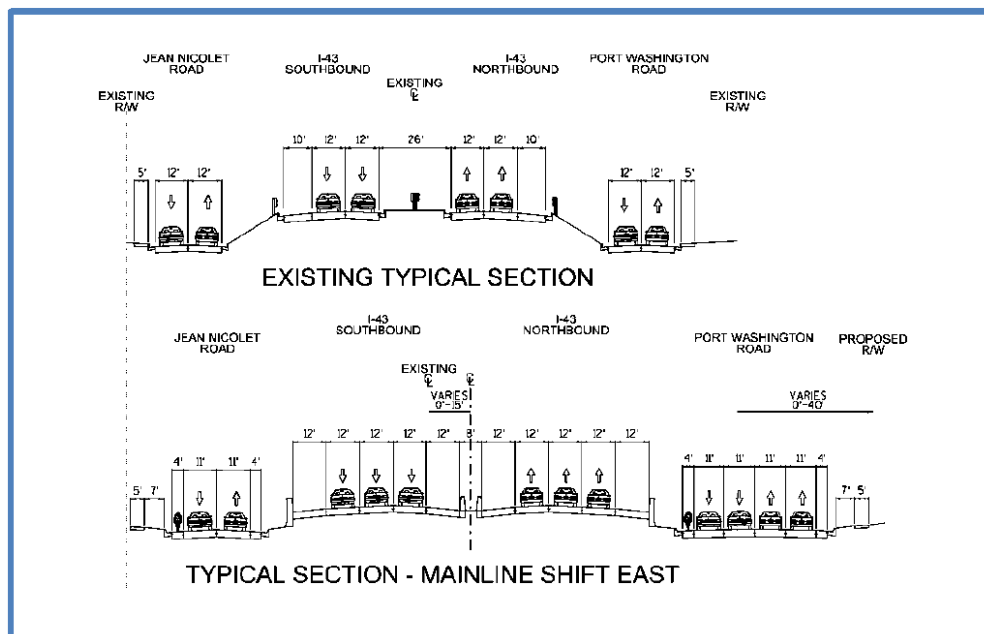
Governor Tony Evers and the state legislature authorized the construction of the project in the state budget this past July. WisDOT is preparing an environmental re-evaluation to address any changes since the FEIS/ROD was approved. This re-evaluation should be completed by the middle of 2020 and final engineering and plan preparation will begin soon thereafter. Construction may start as early as 2021 and is expected to be complete by 2025.

One portion of the project, the replacement of the Green Tree Road bridge over I 43, was constructed as a standalone project in 2018.

## Proposed Improvements

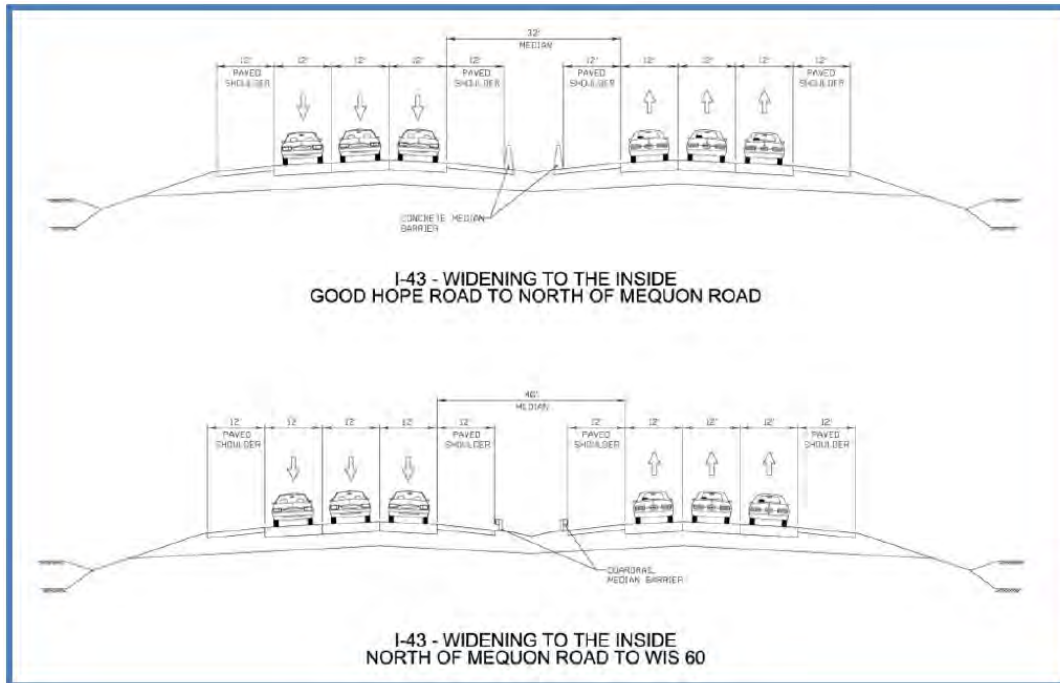
### Six lane modernization

South Segment I-43 Mainline: Silver Spring Drive to Green Tree Road WisDOT is going to add a travel lane in each direction and reconstruct I-43 to modern design standards. Between Silver Spring Drive and Bender Road, I-43 will be reconfigured to six lanes with spot improvements that replace median barriers and improve inside and outside shoulders. I-43 would then be widened with a “best fit” alignment between Bender Road and the Union Pacific Railroad (UPRR) bridge but generally offset to the east of the existing freeway centerline from the UPRR bridge to Green Tree Road. The project will replace the



UPRR bridge. Jean Nicolet Road will be reconstructed with an added sidewalk and bike lanes. The existing two-lane section of Port Washington Road will be reconstructed as a four-lane road between Bender Road and Daphne Road, with an added sidewalk and bike lanes.

North Segment I-43 Mainline: Green Tree Road to WIS 60 WisDOT will reconstruct the North Segment I-43 to modern design standards and replace the existing four-lane freeway with six lanes. Widening will occur on the inside (median) south of Mequon Road to minimize right-of-way and wetland impacts in both the Milwaukee and Ozaukee county portions of the I-43 mainline. Widening will also occur on the outside of the existing roadway north of Mequon Road. Barrier treatment options in the median include a concrete barrier and beam guard.



## Interchanges

### Good Hope Road Interchange

WisDOT will reconstruct this interchange to a Tight Diamond, which would include reconstructing ramps to current design standards to improve safety and to move ramps on the east side closer to I-43 to maximize the distance between the ramps and the Port Washington Road/Good Hope Road intersection for better traffic operations. The proposed improvement will retain the recently reconstructed Good Hope Road bridges over I-43.



### Brown Deer Road Interchange

WisDOT will reconstruct this interchange to a Diverging Diamond interchange (DDI). The DDI will move ramps on the east side closer to I-43 to maximize distance between the ramps and the Port Washington Road/Brown Deer Road intersection. The eastbound and westbound traffic on Brown Deer Road will cross to opposite lanes on the bridges over I-43 to facilitate turning movements. The proposed improvement will retain the Brown Deer Road bridges over I-43 that were reconstructed in 2010.

### County Line Road Interchange

The existing County Line Road interchange is a partial interchange with I-43 access to and from the south only. FHWA regulations require that interchanges provide for all movements to and from freeways. To meet FHWA requirements, WisDOT will reconstruct the interchange as a Split Diamond Hybrid to provide full access.

The Split Diamond Hybrid will include full access with ramps split between County Line Road and Port Washington Road and will move the existing northbound exit ramp further north to eliminate weaving problems with the northbound entrance ramp from the Brown Deer Road interchange. Local access to Port Washington Lane will be maintained.

### Mequon Road Interchange

WisDOT will reconstruct this interchange as a Tight Diamond, which will shift the I-43 mainline east and move southbound ramps closer to I-43 to maximize distance between the ramps and the Port Washington Road/Mequon Road intersection. The ramps will be reconstructed to current design standards to improve safety.

### Highland Road Interchange (NEW)

WisDOT will construct a new Tight Diamond interchange. The Tight Diamond interchange will provide new access to and from I-43. Retaining walls and a new bridge will be built to minimize impacts to the Union Pacific Railroad.

### County C Interchange

WisDOT will reconstruct the diamond interchange to provide more space between the west ramps and Port Washington Road/Pioneer Road intersection.



## 4(f) Property Impacts

Section 4(f) of the Transportation Act of 1966 requires that a federally funded project not be approved when it impacts publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites unless there are no feasible and prudent avoidance alternatives; the action includes all possible planning to minimize harm; or FHWA determines the impacts will be de minimis.

*Note: A de minimis impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f) or will have no adverse effect on a historic property.*

WisDOT and FHWA have already determined the I-43 project would have a de minimis impact on the Northshore Water Treatment Plant (historic property) and Craig Counsell Park.

Reconstruction of the box culvert and construction of a new box culvert carrying Fish Creek under I-43, along with reconstruction of Katherine Drive would require 0.52 acre of temporary construction easement within Katherine Kearney Carpenter Park. Construction would occur over an 8-week period within the 2-year freeway construction timeframe. WisDOT will restore disturbed areas in the park to prior conditions.

A temporary impact does not constitute a use of a Section 4(f) property provided:

- The land use is of short duration (defined as less than the time needed for the construction of the project)
- There is no change in ownership of the property
- The scope of work is minor
- There are no temporary or permanent adverse changes to the activities, features, or attributes of the property
- The land will be fully restored to a condition at least as good as prior to the project

## Traffic Control

WisDOT understands that construction creates disruption and stress on businesses, residents, other adjacent landowners, and commuters. The project will always maintain at least two lanes of traffic on the freeway during peak hours and avoid significant disruption to neighborhoods and businesses. Similar to other major construction projects, a comprehensive public information campaign will be implemented to inform the community of construction timeframes, closures, and detour routes.

Impacts to, and potential improvement of, the local street system in and around I-43 will be analyzed to determine how to enhance traffic flow on those streets during and after construction.

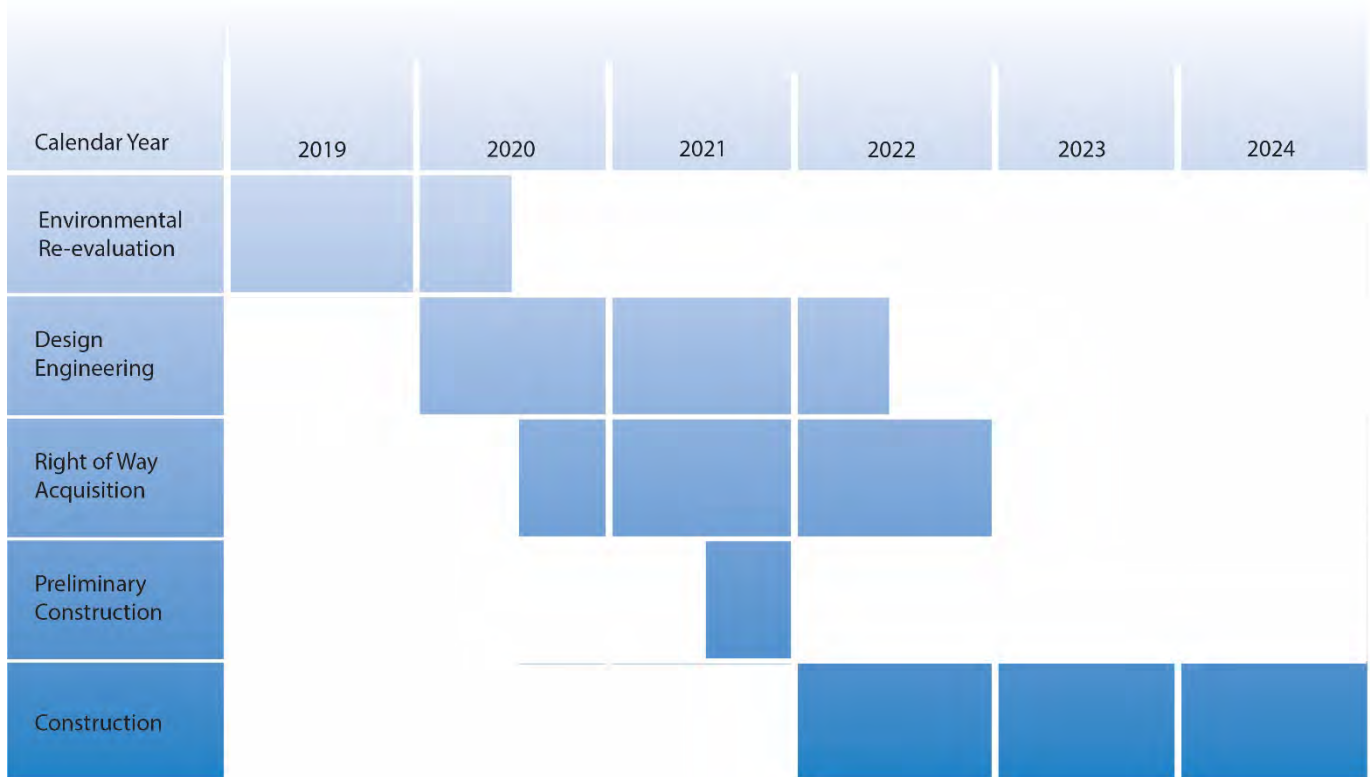




## Noise Barriers

Noise barriers that were determined to be feasible and reasonable in the FEIS/ROD must receive a vote of support from a simple majority of all votes cast by the owners and residents of the benefited areas before they can be built. The voting process, which includes a public information meeting about the noise walls, will occur later this year or next year. The public information meeting will also provide owners and/or residents of the surrounding area an opportunity to ask questions about the noise walls.

## Schedule



## Property Acquisition/Relocation Assistance and Benefits

The I-43 freeway project mainline, and interchange improvements require strip right-of-way acquisition for construction. The displays at tonight’s meeting show locations of proposed right-of-way and relocations.

Relocation assistance will be made available to anyone impacted by this project. Surveys conducted in 2013 indicated that there were sufficient housing, rental units, and business locations available in the project vicinity at the time of the proposed relocations, within the means of the relocatees and meeting the requirements for replacement housing and commercial property. This survey will be updated this year.



The "Relocation Assistance" brochure available tonight has been prepared to answer many of the general questions frequently asked concerning relocation assistance. Note that in addition to the cost of replacement housing and business locations, additional monies are available to cover moving expenses, increased rental and mortgage payments and interest rates, and any closing costs incurred. It is emphasized that no person shall be displaced unless a comparable and/or adequate replacement dwelling or business location has been provided or made available. In the event a relocated person is dissatisfied with the decision as to eligibility for payments or amounts offered under the relocation assistance program, he or she will be promptly advised of the procedure to follow in making an appeal. Property acquisition for this improvement will begin later this year.

## Contacts

Dan Sellers

Southeast Region Communications

(262) 548-6702

[Daniel.Sellers@dot.wi.gov](mailto:Daniel.Sellers@dot.wi.gov)

Additional written comments should be sent to the WisDOT project manager at the address or email address given below. Comments will be added to the official meeting notes provided they are postmarked no later than January 31, 2020.

Steve Hoff, P.E.

Project Manager

Southeast Region Project Development

(262) 548-6718

[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)

## Website

For the latest project information, go to:

<http://www.dot.wisconsin.gov/projects/seregion/43>

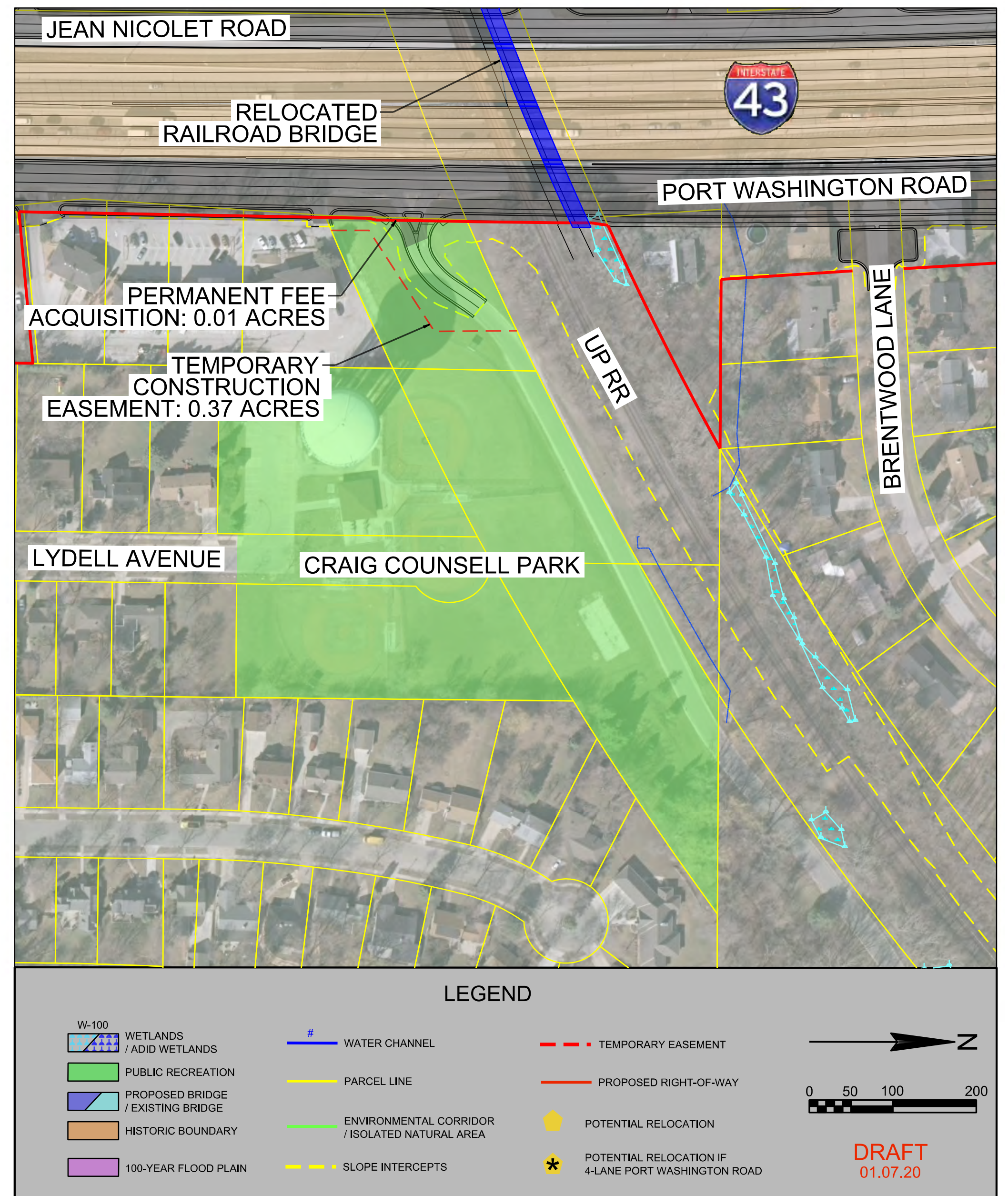




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Place  
Stamp  
Here

Mr. Steven Hoff, P.E.  
WisDOT Southeast Region  
141 NW Barstow Street  
Waukesha, WI 53188



## Section 4(f) of the Transportation Act of 1966

Section 4(f) requirements stipulate that FHWA and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

There is no feasible and prudent avoidance alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use; OR The Administration determines that the use of the property will have a de minimis impact.

A de minimis impact is one that

- Will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)
- Will have no adverse effect on a historic property

WisDOT and FHWA determined the I-43 project would have a de minimis impact on the following Section 4(f) resources:

- Northshore Water Treatment Plant (historic property)
- Craig Counsell Park

**Attachment 3**  
**Village of Whitefish Bay**  
**De minimis Concurrence**

**WisDOT DTSD**

Southeast Regional Office  
141 NW Barstow St., Suite 218  
P.O. Box 798  
Waukesha, WI 53187-0798

**Governor Tony Evers**  
**Secretary Craig Thompson**  
[wisconsindot.gov](http://wisconsindot.gov)  
Telephone: (262) 548-5903  
FAX: (262) 548-5662



February 3, 2020

Mr. Paul Boening  
Village Manager  
Village of Whitefish Bay  
5300 Marlborough Dr.  
Whitefish Bay, WI 53217

Re: ID: 1229-04-01  
I-43 North-South Freeway  
Silver Spring Drive to WIS 60  
Milwaukee and Ozaukee Counties

Dear Mr. Boening,

Thank you for your recent communications with Caron Kloser of HNTB Corporation regarding proposed right of way acquisition and temporary easements in Craig Counsell Park to reconstruct Port Washington Road and Karl Campus Drive within the park.

As a publicly owned park and recreational resource, the Craig Counsell Park is subject to Section 4(f) considerations in accordance with Federal Highway Administration's (FHWA) Department of Transportation Act of 1966. The Section 4(f) process provides for review procedures to consider impacts to recreational properties, including de minimis impacts.

Continuing design refinement reduced the permanent right of way required at the park as presented in the 2014 Final Environmental Impact Statement/Record of Decision (FEIS/ROD). The changes in impacts are noted below (see also attached exhibits):

1. Original impact in FEIS/ROD: 0.05 acre permanent right of way acquisition along Port Washington Road
2. Updated impact: 0.01 acres permanent right of way acquisition along Port Washington Road and 0.37 acres temporary easement to reconstruct Karl Campus Drive.

Remaining portions of the park disturbed by construction activity will be restored to pre-construction conditions.

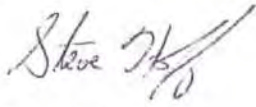
As Caron noted in her correspondence, WisDOT is validating that the impacts remain eligible for a Section 4(f) de minimis finding by the FHWA, meaning the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). The revised impacts were presented at the WisDOT public involvement meetings held on January 21 and January 22, 2020. No comments were received on the presented impacts at the park.

The revised impacts remain consistent with the original de minimis finding presented in the FEIS/ROD. The Village of Whitefish Bay concurred with the original de minimis finding on September 13, 2013.

In order to confirm the Section 4(f) de minimis finding on the updated impacts, your written concurrence is necessary. I am attaching a signature sheet for your use and requesting your written concurrence within 30-days receipt of this letter. Please sign below and return the signed copy to me at the letterhead address or via email. Your prompt response is appreciated.

If you would like to discuss the project further, please contact me at the WisDOT Southeast Region office, (262) 548-6718 or by email at [Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Hoff". The signature is stylized with a large, sweeping flourish at the end.

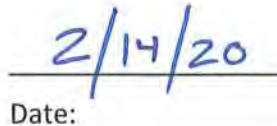
Steve Hoff, PE  
Project Manager, WisDOT – SE Region  
Enclosures: Concurrence form and park impact exhibits



**Concurrence:** As the official with jurisdiction over Craig Counsell Park, I hereby concur that the use and impacts of the I-43 North-South Freeway project (I.D. 1229-04-01) will not adversely affect the activities, features, and attributes that qualify Craig Counsell Park for protection under Section 4(f). I concur with the Section 4(f) *de minimis* determination for the impacts to the park.



Paul Boening  
Village Manager  
Village of Whitefish Bay, WI



Date:

Original Impacts to Craig Counsell Park (2014 FEIS/ROD)



LEGEND

- Public Recreation
- Wetlands/ADID Wetlands
- Parcel Line
- Potential Right-of-Way
- Potential Relocation
- Proposed Bridge/ Existing Bridge

Updated Impacts at Craig Counsell Park



# **Appendix G**

## **Stream Impacts**

## ***I-43 North-South Freeway: Stream Impacts***

<b>Stream Identifier</b>	<b>Appendix A, Sheet #</b>	<b>Location</b>	<b>Impact (linear feet)</b>	<b>Relocation?</b>	<b>Impact</b>
WW-69	2	East of I-43; between UPRR bridge and Brentwood Lane	146		Culvert extension or replacement
WW-66	2	East of I-43; between Brentwood Lane and Clovernook Lane	96		Culvert extension or replacement
WW-65	3	West of I-43; north of Green Tree Road	71		Culvert extension or replacement for southbound Good Hope Road entrance ramp
WW-62	4	West of I-43; east of River Hills Memorial Park	22		Culvert extension or replacement; note there is no mapped navigable stream between brick wall and freeway
WW-59	4	Indian Creek; both sides of I-43	46		Culvert extension or replacement
WW-56	6	East of Port Washington Road; south of Ravine Lane	40		Culvert extension or replacement
WW-54	7	South of County Line Road; between Pheasant Lane and southbound entrance ramp	10	Yes	Relocation due to ramp reconstruction
WW-53	7	South of County Line Road; between Pheasant Lane and southbound entrance ramp	45	Yes	Relocation due to ramp reconstruction
WW-52	7	West of Port Washington Lane, north of Fiesta Lane	70		Culvert extension
WW-51	7	Fish Creek; both sides of I-43	47		Culvert reconstruction
WW-49	8	West of I-43; approx. 1200 feet north of Donges Bay Road	34		Culvert extension or replacement
WW-48	8	East of I-43; approx. 1200 feet north of Donges Bay Road	543	Yes	Relocation due to ramp reconstruction
WW-47	9	East of I-43; parallel to Mequon Road northbound exit ramp	124	Yes	Relocation due to ramp reconstruction
WW-46	9	East of I-43; parallel to Mequon Road northbound exit ramp	504	Yes	Relocation due to ramp reconstruction
WW-45B	9	East of I-43; parallel to Mequon Road northbound exit ramp	18	Yes	Relocation due to ramp reconstruction
WW-45A	9	East of I-43; parallel to Mequon Road northbound entrance ramp	115	Yes	Relocation due to ramp reconstruction
WW-42	10	East of I-43; approx. 3500 feet north of Mequon Road	132		Culvert extension or replacement
WW-41	10	West of I-43; approx. 3500 feet north of Mequon Road	29		Culvert extension or replacement

## ***I-43 North-South Freeway: Stream Impacts***

WW-40	11	East of I-43; under northbound Highland Road exit ramp	116		Culvert extension; stream to be enclosed in culvert
WW-39	11	West of I-43; under southbound Highland Road entrance ramp	121		Culvert extension; stream to be enclosed in culvert
WW-38	11	West of I-43 and southbound Highland Road exit ramp	74	Yes	Relocation due to ramp reconstruction
WW-37	11	West of I-43 and southbound Highland Road exit ramp	135		Culvert extension; stream to be enclosed in culvert
WW-36	11	East of I-43; under northbound Highland Road entrance ramp	68		Culvert extension; stream to be enclosed in culvert
WW-33	12	West of I-43; approx. 2000 feet north of Highland Road	38		Culvert extension or replacement
WW-31	12	East of I-43; approx. 4500 feet north of Highland Road	28		Culvert extension or replacement
WW-30	12	West of I-43; approx 4500 feet north of Highland Road	15		Culvert extension or replacement
WW-29	13	West of I-43 under southbound County C entrance ramp	149		Culvert extension; stream to be enclosed in culvert
WW-25	14	West of I-43 under southbound County C exit ramp	36		Culvert extension or replacement
WW-15	16	West of I-43; approx. 1700 feet south of WIS 60	35		Culvert extension or replacement
WW-16	16	East of I-43; approx. 1700 feet south of WIS 60	20		Culvert extension or replacement
S2	16	West of I-43; approx. 100 feet north of WIS 60	16		Culvert extension or replacement
<b>Total Linear Feet of Stream Impact</b>			<b>2,943</b>		

# **Appendix H**

## **Air Quality Conformity**

## **I-43 Interagency Consultation Findings**



**From:** Friedlander, Michael - DNR  
**To:** [Batuzich, Michael \(FHWA\)](#); [Trainer, Patricia - DOT](#); [Hiebert, Christopher](#); [Michael Leslie \(leslie.michael@epa.gov\)](#); [Gross, Evan \(FTA\)](#)  
**Cc:** [Amegashie, Carolyn - DOT](#); [Payant, Dobra - DOT](#); [Hoff, Steve - DOT](#); [Caron Kloser](#); [Brown, Joel R - DOT](#); [Bizot, David A - DNR](#)  
**Subject:** RE: I-43 North-South Freeway Corridor Project Interagency Consultation  
**Date:** Wednesday, January 15, 2020 10:49:06 AM

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WDNR concurs that this is not a project of air quality concern

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**From:** Batuzich, Michael (FHWA) <Michael.Batuzich@dot.gov>  
**Sent:** Wednesday, January 15, 2020 10:17 AM  
**To:** Trainer, Patricia - DOT <Patricia.Trainer@dot.wi.gov>; Friedlander, Michael - DNR <Michael.Friedlander@wisconsin.gov>; Hiebert, Christopher <chiebert@sewrpc.org>; Michael Leslie (leslie.michael@epa.gov) <leslie.michael@epa.gov>; Gross, Evan (FTA) <evan.gross@dot.gov>  
**Cc:** Amegashie, Carolyn - DOT <Carolyn.Amegashie@dot.wi.gov>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>; Caron Kloser <CKloser@HNTB.com>; Brown, Joel R - DOT <Joel.Brown@dot.wi.gov>  
**Subject:** RE: I-43 North-South Freeway Corridor Project Interagency Consultation

FHWA concurs that this is not a project of local air quality concern.

Mitch Batuzich  
Community Planner  
FHWA Wisconsin Division  
(608) 829-7523

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(\* ) / (\* )  
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**From:** Trainer, Patricia - DOT [<mailto:Patricia.Trainer@dot.wi.gov>]  
**Sent:** Wednesday, January 15, 2020 10:03 AM  
**To:** Friedlander, Michael - DNR <[Michael.Friedlander@wisconsin.gov](mailto:Michael.Friedlander@wisconsin.gov)>; Batuzich, Michael (FHWA) <[Michael.Batuzich@dot.gov](mailto:Michael.Batuzich@dot.gov)>; Hiebert, Christopher <[chiebert@sewrpc.org](mailto:chiebert@sewrpc.org)>; Michael Leslie ([leslie.michael@epa.gov](mailto:leslie.michael@epa.gov)) <[leslie.michael@epa.gov](mailto:leslie.michael@epa.gov)>; Gross, Evan (FTA) <[evan.gross@dot.gov](mailto:evan.gross@dot.gov)>  
**Cc:** Amegashie, Carolyn - DOT <[Carolyn.Amegashie@dot.wi.gov](mailto:Carolyn.Amegashie@dot.wi.gov)>; Trainer, Patricia - DOT <[Patricia.Trainer@dot.wi.gov](mailto:Patricia.Trainer@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>; Brown, Joel R - DOT <[Joel.Brown@dot.wi.gov](mailto:Joel.Brown@dot.wi.gov)>  
**Subject:** I-43 North-South Freeway Corridor Project Interagency Consultation

Good Morning –

At the Transportation Conformity Workgroup meeting held yesterday (January 14, 2020), the I-43 project team provided information on the project history, purpose and need, limits, potential improvement and schedule. In addition, information on updated traffic data and updated

information on land use changes (current and expected) was discussed. This information is summarized in the attached Project Summary form.

The consensus of the group was that based on the information and analysis presented in the PM2.5 Project Summary form and discussed at the meeting the I-43 North-South Freeway Corridor Project in Milwaukee and Ozaukee Counties is not a project of local air quality concern for purposes of project level transportation conformity.

For purposes of interagency consultation, I am asking FHWA, FTA, US EPA, DNR and SEWRPC to provide their concurrence with the conclusion of the workgroup at the January 14, 2020 meeting via email to me prior to January 24<sup>th</sup>.

If you have any questions or need additional information or clarification please let me know.

Thank you all.

Patricia M. Trainer  
Environmental Services Section  
Wisconsin Department of Transportation  
[Patricia.trainer@dot.wi.gov](mailto:Patricia.trainer@dot.wi.gov)  
608-264-7330

**From:** Batuzich, Michael (FHWA)  
**To:** [Trainer, Patricia - DOT](#); [Friedlander, Michael - DNR](#); [Hiebert, Christopher](#); [Michael Leslie \(leslie.michael@epa.gov\)](#); [Gross, Evan \(FTA\)](#)  
**Cc:** [Amegashie, Carolyn - DOT](#); [Payant, Dobra - DOT](#); [Hoff, Steve - DOT](#); [Caron Kloser](#); [Brown, Joel R - DOT](#)  
**Subject:** RE: I-43 North-South Freeway Corridor Project Interagency Consultation  
**Date:** Wednesday, January 15, 2020 10:17:19 AM

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FHWA concurs that this is not a project of local air quality concern.

Mitch Batuzich  
Community Planner  
FHWA Wisconsin Division  
(608) 829-7523

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(\* )/ (\* )  
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**From:** Trainer, Patricia - DOT [mailto:Patricia.Trainer@dot.wi.gov]  
**Sent:** Wednesday, January 15, 2020 10:03 AM  
**To:** Friedlander, Michael - DNR <Michael.Friedlander@wisconsin.gov>; Batuzich, Michael (FHWA) <Michael.Batuzich@dot.gov>; Hiebert, Christopher <chiebert@sewrpc.org>; Michael Leslie (leslie.michael@epa.gov) <leslie.michael@epa.gov>; Gross, Evan (FTA) <evan.gross@dot.gov>  
**Cc:** Amegashie, Carolyn - DOT <Carolyn.Amegashie@dot.wi.gov>; Trainer, Patricia - DOT <Patricia.Trainer@dot.wi.gov>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>; Caron Kloser <CKloser@HNTB.com>; Brown, Joel R - DOT <Joel.Brown@dot.wi.gov>  
**Subject:** I-43 North-South Freeway Corridor Project Interagency Consultation

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For purposes of interagency consultation, I am asking FHWA, FTA, US EPA, DNR and SEWRPC to provide their concurrence with the conclusion of the workgroup at the January 14, 2020 meeting via email to me prior to January 24<sup>th</sup>.

**From:** Leslie, Michael  
**To:** [Trainer, Patricia - DOT](#); [Friedlander, Michael - DNR](#); [Batuzich, Michael \(FHWA\)](#); [Hiebert, Christopher](#); [Gross, Evan \(FTA\)](#)  
**Cc:** [Amegashie, Carolyn - DOT](#); [Payant, Dobra - DOT](#); [Hoff, Steve - DOT](#); [Caron Kloser](#); [Brown, Joel R - DOT](#)  
**Subject:** RE: I-43 North-South Freeway Corridor Project Interagency Consultation  
**Date:** Wednesday, January 22, 2020 3:23:02 PM

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USEPA concurs that this project is not a POAQC.

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Michael Leslie, P.E.  
U.S. EPA - Region 5 (AR-18J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 353-6680  
Fax: (312) 980-8717  
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**From:** Trainer, Patricia - DOT <Patricia.Trainer@dot.wi.gov>  
**Sent:** Wednesday, January 15, 2020 10:03 AM  
**To:** Friedlander, Michael - DNR <Michael.Friedlander@wisconsin.gov>; Batuzich, Michael (FHWA) <Michael.Batuzich@dot.gov>; Hiebert, Christopher <chiebert@sewrpc.org>; Leslie, Michael <leslie.michael@epa.gov>; Gross, Evan (FTA) <evan.gross@dot.gov>  
**Cc:** Amegashie, Carolyn - DOT <Carolyn.Amegashie@dot.wi.gov>; Trainer, Patricia - DOT <Patricia.Trainer@dot.wi.gov>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>; Caron Kloser <CKloser@HNTB.com>; Brown, Joel R - DOT <Joel.Brown@dot.wi.gov>  
**Subject:** I-43 North-South Freeway Corridor Project Interagency Consultation

Good Morning –

At the Transportation Conformity Workgroup meeting held yesterday (January 14, 2020), the I-43 project team provided information on the project history, purpose and need, limits, potential improvement and schedule. In addition, information on updated traffic data and updated information on land use changes (current and expected) was discussed. This information is summarized in the attached Project Summary form.

The consensus of the group was that based on the information and analysis presented in the PM2.5 Project Summary form and discussed at the meeting the I-43 North-South Freeway Corridor Project in Milwaukee and Ozaukee Counties is not a project of local air quality concern for purposes of project level transportation conformity.

For purposes of interagency consultation, I am asking FHWA, FTA, US EPA, DNR and SEWRPC to



**From:** Hiebert, Christopher T.  
**To:** "[Trainer, Patricia - DOT](#)"; [Friedlander, Michael - DNR](#); [Batuzich, Michael \(FHWA\)](#); [Michael Leslie \(leslie.michael@epa.gov\)](#); [Gross, Evan \(FTA\)](#)  
**Cc:** [Amegashie, Carolyn - DOT](#); [Payant, Dobra - DOT](#); [Hoff, Steve - DOT](#); [Caron Kloser](#); [Brown, Joel R - DOT](#)  
**Subject:** RE: I-43 North-South Freeway Corridor Project Interagency Consultation  
**Date:** Monday, January 27, 2020 10:49:10 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Pat,

The Commission concurs that this project is not a project of local air quality concern.



**Christopher T. Hiebert, P.E.** | Chief Transportation Engineer  
[chiebert@sewrpc.org](mailto:chiebert@sewrpc.org) | 262.953.3227  
[sewrpc.org/news](http://sewrpc.org/news)  
 

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**From:** Trainer, Patricia - DOT <[Patricia.Trainer@dot.wi.gov](mailto:Patricia.Trainer@dot.wi.gov)>  
**Sent:** Wednesday, January 15, 2020 10:03 AM  
**To:** [Friedlander, Michael - DNR](mailto:Michael.Friedlander@wisconsin.gov) <[Michael.Friedlander@wisconsin.gov](mailto:Michael.Friedlander@wisconsin.gov)>; [Batuzich, Michael \(FHWA\)](mailto:Michael.Batuzich@dot.gov) <[Michael.Batuzich@dot.gov](mailto:Michael.Batuzich@dot.gov)>; [Hiebert, Christopher T.](mailto:CHIEBERT@SEWRPC.org) <[CHIEBERT@SEWRPC.org](mailto:CHIEBERT@SEWRPC.org)>; [Michael Leslie \(leslie.michael@epa.gov\)](mailto:leslie.michael@epa.gov) <[leslie.michael@epa.gov](mailto:leslie.michael@epa.gov)>; [Gross, Evan \(FTA\)](mailto:evan.gross@dot.gov) <[evan.gross@dot.gov](mailto:evan.gross@dot.gov)>  
**Cc:** [Amegashie, Carolyn - DOT](mailto:Carolyn.Amegashie@dot.wi.gov) <[Carolyn.Amegashie@dot.wi.gov](mailto:Carolyn.Amegashie@dot.wi.gov)>; [Trainer, Patricia - DOT](mailto:Patricia.Trainer@dot.wi.gov) <[Patricia.Trainer@dot.wi.gov](mailto:Patricia.Trainer@dot.wi.gov)>; [Payant, Dobra - DOT](mailto:Dobra.Payant@dot.wi.gov) <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; [Hoff, Steve - DOT](mailto:Steve.Hoff@dot.wi.gov) <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; [Caron Kloser](mailto:CKloser@HNTB.com) <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>; [Brown, Joel R - DOT](mailto:Joel.Brown@dot.wi.gov) <[Joel.Brown@dot.wi.gov](mailto:Joel.Brown@dot.wi.gov)>  
**Subject:** I-43 North-South Freeway Corridor Project Interagency Consultation

Good Morning –

At the Transportation Conformity Workgroup meeting held yesterday (January 14, 2020), the I-43 project team provided information on the project history, purpose and need, limits, potential improvement and schedule. In addition, information on updated traffic data and updated information on land use changes (current and expected) was discussed. This information is summarized in the attached Project Summary form.

The consensus of the group was that based on the information and analysis presented in the PM2.5 Project Summary form and discussed at the meeting the I-43 North-South Freeway Corridor Project in Milwaukee and Ozaukee Counties is not a project of local air quality concern for purposes of project level transportation conformity.

For purposes of interagency consultation, I am asking FHWA, FTA, US EPA, DNR and SEWRPC to provide their concurrence with the conclusion of the workgroup at the January 14, 2020 meeting via email to me prior to January 24<sup>th</sup>.

If you have any questions or need additional information or clarification please let me know.

Thank you all.

Patricia M. Trainer  
Environmental Services Section  
Wisconsin Department of Transportation  
[Patricia.trainer@dot.wi.gov](mailto:Patricia.trainer@dot.wi.gov)

**From:** Gross, Evan (FTA)  
**To:** [Trainer, Patricia - DOT](#); [Michael Leslie \(leslie.michael@epa.gov\)](mailto:leslie.michael@epa.gov)  
**Subject:** RE: I-43 North-South Freeway Corridor Project Interagency Consultation  
**Date:** Thursday, January 23, 2020 11:00:49 AM

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Good morning Pat,

Thank you for the opportunity to review this project. FTA defers to the workgroup's determination and has no additional comments at this time.

Thanks,

Evan

**Evan Gross**  
**Federal Transit Administration**  
**200 West Adams St. Suite 320, Chicago, IL 60606**  
**Phone: (312) 886-1619**  
[Evan.Gross@dot.gov](mailto:Evan.Gross@dot.gov)

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**From:** Trainer, Patricia - DOT [mailto:Patricia.Trainer@dot.wi.gov]  
**Sent:** Wednesday, January 22, 2020 3:20 PM  
**To:** Michael Leslie (leslie.michael@epa.gov) <leslie.michael@epa.gov>; Gross, Evan (FTA) <evan.gross@dot.gov>  
**Subject:** FW: I-43 North-South Freeway Corridor Project Interagency Consultation

Hi Michael and Evan –

Just checking in to see if you have any questions or would like any additional information on the I-43 project?

Let me know – Thanks

Pat

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**From:** Trainer, Patricia - DOT  
**Sent:** Wednesday, January 15, 2020 10:03 AM  
**To:** Friedlander, Michael - DNR <[Michael.Friedlander@wisconsin.gov](mailto:Michael.Friedlander@wisconsin.gov)>; Batuzich, Michael (FHWA) <[Michael.Batuzich@dot.gov](mailto:Michael.Batuzich@dot.gov)>; Hiebert, Christopher <[chiebert@sewrpc.org](mailto:chiebert@sewrpc.org)>; Michael Leslie ([leslie.michael@epa.gov](mailto:leslie.michael@epa.gov)) <[leslie.michael@epa.gov](mailto:leslie.michael@epa.gov)>; Gross, Evan (FTA) <[evan.gross@dot.gov](mailto:evan.gross@dot.gov)>  
**Cc:** Amegashie, Carolyn - DOT <[Carolyn.Amegashie@dot.wi.gov](mailto:Carolyn.Amegashie@dot.wi.gov)>; Trainer, Patricia - DOT <[Patricia.Trainer@dot.wi.gov](mailto:Patricia.Trainer@dot.wi.gov)>; Payant, Dobra - DOT <[Dobra.Payant@dot.wi.gov](mailto:Dobra.Payant@dot.wi.gov)>; Hoff, Steve - DOT <[Steve.Hoff@dot.wi.gov](mailto:Steve.Hoff@dot.wi.gov)>; Caron Kloser <[CKloser@HNTB.com](mailto:CKloser@HNTB.com)>; Brown, Joel R - DOT <[Joel.Brown@dot.wi.gov](mailto:Joel.Brown@dot.wi.gov)>  
**Subject:** I-43 North-South Freeway Corridor Project Interagency Consultation

Good Morning –

# **PM 2.5 Memo for Interagency Consultation**

# **PM Conformity Hot Spot Analysis**

## **Project Summary Form for Interagency Consultation**

### REFERENCE

#### **Criteria for Projects of Air Quality Concern (40 CFR 93.123(b)) – PM<sub>2.5</sub> Hot Spots**

- (i) New highway projects that have a significant number of diesel vehicles, and expanded highway projects that have a significant increase in the number of diesel vehicles;
- (ii) Projects affecting intersections that are at Level-of-Service D, E, or F with a significant number of diesel vehicles, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes from a significant number of diesel vehicles related to the project;
- (iii) New bus and rail terminals and transfer points that have a significant number of diesel vehicles congregating at a single location;
- (iv) Expanded bus and rail terminals and transfer points that significantly increase the number of diesel vehicles congregating at a single location; and
- (v) Projects in or affecting locations, areas, or categories of sites which are identified in the PM<sub>10</sub> or PM<sub>2.5</sub> applicable implementation plan or implementation plan submission, as appropriate, as sites of violation or possible violation.

#### **Links to more information:**

<http://www.fhwa.dot.gov/environment/conform.htm>

<http://www.epa.gov/otaq/stateresources/transconf/index.htm>



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------|
| <b>Project ID#</b> <i>(required)</i> 1229-04-01                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| <b>Interagency Workgroup Meeting Date</b> January 14, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| <b>Project Description</b> <i>(clearly describe project)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| <p>The Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) completed a Final Environmental Impact Statement and Record of Decision (FEIS/ROD) for the I-43 North-South Freeway Corridor in November 2014. WisDOT suspended the project until 2019, when funds became available to complete project design, right of way acquisition and construction. WisDOT is now completing preliminary engineering for the selected alternative identified in the FEIS/ROD. WisDOT is also re-evaluating the FEIS/ROD to determine whether the ROD remains valid.</p> <p>The project extends 14 miles from Silver Spring Drive in the City of Glendale (south limit) to WIS 60 in the Village of Grafton (north limit). The project will reconstruct the I-43 freeway mainline, bridges and interchanges and local streets affected by the freeway reconstruction. The existing 4-lane freeway will be reconstructed as a 6-lane facility. The interchanges at Good Hope Road, Brown Deer Road, County Line Road, Mequon Road and County C will be reconstructed. The existing partial access interchange at County Line Road will be reconstructed as a full access interchange. A new interchange at Highland Road will also be constructed. Port Washington Road will be expanded from 2 lanes to 4 lanes between Bender Road and Coventry Court to match into existing 4-lane sections to the south and north. The Green Tree Road Bridge, which was originally included as part of the I-43 North-South project, was reconstructed in 2018 as a separate project.</p> <p>This segment of I-43 has outdated freeway mainline and interchange designs. Improvements are being proposed to accommodate existing and future traffic demand, to improve traffic flow and operations, and to address safety concerns. SEWRPC’s Vision 2050 Regional Land Use and Transportation System Plan recommends widening with additional traffic lanes in the I-43 corridor within the project limits.</p> <p>Approximately 5 miles of the project corridor is within Milwaukee County, and 9 miles are within Ozaukee County. Milwaukee County is in maintenance for PM2.5, while Ozaukee County is in attainment.</p> |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| <b>Type of Project</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| Freeway Capacity Expansion study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| <b>County</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Narrative Location/Route &amp; Postmiles</b>                                                                                                                                                                                                                                                                                                                                 |              |                       |
| Milwaukee & Ozaukee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The I-43 North-South Freeway Corridor study-area encompasses approximately 14 miles of I-43 from Silver Spring Drive in the City of Glendale (south limit) to WIS 60 in the Village of Grafton (north limit). (See Exhibit 1.) Other municipalities in the study area include the Villages of River Hills, Fox Point, and Bayside; the City of Mequon; and the Town of Grafton. |              |                       |
| <b>Lead Agency:</b> Wisconsin Department of Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                 |              |                       |
| <b>Contact Person</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Phone#</b>                                                                                                                                                                                                                                                                                                                                                                   | <b>Fax#</b>  | <b>Email</b>          |
| Steve Hoff, P.E.<br>Project Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 262-548-6718                                                                                                                                                                                                                                                                                                                                                                    | 262-521-5357 | steve.hoff@dot.wi.gov |
| <b>Hot Spot Pollutant of Concern</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                 | <b>PM2.5</b> |                       |

| <b>Federal Action for which Project-Level PM Conformity is Needed</b> <i>(check appropriate box)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                        |                           |                                 |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|---------------------------------|----------------|
| <b>Categorical Exclusion (NEPA)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>EA or Draft EIS</b> | <b>FONSI or Final EIS</b> | <b>PS&amp;E or Construction</b> | <b>X Other</b> |
| <b>Anticipated Date of Federal Action:</b> Final EIS/Record of Decision (ROD) November 2014; Re-evaluation April 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |                           |                                 |                |
| <b>Project Purpose and Need (Summary):</b> <i>(attach additional sheets as necessary)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                           |                                 |                |
| <p>The projects purpose and need has not changed since the FEIS/ROD approval. The purpose of the proposed project is to address needed improvements to the study-area freeway corridor, consistent with local and regional transportation and land use planning objectives. The proposed I-43 North-South Freeway Corridor project will provide a safe and efficient transportation system to serve existing and future traffic demand while minimizing impacts to the natural, cultural and built environment to the extent feasible and practicable.</p> <p>The need for the transportation improvements in the I-43 North-South Freeway Corridor is demonstrated through a combination of factors, including:</p> <ul style="list-style-type: none"> <li>• Pavement, freeway design and geometric deficiencies – the freeway pavement has exceeded its life expectancy, freeway design and geometry do not meet modern design standards.</li> <li>• Safety – congestion and design deficiencies contribute to crashes. Crash rates in some portions of the corridor approach or exceed the statewide average crash rate for freeways.</li> <li>• Existing and future traffic volumes – congestion exists today and is expected to continue to decrease traffic operations in the future.</li> <li>• Regional land use and transportation planning – the SEWRPC VISION 2050 long-range land use and transportation system plan recommends improvements to the I-43 North-South Freeway Corridor, including added lanes throughout the study corridor and a new interchange at Highland Road.</li> <li>• System linkage and route importance – the I-43 North-South Freeway Corridor is an important link to south-central and eastern Wisconsin.</li> </ul> |                        |                           |                                 |                |

**Surrounding Land Use/Traffic Generators** (especially effect on diesel traffic) *Note: the study area includes developments north and south of the I-43 North-South Freeway corridor to account for other influencing land uses.*

**Milwaukee County.** The commercial areas within the Milwaukee County portion of the study area are located along the east-west arterials, Port Washington Road and at interchanges. Major generators include:

- The Bayshore Town Center near I-43 and Silver Spring Drive, and community scale commercial districts including the Brown Deer Shopping Center, River Point Shopping Center, Capitol Drive, Midtown and the former Northridge Mall/Granville Station area. A major renovation is planned for Bayshore that will include the demolition of the indoor portion of the mall and reconfiguration of space with new multifamily residential and commercial uses. Also, the former Nicolet High School fields on the east side of I-43 are being converted to a new commercial development along Port Washington Road, north of Daphne Road. The development will include a grocery store, bank and a multi-tenant commercial building. In addition, the current office buildings north of Bender Road between the ACE Hardware store will be demolished and converted into new commercial development with a credit union and dentist office.
- Industrial uses on the southern end of the study area include the 30<sup>th</sup> Street Industrial corridor, Estabrook Corporate Park, Glendale Technology Center and the Riverworks area on the east side of the freeway. Other industrial clusters include the Teutonia Avenue and Mill Road areas and the Milwaukee Industrial Park on the city's northwest side. The Village of Brown Deer also contains several industrial businesses.

**Ozaukee County.** The Ozaukee County portion of the study area can be characterized by established urban areas with adjacent tracts of undeveloped land. While several large-lot subdivisions have been built in this area, a large portion of the area remains undeveloped or used for agricultural purposes. Commercial areas are located along Port Washington Road between County Line Road and Highland Road, the town center area near Mequon Road and Cedarburg Road and the Thiensville Main Street district that extends north from the Mequon town center. Mequon is in the process of evaluating the East Growth Area located west of I-43, east of the Milwaukee River north of Highland Road and south of County C.

The Town of Grafton remains largely undeveloped with large tracts of land used for farming or open space. The town's comprehensive plan anticipates the undeveloped tracts of land will be converted to residential uses. The town is planning for smaller scale commercial uses along the Port Washington Road corridor north of County C. The town also anticipates additional commercial/business park development near the WIS 60 and WIS 33 interchanges.

The village of Grafton's population and business base has been expanding over the past decade. The residential areas include older neighborhoods and newer subdivisions. The main commercial districts in the village include:

- WIS 60 district - the newest commercial area contains a mixture of medium and large scale commercial uses, including an Aurora Hospital, Costco and Target.
- South Commercial District - This is a redevelopment district to encourage more residential development, including multi-family developments. The village has also been working to revitalize the downtown Grafton area which now contains a mixture of commercial uses and public amenities.

The village of Saukville is a fairly small community located to the north of Grafton. It currently contains a fairly compact residential land use pattern and a business park on the north end of town. Commercial developments have been occurring along the WIS 33 corridor near I-43 in recent years. The land use plan for Saukville shows an expansion of the existing municipal boundaries in all directions. Low density residential land uses are planned to the north and west sides and medium density land uses are planned to the south. Commercial land uses are planned to the southeast along the I-43 corridor and the WIS 33 corridor. An office park is planned on the east side near the split between I-43 and WIS 57. The city of Port Washington, which is east of the Saukville, is an older community that has been experiencing growth. According to the city's 2035 Comprehensive Plan, urban land uses increased by about 386 acres between 2000 and 2007, which is a 21 percent increase. Residential growth is expected to continue to expand to the south and west of the existing community. Eventually the urbanized areas of Saukville and Port Washington are expected to connect. No planned land uses that would generate substantial diesel emissions are known at this time.

**Opening Year: Build and No Build LOS, AADT, % and # trucks, truck AADT of proposed facility. (Note: traffic data is presented to illustrate traffic characteristics by freeway segment.)**

| Year: 2025 | Location                               |        |       |                                           |         |       |
|------------|----------------------------------------|--------|-------|-------------------------------------------|---------|-------|
|            | I-43 btwn WIS 60 & CTH C               |        |       | I-43 btwn Mequon Rd & CTH C               |         |       |
|            | No Build                               | Build  | Delta | No Build                                  | Build   | Delta |
| LOS*       | C/C                                    | B/B    | -     | D/C                                       | C/C     | -     |
| AADT       | 55,200                                 | 56,700 | 1,500 | 61,700                                    | 65,200  | 3,500 |
| % Trucks   | 14.0%                                  | 14.0%  | 0.0%  | 13.0%                                     | 13.0%   | 0.0%  |
| Truck AADT | 7,720                                  | 7,930  | 210   | 8,018                                     | 8,473   | 455   |
| Year: 2025 | Location                               |        |       |                                           |         |       |
|            | I-43 btwn County Line Rd & Mequon Rd   |        |       | I-43 btwn Brown Deer Rd & County Line Rd  |         |       |
|            | No Build                               | Build  | Delta | No Build                                  | Build   | Delta |
| LOS        | D/D                                    | C/C    | -     | E/C                                       | C/C     | -     |
| AADT       | 70,400                                 | 76,900 | 6,500 | 74,100                                    | 78,100  | 4,000 |
| % Trucks   | 10.8%                                  | 10.8%  | 0.0%  | 10.3%                                     | 10.3%   | 0.0%  |
| Truck AADT | 7,615                                  | 8,318  | 703   | 7,610                                     | 8,021   | 411   |
| Year: 2025 | Location                               |        |       |                                           |         |       |
|            | I-43 btwn Brown Deer Rd & Good Hope Rd |        |       | I-43 btwn Silver Spring Dr & Good Hope Rd |         |       |
|            | No Build                               | Build  | Delta | No Build                                  | Build   | Delta |
| LOS        | F/E                                    | D/C    | -     | F/E                                       | D/C     | -     |
| AADT       | 87,700                                 | 94,200 | 6,500 | 98,400                                    | 104,400 | 6,000 |
| % Trucks   | 8.2%                                   | 8.2%   | 0.0%  | 8.7%                                      | 8.7%    | 0.0%  |
| Truck AADT | 7,208                                  | 7,742  | 534   | 8,531                                     | 9,051   | 520   |

Sources: Southeast Wisconsin Regional Planning Commission, WisDOT.

\*Levels of service (LOS) shown as worst case by peak direction (AM SB/PM NB)

**RTP Horizon Year / Design Year: Build and No Build LOS, AADT, % and # trucks, truck AADT of proposed facility**

| Year: 2045 | Location                               |         |       |                                           |         |       |
|------------|----------------------------------------|---------|-------|-------------------------------------------|---------|-------|
|            | I-43 btwn WIS 60 & CTH C               |         |       | I-43 btwn Mequon Rd & CTH C               |         |       |
|            | No Build                               | Build   | Delta | No Build                                  | Build   | Delta |
| LOS        | D/C                                    | B/B     | -     | D/D                                       | C/C     | -     |
| AA DT      | 61,700                                 | 63,500  | 1,800 | 68,200                                    | 72,400  | 4,200 |
| % Trucks   | 14.0%                                  | 14.0%   | 0.0%  | 13.0%                                     | 13.0%   | 0.0%  |
| Truck AADT | 8,629                                  | 8,881   | 252   | 8,863                                     | 9,409   | 546   |
| Year: 2045 | Location                               |         |       |                                           |         |       |
|            | I-43 btwn County Line Rd & Mequon Rd   |         |       | I-43 btwn Brown Deer Rd & County Line Rd  |         |       |
|            | No Build                               | Build   | Delta | No Build                                  | Build   | Delta |
| LOS        | D/D                                    | C/C     | -     | E/C                                       | C/C     | -     |
| AA DT      | 76,700                                 | 84,300  | 7,600 | 79,900                                    | 84,500  | 4,600 |
| % Trucks   | 10.8%                                  | 10.8%   | 0.0%  | 10.3%                                     | 10.3%   | 0.0%  |
| Truck AADT | 8,296                                  | 9,118   | 822   | 8,206                                     | 8,678   | 472   |
| Year: 2045 | Location                               |         |       |                                           |         |       |
|            | I-43 btwn Brown Deer Rd & Good Hope Rd |         |       | I-43 btwn Silver Spring Dr & Good Hope Rd |         |       |
|            | No Build                               | Build   | Delta | No Build                                  | Build   | Delta |
| LOS        | F/E                                    | D/C     | -     | F/E                                       | D/D     | -     |
| AA DT      | 93,900                                 | 102,000 | 8,100 | 104,100                                   | 111,700 | 7,600 |
| % Trucks   | 8.2%                                   | 8.2%    | 0.0%  | 8.7%                                      | 8.7%    | 0.0%  |
| Truck AADT | 7,718                                  | 8,383   | 665   | 9,025                                     | 9,684   | 659   |

Sources: Southeast Wisconsin Regional Planning Commission, WisDOT.

It has been shown that historical truck percentages vary little from year to year in Southeast Wisconsin corridors. Given that no new known industrial land uses are planned in the study area, it was decided to maintain the same truck percentages for the estimation of 2040 truck volumes based on this data. Levels of service (LOS) shown as worst case by peak direction (AM SB/PM NB).

**Describe potential traffic redistribution effects of congestion relief (*impact on other facilities*)**

Capacity expansion of the I-43 North-South corridor would likely draw some vehicles from parallel routes such as US 45, US 41, WIS 145, and WIS 57. The forecasted increase in demand along I-43 under the “Build” forecast scenario in comparison to the “No Build” forecast confirms that capacity expansion would draw additional trips to the project corridor from other roadways. As a result, these other roadways may become less congested due to reduced vehicle demand.

**Comments/Explanation/Details** *(attach additional sheets as necessary)*

The results of this analysis are based on SEWRPC forecast data for the “No Build” and “Build” scenarios. The “No Build” scenario assumes the existing capacity of the I-43 North-South corridor (four lanes) and retention of existing service interchanges. The “Build” forecast scenario assumes capacity expansion of I-43 from four lanes to six lanes between Silver Spring Dr. and WIS 60, and full access service interchanges at County Line Rd and Highland Rd.

The estimation of daily truck volumes assumes that there is no difference shown between “No Build” and “Build” truck percentages despite the additional capacity. Trucks utilizing the I-43 corridor are typically long-haul trips which have origins and destinations beyond the limits of the project area. As such, these trucks will typically stay on the corridor under congested conditions compared to other vehicles that have origins and/or destinations within the project limits. Therefore, when capacity is added, the resulting “Build” scenario truck percentage would likely decrease in comparison to the “No Build” scenario, as more non-truck vehicles would utilize the expanded freeway corridor thereby reducing the overall truck percentage. However, as this data is not available the project team has kept the same truck percentages for both the “No Build” and “Build” scenarios which results in conservative truck volume estimates.

**Exhibit 1: I-43 North-South Freeway Corridor Project Limits**



## **MSAT Validation**



The I-43 North-South Freeway FEIS/ROD identified the project as a “Project with Low Potential MSAT Impacts”, based on a qualitative analysis of the project. WisDOT reviewed current MSAT guidance to validate the finding. As reported in the FEIS/ROD, the annual average daily traffic (AADT) for the 2040 Selected Alternative (Modernization-6 Lanes) ranged from 67,800 at the northern terminus of the study corridor to 120,500 at the southern terminus.

***The updated 2045 AADT for the I-43 North-South Freeway Selected Alternative ranges from 63,500 at the northern terminus of the study corridor to 111,700 at the southern terminus. Based on FHWA’s three levels of analysis, the I-43 North-South Freeway Project has a low potential for meaningful increases in MSAT emissions.; therefore, the qualitative analysis performed for the FEIS/ROD remains valid.***

For reference: the following MSAT discussion is updated based on a review of current FHWA guidance.

In October 2016 FHWA issued updated guidance for the analysis of mobile source air toxics (MSATs) in the National Environmental Policy Act (NEPA) process for highway projects (*Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents*) requiring the use of the most recent version of EPA’s *Motor Vehicle Emissions Simulator* (MOVES2014a) model for air quality analysis on documents prepared in accordance with NEPA. The following language is taken from the guidance document and associated appendices.<sup>1</sup>

In addition to the criteria air pollutants for which there are the NAAQS, EPA also regulates air toxics. Most air toxics originate from human-made sources, including on-road mobile sources, non-road mobile sources, area sources and stationary sources.

Controlling air toxic emissions became a national priority with the passage of the Clean Air Act Amendments of 1990, whereby Congress mandated that the EPA regulate 188 air toxics, also known as hazardous air pollutants. The EPA has assessed this expansive list in their latest rule *Control of Hazardous Air Pollutants from Mobile Sources* (Federal Register, Vol. 72, No. 37, page 8430, February 26, 2007), and identified a group of 93 compounds emitted from mobile sources that are listed in their *Integrated Risk Information System* (IRIS)<sup>2</sup>. In addition, EPA identified nine compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers or contributors and non-cancer hazard contributors from the *2011 National Air Toxics Assessment* (NATA)<sup>3</sup>. These are 1,3-butadiene, acetaldehyde, acrolein, benzene, diesel particulate matter (diesel PM), ethylbenzene, formaldehyde, naphthalene, and polycyclic organic matter. While FHWA considers these the priority MSATs, the list is subject to change and may be adjusted in consideration of future EPA rules.

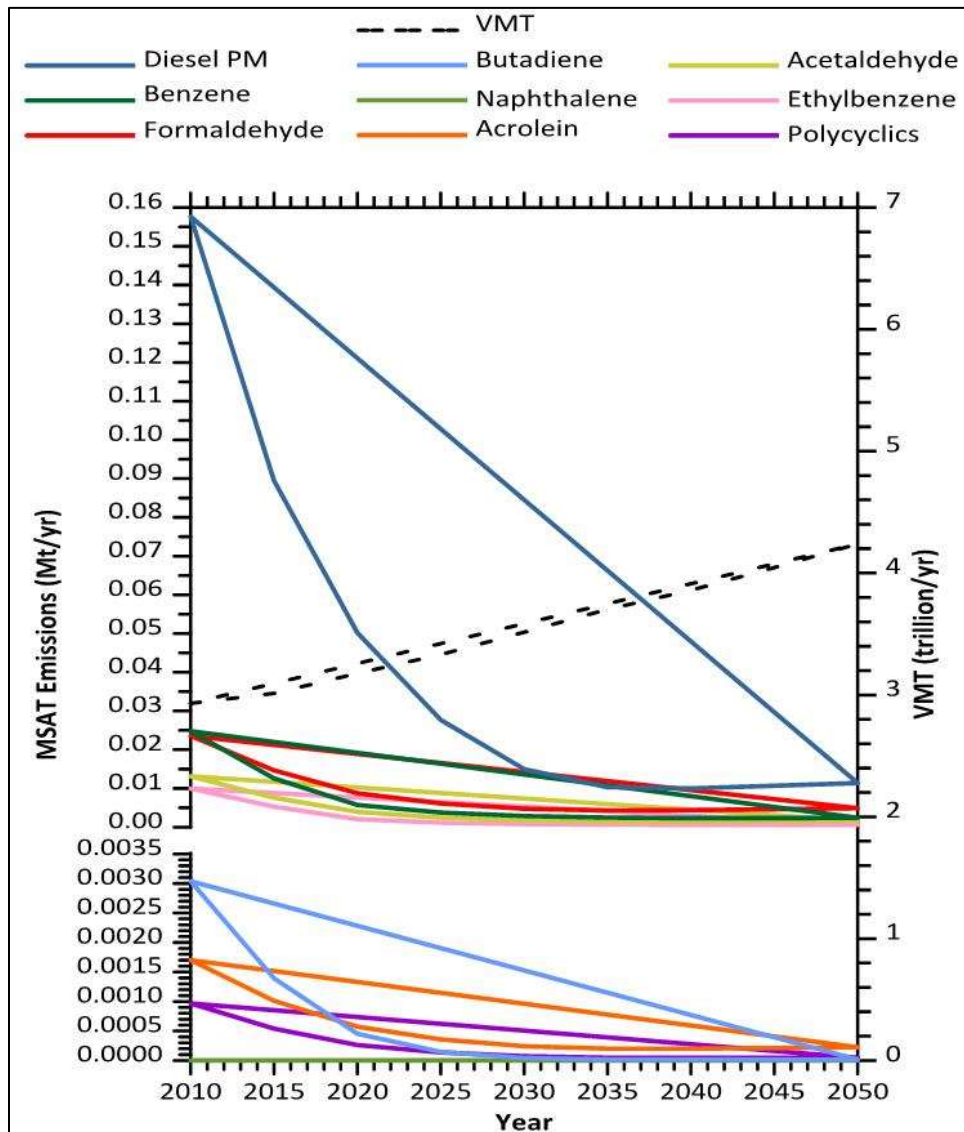
Based on an FHWA analysis using EPA's MOVES2014a model, as shown in **Figure 1**, even if VMT increases by 45 percent between 2010 to 2050 as forecasted, a combined reduction of 91 percent in the total annual emissions for the priority MSAT is projected for the same time period.

<sup>1</sup> [http://www.fhwa.dot.gov/Environment/air\\_quality/air\\_toxics/policy\\_and\\_guidance/msat/index.cfm](http://www.fhwa.dot.gov/Environment/air_quality/air_toxics/policy_and_guidance/msat/index.cfm), accessed November 15, 2019.

<sup>2</sup> EPA, <https://www.epa.gov/iris>

<sup>3</sup> EPA, <https://www.epa.gov/national-air-toxics-assessment>

**Figure 1: National MSAT Emission Trends, 2010-2050, for Vehicles Operating on Roadways Using EPA's MOVES2014a Model**



Source: EPA MOVES2014a model runs conducted by FHWA, September 2016.

Note: Trends for specific locations may be different, depending on locally derived information representing vehicle-miles travelled, vehicle speeds, vehicle mix, fuels, emission control programs, meteorology, and other factors.

Diesel PM is the dominant component of MSAT emissions, making up 50 to 70 percent of all priority MSAT pollutants by mass, depending on calendar year. Users of MOVES2014a will notice some differences in emissions compared with MOVES2010b. MOVES2014a is based on updated data on some emissions and pollutant processes compared to MOVES2010b, and also reflects the latest Federal emissions standards in place at the time of its release. In addition, MOVES2014a emissions forecasts are based on lower VMT projections than MOVES2010b, consistent with recent trends suggesting reduced nationwide VMT growth compared to historical trends.

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## MSAT RESEARCH

Air toxics analysis is a continuing area of research. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how potential public health risks posed by MSAT exposure should be factored into project-level decision-making within the context of NEPA.

Nonetheless, air toxics concerns continue to be raised on highway projects during the NEPA process. Even as the science emerges, the public and other agencies expect FHWA to address MSAT impacts in its environmental documents. The FHWA, EPA, the Health Effects Institute (HEI) and others have funded and conducted research studies to try to more clearly define potential risks from MSAT emissions associated with highway projects. The FHWA will continue to monitor the developing research in this field.<sup>4</sup>

## CONSIDERATION OF MSAT IN NEPA DOCUMENTS

The FHWA developed a tiered approach with three categories for analyzing MSAT in NEPA documents, depending on specific project circumstances:

1. No analysis for projects with no potential for meaningful MSAT effects;
2. Qualitative analysis for projects with low potential MSAT effects; or
3. Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects.

For projects warranting MSAT analysis, all nine MSAT should be analyzed.

### PROJECTS WITH NO MEANINGFUL POTENTIAL MSAT EFFECTS, OR EXEMPT PROJECTS

The types of projects included in this category are:

- Projects qualifying as a categorical exclusion under 23 CFR 771.117(c) (subject to consideration whether unusual circumstances exist under 23 CFR 771.117(b));
- Projects exempt under the Clean Air Act conformity rule under 40 CFR 93.126; or
- Other projects with no meaningful impacts on traffic volumes or vehicle mix.

For projects that are categorically excluded under 23 CFR 771.117(c), or are exempt from conformity requirements under the Clean Air Act pursuant to 40 CFR 93.126, no analysis or discussion of MSAT is necessary. Documentation sufficient to demonstrate that the project qualifies as a categorical exclusion and/or exempt project will suffice. For other projects with no or negligible traffic impacts, regardless of the class of NEPA environmental document, no MSAT analysis is recommended.<sup>5</sup> However, the project

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<sup>4</sup> Additional information about MSAT research can be found at [https://www.fhwa.dot.gov/Environment/air\\_quality/air\\_toxics/](https://www.fhwa.dot.gov/Environment/air_quality/air_toxics/)

<sup>5</sup> The types of projects categorically excluded under 23 CFR 771.117(d) or exempt from certain conformity requirements under 40 CFR 93.127 does not warrant an automatic exemption from an MSAT analysis, but they usually will have no meaningful impact.

record should document the basis for the determination of “no meaningful potential impacts” with a brief description of the factors considered.

PROJECTS WITH LOW POTENTIAL MSAT EFFECTS

The types of projects included in this category are those that serve to improve operations of highway, transit, or freight without adding substantial new capacity or without creating a facility that is likely to meaningfully increase MSAT emissions. This category covers a broad range of projects.

FHWA expects that most highway projects that need an MSAT assessment will fall into this category. Any projects not meeting the criteria in category (1) or category (3) below should be included in this category. Examples of these types of projects are minor widening projects; new interchanges, replacing a signalized intersection on a surface street; or projects where design year traffic is projected to be less than 140,000 to 150,000 annual average daily traffic (AADT).

For these projects, a qualitative assessment of emissions projections should be conducted. This qualitative assessment would compare, in narrative form, the expected effect of the project on traffic volumes, vehicle mix, or routing of traffic and the associated changes in MSAT for the project alternatives, including no-build, based on VMT, vehicle mix, and speed. It would also discuss national trend data projecting substantial overall reductions in emissions due to stricter engine and fuel regulations issued by EPA. Because the emission effects of these projects typically are low, we expect there would be no appreciable difference in overall MSAT emissions among the various alternatives.

PROJECTS WITH HIGHER POTENTIAL MSAT EFFECTS

This category includes projects that have the potential for meaningful differences in MSAT emissions among project alternatives. FHWA expects a limited number of projects to meet this two-pronged test. To fall into this category, a project should:

- Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location, involving a significant number of diesel vehicles for new projects or accommodating with a significant increase in the number of diesel vehicles for expansion projects; or
- Create new capacity or add significant capacity to urban highways such as Interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the AADT is projected to be in the range of 140,000 to 150,000<sup>6</sup> or greater by the design year; and
- Proposed to be located in proximity to populated areas.

Projects falling within this category should be more rigorously assessed for impacts.

**Incomplete Or Unavailable Information for Project-Specific MSAT Health Impacts Analysis**

In FHWA’s view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty

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<sup>6</sup> FHWA, [https://www.fhwa.dot.gov/environMent/air\\_quality/air\\_toxics/policy\\_and\\_guidance/msat/](https://www.fhwa.dot.gov/environMent/air_quality/air_toxics/policy_and_guidance/msat/)

introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed action.

The U.S. Environmental Protection Agency (EPA) is responsible for protecting the public health and welfare from any known or anticipated effect of an air pollutant. They are the lead authority for administering the Clean Air Act and its amendments and have specific statutory obligations with respect to hazardous air pollutants and MSAT. The EPA is in the continual process of assessing human health effects, exposures, and risks posed by air pollutants. They maintain the Integrated Risk Information System (IRIS), which is “a compilation of electronic reports on specific substances found in the environment and their potential to cause human health effects.”<sup>7</sup> Each report contains assessments of non-cancerous and cancerous effects for individual compounds and quantitative estimates of risk levels from lifetime oral and inhalation exposures with uncertainty spanning perhaps an order of magnitude.

Other organizations are also active in the research and analyses of the human health effects of MSAT, including the Health Effects Institute (HEI). Two HEI studies are summarized in Appendix D of FHWA’s *Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents*. Among the adverse health effects linked to MSAT compounds at high exposures are cancer in humans in occupational settings; cancer in animals; and irritation to the respiratory tract, including the exacerbation of asthma. Less obvious are the adverse human health effects of MSAT compounds at current environmental concentrations (HEI Special Report 16,

<https://www.healtheffects.org/publication/mobile-source-air-toxics-critical-review-literature-exposure-and-health-effects>) or in the future as vehicle emissions substantially decrease.

The methodologies for forecasting health impacts include emissions modeling; dispersion modeling; exposure modeling; and then final determination of health impacts – each step in the process building on the model predictions obtained in the previous step. All are encumbered by technical shortcomings or uncertain science that prevents a more complete differentiation of the MSAT health impacts among a set of project alternatives. These difficulties are magnified for lifetime (70-year or greater) assessments since such information is unavailable. Unsupportable assumptions would have to be made regarding changes in travel patterns and vehicle technology, which affects emissions rates over that time frame, since such information is unavailable.

It is particularly difficult to reliably forecast 70-year or more lifetime MSAT concentrations and exposure near roadways; to determine the portion of time that people are actually exposed at a specific location; and to establish the extent attributable to a proposed action, especially given that some of the information needed is unavailable.

There are considerable uncertainties associated with the existing estimates of toxicity of the various MSATs, because of factors such as low-dose extrapolation and translation of occupational exposure data to the general population, a concern expressed by HEI (Special Report 16,

<https://www.healtheffects.org/publication/mobile-source-air-toxics-critical-review-literature-exposure-and-health-effects>). As a result, there is no national consensus on air dose-response values assumed to

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<sup>7</sup> EPA, <https://www.epa.gov/iris/>

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protect the public health and welfare for MSAT compounds, and in particular for diesel PM. The EPA states that with respect to diesel engine exhaust, “[t]he absence of adequate data to develop a sufficiently confident dose- response relationship from the epidemiologic studies has prevented the estimation of inhalation carcinogenic risk (EPA IRIS database, Diesel Engine Exhaust, Section II.C.

[https://cfpub.epa.gov/ncea/iris/iris\\_documents/documents/subst/0642.htm#quainhal\).](https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/0642.htm#quainhal).)”

There is also the lack of a national consensus on an acceptable level of risk. The current context is the process used by the EPA as provided by the Clean Air Act to determine whether more stringent controls are required in order to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect for industrial sources subject to the maximum achievable control technology standards, such as benzene emissions from refineries. The decision framework is a two-step process. The first step requires EPA to determine an “acceptable” level of risk due to emissions from a source, which is generally no greater than approximately 100 in a million. Additional factors are considered in the second step, the goal of which is to maximize the number of people with risks less than 1 in a million due to emissions from a source. The results of this statutory two-step process do not guarantee that cancer risks from exposure to air toxics are less than one in a million; in some cases, the residual risk determination could result in maximum individual cancer risks that are as high as approximately 100 in a million. In a June 2008 decision, the U.S. Court of Appeals for the District of Columbia Circuit upheld EPA’s approach to addressing risk in its two-step decision framework. Information is incomplete or unavailable to establish that even the largest of highway projects would result in levels of risk greater than safe or acceptable

([https://www.cadc.uscourts.gov/internet/opinions.nsf/284E23FFE079CD59852578000050C9DA/\\$file/07-1053-1120274.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/284E23FFE079CD59852578000050C9DA/$file/07-1053-1120274.pdf)).

Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits, such as reducing traffic congestion, accident rates, and fatalities plus improved access for emergency response, that are better suited for quantitative analysis.

Source: FHWA

[http://www.fhwa.dot.gov/Environment/air\\_quality/air\\_toxics/policy\\_and\\_guidance/msat/index.cfm](http://www.fhwa.dot.gov/Environment/air_quality/air_toxics/policy_and_guidance/msat/index.cfm), accessed November 19, 2019.

# **Appendix I**

## **Noise Impact Re-evaluation**

WisDOT is completing preliminary engineering and a re-evaluation of the I-43 North-South Freeway Final Environmental Impact Statement and Record of Decision (FEIS/ROD), which FHWA approved in November 2014. This memo re-evaluates the conclusions of the noise analysis of the Selected Alternative presented in the FEIS/ROD. The re-evaluation examines changes in traffic volumes, land use and design since the FEIS/ROD publication to validate or update noise impacts.

The Selected Alternative (project) will reconstruct I-43 freeway mainline, bridges and interchanges and local streets affected by the freeway reconstruction. The limits are between Silver Spring Drive in Milwaukee County and WIS 60 in Ozaukee County, a distance of 14 miles. The existing 4-lane freeway will be reconstructed as a 6-lane facility. The interchanges at Good Hope Road, Brown Deer Road, Mequon Road and County C will be reconstructed. The existing partial interchange at County Line Road will be reconstructed as a full interchange. A new interchange at Highland Road will also be constructed. Port Washington Road will be expanded from 2 lanes to 4 lanes between Bender Road and Coventry Court to match into existing 4-lane sections to the south and north.

### **Traffic Changes**

The 2045 traffic volumes are projected to decrease by up to 15% when compared to the 2040 design year traffic volumes used in the FEIS/ROD noise analysis.

It is anticipated that the 15% decrease in traffic volumes would result in similar predicted noise levels and correspond to a decrease in noise level up to 0.6 dB for receivers in the FHWA Traffic Noise Model (TNM). This change in noise level is not noticeable in an outdoor environment and is not considered substantial. Based on this small amount of change, the noise environment is expected to be the same as that predicted in the FEIS/ROD and noise abatement recommendations will remain the same.

Because the decibel (dB) scale is a logarithmic representation of actual sound pressure variations, a doubling of energy would result in a 3-dB increase, which is barely perceptible in the natural environment. Traffic volumes would need to double, or increase by 100%, for traffic noise levels to increase by a potentially noticeable amount.

Because the posted speed limit in Ozaukee County increased from 65 mph at the time of the FEIS/ROD noise analysis to 70 mph, the design speed has also increased from 70 mph used in the FEIS/ROD to 75 mph. This change is not anticipated to affect the speeds used in the FEIS/ROD noise analysis, which were based on operating speed profile data for the peak hours developed using the traffic microsimulation model *Paramics*. The posted 55 mph speed and the 70 mph design speed used in the FEIS/ROD in Milwaukee County is unchanged.

### **Land Use Changes**

Noise-sensitive land use in the corridor was reviewed to evaluate newly developed land use that was not included in the FEIS/ROD. Any new land use in the corridor permitted after November 25, 2014 was developed after the Date of Public Knowledge for the FEIS/ROD. New noise-sensitive land use in the corridor includes:

- a single-family home north of Bonniwell Road and east of I-43, between FEIS/ROD noise receptors N587 and N588;



- Concordia University tennis courts south of Highland Road;
- Multi-family residences at the Bayshore development north of Silver Spring Drive;
- and a new Residence Inn hotel on Green Tree Road.

The noise environments for the four (4) new noise-sensitive receptors are summarized in Table 1. There is also a new Residence Inn hotel on Green Tree Road, but because there is no outdoor use at this hotel, a noise-sensitive receptor would not be included in the noise analysis.

**Table 1. New Noise-Sensitive Land Use**

| <b>Receiver</b>                    | <b>Location</b>                        | <b>Future Noise Environment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single-family home                 | East of I-43, North of Bonniwell Road  | This home is located approximately 450 feet north of receptor N587 (single-family home) at the same distance to I-43; therefore, the future noise level is anticipated to be 65 dBA as predicted for N587 in the FEIS/ROD. This home would not be impacted.                                                                                                                                                                                                                                                                             |
| Concordia University tennis courts | East of I-43, South of Highland Road   | The closest tennis court is located approximately half the distance to I-43 as receptor N585 (Concordia football field), which was located 600 feet from I-43, as described in the FEIS/ROD. At half the distance, the future noise level is anticipated to be 3 dB higher than the noise level previously predicted for N585, resulting in 64 dBA. However, there is also more shielding of I-43 traffic at this receptor due to the elevated I-43 northbound off ramp to Highland Road. This recreational area would not be impacted. |
| Bayshore Multi-family residences   | East of I-43, North of Silver Spring   | A multi-family building is located in this largely retail development. The residences do not have individual balconies. There are outdoor common spaces at the fourth level of the building facing I-43, but there is no line of sight to the freeway from these spaces due to building shielding; therefore, impact is not anticipated.                                                                                                                                                                                                |
| Residence Inn hotel                | East of I-43, North of Green Tree Road | A new Residence Inn hotel is located on Green Tree Road, but because the outdoor use area at this hotel is shielded by the building, impact is not anticipated at this location. In addition, nearby receptors located closer to the roadway were not impacted in the FEIS/ROD, and I-43 is in a cut section adjacent to the hotel, providing further shielding of roadway noise at the hotel's ground floor.                                                                                                                           |

Regarding other planned noise-sensitive land use changes in the study area, Nicolet High School is reconfiguring its athletic facilities west of I-43 and south of Green Tree Road. The reconfiguration would not greatly alter the receiver locations analyzed in the 2014 FEIS/ROD; furthermore, impact was not predicted in the FEIS/ROD.

A former Nicolet High School athletic field, east of I-43 and between Daphne Road and Green Tree Road, was sold for private commercial development, including a grocery store and bank. Other anticipated land use at this location includes a coffee shop with an outdoor patio, and other retail, medical or office land use. Although an outdoor patio at a coffee shop would be considered noise-sensitive, this would be

the only new noise-sensitive receptor in the development and would not be impacted based on predicted future noise levels for receptors on the athletic field in the FEIS/ROD (N65-N70).

Lastly, new multi-family residential buildings are planned east of I-43 and North of Silver Spring Drive along N. Lydell Avenue as part of the Bayshore development. The new buildings would be located near the north end of the development. The buildings that are currently planned are located over 500 feet from I-43 and would be shielded by other large buildings in the development. There is a potential for one of the multi-family buildings to be located closer to I-43 (approximately 300 feet away) at the north end of the development north of W Corrigan Drive, but this location has not yet been confirmed and would likely not be impacted at that distance from I-43 and with adjacent building shielding.

### **Design Changes**

The current design was reviewed to evaluate changes to the Selected Alternative design presented in the FEIS/ROD and to determine if these changes would affect the future noise levels predicted in the FEIS/ROD. In most areas where the current design has changed, the horizontal movement is less than 10 feet different from the FEIS/ROD design. In some locations, the current design narrows slightly and is farther from noise-sensitive receptors. Noise-sensitive receptors are generally not in close proximity where the design shifts the road up to 7 feet wider due to minor curvature realignments. Horizontal roadway shifts under 10 feet are not considered substantial and are not anticipated to change the horizontal location of noise abatement analyzed in the FEIS/ROD. Vertical shifts up to 1-foot in elevation compared to the FEIS/ROD design are proposed in Ozaukee County to accommodate the higher design speed of 75 miles per hour (mph). Vertical roadway shifts of 1-foot or less are not considered substantial. Areas where the horizontal or vertical movement is greater than described above are discussed below:

- The northwest quadrant ramp at the Good Hope Road interchange has been realigned closer to receptor N275, which had a predicted future noise level of 65 dBA in the FEIS/ROD. The ramp was located approximately 210 feet from N275 with the FEIS/ROD design. This ramp would be located approximately 180 feet from N275 with the current design (about 30 feet closer). Although the ramp provides some shielding to the I-43 mainline, the mainline has not moved and dominates the predicted future noise level. The 30-foot ramp shift is not anticipated to increase the predicted future noise level at N275, which is the only receptor near this shift that is close to the impact threshold.
- The FEIS/ROD design of the diverging diamond interchange at Brown Deer Road has changed slightly, with the northwest quadrant ramp lane shifting out approximately 60 feet. The nearest noise-sensitive receptor is N382 in the northwest quadrant, which is located approximately 250 feet from point of change in the northwest quadrant ramp alignment. The predicted future noise level is 51 dBA for N382 in the FEIS/ROD due to the existing berm left in place, which would continue to provide shielding for N382 from I-43 and the new ramp. The ramp shift is not anticipated to increase the predicted future noise level for N382.
- With the new design, the northbound off ramp to Port Washington (north of County Line Road) is up to 35 feet closer to noise-sensitive receptors when compared to the Split Diamond Hybrid Interchange design studied in the FEIS/ROD. Predicted future noise levels in the FEIS/ROD for

nearby receptors N449 and N451 are 57 dBA and 58 dBA, respectively. No impact was predicted in this area and the ramp traffic is not anticipated to dominate the predicted future noise level presented in the FEIS/ROD for those receptors.

- The Port Washington Road southbound lane at the County Line Road interchange (west of I-43) is moving approximately 25 feet closer to residences, such as receptor N525, which had a predicted future noise level of 62 dBA in the FEIS/ROD. The residences sit just over 100 feet from this lane, and the I-43 mainline dominates the predicted future noise level. Because the lane shift does not halve the distance to the residences, and impact was not predicted for these receivers in the FEIS/ROD, this lane shift is not anticipated to increase predicted future noise levels.
- There are vertical shifts up to 5 feet proposed on either side of Daphne Road when compared to the FEIS/ROD design. North of Daphne Road, the profile would lower up to 5 feet as there is no longer a need to accommodate a pedestrian tunnel for Nicolet High School. The profile would move 5 feet closer to the existing profile and be lower in elevation than nearby receptors. South of Daphne Road, the profile would move up to 5 feet closer to the existing profile in this area, which would raise the roadway in elevation, but would still be in a cut below noise-sensitive receptors in this area. These 5-foot shifts in roadway elevation are not anticipated to increase predicted future noise levels.

### **Summary of Noise Impact Re-evaluation**

#### **Traffic Changes**

The 2045 traffic volumes are projected to decrease by up to 15% when compared to the 2040 design year traffic volumes used in the FEIS/ROD noise analysis, and minor changes to posted and design speeds in Ozaukee County are not anticipated to affect the speeds used in the FEIS/ROD noise analysis that were based on operating speed profile data. Therefore, the changes to traffic data identified for the re-evaluation are not substantial and would not change the results of the FEIS/ROD noise analysis.

#### **Land Use Changes**

The four new noise-sensitive receptors in the study area and other planned noise-sensitive land uses have been evaluated in this memo and impact is not anticipated at these locations. These land uses were permitted after November 25, 2014, which is the Date of Public Knowledge for the FEIS/ROD. Therefore, the changes to land use identified for the re-evaluation are not substantial and would not change the results of the FEIS/ROD noise analysis.

#### **Design Changes**

In most locations, roadway design changes since the FEIS/ROD noise analysis are less than 7 feet in horizontal movement and less than 1-foot in vertical movement. These adjustments are not considered substantial, and any larger adjustments have been evaluated in this memo to confirm they would not affect the results of the FEIS/ROD noise analysis. Therefore, the design changes identified for the re-evaluation are not substantial and would not change the results of the FEIS/ROD noise analysis.

### FEIS/ROD Noise Analysis Conclusions

Because noise levels are not anticipated to change substantially due to traffic and design changes, and land use changes are minimal, the noise analysis and noise abatement analysis presented in the FEIS/ROD are still valid.

The FEIS/ROD stated “Based on the noise analysis, WisDOT would likely incorporate the feasible and reasonable noise barriers shown in Table 3-31 into the project’s final design if a build alternative is selected. During the design phase of the project the location of feasible and reasonable noise mitigation will be reassessed. If final design results in substantial changes in roadway design from the conditions modeled for FEIS/ROD, noise abatement measures would be reviewed. A final decision about whether to install abatement measure(s) would be made upon completion of the project’s final design and through the public involvement process, which would solicit input from residents and property owners who would benefit from the construction of the feasible and reasonable noise barriers.” Table 3-31 from the FEIS/ROD is presented below.

Fourteen noise barriers were analyzed in the FEIS/ROD at 13 locations including historic sites, Section 4(f) lands and two (2) day care centers adjacent to the freeway system within the I-43 North-South Freeway Corridor study area. Thirteen of the 14 noise barriers were feasible, five (5) of which were also reasonable. One reasonable barrier was eliminated with the selection of the Highland Road Interchange in the FEIS/ROD (See footnote in FEIS Table 3-31). The four (4) remaining reasonable noise barriers would remain proposed through the final design and public involvement process as the project advances.

Barriers identified as feasible and reasonable are subject to a vote of support for construction by the owners and residents of the receptors benefited by each barrier. A simple majority of all votes cast by the benefited receptors is required for the proposed barriers to be constructed as part of the project.

FEIS Table 3-31: Noise Barrier Summary

| Barrier Number | Locations                                                                                           | Existing Leq(h) Noise Levels, dBA | Range of Future Leq(h) Noise Levels, dBA |         | Noise Reduction (dB) | Barrier Characteristics |             | Cost*       | Number of Units Attenuated | Cost/Unit | Feasible and Reasonable |
|----------------|-----------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------|---------|----------------------|-------------------------|-------------|-------------|----------------------------|-----------|-------------------------|
|                |                                                                                                     |                                   | w/o Barrier                              | Barrier |                      | Length (ft)             | Height (ft) |             |                            |           |                         |
| 1              | East of I-43 from UP Railroad to Daphne Road                                                        | 48-69                             | 51-67                                    | 48-69   | 2-7                  | 1,763                   | 24          | \$761,418   | 0                          | -         | N                       |
| 2              | West of I-43 from the UP Railroad to Nicolet High School                                            | 50-72                             | 50-75                                    | 48-64   | 8-9                  | 2,991                   | 12-18       | \$857,772   | 7                          | \$122,539 | N                       |
| 3              | East of I-43 from Good Hope Road to Brown Deer Road                                                 | 45-75                             | 48-77                                    | 45-66   | 8-16                 | 8,999                   | 9-24        | \$3,088,098 | 104                        | \$29,693  | Y                       |
| 4              | West of I-43 from Dean Road to Brown Deer Road                                                      | 56-70                             | 58-72                                    | 56-63   | 8-9                  | 1,800                   | 9-18        | \$534,546   | 2                          | \$267,273 | N                       |
| 5              | East of I-43 from Brown Deer Road to County Line Road                                               | 44-72                             | 46-76                                    | 40-65   | 8-14                 | 4,699                   | 9-24        | \$1,409,238 | 108                        | \$13,049  | Y                       |
| 6              | West of I-43 from Fairy Chasm Road to County Line Road                                              | 54-71                             | 58-73                                    | 56-65   | 8-11                 | 2,499                   | 9-18        | \$664,092   | 6                          | \$110,682 | N                       |
| 7              | West of I-43 from County Line Road to Port Washington Road                                          | 54-66                             | 56-69                                    | 55-64   | 8-9                  | 1,357                   | 9-24        | \$446,634   | 3                          | \$148,878 | N                       |
| 8              | West of I-43 from Port Washington Road to Zedler Road                                               | 70                                | 73                                       | 64      | 9                    | 600                     | 9-15        | \$140,382   | 1                          | \$140,382 | N                       |
| 9              | East of I-43 from Port Washington Road to Donges Bay Road                                           | 53-71                             | 55-72                                    | 50-65   | 8-13                 | 2,600                   | 9-24        | \$1,058,382 | 11                         | \$96,217  | N                       |
| 10             | West of I-43 from Winesap Court to Baldwin Court                                                    | 41-73                             | 44-76                                    | 44-68   | 8-13                 | 998                     | 9-21        | \$291,114   | 10                         | \$29,111  | Y                       |
| 11             | East of I-43 from Glen Oaks Lane to Dandelion Lane                                                  | 55-66                             | 53-71                                    | 52-63   | 8-9                  | 4,089                   | 9-24        | \$1,450,818 | 6                          | \$241,803 | N                       |
| 12             | West of I-43 from Liebau Road to Highland Road                                                      | 35-73                             | 37-76                                    | 35-67   | 8-16                 | 2,977                   | 21          | \$1,125,414 | 91                         | \$12,367  | Y                       |
| 12A            | A West of I-43 from Liebau Road to Highland Road (Highland Road No Access Alternative) <sup>1</sup> | 35-73                             | 37-77                                    | 37-77   | 8-16                 | 3,008                   | 21          | \$1,136,988 | 92                         | \$12,369  | Y                       |
| 13             | West of I-43 at Lakefield Road                                                                      | 57-67                             | 62-70                                    | 58-62   | 8-9                  | 1,004                   | 12-21       | \$314,000   | 2                          | \$157,005 | N                       |

<sup>1</sup> Barrier 12A is no longer under consideration Highland Road No Access Alternative was part of the Selected Alternative in the FEIS/ROD.