



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

FHWA – WI Division

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In Reply Refer To:
HDA-WI

Date: October 1, 2010

FEDERAL HIGHWAY ADMINISTRATION (FHWA) FINDING OF NO SIGNIFICANT IMPACT

Project ID: 1001-07-00
Highway: IH 39
Termini: Madison – IL State Line
County: Dane & Rock

This finding of no significant impact is based on the attached environmental document, which has been independently evaluated and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project.

It provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

Accordingly, it is concluded this project will not have any significant impact on the human environment.

This project is a Federal Major Project over \$500 million in total cost. The official "effective date" of this Finding is deferred until a "financial commitment", based on the "Cost Estimate Review" data used to prepare the attached Final Environmental Assessment document, is received from the Wisconsin Department of Transportation (WisDOT), and concurred in by FHWA. This commitment may be in the form of a recommendation for enumeration of funding as a WisDOT Major Project, or other appropriate funding proposals accepted by FHWA.

Approved:

Name: Tracey McKenney, P.E.
Title: Major Projects Program Manager

Attachment

THIS SHEET FOR USE AFTER PUBLIC AVAILABILITY PERIOD

Project ID 1001-07-00	Highway IH 39/90	County Rock and Dane Counties
Alternative Preferred Build (Reconstruction)	Segment Termini Illinois State Line to USH 12/18	
Date of Public Notice 8/8/2008	In: (Name of Newspaper) The Janesville Gazette, Rockford Register Star, Wisconsin State Journal, The Daily News	Dates Environmental Assessment made available to Public From: 8/8/2008 To: 9/10/2008

1. Public Hearing

Was not required, explain.

On August 20, 2008, the Rock County Department of Public Works requested a Public Hearing so that citizens and businesses in Rock County could review and comment to the Wisconsin DOT on the IH 39/90 project. On October 10, 2008, the Rock County Department of Public Works withdrew its request for a public hearing on the project when they determined the Wisconsin DOT intended to hold two Public Information Meetings, with one being in the Janesville area, during October 2008, that would provide the opportunity for citizens and businesses in Rock County to review and comment on the IH 39/90 project.

- Opportunity was given but no hearing was held.
 - No requests for a public hearing were received.
 - Requests for a public hearing were not substantial.

Was held on

2. Summary and disposition of public hearing comments and/or comments resulting from Public Notice of Availability. Include a summary of the changes to the environmental document and the project resulting from comments. (Note: Alternatives proposed by the public and subsequently rejected should be identified and the reasons for rejecting them included.)

Two public information meetings were held after the Public Notice of Availability was published. The first meeting was held on Thursday, October 23, 2008, at the Marshall Middle School in Janesville. The second meeting was held on Thursday, October 28, 2008 at the Edgerton Public Library in Edgerton. The information presented was the same at both meetings. A copy of the sign-in sheets, handouts, and comments received in response to these meetings is attached. No changes to the environmental document and the project resulted from the public comments received.

Two Local Official Meetings were held after the Public Notice of Availability was published. One was held on October 10, 2008 for local officials in Rock County, and one was held on October 27, 2008 for local officials in Dane County. A copy of meeting minutes and summary comments received at these meetings is attached. No changes in the environmental document and the project's preferred alternative resulted from the local official's comments received.

Five environmental agencies provided comments to the environmental document. A copy of the comments received from each agency, along with responses to those comments is attached. The responses to each agency's comments are, by nature of their attachment, incorporated into the environmental document. No changes to the project's preferred alternative or estimated impacts as listed in the environmental document resulted from any of the agency's comments.

A generalized summary of agency comments and responses follows. Complete comments and responses are attached.

The US Department of Interior, Fish and Wildlife Service, provided general guidance for avoiding impacts to fish and wildlife resources from transportation projects. <WisDOT is in agreement with the procedures listed in the general guidance, and has made an effort to select an alternative that avoids or minimizes impacts to surrounding aquatic resources.>

The Department of Agriculture, Trade and Consumer Protection (DATCP) noted that in comparison to other WisDOT projects of this length (45 miles), the loss of 133 acres of farmland is relatively small, but it is not insignificant. <WisDOT recognizes the impact to farmland is not insignificant. The loss of farmland does occur by acquisition of relatively narrow

strips of farmland, approximately 0 to 20 feet, from 121 individual farm operations which generally minimize the impact of farming operations> DATCP noted that most of the landowners who responded to DATCP's request for information about the proposed project impacts identified drainage as a concern. <Drainage will be addressed in greater detail with adjacent property owners during final design.> DATCP is concerned about the effects on agriculture from secondary impacts of the expanded highway. <This project minimizes secondary impacts in that the interstate is a very limited access facility with the only access allowed being at an interchange. This project does not change the number of interchanges or the location of interchanges along the entire corridor, nor does it add any new frontage or secondary roads to the existing system.> DATCP noted that EA states "recommendations contained in the AIS will be considered during design and construction, and implemented when practical", and they provided a list of those recommendations. <WisDOT is in agreement with the list of recommendations contained in the AIS, and their commitment in the EA remains as stated.>

The US Army Corps of Engineers (US COE) noted that under Section 404, "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have a less adverse impact on aquatic ecosystem so long as the alternative does not have other significant adverse environmental consequences", and they noted that to be permissible, the proposed preferred alternative needs to meet certain criteria. The US COE requested additional information about the project preferred alternative relative to those criteria to facilitate subsequent permit evaluation. <Information was provided to US COE to show that the lane additions for IH 39/90 were located to avoid or minimize impacts to the aquatic ecosystem where practicable. In addition to minimizing impacts to the aquatic ecosystems along the project corridor, other major considerations included the high cost of adjacent land/improvements; loss of highly productive farmland; storm water management; and safety factors.>

The US Environmental Protection Agency (US EPA) noted the importance of showing that the impacts of the preferred alternative would not be so much greater than if the median barrier option were used for the entire corridor. <Information was provided to US EPA to show that the lane additions for IH 39/90 were located to avoid or minimize impacts to the aquatic ecosystems where practicable. In addition to minimizing impacts to the aquatic ecosystems along the project corridor, other major considerations included the high cost of adjacent land/improvements; loss of highly productive farmland; storm water management; and safety factors.> The US EPA requested information on the method used for wetland assessment and the date(s) of the assessments. <The assessment method was based on WDNR "Rapid Assessment Methodology for Evaluating Wetland Functional Values". The original assessments were completed in July-August 2003 with several areas revisited in October 2007.> The US EPA requested information on efforts made to avoid or reduce impacts to wetlands, especially those of higher quality. <A table was provided to show wetlands avoided and wetlands with impacts minimized.> The US EPA recommended that the following verbiage be added regarding Environmental Justice, "Although there will be some changes to noise patterns and aesthetics, there will be no residences or businesses acquired or relocated by the project. The effect of the proposed action on low-income and minority populations is less than the effect on the populations at large." <WisDOT concurs with this comment and incorporates it into the EA by means of their response> The US EPA inquired as to why both yes and no boxes were checked in response to the question of whether traffic noise abatement measures will be implemented. <Both boxes are checked because it is true that noise barriers will be implemented in the City of Janesville between USH 11 and USH 14, and it is true noise walls will not be implemented throughout rest of project, which is predominantly rural.> The US EPA recommended that the criteria for when noise walls are considered and the threshold for when they are financially reasonable be included in the EA. <Noise walls are considered when future sound levels exceed 66 dBA for residential homes or 71 dBA for commercial establishments, or if future sound levels increased by more than 15 dBA over existing levels. By Wisconsin State Statutes, the cost of abatement must not exceed \$30,000 per benefited residence (defined as a lower level, roadway abutting dwelling unit receiving an 8 dBA reduction) as compared to the cost of a noise wall at \$18 per square foot.> The US EPA asked if any of the water body segments have been included in the current Wisconsin 303(d) list of impaired waters, and if applicable, to indicate the listed impairments. <The Rock River is the only waterway crossed by the IH 39/90 project that is listed as an "Impaired Waterway" in Wisconsin 303(d). The impairments are listed as low dissolved oxygen, high sedimentation, and a fish consumption advisory. The proposed project will not result in decreased dissolved oxygen levels, or add any concerns that would likely impact fish consumption. Proposed erosion control practices during construction will minimize sedimentation during construction.>

The Wisconsin Department of Natural Resources (WDNR) asked for the decision criteria used to locate new lanes in the corridor north of Janesville. <Information was provided to WDNR to show that the lane additions for IH 39/90 were located to avoid or minimize impacts to the aquatic ecosystems where practicable. In addition to minimizing impacts to the aquatic ecosystems along the project corridor, other major considerations included the high cost of adjacent land/improvements; loss of highly productive farmland; storm water management; and safety factors.> WDNR requested information on where new lanes will be constructed along the inside or outside north of Janesville. <A table was provided showing location of new lanes, either inside or outside, along the IH 39/90 corridor.> WDNR stated their agreement with the public desire to avoid construction in the median where remnant drumlins and oak savannas exist provided high-quality wetlands are not located within the footprint of the new traffic lanes. <WisDOT acknowledges and mirrors WDNR's support for a goal of maintaining a balance between reducing impacts to wetlands against impacting

prime upland forested areas.> WDNR suggested including a statement on energy that the preferred alternative will require more up-front energy use for construction than other build alternatives. <WisDOT concurs and added a statement.> WDNR indicated importance of aquatic organism and wildlife passage needs regarding extending culvert crossings and the impact of placing median barriers to prohibit migration. <During final design, WisDOT will evaluate culverts for sizing. Coordination will occur at that time to address the issue of need for aquatic and wildlife passage.> WDNR expressed concern for notifying the public that temporary fugitive dust and emissions from heavy construction equipment often accompany these projects. <WisDOT has a practice of emphasizing that some dust is an unavoidable byproduct of construction at public information meetings before and during construction.> WDNR acknowledges that the nature, extent, and existence of wetlands has not been fully evaluated at this stage of the project (as also acknowledged in the EA). They indicated the need to continue to assess the habitat along the corridor and therefore be prepared and willing to modify construction techniques or make minor shifts to the alignment to avoid and minimize all types of environmental impacts. <WisDOT acknowledges their obligation to continue to assess the habitat along the IH 39/90 corridor, and they are willing to evaluate and discuss modification of construction techniques or minor shifts in the roadway alignment to avoid and minimize environmental impacts to the extent practicable.>

3. Describe selected alternative.

The proposed improvement for IH 39/90 involves reconstructing the existing 4-lane divided interstate highway and adding an additional lane in each direction to create a 6-lane divided highway. The project is approximately 45.5 miles long. Minor slope grading will be involved to update the clear zone area to current design standards. The proposed interstate highway will typically consist of three 12-foot travel lanes with 12-foot inside and outside shoulders in each direction separated by a variable width median. A median barrier will be constructed in those areas where the resultant median width would be less than 60-feet (inside edge to inside edge of driving lanes).

The general concept is to utilize the existing interstate highway right of way to the extent practical. Existing right of way varies along the IH 39/90 corridor between 230 and 650 feet. From the Illinois State Line to north of the STH 26 interchange at Janesville, the additional interstate lanes are proposed to be added in the current median area, and no additional right of way would be required for the mainline reconstruction.

From north of Janesville to the USH 12/18 interchange at Madison, the additional interstate lanes are proposed to be added in the current median areas where the current median is wider than 84-feet (edge to edge of driving lanes). If the current median width is 84-feet or less, it is proposed to place the additional interstate lane along the outside edge of the current roadway. Some additional right of way in the range of 0 to 20-feet would be required for the mainline reconstruction in these outside widening areas. No additional right of way would be required for the mainline reconstruction in the median widening areas.

During construction it is proposed to build a temporary roadway in the current median area to enable four-lanes of traffic to safely operate on one side of the interstate while the other side is being reconstructed. It is proposed to reconstruct each side of the interstate with full depth pavement for the three travel lanes, plus full depth pavement for the outside shoulder to allow four-lanes of traffic to operate safely on one side of the interstate during the construction period. After the first side is reconstructed, traffic would be shifted to the new pavement while the remaining side is reconstructed. The full-depth pavement on the shoulder would allow future conversion of the shoulder to a travel lane for added capacity and to maintain a Level of Service C on the interstate in future years should travel volumes warrant it.

Additionally, the 11 interchanges within the corridor will be reconstructed to update ramp configurations to current design standards, and to provide multilane divided roadways and bridges between ramp terminals on the connecting side road. Typical sections for interchange exit and entrance ramps will include 15-foot travel lanes, a 4-foot inside shoulder (3-foot paved), and an 8-foot outside shoulder (5-foot) paved.

Interchanges at CTH S, Avalon Road (STH 11 bypass), and CTH N are currently full diamond configurations, and the interchange at USH 51 is a trumpet configuration. These interchanges will be reconstructed to maintain their existing configurations, but will have improvements in ramp configurations and side road bridge crossings. Minor amounts of new right of way will be required at these interchange locations.

The current interchange at STH 11 is a full cloverleaf, and the interchanges at both STH 59 and at USH 51/73 are partial cloverleaves. These interchanges are proposed to be reconstructed and modified from their current configurations to full diamond configurations to meet the area need. New right of way will be required for the construction of the diamond ramps in those quadrants where no ramps presently exist.

The STH 26 and USH 14 interchanges at Janesville are located within about one-half mile of each other. These two interchanges are proposed to be reconstructed and connected to each other with a collector-distributor (C-D) road

system to improve their operational safety. No new right of way will be required at the STH 14 interchange, and minor amounts of new right of way will be required at the other interchange.

The interchange at IH 43 is currently a full cloverleaf. This interchange was originally built in the 1960's as a service interchange to then State Highway 15 connecting the cities of Beloit and Milwaukee. Currently, this interchange operates as a system interchange between two high volume interstate highways, IH 43 and IH 39/90. It is proposed to reconstruct this interchange as a high speed free-flow system interchange that connects IH 43 and IH 39/90 along with a slower-speed diamond service interchange that connects the interstate highways with State Highway 81 and local access to the City of Beloit. New right of way will be required for the reconstruction of this interchange.

The interchange at USH 12/18 is currently a partial cloverleaf. One of the primary geometric deficiencies is the left hand off ramp for the northbound to westbound driver. It is proposed to reconstruct this interchange by putting the northbound and southbound interstate lanes in the current median area, and then utilizing the current lane footprints to create a collector-distributor (C-D) road system for southbound vehicles, and a right-hand exit ramp for northbound vehicles. A minor amount of new right of way will be required at this interchange location.

- Selected alternative is the same as that described on form DT2094, Environmental Evaluation of Facilities Development Actions.
- Selected alternative is different from that described on form DT2094, Environmental Evaluation of Facilities Development Actions. Explain changes or why another alternative was selected.