

**7.0**  
**COMMENTS AND COORDINATION**

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The Comments and Coordination section summarizes community involvement and agency coordination. This section is essentially the same as that presented in the 2010 FEIS except that it includes updated coordination regarding the following items:

- Updated coordination regarding the revised historic boundary of St. Mary's Springs Academy.
- Updated coordination, as well as a public meeting, regarding the consideration of the Northern Unit of the Kettle Moraine State Forest as a Section 4(f) resource.
- Coordination regarding the potential wetland mitigation sites.
- Coordination regarding updated Threatened and Endangered Species within the project corridor.
- Coordination with local experts to provide input into the Indirect and Cumulative Effects Analysis.

Maroon text signifies updates addressing changed conditions or analysis, clarifications, or additional information. Items that are considered revisions that target specifically identified issues in the January 19, 2012 Notice of Intent to prepare an LS EIS are shown in blue text. For tables and figures, the title of the Table or Figure has been shown in maroon or blue to indicate whether it has been revised since the 2010 FEIS.

## 7.0 INTRODUCTION

This section discusses community involvement and coordination with state and federal regulatory agencies during the development and evaluation of alternatives for WIS 23. The public involvement process was open in accordance with Executive Order 12898 on Environmental Justice, calling for WisDOT/FHWA to provide meaningful opportunities for low-income, elderly, handicapped, and minority populations to provide input in identifying potential impacts, alternatives, and mitigation measures. The next subsections summarize the project public involvement including project meetings, public involvement approaches, public hearings, and public comments received at the hearings. Agency comments received during the comment periods for the DEIS, 2009 SDEIS, and 2010 FEIS are summarized and responses provided.

### 7.1 PROJECT MEETINGS

The following table is a record of many of the meetings held during the project.

**Table 7.1-1 Project Meetings**

| Date              | Entity  | Summary  |
|-------------------|---|--|
| 6/26/01           | WisDOT District 3–Internal                              | WIS 23 Corridor Coordination Meeting   |
| 12/03/01-12/04/01 | Local Officials from Fond du Lac and Sheboygan Counties | Sheboygan & Fond du Lac Counties–Local Officials Meetings                                  |
| 12/10/01          | WisDOT District 3–Internal                              | WIS 23 Corridor Coordination Meeting   |
| 2/26/02           | Local Officials from Fond du Lac                        | Local Officials Meeting–project information  |
| 4/30/02           | PAC   | Advisory Meeting–Project introduction  |
| 6/04/02           | PAC   | Advisory Meeting–additional information  |
| 7/02/02           | Fond du Lac and Sheboygan Counties                      | Agency Scoping Meeting–Purpose and Need  |
| 11/19/02          | PAC   | Advisory Meeting–EIS process   |
| 12/12/02          | WisDOT District 3–District Staff                        | WIS 23 District Update Meeting   |
| 2/17/03           | PAC   | Second PIM   |
| 7/7/03-7/11/03    | WisDOT District 3–Internal                              | Value Planning Study–reevaluate the future Purpose and Need.                               |
| 12/10/03          | Agencies  | Agency Meeting–Concerns about EIS  |
| 12/18/03          | Teleconference with FHWA, NPS, Local Officials          | Preliminary meeting for Ice Age Trail and State Equestrian Trail crossing/grade separation |
| 12/18/03          | Fond du Lac and Sheboygan Counties                      | WIS 23 Agency Scoping Meeting for Purpose and Need and Corridor Concurrence                |
| 1/06/04           | Fond du Lac & Sheboygan Counties                        | WIS 23/County K Intersection, Corridor Access and Schedule.                                |
| 1/14/04           | Fond du Lac & Sheboygan Counties                        | Discussion of the options for the County K intersection with WIS 23                        |
| 1/18/04           | WisDOT District 3–Internal                              | Ice Age Trail meeting  |

Table 7.1-1 Project Meetings

| Date                | Entity  | Summary  |
|---------------------|---|--|
| 1/28/04             | PAC   | Ice Age Trail Mitigation–Field Review and Facility Type Meeting.                                       |
| 2/05/04             | Fond du Lac & Sheboygan Counties                                      | WIS 23 K intersection discussion and Ice Age Trail Meetings with Agencies and Fond du Lac              |
| 2/16/04             | Fond du Lac and Sheboygan Counties                                    | District 3 met and discussed the January 14, 2004 meeting concerning County K and the WIS 23 crossing. |
| 3/07/04             | WisDOT District 3–Internal  | South option using existing alignment  |
| 3/12/04             | PAC   | Highway 23 Advisory Committee  |
| 3/12/04             | PAC   | Advisory Meeting–Project update  |
| 3/18/04             | PAC   | PIM (planning)   |
| 3/19/04             | WisDOT District 3–Internal  | WIS 23 meeting   |
| 3/31/04             | PAC   | Review of recent PIMs  |
| 4/27/04             | Local Farmers   | Meeting with Local farmers   |
| 11/03/04            | Agencies and Public   | Release of the DEIS for comment  |
| 1/05/05             | Agencies and Public   | DEIS Public Hearing  |
| 2/14/05             | PAC   | Highway 23 Advisory Committee Meeting  |
| 2/17/05             | UW FDL–Local Officials  | Local Officials' Meeting   |
| 3/1/05              | Sheboygan & Fond du Lac Counties                                      | Sheboygan & Fond du Lac Counties–Corridor Selection Meeting  |
| 3/08/05             | Agencies  | Agency Coordination Meeting  |
| 4/06/05             | WisDOT District 3, Majors Committee                                   | Majors Peer Review Committee Meeting   |
| 4/21/05             | Agencies  | WIS 23 Agency Scoping Meeting for Preferred Corridor Concurrence                                       |
| 8/08/05             | FHWA  | Phone conversation with J. Lawton of FHWA on a supplemental EIS  |
| 8/18/05             | WisDOT District 3–Internal  | WIS 23 design/facility type/interchange questions for FHWA   |
| 9/01/05             | Study Group   | WIS 23 Study Group Meeting #1  |
| 10/07/05            | Study Group   | WIS 23 Study Group Meeting #2  |
| 10/26/05            | Fond du Lac and Sheboygan Counties                                    | WIS 23 FDL Urban Area Meeting  |
| 10/26/05            | Towns of Forest and Empire  | WIS 23 Access in the Towns of Forest and Empire  |
| 10/26/05            | WisDOT, local officials   | WIS 23 Old Plank Trail Meeting   |
| 11/14/05            | FDL Businesses  | WIS 23 FDL Urban Area Meeting with Wisconsin American Drive Businesses                                 |
| 11/14/05            | Sisters of St. Agnus and County K residents                           | WIS 23 FDL Urban Area Meeting with the Sisters of Street Agnus and others located on County K          |
| 11/14/05            | Mary Hill Park Residents  | WIS 23 FDL Urban Area Meeting with Mary Hill Park Residents  |
| 11/14/05            | Residents near Wisconsin American Drive                               | WIS 23 FDL Urban Area Meeting with WIS 23 Residents near Wisconsin American Drive                      |
| 11/14/05            | Town of Greenbush representatives                                     | WIS 23 Access in the Towns of Greenbush  |
| 11/15/05            | Whispering Springs Residents  | WIS 23 FDL Urban Area Meeting with Whispering Spring Residents   |
| 12/02/05            | WisDOT District 3–Roger Laning  | WIS 23 Meeting with Roger Laning   |
| 12/12/05            | Empire Fire and Rescue  | Fire and Rescue for Empire   |
| 12/12/05            | Mt. Calvary Fire and Rescue   | Fire and Rescue for Mt. Calvary  |
| 12/14/05            | FDL urban area  | FDL urban area operational analysis discussion with traffic section                                    |
| 12/16/05            | Aurora Health Clinic  | Access meeting   |
| 12/15/05            | WisDOT District 3–Internal  | Whispering Springs access road, conversation with CO   |
| 12/16/05            | Town of Forest  | WIS 23 Access in the Town of Forest–follow up meeting  |
| 12/16/05            | Fond du Lac Emergency Services  | Meeting with Fond du Lac Emergency Services  |
| 12/19/05            | WisDOT District 3   | WIS 23 KL/PDS Update Meeting   |
| 1/31/06             | Study Group   | WIS 23 Study Group #3  |
| 3/9/06              | FDL urban area  | Discussion of proposed improvements at US 151 Bypass and County UU intersection                        |
| 3/13/06             | Agencies  | Update meetings, discussed IAT crossing  |
| 3/13/06             | WisDOT District 3 and St. Mary's Springs                              | Access   |
| 3/13/06 and 3/14/06 | Local residential developments, St. Mary's Springs Academy Board, and | Local road access update meeting   |

Table 7.1-1 Project Meetings

| Date                     | Entity  | Summary   |
|--------------------------|---|---|
|                          | neighborhood associations   |   |
| 4/12/06                  | Greenbush Town Board  | Proposed Sugarbush Road overpass and County A interchange   |
| 5/24/06                  | WisDOT District 3   | Traffic/access at Greenbush/County A  |
| 6/26/06                  | WisDOT District 3   | Interchanges at County W, G, and A in 2014  |
| 6/29/06                  | WisDOT District 3 and representatives of Fond du Lac County and City and Whispering Springs Development | Connection Road to Whispering Springs from County UU  |
| 8/2/06                   | Aurora Health Clinic  | Access meeting  |
| 9/29/06                  | WisDOT District 3   | Section 106 Status Meeting with Strand and Wisconsin Historical Society   |
| 7/10/07                  | WisDOT Region and BEES, Strand, and FHWA  | Received comments from FHWA on 1 <sup>st</sup> Draft of FEIS  |
| 8/2/07                   | WisDOT BEES and Strand  | Received additional comments on 1 <sup>st</sup> Draft of FEIS   |
| 9/19/07                  | DNR and WisDOT Region   | Mitigation for Kettle Moraine State Forest, a 6(f) property   |
| 9/26/07                  | WisDOT Region and BEES  | Section 106 issues  |
| 11/5/07                  | Agencies  | Agency field meeting for US 151 including US 151/WIS 23 system interchange alternatives.  |
| 3/4/08                   | WisDOT Region and BEES  | Update of FEIS - Indirect and Cumulative Effects  |
| 8/08/09                  | WisDOT and FHWA   | Decision to produce Supplemental DEIS to address new project components and lapsed document timeframe.  |
| 8/24/09                  | ACHP and SHPO   | Signed Memorandum of Agreement for archeological and historic resources.  |
| 12/23/09                 | WisDOT and FHWA   | Signed Re-evaluation formally documenting decision to produce 2009 SDEIS  |
| 2/24/10                  | Agencies and Public   | 2009 SDEIS Public Hearing   |
| 3/2/10                   | Agencies  | Agency Meeting–Comments on 2009 SDEIS   |
| 3/3/10                   | Stakeholder Advisory Committee  | Discussed comments from the 2009 SDEIS and developed recommendation for the preferred corridor preservation alternative for the US 151/WIS 23 system interchange. |
| 8/3/2010                 | Staff from Sheboygan County, Towns of Greenbush and Plymouth  | Review proposed WIS 23 design.  |
| 8/5/2010                 | Staff from Fond du Lac County, Towns of Empire and Forest   | Review proposed WIS 23 design.  |
| 8/10/2010                | Fond du Lac County  | PIM showing proposed WIS 23 design.   |
| 8/16/2010                | Sheboygan County  | PIM showing proposed WIS 23 design.   |
| 7/18/2011                | WDNR  | Updated wetland delineation   |
| 8/10/2011                | WDNR  | Updated wetland delineation   |
| 1/17/2012                | Local land use and environmental resource professionals   | Update indirect and cumulative effects analysis.  |
| 5/24/2012                | Staff from Fond du Lac County, city of Fond du Lac, town of Empire                                      | Review proposed WIS 23 design in urban section.   |
| 8/21/2012                | WisDOT and FHWA   | Purpose and Need Screening determination.   |
| 8/22/2012                | USACE   | Field reviews of potential wetland mitigation sites.  |
| 11/6/2012                | USACE   | Field reviews of potential wetland mitigation sites   |
| 10/4/2012                | St. Mary's Springs Legal Council  | Discussed revised roadway alignment and corresponding revisions to MOA  |
| Winter 2013<br>4/18/2013 | WDNR  | Updated Threatened and Endangered Species Review  |
| 4/29/2013                | Fond du Lac and Sheboygan County  | PIM - present public with most recent WIS 23 design and Section 4(f) resource impacts   |
| 5/30/2013                | Northern Unit of Kettle Moraine State Forest  | Discuss <i>de minimis</i> impact finding.   |

## 7.2 PUBLIC INVOLVEMENT

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

### A. Newsletters

Periodic newsletters were sent out to all abutting property owners and to others that had requested them or signed up at WisDOT meetings. Newsletters were sent to federal, state, and local officials. The newsletters provided notification of upcoming public meetings and general information summarized below.

#### 1. September 2002

Provided a timeline to the WIS 23 planning process, a list of WIS 23 Advisory Committee Members, a corridor map with alternatives, and general information about the study process.

#### 2. January 2003

This newsletter announced the second set of PIMs and a brief revised project schedule.

#### 3. February 2004

This newsletter announced WisDOT has been gathering historical and archaeological information for the DEIS. WisDOT also evaluated social, economic, and agriculture factors, and natural affects to the air, land, and water within the various corridors. WisDOT also **tried** to attain commitments and concurrence points with participating agents. Because of this additional coordination, the DEIS schedule **was** revised. This should not affect the construction of Highway 23. Information about the next public meeting and where to find copies of the DEIS once completed was also included in the newsletter.

#### 4. December 2004

This newsletter announced the DEIS was approved on November 11, 2004, by the Federal Highway Administration. The public availability period and hearing dates were also given in the newsletter.

#### 5. April 2005

This newsletter announced WisDOT selected Alternative 1 as the preferred alternative. The FEIS will now be completed by WisDOT. The newsletter also included information on the Old Plank Trail extension and on passing lane reevaluation. A project budget update was also provided.

#### 6. June 2006

This newsletter announced the passing lane study was completed and the decision was made to improve as a four-lane roadway. Completion of preliminary design and public information meeting dates were also announced.

#### 7. February 2010

This newsletter announced that the 2009 SDEIS was approved on December 23, 2009, by the Federal Highway Administration. The public availability period and hearing dates were also given in the newsletter.

#### 8. July and August 2010

A letter was sent out to abutting landowners advertising two public informational meetings, one for the rural Fond du Lac County portion of the highway, and one for the rural Sheboygan County portion of the highway.

### 9. April 2013

A newsletter was sent out advertising a public informational meeting for the full WIS 23 corridor project, with special attention to Section 4(f) impacts to the Kettle Moraine State Forest.

#### B. Public Information Web Site

WisDOT created a public information Web site to provide an additional source of information to the public. The site became available to the public on February 5, 2003. The Web site contains EIS study information, updates, study area maps, alternatives being studied, and a list of contacts. The Web site address is: <http://www.dot.wisconsin.gov/projects/d3/wis23/index.htm>

#### C. Public Informational Meetings

Many public meetings were announced by block advertisements in local newspapers, by posters hung in area businesses, and by a letter of invitation to all abutting property owners and persons on our project mailing list. Public meetings were held in handicapped accessible buildings and opportunities to request an interpreter/signer were given. The public meetings were held in an open format that allowed one-to-one interaction with property owners and interested parties. Comment sheets were available for written comments.

##### 1. Meetings of March 2002

Two PIMs were held to introduce the WIS 23 expansion project to the general public and explain what to expect in the upcoming months. The corridor was shown from Fond du Lac to Plymouth with a 2-mile corridor width from existing WIS 23. Several environmental maps were shown indicating topography, aerial photography, known wetlands, archaeological and historical sites, existing and projected traffic volumes, access points by type, and crash information. Attendees were asked for information about areas of concern or problems as well as for thoughts for the future highway including alternate location.

##### 2. Meetings of February 2003

These meetings were held to give the public two opportunities to see the updates to the WIS 23 EIS study. Preliminary impact estimates were shown for the individual alternative costs, acres of right of way needed, number of residential and farm operations taken, and acres of wetland, upland, and agriculture lands needed. Questions were answered about the process, upcoming schedule, and key decisions to be made. Attendees were given an opportunity to write their comments about the WIS 23 study.

##### 3. Meetings of March 2004

These public meetings were held to update the public on the status of the EIS and some key issues that were resolved. The most recent impact estimates (described in previous meeting note) were shown for the alternatives. The public was informed of the upcoming DEIS and pending Public Hearings following. Again, questions were answered about the process, upcoming schedule, and key decisions to be made. Attendees were given an opportunity to write their comments about the WIS 23 study.

##### 4. Public Hearing–January 2005

Two open forum public hearings for the WIS 23 improvement project in Fond du Lac and Sheboygan counties were held on January 5, 2005. The first public hearing was held at the Greenbush Town Hall from 1 to 3 PM, and the second was held at UW Fond du Lac between 6 and 8 PM. The public hearing was held as part of the process of involving the public in transportation-related decisions. It was the final formal opportunity to provide input in the planning of the WIS 23 project before a corridor was selected. The public gave oral and written testimony. Refer to Section 7.5 for a detailed account of the meeting and comments.

#### 5. Public Information Meeting–July 2006

A PIM was held to introduce the WIS 23 expansion project's Preferred Alternative to the general public and to discuss potential impacts based on preliminary design. The Preferred Alternative (Alternative 1) was shown from Fond du Lac to Plymouth. Preliminary design details were provided and the following information was presented for public review, discussion and comment: potential relocations, right of way needs, and impacts to land owners; the official mapping and right of way acquisition process; options to consider related to the Ice Age Trail, Old Plank Trail, and Equestrian Trail; and options to consider related to interchanges, local access, and frontage roads. Attendees were asked for information about areas of concern or problems as well as for thoughts for the Preferred Alternative.

#### 6. Public Hearing–February 2010

An open forum public hearing for the WIS 23 improvement project in Fond du Lac and Sheboygan Counties was held on February 24, 2010. The public hearing was held at the UW Fond du Lac from 5:30 to 8:00 PM. The public hearing was held as part of the process of involving the public in transportation-related decisions. The public gave oral and written testimony. Refer to Section 7.5 for a detailed account of the meeting and comments.

#### 7. Public Information Meeting–August 10, 2010

A PIM was held to explain improvements to the rural portion of the WIS 23 project in Fond du Lac County. The meeting was held at the UW Fond du Lac from 5 to 7:00 PM. The meeting explained proposed intersection treatments and the right of way impacts anticipated.

#### 8. Public Information Meeting–August 16, 2010

A PIM was held to explain improvements to the rural portion of the WIS 23 project in Sheboygan County. The meeting was held at the UW Fond du Lac from 5 to 7:00 pm. The meeting explained proposed intersection treatments and the right of way impacts anticipated.

#### 9. Public Information Meeting–April 2013

A PIM was held to update the public on the final plans for the WIS 23 facility. The meeting was held at the UW Fond du Lac from 6 to 8:30 PM and about 120 people attended. The public meeting explained Section 4(f) impacts to the Kettle Moraine State Forest and displayed access provisions for each intersection along the Preferred Alternative.

### D. WIS 23 Advisory Committee

A PAC for the WIS 23 Environmental Study was established at the outset of the project to provide local input from citizens and officials. The advisory committee included the Highway Commissioners and Planning Directors of Fond du Lac and Sheboygan County; the Community Development Director of the City of Fond du Lac; a representative of the UW Extension; chairpersons from the Towns of Empire, Forest, Greenbush, and Plymouth; and seven local residents and business owners. In addition to the above members, participants included WisDOT and Regional Planning Staff members. Several meetings took place prior to this document and are described below. All meetings were held at the Greenbush Town hall to better determine how city and town development can be properly planned alongside highway access issues.

#### 1. Advisory Meeting of April 30, 2002

This meeting introduced WisDOT Staff and corridor information to the new committee. Terminology was explained and questions answered. WisDOT alternative ideas were shown and any new ideas were discussed. Freeway versus expressway options were explained and discussed. More information was desired for the alternatives for the next meetings.

## 2. Advisory Meeting of June 4, 2002

Additional information was presented on the types of factors that will be used to compare the alternatives in a matrix. Several concerns were brought up. The alternatives were reviewed, some were not recommended, and the remaining alternatives to carry forward in the EIS were agreed to by the committee.

## 3. Advisory Meeting of November 19, 2002

This meeting further discussed the EIS process and comments that had been received by committee members. Most comments seem to be against going off the existing highway. The committee agreed that an expressway facility **was** more desirable than a freeway facility.

## 4. Value Engineering/Planning Study of July 2003

A Value Planning Study (VP) was conducted from July 7-11, 2003, in the form of a 40-hour workshop, to reevaluate the purpose and need of WIS 23 and to provide solutions to achieve these desired needs. The VP was mandated by the FHWA. The group that reviewed this project included state and national experts in the fields of highway engineering, traffic engineering, and planning.

Members of the Highway 23 Advisory Committee were also included in this group to provide a local perspective. The study identified problems along the existing corridor and provided general recommendations. In addition, the study recommended alternatives to be evaluated by WisDOT.

## 5. Advisory Meeting of March 12, 2004

Committee members were updated on changes and developments in the EIS study, including the Ice Age Trail Crossing, County K intersection, Alternative 2 shift, and the Value Engineering Study. Initial efforts began on an access plan between WisDOT and local townships to determine the best road access to the future WIS 23 highway.

## 6. US 151 Advisory Meeting of March 3, 2010

The **2009** SDEIS hearing comments were presented to the US 151 Fond du Lac Bypass advisory committee, which **was** an acting committee with similar representation to the WIS 23 advisory committee. The committee then reviewed impacts associated with the two US 151/WIS 23 System Interchange corridor preservation alternatives of the two corridor preservation alternatives, the committee recommended Option 23-2.

## E. Summary of Public Comments--Prior to DEIS

The **previous** sections list public **advisory** meetings and information available to the public. In addition to the listed meetings, numerous telephone contacts and correspondence **took place** with interested individuals and groups. These comments were made prior to the issuance of the **2004** DEIS. These issues are summarized below.

Residential Impacts: Area residents expressed concern about the impacts of the WIS 23 project on their existing residences, both on the existing highway and on the offline alternatives. Existing and future noise levels were also a concern.

Business Impacts: Some local business owners expressed concern and questioned how the highway expansion would affect their businesses. General comments included access and how much property might be taken.

Agricultural Impacts: Area farmers expressed concern about the impacts to their farming operations, including maintaining access/agricultural median crossovers, size and shape of remnant parcels, loss of farmland, severance of farmland, and disruption to farm drainage systems/drain tiles and fences. WisDOT **is working** with farmers to provide access points and median crossovers where possible. Affected landowners **are** given advance notice of acquisition and construction so they can plan farm activities accordingly.

Specifically, many people had concerns with Alternatives 2 and 3 and the amount of unspoiled farmland that would be taken. Also many farm residents expressed concerns over their farms which have been in the family for many generations that will be destroyed or permanently affected.

Environmental Impacts: Area residents expressed concern about the loss of natural environmental resources such as wetlands and wooded uplands and the wildlife associated with those resources. Most concern was directed toward Alternative 2's impact on the environment.

Safety: Area residents expressed concern about existing safety at intersections. Another concern was that if four lanes were constructed, the speed of traffic will rise and continue to cause problems after the improvement. Residents were worried the increased speed at the crossroads may be a safety hazard.

Some comments preferred a freeway-type facility and a free-flow connection with US 151 in the City of Fond du Lac area. Also, there were concerns about what intersections might be closed and if any frontage roads would be built along with concerns that turning movements in and out of businesses and residences are safety hazards. There was also interest expressed for a signal light or interchange at the intersection of County K and WIS 23. The existing Ice Age Trail crossing and the difficulties of crossing four lanes of traffic were also concerns.

Residents were concerned over emergency vehicles continuing to have direct access to WIS 23. They were also concerned because of the lack of law enforcement and that accidents are a result of driver error or conditions, not the highway.

Alternative 2 would be safer by avoiding existing intersections at hills and curves and avoids farm machinery along the highway. Alternatives 2 and 3 avoid having to displace many buildings, farms, and residences.

Miscellaneous Comments:

- Some comments contended the project was not needed and a waste of taxpayers' money. Suggestions included not doing the project or building only passing lanes.
- Many people expressed interest to extend the Old Plank Trail westward connecting to the US 151 trail and the City of Fond du Lac.
- Some stated the expansion to four lanes would promote urban sprawl.
- Some said the highway could be improved with passing lanes rather than expansion to four lanes.
- Some residents felt the Value Planning Study and Advisory Committee were biased because there were members on it who only live on Alternative 1.
- A few felt that any new road off the existing would be a duplication of the roadway and therefore a waste.

### 7.3 LOCAL GOVERNMENT COORDINATION

WisDOT received letters from several local governments. Their comments are summarized in the table below. Recent letters are included in Appendix D of the 2010 FEIS (contained on the CD in the cover).

Coordination with local government officials occurred throughout the project. Local officials attended public meetings and also were in contact with the project staff about their concerns and recommendations as well as helped WisDOT understand their community's dynamics for the environmental document. There were two local officials meetings. Local officials also participated in information gathering to assist the indirect and cumulative effects analysis. These meetings are described below.

#### A. Local Officials Meetings

These meeting were set up to give local agencies and officials notice that WisDOT was commencing with the EIS. Appendix D of the 2010 FEIS (contained on the CD in the cover) contains the some meeting minutes.

##### Local Officials Meeting of December 3 and 4, 2001–Sheboygan and Fond du Lac Counties

The purpose of these meetings was to introduce WisDOT staff and to:

- Discuss the purpose for doing corridor plan.
- Discuss other events happening in the corridor plan study area.
- Discuss roles of the WisDOT and Regional Planning Commissions.
- Gather ideas about public participation and committee/work group participants.
- Listen to concerns, problems, and issues regarding WIS 23.
- Gather preliminary ideas on the types of elements to be included in the corridor plan.

##### Local Officials Meeting of February 26, 2002–In Fond du Lac

This meeting was held to discuss information received in survey of public officials and to preview and discuss displays and information for the upcoming PIMs. The attendees of the first Local Official Meetings were invited.

##### Local Officials Meeting of January 14, 2004

WisDOT and officials from the City and County of Fond du Lac met to discuss the options for the County K intersection with WIS 23. WisDOT acknowledged that it would not support an interchange at that location. Other intersection treatments were discussed and were brought forward for the DEIS, including a low speed access connection.

#### B. Local Government Correspondence

Table 7.3-1 summarizes correspondence from local governments and interest groups.

Table 7.3-1 Local Government Comments

| Local Government   | Comment  |
|--|--|
| Village of Glenbeulah<br>5/10/2013                                       | Letter requesting that an interchange be constructed at County A with the initial expansion project instead of the J-turns.  |
| Fond du Lac County<br>Traffic Safety Commission<br>3/18/10               | Letter stating that the Commission unanimously supports the Fond du Lac County Resolution requesting that the WisDOT strongly consider design and construction of a full interchange at County G. It was also stated that the Commission did not feel a J-Turn was suitable for the high volume of vehicles on County G. The Commission also stated how the Old Plank Road Trail is proposed for the south side of WIS 23 and an interchange would be safer for people accessing the trail from the north. |
| Fond du Lac County<br>Board of Supervisors<br>3/16/10                    | Resolution requesting the WisDOT to consider construction of a diamond interchange with a grade separation at the intersection of County G and WIS 23 and that WisDOT refer to this as the preferred method for design and construction to start in 2013.  |
| St. Cloud Fire Department<br>3/10/10                                     | As residents, the St. Cloud Fire Department opposes a J-turn at County G. As a department, the St. Cloud Fire Department indicates that a J-turn would increase emergency response time and that the County G intersection has high traffic. The department <b>was</b> strongly against constructing a J-Turn with a future overpass. The department recommended building the intersection similar to County C/WIS 23, with an interchange.  |
| Fond du Lac County<br>Highway Department<br>3/5/10                       | After review of the 2009 SDEIS, the Department prepared a report with recommendations for the project, transmitted with the March 5, 2010 letter. The letter and report request an interchange at County G when the initial WIS 23 improvements are made and an at-grade intersection at County W using channelized turn lanes with a future interchange.  |
| St. Cloud Village Board<br>3/4/10  | Comment form from Public Hearing requests an interchange at County G. The comment form was signed by seven members of the board.   |
| Sheboygan County<br>Planning Dep't<br>2/8/10                             | After review of the 2009 SDEIS, the Department commented on safety, roadway counts, Old Plank Road Trail impacts, the Greenbush Trail location, and proposed access closures and their impact to emergency response time.  |
| Stockbridge-Munsee<br>Tribal Historic<br>Preservation Office,<br>1/13/10 | Letter indicates project's ground-disturbing activities are not in a region of archaeological interest to the Tribe.   |
| St. Cloud Village Board<br>3/2/09  | Letter requests consideration of a grade-separated interchange at County G. A petition with 18 signatures was also received in support of grade-separated interchanges at both County G and County W.  |
| Town of Forest<br>5/16/06  | Requested serious consideration to earlier construction of grade separation interchanges at County W and County G.   |
| Plymouth Trail Riders<br>4/17/06   | Reviewed both options for trail crossing and decided the Slab Span is the safest, especially the equestrian users. Enclosed attendance list.   |
| Eden Fire Department<br>4/24/06  | Officers reviewed plans and feel their vehicles can access the subdivision at Mary Hill Park, WIS 23 and County K intersection.  |
| Sheboygan County<br>Highway Dept.<br>3/28/06                             | County Transportation Committee concurs in concept with the proposed side road access changes.   |
| Village of Glenbeulah<br>12/30/05  | December 30, 2005, After reviewing the vision and goal statement, wanted to reemphasize the importance of the County A access to State Highway 23 because it is a main entrance into Glenbeulah.   |
| Town of Forest<br>5/9/04   | At the annual meeting of the Town of Forest, April 19, 2004, a vote showed the majority was in favor of following the existing corridor.   |
| Fond du Lac County<br>Highway Department<br>4/22/04                      | Supports staying on the existing alignment. Also supports the option of grade separation County K over WIS 23 with access maintained by 2, two-way traffic ramps. Strongly disagrees with leaving a portion of the project as a two-lane highway until such time as traffic volumes increase and an expansion is warranted. Recommends the entire corridor be fully expanded to four lanes.  |
| Fond du Lac Area<br>Association of Commerce<br>3/29/04                   | In response to the Public Information Meeting held on March 23, 2004, concerned information about Alternatives A and A/B is not completely accurate. Would like to keep the original design.   |
| Town of Empire<br>3/16/04  | From the March 10, 2004, town board meeting, the town supports the consideration of trail extension of Plank Trail as part of the State Road 23 reconstruction.  |
| Fond du Lac County<br>Planning & Parks Dep't<br>1/27/04                  | Fond du Lac County Board of Supervisors resolution in support of an extension of Sheboygan County's Plank Trail to Fond du Lac.  |

| Local Government  | Comment  |
|---|--|
| Sheboygan County<br>Planning Director<br>1/22/04        | Interested in getting grant money to develop an extension of the Old Plank Road trail for the remaining miles in Sheboygan County.   |
| Plymouth Trail Riders<br>1/15/04                        | Feel a crossing is needed for the trail south of WIS 23 and a tunnel crossing would be the safest type for this particular situation. The tunnel located on the Old Plank Road Trail going under Interstate 43 is a good example.  |
| City of Fond du Lac<br>Community Dev't Dep't<br>12/4/03 | Supported the inclusion of a multimodal trail facility as part of the WIS 23 project.  |
| Riverside Hunting and<br>Fishing Club<br>10/25/02       | Strongly encouraged the preservation of existing farm and farmland as well as natural areas. Supported using the existing right of way corridor.   |
| Sheboygan County<br>Conservation Association<br>9/5/02  | Strongly encouraged the preservation of existing farms and farmland as well as protection of the natural areas by selecting the route that most completely stays within the existing right of way corridor.  |
| Menominee Indian Tribe<br>of Wisconsin<br>9/3/02        | The tribe is interested in the archaeological and historical surveys of this project along with any ground-disturbing activity. A literature search will not be accepted by the tribe as an archaeological survey.   |
| Iowa Tribe of Oklahoma<br>6/21/02                       | The Tribe has no comment on the proposed project because its Historical Preservation Office has determined the project does not fall within the historic lands of the Iowa Tribe.  |
| Sheboygan County<br>Chamber of Commerce<br>5/26/02      | The Chamber supports the improvement of WIS 23 from its current two-lane status to four lanes. Would like DOT to complete a feasibility study on each of the primary options, including a cost analysis for each potential corridor being considered. Before the Chamber can select any one alternative over another, it needs further information or cost figures. Also believes it may not be practical to incorporate expressway status at this time. |

## 7.4 AGENCY COORDINATION

In cooperation with the FHWA, WisDOT has followed the NEPA/404 process for concurrency. This process began with Regulatory Agency coordination **USACE**, **USF&WS**, and **USEPA** along with state review agencies and Native American tribes. In addition to the meetings described below, further coordination occurred between WisDOT and participating agencies throughout the EIS process. See Table 7.4-1 for a summary of coordination with the regulatory and participating agencies. For earlier correspondence and meeting minutes, refer to the DEIS.

### A. Agency Scoping Meetings

#### 1. Meeting of July 2, 2002

All agencies described above were invited to this initial Agency Scoping Meeting.

WisDOT described the Purpose and Need of the WIS 23 Environmental Study and provided the developed alternatives to date. Invitations to participate in field reviews were given.

#### 2. Meeting of December 10, 2003

This meeting was held to discuss any agency concerns about the EIS, the Purpose and Need of the project, and the alternatives being studied. Concerns about the Segment B cedar/hardwood wetlands and the Ice Age Trail Crossing were further discussed. Suggested solutions and steps were outlined to help address these areas of concern in cooperation with those involved.

#### 3. Meeting of April 21, 2005

This meeting was held to discuss concurrence of the preferred corridor. The project history along with the Preferred Alternative 1 was presented. WisDOT will acquire right of way for the ultimate four lanes but will conduct a feasibility study of using passing lanes as an interim project. **The WDNR** expressed concern that a large group at the public hearing was against the 4-lane project. Passing lanes were also discussed.

4. Meeting of November 5, 2007

This field review meeting was held to discuss the US 151 corridor, including the US 151/WIS 23 system interchange. System interchange Options 23-1, 23-2, and 23-7 were discussed. Discussion related to the WisDOT wetland mitigation bank and Niagara Escarpment.

5. Meeting of March 2, 2010

This meeting was held to discuss Agency concerns with the 2009 SDEIS. Comments were received relating to wetland impacts, the Old Plank Road Trail, the US 151/WIS 23 system interchange, and the air quality and streams factor sheets. Comments relating to the 2009 SDEIS were also received in letters from the individual agencies.

**Table 7.4-1 Agency Coordination Summary**

| Agency  | Coordination   | Comments   |
|---|--|--|
| <p><b>Federal Highway Administration (FHWA)</b></p>     | <p>Notice of Intent (NOI) for an Environmental Impact Statement.</p> <p>DEIS Notice of Availability.</p> <p><b>December 19, 2006</b>-FHWA and the Federal Transit Administration.</p> <p><b>June 8, 2009</b>-FHWA signs MOA between FHWA and SHPO.</p> <p><b>December 23, 2009</b>-FHWA signs 2009 SDEIS.</p> <p><b>June 3, 2010</b>-FHWA signs 2010 FEIS</p> <p><b>September 27, 2010</b>-FHWA signs Record of Decision</p> <p><b>January 19, 2012</b>-Notice of Intent to prepare limited scope Supplemental Environmental Impact Statement</p> <p><b>March 5, 2013</b>- FHWA signs revised MOA between FHWA and SHPO</p> <p><b>June 28, 2013</b>- FHWA sends email to SHPO regarding Section 4(f) status of Sippel Archaeological Site.</p> | <p>Published in the <i>Federal Register</i> on <b>November 24, 2003</b>.</p> <p>Published in the <i>Federal Register</i> on <b>December 3, 2004</b>.</p> <p>Provided positive conformity determination for the Conformity Analysis of the year 2035 Sheboygan Area Transportation Plan (SATP) and the 2007-2010 Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP).</p> |
| <p><b>State Historic Preservation Office (SHPO)</b></p> | <p><b>September 18, 2007</b>-SHPO signed Section 106 Form.</p> <p><b>May 8, 2009</b>-e-mail correspondence between SHPO and WisDOT.</p> <p><b>July 15, 2009</b>-SHPO signs MOA between FHWA and SHPO.</p> <p><b>December 6, 2012</b> - Revised Determination of Eligibility for St. Mary's Springs Academy approved.</p> <p><b>March 19, 2013</b>-SHPO signs revised MOA between FHWA and SHPO removing provisions for St Mary's Springs Academy.</p>  | <p>E-mail between WisDOT and SHPO documents the coordination with SHPO for the St. Mary's Springs Academy <i>de minimis</i> finding.</p>   |
| <p><b>Advisory Council on Historic Preservation</b></p> | <p><b>April 28, 2009</b>-letter from ACHP to WisDOT.</p>   | <p>Letter indicates that <i>Criteria for Council Involvement in Reviewing Individual Section 106 Cases</i> (36 CFR Part 800) does not apply.</p>   |

| Agency  | Coordination  | Comments   |
|---|---|--|
| <p><b>Wisconsin Department of Natural Resources (DNR)</b></p>                   | <p>No comments on the project's Purpose and Need. Concurrence for the Alternatives carried forward for study on <b>March 11, 2004</b>. Also met about the IAT crossing and concurred on <b>March 11, 2004</b>.</p> <p>The WDNR <b>was</b> strongly in favor of Alternative 1 as stated in letters dated <b>January 30 and 31, 2005, and February 7, 2006</b>.</p> <p>Comment on Ice Age Trail and Equestrian Trail routing alternatives at WIS 23 underpass in <b>May 17, 2006</b> letter.</p> <p><b>June 13, 2008</b> Commitment by WisDOT to provide replacement lands for impacts to the Kettle Moraine State Forest <b>was</b> signed by WDNR.</p> <p>The WDNR <b>was</b> strongly in favor of US 151/WIS 23 system interchange 23-1 or 23-2 over other alternatives as stated in its letter from <b>June 11, 2009</b>. In a <b>March 18, 2010</b> letter, the WDNR provided comments on the <b>2009</b> SDEIS.</p> <p>The WDNR expressed concerns about the proposed Hillview Road overpass in an <b>April 21, 2010</b> e-mail.</p> <p><b>July 18, 2011 and August 10, 2011</b> Field reviews.</p> <p><b>April 18, 2013</b> - Coordination email regarding Threatened and Endangered Species.</p> <p><b>May 30, 2013</b> - De Minimis coordination letter regarding the Kettle Moraine State Forest.</p> | <p>Alternative 1 is the most desirable of the alternatives in this study. Segment B in Alternatives 2, 4, and 6 pass through a wetland area of concern. This area has been shifted and narrowed in cooperation with WDNR to avoid as much impact as possible for these alternatives.</p> <p>The WDNR specified changes or additions it would like made to the DEIS in the January 31, 2005 letter.</p> <p>The WDNR prefers trail route Alternative 2.</p> <p>The WDNR prefers US 151/WIS 23 system interchange 23-1 or 23-2.</p> <p>Comments focused on wetland impacts and mitigation. The <b>WDNR</b> also suggested clarifying the Purpose and Need with respect to the Old Plank Road Trail.</p> <p>WDNR requested a cul-de-sac on Hillview Road south of WIS 23. WDNR feels this is warranted because of the proximity of the Mullet Creek Wildlife Area, the history of the road flooding, for the safety of hunters that use the area, <b>and the need to protect</b> wildlife that crosses Hillview Road.</p> <p>Field reviews for new wetland delineation</p> |
| <p><b>Department of Agriculture, Trade, and Consumer Protection (DATCP)</b></p> | <p>Deferred writing of Agricultural Impact Study (AIS) until preferred alternative is chosen. General Comment letter on Alternatives received on <b>Dec 10, 2003</b>.</p> <p>Asks WisDOT questions about the DEIS in a letter dated <b>December 29, 2004</b>. Felt the DEIS provided inadequate information about farm properties and operations in a letter dated <b>February 9, 2005</b>.</p> <p>Prefers Alternatives 1 or 2, stated in a letter dated <b>February 22, 2005</b>.</p> <p><b>October 17, 2006</b> Agricultural Impact Statement (AIS).</p> <p><b>March 2010</b> Update to Agricultural Impact Statement</p>   | <p>Preference is No-Build. At this time, regarding corridors being studied, Alternative 3 is the route of choice because of the smaller impacts to farm operations and the related building. This information is reflected in the General Comment letter received Dec 10, 2003.</p> <p>Feels there are ambiguities in the DEIS. Inadequate information about farm properties and operations. DATCP does not believe the DEIS holds enough information to prove an expansion is necessary.</p> <p>Prefers Alternatives 1 or 2, dated February 22, 2005, but because of a lack of information, cannot make a recommendation between the two.</p> <p>AIS completed and includes 11 recommendations.</p>   |

| Agency  | Coordination   | Comments  |
|---|--|---|
| <p><b>U.S. Army Corps of Engineers (USACE)*</b></p>                                 | <p>Concurred on the project's Purpose &amp; Need and the Alternatives carried forward for study on <b>March 12, 2004</b>.</p> <p>On <b>February 14, 2006</b>, concurs with the Preferred Alternative and states it will satisfy NEPA and the 404 permit review.</p> <p>Provided comments on the <b>2009 SDEIS</b> in a letter dated <b>March 9, 2010</b>.</p> <p><b>August 22, 2012 and November 6, 2012</b> - Coordination regarding potential wetland mitigation sites in field visit.</p> <p><b>June 27, 2013</b>- Letter sent to USACE as a cooperating agency notifying them of the preparation of a LS SEIS.</p> | <p>No preference on an Alternative at this time. <b>USACE</b> remains concerned with the magnitude of the potential aquatic resource impacts associated with all of the alternatives.</p> <p>No comments were received on the DEIS.</p> <p>Comments were related to refining the Purpose and Need, wetland impacts, mitigation impacts, current updates, stormwater, and utilities.</p>   |
| <p><b>U.S. Department of the Interior, Fish and Wildlife Service (F&amp;W)*</b></p> | <p>Concurred on the project's Purpose &amp; Need on <b>September 2, 2003</b>. Concurrence for the Alternatives carried forward for study on <b>December 8, 2003</b>. Also met about the IAT crossing and concurred on <b>March 31, 2004</b>.</p> <p>Concurred with the selection of Alternative 1 as the preferred corridor on <b>May 5, 2004</b>.</p> <p>Letter dated <b>March 8, 2010</b> stated that there are no additional comments for the <b>2009 SDEIS</b>.</p> <p>Letter dated <b>July 28, 2010</b> stated that there are no additional comments for the <b>2010 FEIS</b>.</p>                                | <p>USF&amp;WS has no preference on any alternatives at this time. However, minimizing the affects of wetland and habitat impacts <b>was</b> a concern. USF&amp;WS also participated in the Ice Age Trail meetings and on the location and type of crossing. They would like to see the crossing wide enough to encourage wildlife to use it.</p> <p>Ultimately concurred with Alternative 1 and also supports the evaluation of four-lane highways and passing lanes in the corridor. No comments were received on the DEIS.</p> <p>Reference made to DEIS comment to avoid riparian areas, forested wetlands, and other rare or highly sensitive areas to the extent possible.</p> |
| <p><b>U.S. Environmental Protection Agency (EPA)*</b></p>                           | <p>Concurred on the project's Purpose &amp; Need and the Alternatives carried forward for study on <b>March 15, 2004</b>.</p> <p>Rated all alternatives as EC-2 and recommended Alternatives 1 or 2 be selected as the preferred on <b>January 20, 2005</b>. Concurred with the selection of Alternative 1 as the preferred corridor on <b>May 13, 2005</b>.</p> <p>Provided comments on the <b>2009 SDEIS</b> in a letter dated <b>March 11, 2010</b>.</p> <p>Provided comments on the <b>2010 FEIS</b> in a letter dated <b>July 21, 2010</b></p>  | <p>No preference on an Alternative at this time. The EPA is concerned with the white cedar wetland in Alternative 2. In addition, the EPA recommends wetland avoidance as much as possible for all of the alternatives.</p> <p>The USEPA did not find conclusive evidence to show a clear preference between Alternatives 1 and 2.</p> <p>Comments were related to wetlands, water quality, air quality, upland habitat, noise, and cumulative impacts.</p> <p>Commented on bridge structure discrepancy for Mullet River, wetland delineation and mitigation, avoiding Old Wade House wetlands, and clean diesel initiatives.</p>  |

| Agency  | Coordination  | Comments   |
|---|---|--|
| <b>U.S. Department of the Interior, National Park Service (NPS)</b> | <p>NPS participated in the Ice Age National Scenic Trail (NST) meetings and concurred on the location and type of crossing on <b>Jan 28, 2004</b>.</p> <p>Concurred with the FHWA and WisDOT about 4(f) properties and measures to minimize on <b>April 12, 2005</b>. Support construction of an underpass for users of the NST and State Equestrian Trails. Prefer the alternative of two bridges rather than a box culvert for the underpass, <b>May 3, 2006</b>.</p> <p>Concur with de minimis impact finding for the <b>Ice Age Trail</b> and support the design of the project to include slab-span bridges, <b>November 21, 2007</b>.</p> | <p>Feels the trail needs to be separated.</p> <p>The NPS recommends Alternative 1 or 2 because they impact fewer habitats.</p> <p>The November 21, 2007, letter was provided with the 4(f) Evaluations in <b>Section 5 of this LS SDEIS</b>.</p> |
| <b>U.S. Department of the Interior, Office of the Secretary</b>     | <p>In a letter dated <b>March 9, 2010</b>, the Department provided concurrence with the Section 4(f) evaluations and findings provided in the <b>2009 SDEIS</b>.</p>  |  |
| <b>Natural Resource Conservation Service</b>                        | <p><b>February 20, 2013</b> - Farmland conversion impact rating.</p>  |  |

\*NEPA/404 Process Coordinating Agency

**B. Agency Concurrence Process**

As part of the NEPA process for concurrence, WisDOT sent a series of three letters to the agencies requesting concurrence on the Purpose and Need, corridors to be studied, and for the selected corridor. The first point of concurrence letter was sent to review agencies July 24, 2003. This letter requested review by the agencies of the project's Purpose and Need. WisDOT asked for a reply within 30 days. The second request for concurrence letter was sent to review agencies November 10, 2003. WisDOT gave the agencies information to help them review the corridors and requested concurrence for the corridors to be studied. WisDOT asked for a reply within 30 days. The third and final concurrence point was requesting concurrence for the selected corridor. The letter was sent on April 20, 2005, and recommended Alternative 1, which is staying along the existing highway.

**C. Agency Comments and Responses for 2004 DEIS and 2009 SDEIS**

The DEIS and 2009 SDEIS for this project included copies of agency correspondence and minutes from various agency meetings. WisDOT made efforts to address any agency comments and requests within the DEIS and 2009 SDEIS. Since the DEIS and 2009 SDEIS were published, WisDOT has continued to coordinate with agencies. Formal agency letters commenting on the DEIS, 2009 SDEIS, and the Preferred Alternative have been summarized and addressed in the following section. Copies of these formal letters are included at the end of Section 6 of the 2010 FEIS.

**DEIS Comments:**

| <u>Agency</u>   | <u>Letter Date</u>      |
|---|-------------------------|
| United States Army Corp of Engineers                      | 3/12/04                 |
| United States Fish & Wildlife Service                     | 5/5/05                  |
| United States Environmental Protection Agency             | 5/13/05                 |
| United States Environmental Protection Agency             | 1/20/05                 |
| United States Department of Interior                      | 4/12/05                 |
| United States Army Corp or Engineers                      | 2/14/06                 |
| Department of Agriculture, Trade, and Consumer Protection | 2/09/05                 |
| Department of Agriculture, Trade, and Consumer Protection | 2/22/05                 |
| Wisconsin Department of Natural Resources                 | 1/30/05                 |
| Wisconsin Department of Natural Resources                 | 1/31/05                 |
| Bay Lakes Regional Planning Commission                    | No Date (comment sheet) |
| National Park Service                                     | 5/3/06                  |

**2009 SDEIS Comments:**

| <u>Agency</u>   | <u>Letter Date</u> |
|---|--------------------|
| Sheboygan County Planning Department                          | 2/8/10             |
| United States Department of Interior, Fish & Wildlife Service | 3/8/10             |
| United States Army Corp of Engineers                          | 3/9/10             |
| United States Department of Interior, Office of the Secretary | 3/9/10             |
| United States Environmental Protection Agency                 | 3/11/10            |
| Wisconsin Department of Natural Resources                     | 3/18/10            |

## 1. United States Army Corps of Engineers

In a letter dated March 12, 2004, the **USACE** commented on portions of the DEIS. The **USACE** concurs with the Purpose and Need and the highway alignment alternatives selected for future review. Concern was raised because of the magnitude of the potential aquatic resource impacts associated with the alternatives.

## 2. United States Fish and Wildlife Service

WisDOT did not receive comments on the DEIS from the USF&WS. The USF&WS letter dated May 5, 2005, addressed the final concurrence for the proposed expansion of WIS 23. The agency concurred with the selection of Alternative 1 as the preferred corridor for study in the EIS. It also supported the evaluation of the feasibility of constructing the highways as a four-lane highway as well as the possibility of constructing passing lanes in the corridor.

## 3. United States Environmental Protection Agency

The USEPA letter dated May 13, 2005, was in response to WisDOT requesting preferred alternative concurrence for additional highway capacity on WIS 23. The USEPA commended WisDOT for studying the possibility of passing lanes because it may decrease the impacts from this project in the short-term. The USEPA gave its concurrence for Alternative 1 being chosen as the Preferred Alternative in the WIS 23 project.

## 4. United States Environmental Protection Agency

The USEPA letter dated January 20, 2005 addressed comments on the DEIS for WIS 23. The USEPA rated all the Alternatives (1, 2, 3, 4, 5 and 6) as EC-2, Environmental Concerns/Insufficient Information. The USEPA recommends Alternative 1 or 2 be selected as the Preferred Alternative because they impact fewer wetlands and farmland. The USEPA also feels the information provided in the **2004** DEIS was not conclusive enough to show a clear preference between Alternative 1 and 2. The USEPA also encourages the use of native species.

## 5. United States Department of the Interior

The United States Department of the Interior (DOI) letter dated April 12, 2005, notified WisDOT that the DOI had reviewed the DEIS and Section 4(f) Evaluation for the WIS 23 project. The DOI concurred with the FHWA and WisDOT that there was no other feasible alternative which would result in significant impacts to the two eligible Section 4(f) properties. It also concurred that all measures to minimize harm to the property have been employed through the consultation with the affected agencies. The DOI also supported the recommendations made by the USF&WS that Alternatives 1 and 2 result in fewer impacts to habitat.

## 6. United States Army Corps of Engineers

WisDOT did not receive comments on the DEIS from the **USACE**. However, a representative of the **USACE** sent an e-mail on February 14, 2006, stating that he approves of the recommended alternative and that it will be satisfactory for the NEPA and 404 permit review.

#### 7. State of Wisconsin Department of Agriculture, Trade, and Consumer Protection

The DATCP letter dated February 22, 2005, thanked WisDOT for the opportunity to comment on the DEIS. DATCP reminded WisDOT that it did not believe the DEIS demonstrates that a four-lane facility is required to meet the stated needs of the project. However, because of the request by WisDOT to recommend a build alternative, DATCP recommends against Alternative 3 because of the number of acres of farmland that would be affected under this alternative. The agency prefers alternative 1 or alternative 2 over alternative 3. Because of a lack of detailed information regarding farm-building displacements, DATCP cannot make an informed recommendation between the two alternatives.

#### 8. State of Wisconsin Department of Agriculture, Trade, and Consumer Protection

The DATCP letter dated February 9, 2005, commented on the DEIS. DATCP felt the information available to assess impacts on individual farm properties and operations was inadequate. Because this information was inadequate, DATCP felt it was difficult to choose a preferred alternative. The letter also discussed issues from the DEIS such as farm displacement, choice of preferred route, project need, safety issues, access points, and economic development benefits.

#### 9. State of Wisconsin Department of Natural Resources–Oshkosh

The WDNR letter dated January 31, 2005, notified WisDOT that it had received and reviewed the DEIS. The letter included comments of what the agency would like to see added to each section in the final EIS.

#### 10. State of Wisconsin Department of Natural Resources–SE Region

The WDNR letter dated January 30, 2005, provided comments on the DEIS. The WDNR **was** strongly in favor of Alternative 1, keeping the expansion on the existing alignment. The WDNR **was** opposed to Alternative 2 because of its higher level of adverse effects on wetlands, wildlife habitat, and agricultural land. The WDNR **did** not recommend Alternatives 3, 4, 5, and 6.

#### 11. Bay Lakes Regional Planning Commission

The Bay Lakes Regional Planning Commission (BLRPC) provided comments on the DEIS. The comments **were** related to the air quality Factor Sheet and discussion, the definition of Fond du Lac County as a metropolitan county, and possible analysis of the Hispanic population in the document.

#### 12. National Park Service

The NPS letter dated May 3, 2006, supported two bridges rather than a box culvert for the Ice Age Trail and State Equestrian Trail underpass. The NPS letter recommended keeping the horse trail separate from the hiking trail through the underpass and clearly marking the appropriate trails.

#### 13. Sheboygan County Planning Department

The WisDOT received an e-mail dated February 8, 2010, from the Sheboygan County Planning Department with comments on the **2009** SDEIS. The Sheboygan County Planning Department commented on safety, traffic projects used, Old Plank Trail, Greenbush trailhead, and WIS 23 access and local road changes that could impact emergency response times.

#### 14. United States Fish and Wildlife Service

The WisDOT received a letter from the USF&WS with comments on the **2009** SDEIS. The USF&WS letter dated March 8, 2010, stated that there were no additional comments after the review of the **2009** SDEIS.

#### 15. United States Army Corps of Engineers

The WisDOT received comments on the **2009** SDEIS from the **USACE** in a letter dated March 9, 2010. Comments were provided based on a corridor-level study pursuant to NEPA and do not

presume agreement with build design plans. Comments related to wetlands, right of way impacts, mitigation commitments, updated Section 303(d) list, cumulative impacts, the use of fill from borrow sites, stormwater, and utility relocation.

16. United States Department of the Interior, Office of the Secretary

The FHWA received a letter dated March 9, 2010, from the DOI. The letter indicated that the DOI had reviewed the 2009 SDEIS and provided concurrence with the Section 4(f) Evaluations and findings in the 2009 SDEIS.

17. United States Environmental Protection Agency

The WisDOT received comments on the 2009 SDEIS from the USEPA in a letter dated March 11, 2010. Comments were provided on wetlands and water quality, air quality, upland habitat, noise, and cumulative impacts.

18. State of Wisconsin Department of Natural Resources–SE Region

The WisDOT received comments on the 2009 SDEIS from the WDNR in a letter dated March 18, 2010. Comments were provided on wetlands for the Old Plank Road Trail, the Purpose and Need section, and corridor wetlands.

The following table summarizes the comments received for the 2004 DEIS from the reviewing agencies and responds to each set of comments.

**Table 7.4-2 2004 DEIS Agency Comment Summary**

| Comment ID                             | Comment   |
|--|---|
| DATCP 2<br>DATCP 3<br>EPA 1            | Recommends Alternatives 1 or 2 because there are fewer wetland and farmland impacts; however Alternatives 3-6 have fewer historical and relocation impacts. Opposed to Alternative 3 because it creates more habitat loss and affects the greatest amount of farmland.<br><br><i>Comment acknowledged. Preferred alternative recommends Alternative 1.</i>  |
| DOI 7<br>DOI 14                        | Supports the selection of Alternatives 1 or 2 because they would result in fewer habitat impacts.<br><br><i>Comment acknowledged. Preferred alternative recommends Alternative 1.</i>   |
| USFWS 1<br>EPA 25<br>WDNR 3<br>USACE 1 | Concurs with the selection of Alternative 1 as the preferred corridor for study in the WIS 23 FEIS.<br><br><i>Comment acknowledged. Preferred alternative recommends Alternative 1.</i>   |
| EPA 2                                  | Information is not conclusive enough to show a clear preference between alternatives 1 and 2. Impacts to higher quality wetlands, associated stream/floodplain, and upland habitat appear to factor into the selection of a preferred alternative.<br><br><i>Comment acknowledged. Cumulative environmental and water quality/habitat altering impact considerations factored into the selection of the on-alignment Alternative 1. Similarly, with Alternative 2, the potential loss of existing roadway and right of way infrastructure and the fragmentation of habitats by this alignment makes it less desirable. The minor difference in wetland impacts did not offset other impacts with Alternative 2. Factor Sheet F –Wetlands of the 2009 SDEIS.</i>   |
| EPA 3<br>EPA 5<br>EPA 6<br>EPA 7       | Suggests more information on water quality and wetlands in the FEIS such as adding a table summarizing the wetland acreage impacts by type for each alternative and using an Excel spreadsheet in adding the wetland acreages. Also clearly describe how wetland areas were identified and if a delineation was performed.<br><br><i>Comment acknowledged. A revised Wetland Impact Table was included as Table 4.6 F-2 in Factor Sheet F of the 2009 SDEIS with wetland impacts listed by type and alignment. Statements regarding wetland quality are typically subjective and were based on collaborative field reviews with WisDOT and WDNR staff. Quantitative information regarding stream or water quality is based on 303(d) designations and other WDNR data sources listed in the text. Subjective field evaluation by WDNR and WisDOT and electronic boundary collection was performed to identify wetland impacts. Impacts are estimated/tallied as those existing within the cumulative 600 foot width of the subject alignment corridors. Final impacts will be based on final design slope intercepts and will generally be less than those estimated.</i> |

| Comment ID       | Comment   |
|------------------|---|
| EPA 4            | <p>Suggest locating mitigation sites where they will be hydrologically and ecologically successful over time. To avoid problems, must be in locations unlikely to be disturbed by primary or secondary effects of future land use.</p> <p><i>Comment acknowledged. Mitigation sites will be evaluated to provide for the most suitable hydrological and ecological locations and habitats. Replacement in-kind will be the primary effort with attention being paid to buffering and other techniques to protect prime habitat or improve upon degraded conditions that may already exist or could develop based on primary or secondary effects of future land use.</i></p>  |
| EPA 8<br>EPA 9   | <p>Suggest developing documentation for future 404 requirements for permitting the preferred alternative. This permit can only be issued to the least environmentally damaging practicable alternative.</p> <p><i>Comment acknowledged. Section 404 permitting information was added to Factor Sheet F of the 2009 SDEIS. Environmentally appropriate design and documentation of avoidance, minimization and mitigation according to the DOT/WDNR liaison process will be documented during final design and suitable mitigation will be provided by using the 2002 Revision to the interagency WisDOT Wetland Mitigation Banking Technical Guidelines.</i></p>  |
| EPA 10<br>WDNR 9 | <p>Questions whether the mitigation site on Alternative 1 have been clearly depicted in the DEIS. Recommends making the mitigation language more generic, such as "Mitigation may be provided by the creation of..."</p> <p><i>Comment acknowledged. Mitigation language has been revised in Factor Sheet F of the 2009 SDEIS. The previously constructed WisDOT Mitigation Site Northwest of WIS 23 and Pit Road has been depicted on project mapping (Figures K-2 and F-3 of the 2009 SDEIS). Impacts to wetland land holdings at the Old Wade House will be avoided. Coordination with the USACE indicates the ability to avoid the previously constructed WisDOT mitigation site should assist in maintaining and advancing Alternative 1 as a preferred alternative.</i></p> |
| EPA 11           | <p>The FEIS should include some of the approaches being considered for the final wetland mitigation plan.</p> <p><i>Comment acknowledged. The preliminary wetland mitigation plan utilized screening practices typical of WisDOT guidance and wetland restoration science to identify that there are adequate lands within 2.5 to 5 miles of the center line of WIS 23 to provide the necessary mitigation. See revisions/additions to Factor Sheet F and Section 5 of the 2009 SDEIS.</i></p>  |
| EPA 12           | <p>The Natural Environment Maps show various natural areas. Impacts to these areas should be clarified with a summary table.</p> <p><i>To avoid complication or inappropriate references to actual WDNR "State Natural Areas," the description of jointly (WisDOT/WDNR) reviewed and identified corridor habitat or natural areas shall be referred to as corridor specific "Natural Resource Areas." These natural resource areas have been added to the list of affected wetlands (Table 4.6 F-1 of the 2009 SDEIS).</i></p>  |
| EPA 13           | <p>Recommend indicating if there are any waters in the study area in the latest WDNR Clean Water Act Section 303(d) list of impaired waters and the reason(s) for their impairment. Questions how these water bodies will be affected by the proposed project.</p> <p><i>A portion of the Sheboygan River is on the 2004 approved 303d List of Impaired Waters due to contaminated sediments. The segment of the river on the 303d list is from river mile 0 to river mile 30 and is not in the corridor study area. Section 3.4 B and Factor Sheet G of the 2009 SDEIS.</i></p>  |
| EPA 14           | <p>Suggests bridging all water bodies and their associated floodplains and that it is not clear in the DEIS which areas will be bridged.</p> <p><i>A bridge will be used for the Sheboygan River crossing and culverts will be used for the Mullet River crossing and the wetland area between Pit Road and Triple T Road. See revisions in the environmental evaluation matrix (part G) and Factor Sheet G-Mullet River of the 2009 SDEIS.</i></p>   |
| EPA 15           | <p>Would like the FEIS to be more specific about how storm water will be managed near sensitive areas such as culverts and bridges.</p> <p><i>See revisions to Environmental Evaluation Matrix. Specific BMPs that are typically used to projects similar to WIS 23 were described in the environmental evaluation matrix and on Factor Sheet K of the 2009 SDEIS.</i></p>  |

| Comment ID                  | Comment   |
|-----------------------------|---|
| EPA 16                      | <p>Recommends the FEIS includes the results of the regional transportation conformity analysis as well as information on the carbon monoxide microscale analysis.</p> <p><i>This project is exempt from a microscale analysis for the reasons stated in the Environmental Evaluation Matrix (Sheet L). The conformity analysis was performed by Bay Lake RPC and the results were described in Factor Sheet L as well as in Appendix L of the 2009 SDEIS.</i></p>   |
| EPA 17                      | <p>Would like more detail on the areas of upland habitat disturbance.</p> <p><i>Impacts of the preferred alternative have been reevaluated during preliminary design. The impact evaluation matrix and Factor Sheet I were updated.</i></p>   |
| EPA 18                      | <p>Recommend coordination with the USF&amp;WS to determine where upland mitigation would be most beneficial.</p> <p><i>WisDOT will coordinate with USF&amp;WS to identify important forest resources and will try to minimize impacts. Factor Sheet I and Section 5 of the 2009 SDEIS.</i></p>  |
| EPA 19                      | <p>Would like a summary table of how many households will be affected by noise in the future for each alternative.</p> <p><i>The noise analysis has been revised and a list of affected households was included in the Environmental Evaluation Matrix(part N) as well as Factor Sheet N of the 2009 SDEIS.</i></p>   |
| EPA 20                      | <p>The EPA was unable to locate Factor Sheet J in the DEIS.</p> <p><i>Erosion control is addressed in the Environmental Matrix. A Factor Sheet J is not needed and was not included in the 2009 SDEIS document.</i></p>   |
| EPA 21                      | <p>Recommends adding more information to the "Implementation" section of Factor Sheet N along with other strategies that will be considered to address noise levels above federal criteria.</p> <p><i>Additional information on implementation was added to Factor Sheet N of the 2009 SDEIS.</i></p>   |
| EPA 22                      | <p>Please include a clearly labeled Cumulative Impacts section in the FEIS containing an analysis of how past, present, and future actions (federal and nonfederal) have impacted the same resources that this project is impacting.</p> <p><i>Section 4.4 of the 2009 SDEIS.</i></p>   |
| EPA 23                      | <p>Recommends providing specifics for avoiding hazardous materials for the preferred alternative.</p> <p><i>Factor Sheet R of the 2009 SDEIS was revised to provide more information on protocol for addressing hazardous materials sites.</i></p>  |
| WDNR 1<br>WDNR 2<br>WDNR 16 | <p>Concerned constraints on the Purpose and Need are outdated and prohibit less environmentally damaging alternatives. Request WisDOT consider an additional option, which combines all three of the intermediate options: three-lane highway (passing lanes), Transportation System Management (TSM) techniques, and roadway reconstruction.</p> <p><i>Since publication of the DEIS, WisDOT studied intermediate improvements in a passing lane study (included as Appendix J of the 2009 SDEIS). Both geometric improvements and passing lanes were considered; however, it was determined these options did not meet the Purpose and Need. The projected traffic volumes are such that additional TSM techniques in combination with the passing lanes would still not address the project Purpose and Need for the reasons stated in Section 2 of the 2010 FEIS.</i></p> |
| WDNR 11<br>WDNR 13          | <p>Requests more information on the 2000 traffic count and on the methodology used to predict the 2003 average daily traffic (ADT) volumes.</p> <p><i>WisDOT's Traffic Forecasting Section updated the traffic counts (year 2003 in Fond du Lac County and year 2005 in Sheboygan County) as well as the traffic forecast (to year 2036). See Section 1.3 of the 2009 SDEIS for more information on the counts and forecasting methodology.</i></p>   |
| WDNR 14                     | <p>Clarify if the 1997 Fond du Lac area origin/destination (O-D) surveys were completed within the project limits.</p> <p><i>The Fond du Lac O-D survey was conducted on all major highway routes between the City of Fond du Lac and the Fond du Lac Urban Area. The westernmost 3.25 miles of the project corridor are located inside the Fond du Lac O-D survey area.</i></p>  |

| Comment ID           | Comment  |
|----------------------|--|
| WDNR 15              | <p>Define the differences between a connector highway and backbone highway.</p> <p><i>WIS 23 is a connector route. Connector routes are two- and four-lane highways that connect key communities and regional economic centers to the Corridor 2020 (now Corridors 2030) Backbone Routes. Backbone routes are a network of key multilane routes that connect major population and economic centers and provide economic links to national and international markets. See Section 1.3 of the 2009 SDEIS.</i></p>  |
| DATCP 13<br>DATCP 14 | <p>Believes that the percentage of through traffic and heavy truck traffic is not significantly higher along the WIS 23 corridor than in the area studied for the 1997 Fond du Lac O-D Survey. There is no evidence presented in the DEIS that the percentage of truck traffic in the WIS 23 traffic stream is increasing over time. Also questions the impact of truck percentage on traffic operations. Also states that trucking cost savings are likely to be marginal.</p> <p><i>Comment acknowledged.</i></p>  |
| DATCP 15<br>DATCP 16 | <p>Questions how the forecast traffic volumes for year 2030 were derived and what assumptions when into them. Believes that making traffic and land use projections 30 years into the future is highly speculative.</p> <p><i>Comment acknowledged.</i></p>  |
| WDNR 4               | <p>Concerned about Alternative 2 because of its higher level of adverse effects on wetlands, wildlife habitat, and agricultural land, as well as its future land use consequences.</p> <p><i>Comment acknowledged. Alternative 2 was not recommended as the preferred alternative.</i></p>   |
| WDNR 5               | <p>Advises against Alternatives 3, 4, 5 and 6.</p> <p><i>Comment acknowledged. The preferred alternative does not recommend Alternative 3, 4, 5, or 6.</i></p>   |
| WDNR 6               | <p>Suggests adding “avoid then minimize” in the project Purpose and Need when it refers to the environmental impacts during design and construction.</p> <p><i>Revision made.</i></p>  |
| WDNR 7               | <p>Clarify why US 10, WIS 33, and WIS 60 are not also considered major east-west connector routes.</p> <p><i>US 10 is a Corridor 2020 Route, serving as a backbone from Stevens Point to Appleton and as a two-lane connector from Appleton to I-43. WIS 33 serves as a multilane connector from I-43 to US-41 and as an arterial route west of US-41. WIS 60 is a principal arterial route that provides east-west mobility within the state, but WIS 60 does not experience high enough traffic volumes to be considered a major east-west connector. Highway 23 serves as a multilane, east-west connector south of Lake Winnebago, providing access from Fond du Lac to Sheboygan.</i></p> |
| WDNR 8               | <p>Suggests including environmental impact avoidance language under Environmental Impacts.</p> <p><i>Revision made.</i></p>  |
| WDNR 10              | <p>Concerned the title Evaluation of Alternatives is deceiving because it indicates the number of acres of wetland converted to right of way. All wetlands within the right of way will not be permitted to be disturbed as avoidance and minimization during design will occur.</p> <p><i>Clarification made in table. Details regarding the approximation of wetland impacts and avoidance of wetlands beyond the road grading limits are described more fully in the text of the 2009 SDEIS.</i></p>  |
| WDNR 12              | <p>Suggests under legislative and transportation planning history, to include a definition of a connector route, also include significance of “Mobility 2000” study in relationship to the WIS 23 project.</p> <p><i>Definition of connector route added to Section 1.3 of the 2009 SDEIS. As an amendment to the 1991-93 state transportation budget, Mobility 2000 outlines a comprehensive, strategic, and balanced transportation agenda including all areas of Wisconsin, urban and rural. It is designed to implement the Corridors 2020 strategies.</i></p>   |
| WDNR 17              | <p>Requesting under the Development of Alternatives to include avoidance language under the second and fourth bullet points. Rephrase the sixth bullet point to clarify that only the approximate boundary of the wetland areas were identified—the wetlands were not delineated.</p> <p><i>Revisions made.</i></p>  |
| WDNR 18              | <p>Recommends the figures illustrating the alternatives all have segment labels.</p> <p><i>Comment acknowledged. A schematic graphic showing the original segments was added to Section 2.3 of the 2009 SDEIS.</i></p>   |

| Comment ID         | Comment   |
|--------------------|---|
| WDNR 19            | <p>Recommends in Highway Expansion Along Existing Roadway (Alternative 2), including language that indicates that WisDOT and WDNR have tentatively discussed need for a bridge crossing across the wetland draining into the Cedar Swamp in Segment B.</p> <p><i>Comment acknowledged. Hydrology-altering effects and impacts to wetlands/environmental features/corridors on the alignment will be minimized. Efforts to prevent impacting groundwater recharge areas or impacting/contributing to surface flow alterations of sensitive environments will be addressed during design.</i></p> |
| WDNR 20            | <p>Recommends a design of the overpass bridge for WIS 23 (over County K) that will blend well into the Niagara Escarpment.</p> <p><i>WisDOT will attempt to select a bridge design that blends well into the Niagara Escarpment. See revisions in Sections 2 and 5 of the 2009 SDEIS.</i></p>   |
| WDNR 21            | <p>Please provide a description of what a Valued Planning Study entails.</p> <p><i>Description was added to Section 2.5 A of the 2009 SDEIS.</i></p>  |
| WDNR 22            | <p>Suggests adding the Taycheedah Correctional Institution to the list of Institutions. It is located on County K and is north of WIS 23.</p> <p><i>See the Affected Environment Section for the revision.</i></p>  |
| WDNR 23            | <p>Suggests working with the local planning authorities to create a map of projected land uses in 2030 as they relate to this study corridor and include the map in the FEIS.</p> <p><i>As part of the indirect and cumulative effect analysis (see Section 4.4 of the 2009 SDEIS and this LS SDEIS), planned land use maps for municipalities along the corridor were gathered.</i></p>  |
| WDNR 24<br>WDNR 25 | <p>Requesting under Natural Environment and Related Resources (Wildlife) to add the sharp-tailed grouse paragraph to this section. Also concerned about protecting the Blanding's Turtles during construction. Please un-italicize Ellipse because it is a common name, not a scientific name.</p> <p><i>Comments acknowledged. Sharp-tailed grouse and Blanding's Turtles were mentioned in the affected environment section of the 2009 SDEIS.</i></p>  |
| WDNR 26            | <p>Suggest including under Secondary and Cumulative Effects the statement, "...no known secondary and cumulative effects are expected to occur as a result of this project."</p> <p><i>Indirect and cumulative effects section was updated in the 2009 SDEIS and this LS SDEIS. See Section 4.4 of this LS SDEIS.</i></p>   |
| DATCP 39           | <p>Believes there was no discussion in the DEIS of the project-specific factors that might contribute to an increased risk of potential secondary land use impacts to farmland resulting from expansion of WIS 23 highway capacity on this project.</p> <p><i>Indirect and cumulative effects section was updated. See Section 4.4 of the 2009 SDEIS and this LS SDEIS.</i></p>   |
| WDNR 27            | <p>Quantify the average timesaving and cost saving this proposed roadway will offer.</p> <p><i>The savings are quantified in the Passing Lane Study completed after the DEIS.</i></p>   |
| WDNR 28            | <p>In the Environmental Evaluation Matrix (K. Storm Water Management of the 2009 SDEIS), refer to the Post Construction Standards outlined in TRANS 401.106 and change 0 percent to the appropriate percentage.</p> <p><i>Revisions made.</i></p>   |
| WDNR 29            | <p>Suggests that, under Community or Residential Impact Evaluation (Effects on Land Use Plans), the amount of severed farmland also be included in the narrative in the "all build alternatives" section.</p> <p><i>Revision were made to Factor Sheet B, Community or Residential Impact Evaluation of the 2009 SDEIS.</i></p>   |
| WDNR 30            | <p>Recommends under Community or Residential Impact Evaluation (Important or Controversial Factors) to note that there may be secondary impacts that result from the proposed trail along WIS 23.</p> <p><i>Revision made.</i></p>  |

| Comment ID                                 | Comment  |
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| WDNR 31                                    | <p>Questions the definition of displaced under the Economic Development and Business Impact Evaluation. Is this job loss or merely job relocation to accommodate the roadway work?</p> <p><i>Displaced businesses will be provided assistance to relocate to a suitable new location. The resulting impact on job opportunities will vary at the discretion of the business owner.</i></p>   |
| WDNR 32                                    | <p>Italicize "Alasmindonta viridis" because it is a scientific name.</p> <p><i>Revision made.</i></p>  |
| WDNR 33                                    | <p>Elaborate on what can be done during design to minimize impacts. Suggest placing this under Streams and Floodplains Impact Evaluation.</p> <p><i>Revision made.</i></p>   |
| WDNR 34                                    | <p>Suggests defining or eliminating the phrase, "Water Quality will be monitored during construction."</p> <p><i>Revision made.</i></p>  |
| WDNR 35                                    | <p>Note under Stream and Floodplains Impact Evaluation (Unnamed Tributary of the Sheboygan River), that this waterway feeds and intersects the cedar swamp. Add information on threatened and endangered species. Also indicate possibility of a structure being installed under proposed work.</p> <p><i>Revisions made. This section already refers to installation of appropriate culvert pipe.</i></p>   |
| WDNR 36<br>WDNR 37                         | <p>Under Stream and Floodplains Impact Evaluation (Mullet River), include the detailed stream characteristics information that is currently blank. Expand the discussion under Measures to Minimize Adverse Effects.</p> <p><i>Revisions made.</i></p>   |
| WDNR 38                                    | <p>Consider increased wildlife mortality with vehicle collision.</p> <p><i>Revisions made.</i></p>   |
| WDNR 39                                    | <p>Under Storm Water Management (Strategy), refer reader to TRANS 401.106 and list some of its highlights.</p> <p><i>Revisions made.</i></p>   |
| WDNR 40                                    | <p>The Local WDNR Wildlife Manager requests that, wherever possible, the right of way be re-vegetated with native grasses, wildflowers, and shrub species typical of this landscape. The project is within the Iowa F1 Pheasant restoration Project Area. He also strongly discourages the planting of conifer species such as spruce and red or white pines as they are nonnative species. He also recommends that all disturbed wetlands and mitigation sites be planted with native wetland plant species to minimize the colonization of invasive species.</p> <p><i>Revisions made to Factor Sheet S and Section 5 of the 2009 SDEIS.</i></p>         |
| DATCP 1                                    | <p>There is not enough information in the DEIS supporting the need for a four-lane facility.</p> <p><i>Comment acknowledged. Three-lane analysis in Appendix J of the 2009 SDEIS describes this further.</i></p>   |
| DATCP 5                                    | <p>The on-alignment option affects the highest percent of prime soil.</p> <p><i>Comment acknowledged. Alternative 1 impacts other natural resources to a lesser extent.</i></p>  |
| DATCP 6                                    | <p>Believe that using the terms farm operations and farmsteads interchangeably is inaccurate since the definitions of the words are different.</p> <p><i>Comment acknowledged. The term "farmstead" was eliminated and changed to farm operations.</i></p>   |
| DATCP 4<br>DATCP 8<br>DATCP 10<br>DATCP 11 | <p>Questions the adequacy of the information provided in the DEIS on impacts to the individual farm operations and farm building displacements.</p> <p><i>For comparison purposes in the DEIS, WisDOT first estimated impacts to individual farm operations using aerial photography, plat maps, and field observations. Now that a preferred alternative has been selected, WisDOT has updated the Conceptual Stage Relocation Plan. (Also, DATCP has contacted each affected farm owner to make a determination on the actual impact resulting from the preferred alternative. Their results are summarized in the Agricultural Impact Statement</i></p> |

| Comment ID   | Comment   |
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| DATCP 9<br>DATCP 7   | <p>The Conceptual Stage Relocation Program Plan in the DEIS does not address farm buildings other than farm residences. The proper information on farm relocations needs to be added to the final EIS. It is also important to distinguish between farm buildings and farm residences on maps.</p> <p><i>The Conceptual Stage Relocation Program Plan was updated. Also, the Agricultural Impact Statement has detailed information on the farm operations.</i></p> |
| DATCP 12   | <p>Questions the importance of WIS 23 to regional linkage. WIS 23 already provides regional connectivity and there are also other links provided. Believes the designation of a level of service (LOS) design guideline of "C" for Corridors 2020 rural Connector routes, rather than the "D" value assigned to rural principal arterials, appears arbitrary.</p> <p><i>Comment acknowledged.</i></p>   |
| DATCP 18<br>DATCP 19   | <p>Concerned that acceptable LOS levels are determined by budgetary, social, and other factors rather than by technical or objective criteria. Additionally, concerned that based on a few peak 15-minute intervals a road may be assigned LOS "D", yet be a LOS "A", "B", or "C" the remaining majority of hours of the day.</p> <p><i>Comment acknowledged.</i></p>   |
| DATCP 20   | <p>Feels the subjective nature of driver expectations should be addressed in the FEIS.</p> <p><i>Comment acknowledged.</i></p>  |
| DATCP 21<br>DATCP 22<br>DATCP 23<br>DATCP 24<br>DATCP 25<br>DATCP 26<br>DATCP 32 | <p>Believes there was not sufficient evidence from the traffic crash rate and fatality rate data to justify the need for more highway capacity on WIS 23 based on safety issues.</p> <p><i>Comment acknowledged.</i></p>  |
| DATCP 27   | <p>Questions whether the density of access points on the WIS 23 corridor should affect the need for capacity expansion. Also suggests that controlling access points could considerably improve safety without the need for a capacity increase.</p> <p><i>Comment acknowledged.</i></p>  |
| DATCP 28<br>DATCP 17   | <p>The "no passing zones" percentages are not consistent in the document.</p> <p><i>Comment acknowledged. Sections have been revised.</i></p>   |
| DATCP 29<br>DATCP 30<br>DATCP 31   | <p>It was unclear whether any significant economic benefits would accrue to Wisconsin as a result of a WIS 23 expansion.</p> <p><i>Comment acknowledged.</i></p>  |
| DATCP 33<br>DATCP 34<br>DATCP 35<br>DATCP 36<br>DATCP 37<br>DATCP 38             | <p>It was not clear why various "No-Build" alternatives were not included for further study by the DEIS. Questionable assumptions about future traffic volumes, the dismissal of the Three Lane Roadway option, and using more passing lanes. Should consider expanding highway shoulders, and implementing an access control plan.</p> <p><i>Comment acknowledged.</i></p>   |
| DOI 1<br>DOI 11<br>DOI 12  | <p>Concur with the FHWA and WisDOT that there is no feasible and prudent alternative to the proposed project, which if built as proposed, would result in significant impacts to the two eligible Section 4(f) properties, the Ice Age Trail and the State Equestrian Trail.</p> <p><i>Comment acknowledged.</i></p>  |
| DOI 2  | <p>The department also concurs that all measures to minimize harm to the property have been employed through the consultation with the affected agencies.</p> <p><i>Comment acknowledged. Agencies have continuously been contacted throughout the process.</i></p>   |
| DOI 3<br>DOI 4   | <p>Concerned that incomplete information was presented on consultation with the State Historic Preservation Officer (SHPO) and no letters to or from the SHPO appear in Appendix D of 2004 DEIS, despite the assurances in the evaluation they appear there.</p> <p><i>Correspondence with the SHPO was provided in Section 4.60 of the 2009 SDEIS with the 4(f) and 6(f) Evaluations.</i></p>  |

| Comment ID                    | Comment   |
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| DOI 5<br>DOI 13               | The DEIS lacks information on how the Kettle Moraine land will be compensated, both in location and size of the replacement lands. The Department would like to see detail on the compensation for the taking of Section 6(f) lands.<br><br><i>Factor Sheet O of the 2009 SDEIS discussed the planned improvements to the Ice Age Trail and Equestrian Trail as compensation.</i>   |
| DOI 6                         | The USF&WS recommends that the preferred alternative minimize potential natural resource impacts, particularly those involving very sensitive or rare habitats.<br><br><i>Comment acknowledged.</i>   |
| DOI 8                         | In Alternatives section, Ice Age Trail, page II-9. Revise the first sentence under the subheading "Ice Age Trail" to read: "The trail crosses WIS 23 at the Kettle Moraine and is a significant trail, one of the only eight National Scenic Trails, and Wisconsin's only State Scenic Trail."<br><br><i>Section revised as requested.</i>  |
| DOI 9                         | Affected Environment section, Geographical Setting, page III-2. In the fifth sentence, replace "a recessional" with "an interlobate."<br><br><i>Revision made.</i>  |
| DOI 10                        | All Factors section, Unique Area Impact Evaluation, page O-1. The second sentence in the description of the Trail on this page is inaccurate. Revise the sentence to read: "The trail is administered by the NPS in cooperation with the WDNR and Ice Age Park and Trail Foundation." There are hundreds of different owners of the lands on which the trail is located, but at this location, the lands are owned by the WDNR.<br><br><i>Section revised as requested.</i> |
| USFWS 2<br>EPA 24             | Supports the evaluation both of feasibility of constructing the highway as a four-lane highway as well as the viability of constructing passing lanes in the corridor.<br><br><i>Further study was conducted of intermediate improvements including passing lanes. This was discussed in Section 2 and also Appendix J of the 2009 SDEIS.</i>   |
| BLRPC-1<br>BLRPC-2<br>BLRPC-3 | Minor corrections to air quality terminology and a reference to Fond du Lac County was requested.<br><br><i>Changes made.</i>   |
| BLRPC-4                       | Suggests an analysis of the Hispanic population in the document.<br><br><i>Comment acknowledged. See Environmental Justice Portions of the Document.</i>  |
| USACE 15                      | Concurs with the project Purpose and Need.<br><br><i>Comment acknowledged.</i>  |
| USACE 16                      | Concurs with the highway alignment alternatives (1, 2 modified, and 3) selected to be carried into the EIS.<br><br><i>Comment acknowledged.</i>   |
| USACE 17                      | Concerned with the magnitude of the potential aquatic resource impacts associated with the alternatives.<br><br><i>Comment acknowledged.</i>  |

The following table summarizes the comments received for the 2009 SDEIS from the reviewing agencies and responds to each set of comments.

Table 7.4-3 2009 SDEIS Agency Comment Summary

| Comment ID         | Comment   |
|--------------------|---|
| SCP 1              | <p>The Non-motorized Pilot Program of Sheboygan County Planning (SCP) stated that the 2009 SDEIS does adequately address environmental and social impacts associated with the project. They expressed doubt in WisDOT's traffic projections and feel the project might be able to manage a better balance of efficiency and safety with other options like a TWTL paired with wider paved shoulders.</p> <p><i>Comment acknowledged. Since publication of the DEIS, WisDOT studied intermediate improvements. The projected traffic volumes are such that additional Transportation System Management techniques in combination with passing lanes would still not address the project Purpose and Need and provide desired services levels. These options were dismissed for the reasons stated in Section 2 of the 2010 FEIS.</i></p> |
| SCP 2              | <p>It is very positive (good) that WisDOT is planning to purchase the right of way to complete the Old Plank Road Trail into Fond du Lac.</p> <p><i>Comment acknowledged.</i></p>   |
| SCP 3              | <p>Mapping of the portion of Sheboygan County impacted by the 4-lane expansion does not adequately depict the existing Old Plank Road Trail and the new location of the Old Plank Road Trail.</p> <p><i>The existing Old Plank Road Trail will not be impacted. WIS 23 expansion will occur to the north of the Old Plank Road Trail and existing lanes will be used for the eastbound lanes. The Old Plank Road Trail extension west will occur along the south side of WIS 23 to County UU where it will cross to the north side of WIS 23 and continue west.</i></p>   |
| SCP 4              | <p>Does the trail need to be relocated since most of the expansion is occurring to the north? WisDOT needs to clearly show the trail and how the relocated Old Plank Road Trail in Sheboygan County will look.</p> <p><i>The existing Old Plank Road Trail will not be impacted and mapping in the 2010 FEIS was revised. WIS 23 expansion will occur to the north and existing lanes will be used for the eastbound lanes. .</i></p>   |
| SCP 5              | <p>It looks like WisDOT will be impacting the Greenbush trailhead.</p> <p><i>The existing Old Plank Road Trail will not be impacted and the Greenbush trailhead will not be impacted. WIS 23 expansion will occur to the north and existing lanes will be used for the eastbound lanes.</i></p>   |
| SCP 6              | <p>Some of the modifications to the roadway, particularly near Greenbush, include stubbing of roads and closing access across WIS 23. This will significantly increase emergency response time.</p> <p><i>The Preferred Alternative will expand WIS 23 to four lanes. Final access to fields, homes, and businesses will be determined during the final design. Emergency response times have been considered with the selection of the Preferred Alternative and associated local road changes. Emergency response will be a factor considered during the final placement of individual property access and median breaks. Text revisions were made in Section 2.6 of the 2010 FEIS.</i></p>   |
| SCP 7              | <p>Glad to see WisDOT has taken into account the cultural and environmental sensitivity of the Niagara Escarpment ("ledge") coming down from the kettles into Fond du Lac.</p> <p><i>Comment acknowledged.</i></p>  |
| USFWS 3            | <p>Recommend that the final route and design of the highway avoid riparian areas, forested wetlands, and other rare or highly sensitive areas to the extent possible.</p> <p><i>Comment acknowledged.</i></p>   |
| USACE 2<br>WDNR 42 | <p>The Purpose and Need section does not adequately address the additional items included in the 2009 SDEIS. The addition of the pedestrian trail extension would cause significantly more resource losses and wetland impacts.</p> <p><i>The Project Purpose section that discusses coordinating with local land use and transportation plans has been expounded. It specifically discusses addressing the non-motorized travel accommodations components of these plans. Additionally, the Project Need was expanded to discuss the gap in east-west connectivity for non-motorized travel.</i></p>   |

| Comment ID         | Comment  |
|--------------------|--|
| USACE 3            | <p>We respectfully request that a copy of the correspondence previously submitted to you regarding our agency comments on the DEIS (March 12, 2004) be included or summarized in the next iteration of the document.</p> <p><i>The March 12, 2004, correspondence and comments were addressed in the DEIS Agency Comment Summary.</i></p>  |
| USACE 4            | <p>The act of describing the environmental consequences of preserving corridor level right of way should not be construed to imply future authorization for impacts. Future interchanges would also need to meet our public interest review and Section 404(b)1 guidelines. Once completed, our agency would need to determine that the project as proposed is the least environmentally damaging practicable alternative (LEDPA) before any DA authorization could be issued.</p> <p><i>Comment acknowledged. WisDOT understands that future impacts of improvements associated with the corridor preservation measures will be subject to NEPA. At that time, the appropriate NEPA document will be prepared for the improvement and will include public review and documentation to satisfy Section 404(b) guidelines.</i></p>  |
| USACE 5            | <p>The 2009 SDEIS states that representatives from the WDOT and WDNR completed a wetland delineation within the corridor. Please note that our agency will also need to agree that the boundaries established are adequate for our program.</p> <p><i>Comment acknowledged. The wetland review was a corridor study level determination for a broad representation of impacts in the DEIS and 2009 SDEIS. Cooperating agencies will be provided the opportunity to be involved in final field reviews and concurrence during final design.</i></p>   |
| USACE 6            | <p>We would recommend that the wetland boundaries be identified along the proposed new access routes and connections. There appears to be little discussion of the environmental consequences of this action in the 2009 SDEIS.</p> <p><i>Comment acknowledged. The wetland review provided a determination and a broad representation of impacts for the DEIS and 2009 SDEIS. Final design efforts will include delineations and a determination of road connections and driveway realignments. This will provide a more defined representation of impacts for permitting. This commitment has been added to Section 5.8 of this document. Additionally, wetlands and impacts associated with access routes and connections were added to Figures F-2 to F-6 and their impacts described in Section 4.6F of the 2010 FEIS.</i></p>  |
| USACE 7            | <p>The 2009 SDEIS does not include any wetland information pertaining to temporary wetland impacts or change in wetland type/conversion impacts (e.g., forested to herbaceous) for right of way clear zones, utility crossings, etc. These types of impacts should be considered in the 2009 SDEIS if they have the potential to become relevant in the design phase.</p> <p><i>Comment acknowledged. The wetland impacts described in the 2009 SDEIS conservatively assume all wetlands within the right of way are fully impacted. Actual impacts in clear zones and utility crossings probably will be less than those listed in the 2009 SDEIS. As noted, the wetland review completed was a determination for corridor planning and not a delineation. Temporary impacts and wetland-type conversion will be reduced to the extent possible. The various temporary impacts will be documented in permitting materials. Permanent wetland fill from slope intercept to slope intercept will be determined during design.</i></p>   |
| USACE 8<br>WDNR 43 | <p>USACE: Compensatory mitigation should replace the aquatic functions and values unavoidably lost due to the project. We urge WisDOT to take all practicable and appropriate steps to ensure that compensatory mitigation is located within the same watershed(s) as the impact site(s) and that it would support the sustainability or improvement of aquatic resources within the same watershed(s).</p> <p>WDNR: Expand the section on wetland compensation to include the possibility of more extensive wetland restoration than the current compensatory mitigation guidance applicable and required for this project alone. Reasons cited include historic transportation wetland losses in Fond du Lac and Sheboygan Counties exceed those that have been restored.</p> <p><i>Comment acknowledged. WisDOT will take all practicable and appropriate steps to ensure that compensatory mitigation is located with the same watershed(s) as the impact site(s) and that it would support the sustainability or improvement of wetland, riparian, or aquatic resources within the same watershed(s). The 2002 Wetland Mitigation Banking Guidelines were being reviewed by the WisDOT/DNR/USACE/USEPA. For the WIS 23 project, WisDOT's mitigation site selection will include pursuit of a consolidation site within the watersheds of this corridor.</i></p> |

| Comment ID | Comment  |
|------------|--|
| USACE 9    | <p>The 2009 SDEIS references the 2004 Section 303(d) water list.</p> <p><i>The draft 2008 Section 303(d) water list was reviewed. No changes to this list affect information provided in this document. Modifications were made to the Streams and Floodplains Factor Sheets to reference the draft 2008 Section 303(d) water list.</i></p>  |
| USACE 10   | <p>The cumulative impacts section includes 20 years of study. Considering that some of the proposed improvements associated with right of way preservation would be implemented at 20 years, is 20 years an adequate time frame to analyze cumulative impacts?</p> <p><i>The 20-year timeframe was referenced because that is often the horizon year for area land use plans. However, it can be reasonably assumed that the effects identified in this analysis would continue to be valid after 20 years if local policies and regulations remained generally the same. The described cumulative impacts include the improvements associated with the corridor preservation areas. The text in Section 4.4 of the 2010 FEIS was modified to indicate the longer term nature of the cumulative impact trends.</i></p>   |
| USACE 11   | <p>We fully understand that your regulations require you to allow contractor(s) to select borrow sites and obtain any permits that may be needed. If off-site fill material is not obtained from a licensed commercial facility, the USACE may be required to evaluate potential impacts and incorporate additional analysis into our administrative record for this project.</p> <p><i>Comment acknowledged. Section 5.5 of the 2010 FEIS describes the conditions and requirements for Material Source and Disposal sites. WisDOT cannot direct contractors on where they acquire materials as stated in 23 CFR, Section 635.407 Use of Materials Made Available by a Public Agency. (a) Contracts for highway projects shall require the contractor to furnish all materials to be incorporated in the work and shall permit the contractor to select the sources from which the materials are to be obtained. WisDOT realizes that because of this, the USACE may be required to evaluate the potential impacts of these borrow sites and incorporate the analysis into their administrative record.</i></p> |
| USACE 12   | <p>Project maps show that right of way is needed for the Old Plank Road Trail beyond the preservation area. Is this area included in estimates of acreage shown as future preservation, or is it included in estimates of acreage required for construction of Old Plank Trail?</p> <p><i>Initially, the right of way area needed for the Old Plank Road Trail will be located adjacent to the right of way needed for the Preferred Build Alternative. When improvements associated with the corridor preservation are implemented, the Old Plank Road Trail will be relocated to the edge of these improvements, which currently is the edge of the corridor preservation area. For the exhibits shown in Figures 2.8-2 through 2.8-14 of the 2010 FEIS, the final location of the Old Plank Road Trail was depicted. Similarly, the right of way impacts allocated to the Old Plank Road Trail are those associated with its final location after the corridor preservation improvements have been implemented.</i></p>   |
| USACE 13   | <p>The effects of future design planned stormwater structures that have the potential to result in an increase in right of way should be included in the 2009 SDEIS.</p> <p><i>Comment acknowledged. Because of the rural nature of the corridor, it is anticipated that stormwater management measures will be implemented within the proposed right of way. If during design it is determined that additional right of way will be needed for stormwater management, these right of way impacts will be subject to 106 review and possibly NEPA reevaluation.</i></p>  |
| USACE 14   | <p>You need to identify utility lines with the area that could be affected and consider engaging utility companies early in the planning process to develop a reasonable relocation scenario.</p> <p><i>Comment acknowledged. Location of utility lines in the area is an ongoing process and identification of impacted lines and coordination with owners of affected utilities will continue through final design. Some discussion of known utilities in the area was added to Section 3.3 and in Section 4.6.C of the 2010 FEIS.</i></p>   |
| EPA 26     | <p>Page 5-3 states that permanent retention facilities will be considered. The EPA suggests committing to building those retention facilities for adjacent roadway and bridges.</p> <p><i>Comment acknowledged. Appropriate stormwater management measures will be coordinated with WDNR Liaisons during final design in order to comply with NR 401.</i></p>  |

| Comment ID | Comment   |
|------------|---|
| EPA 27     | <p>Page 5-6 states that consideration of the use of wider structures that span more of the floodplain will occur. The EPA suggests committing to the bridging of the entire floodplain of each water body affected by the project.</p> <p><i>Comment acknowledged. Many factors influence structure size and length, including reasonable span length, cost, and effect on roadway profile. The structure will be designed to have limited effect on floodplain elevation.</i></p>  |
| EPA 28     | <p>Requests discussion between WisDOT and the EPA of Option 23-1 and Option 23-2 before a preferred option is chosen. Discussion needs to consider the zoning and land-use plans for the interchange area.</p> <p><i>Comment acknowledged. WisDOT coordinated with USEPA prior to the selection of the preferred corridor preservation option described in this document.</i></p>   |
| EPA 29     | <p>Recommends best available diesel retrofit control technology (BACT) on all significant construction projects.</p> <p><i>Comment acknowledged. Potential diesel retrofit technologies were described in the text revisions in Section 5.5 of the 2010 FEIS. In the final design phase, WisDOT will consider including these measures on a voluntary or mandatory basis.</i></p>   |
| EPA 30     | <p>Recommends a description of efforts to minimize the impact of idling vehicles and construction equipment and how such anti-idling measures will be enforced.</p> <p><i>Comment acknowledged. Potential idling restrictions were specified in the text revisions in Section 5.5 of the 2010 FEIS. In the final design phase, WisDOT will consider including these measures on a voluntary or mandatory basis.</i></p>   |
| EPA 31     | <p>Recommend that WisDOT formalize their actions for the project by developing and implementing a construction emissions reduction plan.</p> <p><i>Comment acknowledged.</i></p>  |
| EPA 32     | <p>Recommends voluntary upland forest mitigation. Recommend native saplings be used, if practicable, at a minimum acreage ratio of 1:1.</p> <p><i>Comment acknowledged. Currently WisDOT does not mitigate for upland impacts. The use of native tree and shrub replacements will be considered where permanent wetland mitigation is considered.</i></p>   |
| EPA 33     | <p>Pleased with the notification to the local units of government for the predicted noise levels.</p> <p><i>Comment acknowledged.</i></p>   |
| EPA 34     | <p>There are 4 receptors in Activity Category B that will experience noise levels of 75 dBA or higher. The 2009 SDEIS does not disclose what the receptors are. If normal abatement measures are not reasonable or feasible, other abatement measures may be approved on a case-by-case basis. What is Wisconsin's decibel threshold for seeking approval from FHWA for individual abatement measures (including home insulation)? Will the WisDOT seek approval if the decibel threshold is met? What are the receptors that meet this decibel threshold.</p> <p><i>Wisconsin Administrative Rule Trans 405 was previously Wisconsin's Policy for Siting Noise Barriers and was approved by FHWA. This administrative rule describes the procedure used for determining if noise barriers are reasonable and prudent. Currently, Wisconsin's noise policy does not have a threshold criteria for consideration of sound insulation. The 4 receptors that had noise levels of 75 dBA are residences, one of which is a proposed relocation. A revised noise analysis performed in 2013 using Wisconsin's revised noise policy also indicated that noise barriers were not reasonable.</i></p> |
| EPA 35     | <p>For the Cumulative impacts, what percentage of wetland remains from the baseline (presettlement) condition?</p> <p><i>Some of this information was obtained and was incorporated in Section 4.4 of the 2010 FEIS.</i></p>  |
| EPA 36     | <p>For the Cumulative impacts, what percentage of forest cover remains from the baseline (presettlement) condition?</p> <p><i>Some of this information was obtained and was incorporated in Section 4.4 of the 2010 FEIS.</i></p>   |

| Comment ID | Comment  |
|------------|--|
| EPA 37     | <p>For the Cumulative impacts, what percentage of the 4 threatened and endangered species affected by this project remain from the baseline (pre-settlement) condition?</p> <p><i>Two of the four listed species in this corridor are the Slippershell Mussel and the Ellipse Mussel. It is difficult to estimate the presettlement populations of these species except by gauging changes in their potential habitat. The current amount of Wisconsin water acreages and stream threads is comparable to the amount that existed in presettlement conditions.</i></p> <p><i>The other two listed species are the Butler's garter snake and the Blandings turtle. Again it is difficult to estimate the presettlement populations of these two species except by gauging changes in their potential habitat. Currently there are fewer forests in Wisconsin, potentially increasing their habitat, yet the quantity of quality aquatic habitat has been reduced. This information <b>was</b> included in Section 4.4 of the 2010 FEIS.</i></p> |
| EPA 38     | <p>For the Cumulative impacts, does this project have significant cumulative impacts on any of the resources listed in the section (i.e., agricultural land, wetlands, water quality, upland habitat, Niagara Escarpment, Kettle Moraine State Forest, and threatened and endangered species)?</p> <p><i>Based on the cumulative effects analysis, this project will not have a significant cumulative impact on the resources listed in Section 4.4 of the 2010 FEIS. The significance of the effects <b>was</b> expounded upon in Section 4.4 of the 2010 FEIS.</i></p>  |
| EPA 39     | <p>Missing word: Complete Factor Sheet M and the rest "of" this Factor sheet.</p> <p><i>Change made to the factor sheet checklist of the 2010 FEIS.</i></p>  |
| EPA 40     | <p>Missing word: Existing sound levels "increased" by 15 dBA or more.</p> <p><i>Change made.</i></p>   |
| EPA 41     | <p>Incorrect label for noise results.</p> <p><i>Change made.</i></p>   |
| WDNR 41    | <p>Confirm acres of wetland loss anticipated for the new sections of the Old Plank Trail.</p> <p><i>Change made.</i></p>   |
| WDNR 44    | <p>Include the WisDOT-WDNR effort for improved wetland compensation in general wetland compensation plans. Specifically include a statement in Section 5.8.A.3 that recognizes our agencies' mutual goals to establish potential compensation sites consistent with the Federal Rule regarding site location and wetland functions, and to reverse the wetland loss trend in Fond du Lac and Sheboygan Counties.</p> <p><i>Comment acknowledged. Statement added to Section 5.8.A.3 of the 2010 FEIS to this effect.</i></p>   |
| DOI 15     | <p>The Department of Interior concurs with the determination that there is no feasible or prudent alternative to the proposed project. A <i>de minimus</i> impact finding was found. The Department of Interior does not disagree with those findings.</p> <p><i>Comment acknowledged.</i></p>   |
| DOI 16     | <p>A <i>de minimus</i> impact finding was used for the St. Mary's Springs Academy. The Department of Interior does not disagree with that finding.</p> <p><i>Comment acknowledged.</i></p>   |

#### D. Agency Comments and Responses for 2010 FEIS

After the release of the 2010 FEIS, WisDOT received comments from the following agencies. These letters are included in Section 9, Appendix D of this LS SDEIS.

##### **FEIS Comments:**

##### **Agency**

United States Environmental Protection Agency  
 United States Army Corp of Engineers  
 United States Fish & Wildlife Service

##### **Letter Date**

7/21/10  
 7/22/10  
 7/28/10

### 1. United States Environmental Protection Agency

In a letter dated July 21, 2010, the USEPA stated that most of its comments regarding the 2009 SDEIS had been addressed. A discrepancy was noted regarding the 2010 FEIS listing for Mullet River (bridge) and a previous comment response that stated it would be a culvert extension. (A culvert extension will be used.) The USEPA requested formal wetland delineation for the Clean Water Act Section 404 permitting process. The USEPA further requests the Old Plank Road Trail's avoidance of the Old Wade House compensatory mitigation site and requests a diagram in the Record of Decision showing impacts to this area. The USEPA reserves the right to comment fully on the final project during the Section 404 permitting process. They further request the consideration of clean diesel initiatives on a voluntary or mandatory basis.

### 2. United States Army Corps of Engineers

In a letter dated July 22, 2010, the USACE reviewed it pursuant to NEPA regarding Purpose and Need, Range of Alternatives, and Preferred Alternative. USACE requested additional agency coordination during the design phase regarding the following subjects:

- Updated wetland delineation and impacts.
- Compensatory mitigation within the same watershed.
- Avoidance of significant environmental resources with utility relocations and borrow areas.

### 3. United States Department of Interior, Fish and Wildlife Service (USF&WS)

In a letter dated July 28, 2010, the USF&WS stated no further comments regarding the project and a request for any future documents that may require their review.

The 2010 Record of Decision addressed these comments by providing commitments in the Measures to Minimize Harm section. A copy of the 2010 Record of Decision is included in Section 9 of this LS SDEIS as Appendix F.

## 7.5 PUBLIC HEARINGS

A. Two public hearings for the DEIS were held on January 5, 2005. The first one was held from 1 to 3 PM at the Greenbush Town Hall and the second meeting was held from 6 to 8 PM at the UW Fond du Lac Main Building. The WisDOT staff presented at both hearings and there was an informal discussion of the proposal. Exhibits available at this hearing included:

- Ice Age Trail Crossings Map (1 inch=500 feet).
- Impact Evaluation of Alternatives for the six alternatives.
- Average Daily Traffic map.
- Timeline of Milestones WIS 23 Corridor Study.
- Highway 23 Level of Service.
- WIS 23 and County K Intersection Concept.
- Corridors 2020 Wisconsin Map.
- Tentative Design, Real Estate Acquisition, and Construction Schedule.
- Explanation of the difference between a Draft EIS and Final EIS.
- Description of the Draft EIS.
- Explanation of a Public Hearing.
- Description of an EIS.
- The next steps in the WIS 23 project.
- WIS 23 Environmental Impact Study Corridors graphic.

Numerous project staff were available during the hearing to answer questions about the project. At the beginning of each hearing, statements by WisDOT staff indicated the following: that the hearing was on the location, design, and environmental issues associated with state trunk highway system changes and expressway designation aspects of WIS 23 and that the purpose of the public hearing **was** to allow comments and consideration on the designation of WIS 23 between Sheboygan County P and the City of Fond du Lac as an expressway under Wisconsin State Statute Section 84.295.

One court reporter was present at the hearing to record individual testimony from 1 to 3 P.M and 6 to 8 PM Written testimony on the available comment sheets was also encouraged. Written testimony or other displays could be submitted for inclusion in the hearing transcript if postmarked no later than January 21, 2005.

Public hearing notices and advertisements announcing the hearing were published prior to the hearing. A press release was distributed to local media.

In December 2004, a two-page newsletter summarizing the DEIS was mailed to residents along the corridor and other individuals and groups expressing interest in the project. Letters to jurisdictions invited them to attend the public hearing.

A four-page information packet with a postage-paid comment sheet was handed out at the hearing. Copies of the December 2004 newsletter were also available.

The public hearings conducted for the DEIS satisfied all the legal requirements for these types of hearings.

B. A public hearing for the **2009** SDEIS was held on February 24, 2010, from 5:30 to 8 P.M. at the UW Fond du Lac Main Building. WisDOT staff presented a summary of the project and there was an informal discussion of the proposal. The following exhibits were available at this hearing:

- Reason **2009** SDEIS was prepared.
- Alternative structure.
- Differences between **2009** SDEIS and DEIS.
- Intersection treatments.
- J-Turns.
- Traffic Forecast.
- Schedule.
- Possible intersection treatments.
- WIS 23/US 151 Corridor Preservation Options.
- Preferred Alternative Impacts.
- Typical Sections.
- Corridor Maps.
- Land Use Maps.
- County K and County UU intersection treatments.

WisDOT project staff were available during the hearing to answer questions about the project. At the beginning of the hearing, statements by WisDOT staff indicated that the hearing was on the location, design, and environmental issues associated with the proposed WIS 23 changes, Old Plank Trail changes, the WIS 23/US 151 system interchange and that the purpose of the public hearing **was** to allow comments and consideration on the designation of WIS 23 between County P in Sheboygan County and the City of Fond du Lac as an expressway under Wisconsin State Statute Section 84.295.

One court reporter was present at the hearing to record individual testimony from 5:30 to 8 PM and written testimony on the available comment sheets was also encouraged. Written testimony or other displays could be submitted for inclusion in the hearing transcript if postmarked no later than March 12, 2010.

Public hearing notices and advertisements announcing the hearing were published prior to the hearing. A press release was distributed to local media.

In February 2010, a four-page newsletter summarizing the 2009 SDEIS was mailed to residents along the corridor and other individuals and groups expressing interest in the project. Letters to jurisdictions invited them to attend the public hearing.

A two-page information packet, a two-page preamble, and a postage-paid comment sheet were handed out at the hearing. Copies of the February 2010 newsletter were also available.

The public hearing conducted for the WIS 23 2009 SDEIS satisfied all the legal requirements for these types of hearings.

## 7.6 PUBLIC HEARING COMMENTS AND RESPONSES

A. A total of 177 people attended the January 5, 2005, public hearings for the DEIS as tabulated from the attendance roster at the meetings. There were 77 general public comments and 11 public officials' comments as written testimony. Twenty-one speakers recorded public testimony.

In their oral and written comments, many individuals discussed several issues. In order to address all aspects of the public comments, the comments were summarized and are shown in the following table. Note that one individual testimony may have contained several comments. Responses to comments are in italics below each comment.

### 1. General Public Comments (January 5, 2005 public hearings)

**Table 7.6-1 2005 DEIS Public Hearing Comment Summary—General Public**

| Number | DEIS Hearing Comment   | Number of Occurrences |
|--------|--|-----------------------|
| 1      | In favor of expanding the two-lane highway 23 to a four-lane highway.<br><i>Comment acknowledged. The preferred alternative 1 is a four-lane highway.</i>  | 37                    |
| 2      | In favor of four-lane highway because it is safer.<br><i>Comment acknowledged. The preferred alternative 1 is a four-lane highway.</i>   | 33                    |
| 3      | Opposed to widening 23 because of loss of land (farms, wetlands, etc.)<br><i>Comment acknowledged. The Preferred Alternative will widen the existing WIS 23 corridor to four lanes. The No-Build Alternative would fail to address future traffic demands, highway deficiencies, and safety concerns throughout the WIS 23 corridor.</i> | 20                    |
| 4      | Reject alternative 2 (A-B-A and Chickadee).<br><i>Comment acknowledged. Alternative 2 was not chosen as the Preferred Alternative.</i>   | 11                    |
| 5      | In favor of Alternative 2 (Chickadee Alternative) route.<br><i>Comment acknowledged. Alternative 2 was not chosen as the Preferred Alternative.</i>  | 9                     |
| 6      | In favor of Highway 23 expansion and Alternative 1.<br><i>Comment acknowledged. Alternative 1, which is an expansion of WIS 23, is the Preferred Alternative.</i>  | 9                     |
| 7      | In favor of expanding 23 to a four-lane for economic development<br><i>Comment acknowledged. The Preferred Alternative is an expansion of WIS 23 to four lanes.</i>  | 9                     |
| 8      | Keep the expansion on existing route.<br><i>Comment acknowledged. Alternative 1, the Preferred Alternative, is on the existing route.</i>  | 6                     |
| 9      | In favor of Alternative A<br><i>Comment acknowledged. Alternative A was not chosen as the Preferred Alternative e.</i>   | 6                     |
| 10     | Opposed to widening the road to 4 lanes<br><i>Comment acknowledged. The Preferred Alternative will widen the road to four lanes.</i>   | 5                     |
| 11     | Investigate other options such as No-Build or two lane road with passing lanes and improved intersections with center turn lanes and exit turn lanes.<br><i>Further study was conducted of intermediate improvements including passing lanes. See discussion in Section 2 and also Appendix J of 2009 SDEIS.</i>                         | 4                     |

| Number | DEIS Hearing Comment  | Number of Occurrences |
|--------|---|-----------------------|
| 12     | Wants Hwy K access to Hwy 23 to be left in place<br><i>See access control plan in Appendix I of 2009 SDEIS.</i>   | 2                     |
| 13     | Do not increase to four lanes because of the dangers for farmers crossing to get to and from fields.<br><i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but access to fields and safe crossings will be incorporated in the design.</i> | 2                     |
| 14     | In favor of Alternative 3<br><i>Comment acknowledged. Alternative 3 was not chosen as the Preferred Alternative</i>   | 1                     |
| 15     | The consideration of the alternative route for the 6-mile portion of the reconstruction area is an enormous waste of money<br><i>Comment acknowledged. The Preferred Alternative is on existing WIS 23 alignment.</i>   | 1                     |
| 16     | Keep it the way it is now.<br><i>Comment acknowledged.</i>  | 1                     |
| 17     | Support the new corridor alternative being built north of the existing roadway<br><i>Comment acknowledged. The Preferred Alternative will be on the existing roadway.</i>   | 1                     |
| 18     | Choose the straightest route and complete as soon as possible<br><i>Comment acknowledged. Alternative 1 was chosen as Preferred Alternative and will follow the existing corridor.</i>  | 1                     |
| 19     | Have an interchange at highways G and W and limit all other access points to prevent accidents<br><i>Access control plan in Appendix I of 2009 SDEIS.</i>   | 1                     |
| 20     | In favor of the 12 ft wide x 12 ft high underpass for the Ice Age Trail<br><i>See Section 2.3 D.</i>  | 1                     |
| 21     | Opposed to a 4-lane highway because there has been no proven need for expansion.<br><i>Comment is acknowledged. Projected traffic volumes and crash data indicate expansion is needed.</i>  | 1                     |

2. Business Comments (January 5, 2005 public hearings)

**Table 7.6-2 2005 DEIS Public Hearing Comment Summary–Business**

| Number | DEIS Hearing Comment  | Number of Occurrences |
|--------|---|-----------------------|
| 1      | Would like the new highway to stay close to their business with easy access to their business; however would not mind if the highway acquired their business.<br><i>Comment acknowledged.</i>   | 1                     |
| 2      | Supports the WIS 23 expansion to four-lane because it will improve tourism and the economy.<br><i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>   | 2                     |
| 3      | Supports upgrading the highway to a four-lane because it will improve business and the economy.<br><i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>   | 2                     |
| 4      | Supports the expansion of WIS 23 to a four-lane.<br><i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>  | 4                     |
| 5      | Supports the WIS 23 expansion to a four-lane because it will be safer, in favor of Alternatives 1 or 2.<br><i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>   | 1                     |
| 6      | Supports the WIS 23 expansion and the multiuse recreational trail incorporated in the reconstruction.<br><i>Comment acknowledged. Trail improvements will be incorporated in WIS 23 expansion project by extending the Old Plank Road Trail west.</i>                           | 4                     |
| 7      | Supports the proposal of constructing a below-grade crossing of highway 23 that is at least 12-feet-wide and has a skylight in the median.<br><i>Comment acknowledged. A 12-foot-wide underpass for the IAT with slab-span bridges are proposed, allowing natural lighting.</i> | 1                     |

| Number | DEIS Hearing Comment  | Number of Occurrences |
|--------|---|-----------------------|
| 8      | Supports upgrading the highway to a four-lane because it will improve safety and economics.<br><i>Comment acknowledged. The preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i> | 4                     |
| 9      | Supports WIS 23 expansion and Alternative 1<br><i>Comment acknowledged. The preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>   | 5                     |
| 10     | Supports Alternatives 5 or 6 and suggests proceeding with acquisition of properties.<br><i>Comment acknowledged. Neither Alternative 5 nor 6 were chosen as the Preferred Alternative.</i>                        | 1                     |
| 11     | Supports Alternative 1 and a grade separation at WIS 23 and County Trunk K.<br><i>Comment acknowledged. A grade-separated crossing is proposed at County K</i>  | 1                     |

- B. The attendance roster listing 143 people attending the February 24, 2010 public hearing for the 2009 SDEIS. There were 34 general public comments as written testimony and 16 speakers recorded public testimony.

In their oral and written comments, many individuals discussed several issues. In order to address all aspects of the public comments, the comments were summarized and are shown in the following table. Note that one individual testimony may have contained several comments. Responses to comments are in italics below each comment.

1. General Public Comments (February 24, 2010 public hearings)

**Table 7.6-3 2009 SDEIS Public Hearing Comment Summary—General Public**

| Number | SDEIS Hearing Comment  | Number of Occurrences |
|--------|--|-----------------------|
| 1      | Favors 23-2 Interchange.<br><i>Comment acknowledged.</i>   | 9                     |
| 2      | Expressed safety concern along WIS 23.<br><i>Comment acknowledged.</i>   | 7                     |
| 3      | Requests an interchange at County G.<br><i>Comment acknowledged. right of way will be preserved at County G for a potential future interchange. Implementation of this interchange could be advanced.</i>  | 8                     |
| 4      | Requests that no J-Turn be placed at County G.<br><i>Comment acknowledged. right of way will be preserved at County G for a potential future interchange.</i>  | 5                     |
| 5      | Concerned there is no access to farm parcels.<br><i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but reasonable access to fields and median openings will be incorporated in the final design.</i>   | 3                     |
| 6      | Concern raised over parts of property acquired for project and decrease in property value.<br><i>Comment acknowledged.</i>   | 3                     |
| 7      | Favors no-build option for US 51/WIS 23 interchange.<br><i>Comment acknowledged.</i>   | 3                     |
| 8      | Concerns raised about access to properties.<br><i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but reasonable access to fields and median openings will be incorporated in the final design.</i>   | 2                     |
| 9      | Request was made for the WisDOT to buy property from houses along WIS 23.<br><i>Comment acknowledged. WisDOT's Real Estate Department is negotiating with property owners along the project corridor and purchasing right of way.</i>  | 2                     |
| 10     | Agrees with County K jug-handle design.<br><i>Comment acknowledged. County K will become a jug-handle interchange.</i>   | 2                     |
| 11     | Concern raised over wildlife habitats being affected.<br><i>Comment acknowledged. The Preferred Alternative will widen the existing WIS 23 corridor to four lanes and will have some impact on natural habitats. The impacts will be avoided where possible, minimized through design revisions, and mitigated where necessary. The No-Build Alternative would fail to address future traffic demands, highway deficiencies, and safety concerns throughout the WIS 23 corridor.</i> | 2                     |
| 12     | Low traffic on County UU that doesn't need an interchange.<br><i>Comment acknowledged.</i>   | 2                     |

| Number | SDEIS Hearing Comment   | Number of Occurrences |
|--------|---|-----------------------|
| 13     | Farming indirection will cost time and money.<br><i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but reasonable access to fields and median openings will be incorporated in the final design.</i>                                | 2                     |
| 14     | Requests for snowmobile access on the Old Plank Trail.<br><i>Comment acknowledged. The Old Plank Road Trail will be maintained by Sheboygan and Fond du Lac Counties. The Counties and local governments will determine acceptable uses for the trail.</i>            | 2                     |
| 15     | Requests Old Plank Trail be realigned.<br><i>Comment acknowledged.</i>  | 2                     |
| 16     | Requests the removal of the County K/WIS 23 connector road.<br><i>Comment acknowledged.</i>   | 2                     |
| 17     | Request for future properties to be purchased immediately since they are unsellable.<br><i>Comment acknowledged. WisDOT's Real Estate Department is negotiating with property owners along the project corridor and purchasing right of way.</i>                      | 2                     |
| 18     | Complaints raised about noise increase.<br><i>Comment acknowledged. A noise analysis was completed for the project and where reasonable, noise impact mitigation will be provided.</i>  | 2                     |
| 19     | Privacy concern.<br><i>Comment acknowledged.</i>  | 2                     |
| 20     | Agrees with 4 lanes on WIS 23.<br><i>Comment acknowledged. The preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>  | 2                     |
| 21     | Favors 23-1 Interchange.<br><i>Comment acknowledged.</i>  | 2                     |
| 22     | Concern over funding in an economic downturn.<br><i>Comment acknowledged.</i>   | 2                     |
| 23     | Request to have median break at property.<br><i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes and reasonable access to residences will be provided. Exact locations of median openings will be determined in the final design.</i> | 2                     |
| 24     | Golf Course Drive is dangerous and traffic should not be routed to it.<br><i>Comment acknowledged.</i>  | 1                     |
| 25     | Requests that Whispering Springs intersection be eliminated or redesigned.<br><i>Comment acknowledged.</i>  | 1                     |
| 26     | Concerned that there is a lack of access to Whispering Springs and Golf Course.<br><i>Comment acknowledged.</i>   | 1                     |
| 27     | Favors 23-7 interchange.<br><i>Comment acknowledged.</i>  | 1                     |
| 28     | Cody Road is dangerous and traffic should not be routed to it.<br><i>Comment acknowledged.</i>  | 1                     |
| 29     | Requests that proposed driveway be relocated.<br><i>Comment acknowledged.</i>   | 1                     |
| 30     | Favors 23-1 interchange with minor tweaks.<br><i>Comment acknowledged.</i>  | 1                     |
| 31     | Requests a sound barrier for the Mary Hill Park.<br><i>Comment acknowledged. A noise analysis was completed for the project and where reasonable, noise impact mitigation will be provided.</i>   | 1                     |
| 32     | Concern raised over visual appeal of proposed sound barrier.<br><i>Comment acknowledged.</i>  | 1                     |
| 33     | Requests an interchange at Tower Road.<br><i>Comment acknowledged.</i>  | 1                     |
| 34     | Requests a J-Turn at Hilltop Road.<br><i>Comment acknowledged.</i>  | 1                     |
| 35     | Concern raised over design at Hilltop Road.<br><i>Comment acknowledged.</i>   | 1                     |
| 36     | Request to shift the County UU interchange west to avoid relocations.<br><i>Comment acknowledged.</i>   | 1                     |
| 37     | Request to make County UU a town road.<br><i>Comment acknowledged.</i>  | 1                     |
| 38     | Disagrees with overpass at Hillview.<br><i>Comment acknowledged.</i>  | 1                     |
| 39     | Requests at least two snowmobile underpasses for safety.<br><i>Comment acknowledged.</i>  | 1                     |

| Number | SDEIS Hearing Comment  | Number of Occurrences |
|--------|--|-----------------------|
| 40     | Opposes project.<br><i>Comment acknowledged. The No-Build Alternative would fail to address future traffic demands, highway deficiencies, and safety concerns throughout the WIS 23 corridor.</i>                                      | 1                     |
| 41     | Opposes County K jug-handle.<br><i>Comment acknowledged.</i>   | 1                     |
| 42     | Concern raised about the effect of the roadway on the outlet of the floor drains.<br><i>Comment acknowledged.</i>  | 1                     |
| 43     | Theft concern over location of trail.<br><i>Comment acknowledged.</i>  | 1                     |
| 44     | Concern for the safety of the animals on the property.<br><i>Comment acknowledged.</i>   | 1                     |
| 45     | Concern raised over the ability to resell after impacts.<br><i>Comment acknowledged.</i>   | 1                     |
| 46     | Concern over impacts to trees and duck pond.<br><i>Comment acknowledged.</i>   | 1                     |
| 47     | Concern over number of animals on farm if land is taken away.<br><i>Comment acknowledged.</i>  | 1                     |
| 48     | Requests a service road for continued access.<br><i>Comment acknowledged.</i>  | 1                     |
| 49     | Requests buyout if access is not obtained and parcel is landlocked.<br><i>Comment acknowledged.</i>  | 1                     |
| 50     | Requests removal of service road from Branch Road to Pioneer Drive.<br><i>Comment acknowledged.</i>  | 1                     |
| 51     | Requests traffic lights instead of overpasses since they are less expensive.<br><i>Comment acknowledged.</i>   | 1                     |
| 52     | Requests that the speed limit be reduced and enforced instead of closing roads.<br><i>Comment acknowledged.</i>  | 1                     |
| 53     | Have video displays of the intersections at meetings.<br><i>Comment acknowledged.</i>  | 1                     |
| 54     | Opposed to closing Plank Road.<br><i>Comment acknowledged.</i>   | 1                     |
| 55     | Traffic will be rerouted to be in front of home. Will roadway be widened to accommodate these cars.<br><i>Comment acknowledged.</i>  | 1                     |
| 56     | Agrees with access to 7 Hills Road and Tower Road.<br><i>Comment acknowledged.</i>   | 1                     |
| 57     | Prefers J-Turns over overpasses.<br><i>Comment acknowledged.</i>   |                       |
| 58     | Agrees with the extension of the Old Plank Trail.<br><i>Comment acknowledged. Trail improvements will be incorporated in WIS 23 expansion project.</i>   | 1                     |
| 59     | Agrees with the roundabout at Wisconsin American Drive.<br><i>Comment acknowledged. Wisconsin American Drive will connect to WIS 23 with a roundabout.</i>   | 1                     |
| 60     | Requests at least a J-Turn at County G.<br><i>Comment acknowledged.</i>  | 1                     |
| 61     | Current design for County G will affect the current and future business for companies on County G.<br><i>Comment acknowledged.</i>   | 1                     |
| 62     | Current design on County G will create longer response times for emergency vehicles.<br><i>Comment acknowledged.</i>   | 1                     |
| 63     | The project is a direct contradiction of the National Environmental Policy Act.<br><i>Comment acknowledged. This document seeks to fulfill and integrate NEPA in the decision making process.</i>                                      | 1                     |
| 64     | The Public Hearings may not satisfy legal requirements since it is currently being litigated in the US District Court.<br><i>Comment acknowledged.</i>   | 1                     |
| 65     | Concern raised about the inclusion of J-Turn intersections. Suggests including longer acceleration lanes.<br><i>Evaluation and determination of the length necessary for acceleration lanes will be performed during final design.</i> | 1                     |

## 7.7 COORDINATION SINCE THE 2010 RECORD OF DECISION

### A. St. Mary's Springs Academy

The St. Mary's Springs Academy is located in the northeast quadrant of the County K/WIS 23 intersection in Fond du Lac County. Based on a 2002 survey, the St. Mary's site was determined to be eligible for the NRHP under Criterion A (religious property with architectural importance) and Criterion C (a birthplace or grave of a historical figure is eligible if the person is of outstanding importance). The 2010 FEIS identified an adverse effect on the St. Mary's Springs Academy and a Determination Of Eligibility, Section 106 Finding of Effect, and a Memorandum of Agreement (MOA) were prepared. The MOA was signed by St. Mary's Springs Academy, SHPO, FHWA, and WisDOT and was provided in the 2010 FEIS. The 2010 FEIS included a *de minimis* impact finding for the historic site.

Changes in contributing resources have since resulted in a revision of the historic site boundary. In 2005, St. Mary's Springs removed two of the contributing resources to the site. Upon reexamination of the surviving resources in 2012, the project historian concluded that the demolition of Boyle Hall removed the historic resource that gave other lesser resources their historic significance. A new Determination of Eligibility was submitted to SHPO and approved on December 6, 2012. The revised St. Mary's Springs Academy historic boundary is not affected by the WIS 23 project. On March 19, 2013 the SHPO signed a revised MOA that removed provisions for the St. Mary's Springs Academy. Because there is no adverse effect, there is also no Section 4(f) impact.

### B. Kettle Moraine State Forest

WIS 23 crosses the Northern Unit of the Kettle Moraine State Forest in the town of Greenbush in Sheboygan County. At this location, the Ice Age Trail/State Equestrian trail, a Section 4(f) resource, crosses WIS 23. A Section 4(f) *de minimis* finding for the Ice Age Trail/State Equestrian Trail was incorporated in the 2010 FEIS for the WIS 23 corridor. A Section 4(f) evaluation or finding was not included in the 2010 FEIS for the state forest because at that time the forest was not viewed as a Section 4(f) resource because of its multiple uses. The 2010 FEIS did include a Section 6(f) evaluation, including mitigation, for the state forest because LWCF monies were used within the forest. Section 5.7 of this document provides Section 6(f) documentation for this resource.

Since the publication of the FEIS, the FHWA has determined the Kettle Moraine State Forest is a Section 4(f) resource and a *de minimis* impact finding in Section 5 of this LS SDEIS addresses impacts to three resources that are coincident at this location, the Northern Unit of the Kettle Moraine State Forest, the Ice Age Trail, and the State Equestrian Trail.

Mr. Jerry Leiterman, the Superintendent of the State Forest, was informed that FHWA is pursuing a Section 4(f) *de minimis* finding for the Ice Age Trail and the State Equestrian Trail. On December 17, 2007, Mr. Leiterman wrote that the project does not adversely affect the activities, features, and attributes of the trails in this area and that he agrees with the *de minimis* impact finding. In spring of 2013, Mr. Leiterman was also informed that FHWA is pursuing a *de minimis* finding for the impacts to the Northern Unit of the Kettle Moraine State Forest. On May 30, 2013 Mr. Leiterman wrote that he agrees that the project will not adversely affect the activities, features, or attributes of the Kettle Moraine State Forest. Figure 5.3-9 provides a copy of that written concurrence.

### C. Threatened and Endangered Species

Through the winter of 2012/2013, project personnel were in contact with WDNR representatives to update the listings for rare species likely to be impacted within the WIS 23 corridor and the measures that should be implemented to minimize harm. These updates were incorporated in Section 4.6 C-7 of this LS SDEIS. On April 18, 2013, Julie Widholm of the WDNR sent an email confirming this coordination.

### D. Wetland Delineation and Wetland Mitigation

In July and November of 2011, WisDOT field-delineated the wetlands affected by the Preferred Build Alternative with WDNR staff. In the summer and fall of 2012, WisDOT performed field reviews with

USACE staff of potential wetland mitigation sites. Wetland impact delineation and mitigation coordination will continue as part of the Section 404 permitting process.

E. Indirect and Cumulative Effects (ICE)

In January of 2012, project staff met with an expert panel comprised of planning, development and conservation officials active in the ICE study area to update the indirect and cumulative effects analysis for the WIS 23 Preferred Alternative. Representatives from the following agencies and communities participated in the panel:

- Town of Plymouth
- Town of Greenbush
- Town of Forest
- Town of Marshfield
- Town of Taycheedah
- Village of St. Cloud
- Village of Mt Calvary
- Village of Glenbeulah
- City of Plymouth
- City of Fond du Lac
- Sheboygan County Planning Department
- Fond du Lac County Planning Department
- Fond du Lac Metropolitan Planning Organization
- East Central Wisconsin Regional Planning Commission
- Bay-Lake Wisconsin Regional Planning Commission
- WisDNR Wildlife Management, Eastern Fond du Lac and Sheboygan Counties
- Ice Age Trail (National Park Service)
- Wisconsin Department of Agriculture, Trade, and Consumer Protection
- University of Wisconsin-Extension, Sheboygan County
- University of Wisconsin-Extension, Fond du Lac County
- Wade House Historic Site-Wisconsin Historical Society
- Glacial Lakes Conservancy
- Niagara Escarpment Resource Network

The result of this coordination is summarized in Section 4 Indirect Effects Analysis, which is incorporated as Appendix C of this LS SDEIS.

F. Floodplain Coordination

The Sheboygan River encroachment includes an additional bridge for the Old Plank Road Trail, which will increase the regional 100-year flood level by 1 foot and is considered significant. The floodplain elevation increase will occur entirely within WisDOT right of way and the floodplain zoning authority, Fond du Lac County, will be notified. The Mullet River encroachment will consist of extending the existing box culvert. Modeling has not yet been performed for this culvert extension but will be prior to the publishing of the LS FEIS. Coordination regarding floodplain levels will occur with WDNR, FEMA, and the USACE to solicit comments and to inform these regulatory agencies the proposed improvement impacts.

G. Noise Impacts

A noise analysis performed for the WIS 23 corridor and this LS SDEIS indicates that there will be noise impacts, and that noise mitigation is not reasonable or feasible. On June 27, 2013 a notice was sent to adjacent municipalities notifying them that noise levels adjacent to the roadway will impact properties and that they should consider these impacts in their land use plans.

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