

Appendix E
Agency Correspondence During, and
Coordination Following, the Draft EIS
Availability Period



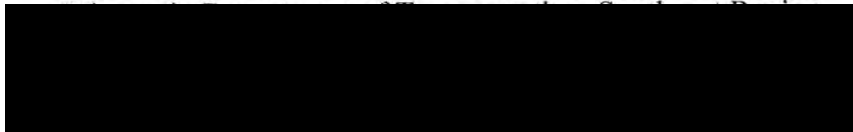
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



AUG 03 2009

REPLY TO THE ATTENTION OF:
E-19J

Jim Liptack, Project Manager



Re: Draft Environmental Impact Statement for the Zoo Interchange Corridor Study,
Milwaukee County, Wisconsin - EIS No. 20090170

Dear Mr. Liptack:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (EIS) for the above-mentioned project prepared by the Federal Highway Administration and the Wisconsin Department of Transportation. Our review is pursuant to the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The need for proposed improvements was identified in the Southeastern Wisconsin Regional Planning Commission's 2003 report: *A Regional Freeway Reconstruction Plan for Southeastern Wisconsin*. The project's scope includes rebuilding mainline roadway and bridges, modifying interchange access to improve safety and traffic flow, reconstructing local streets affected by freeway reconstruction, and enhancing the aesthetic appearance of the reconstructed freeway. Proposed activities include reconstruction of the Zoo Interchange and the adjacent Interstate 94, Interstate 894, and U.S. Highway 45 approaches. The proposed project would accomplish the following:

- maintain a key link in the local, state, and national transportation network,
- address obsolete design to improve safety,
- replace deteriorating pavement and bridges, and
- accommodate future projected traffic volumes at an acceptable level of service.

The Draft EIS documents the analysis of seven alternatives:

- No Build Alternative – Only maintenance and minor improvements would be performed under this alternative. The No Build Alternative does not include safety or capacity improvements.

- Transportation Demand Management (TDM) Alternative – The TDM Alternative strives to reduce the number of vehicle trips through transit ridership and other strategies.
- Transportation System Management (TSM) Alternative – The TSM Alternative includes measures to maximize efficiency and use of the highway system to help alleviate or postpone the need to expand capacity through the use of freeway traffic management and intelligent transportation systems.
- Replace-in-Kind Alternative – The Replace-in-Kind Alternative proposes to replace the freeway system in its current configuration.
- Spot Improvement Alternative – The Spot Improvement Alternative proposes to replace the existing freeway system in or close to its existing configuration. In addition, safety issues that can be fixed with little or no new right-of-way acquisition would be addressed.
- Modernization Improvement Alternative (6-lane) – The 6-lane Modernization Improvement Alternative proposes to replace existing roadway and bridges, while completely reconfiguring the freeway system to address safety issues.
- Modernization Improvement Alternative (8-lane) – The 8-lane Modernization Improvement Alternative proposes to replace existing roadway and bridges, completely reconfigure the freeway system to address safety issues, and add one new lane in each direction to address congestion.

Pursuant to numerous meetings held during 2008, three alternatives and several sub-alternatives were retained for consideration:

- No Build Alternative,
- Modernization Improvement Alternative (6-lane), and
- Modernization Improvement Alternative (8-lane).

Potential impacts related to these three alternatives are analyzed in the Draft EIS. WisDOT and FHWA will identify a Preferred Alternative following review of comments received during the public comment period.

Based on our review of the Draft EIS, we view the build alternatives as equally acceptable from an impacts standpoint. Nevertheless, EPA has rated the Draft EIS as “**Environmental Concerns, Insufficient Information – EC2.**” We have assigned this project a rating of EC-2 based on two items: 1) the need to clarify why certain sub-alternatives were retained for consideration and 2) our request to commit to including all Mobile Source Air Toxics (MSATs) mitigation measures in the Record of Decision (ROD). A copy of our rating definitions is enclosed with this letter. In addition to the two items mentioned above, we also recommend the Final EIS address issues pertaining to wetlands, surface water runoff management, and wildlife habitat.

USEPA Responses

1. The merits of the alternatives retained for additional study are noted under each individual alternative discussion in Section 2. Table 2-5 in Section 2 notes which alternatives were retained for additional study and which alternatives were dropped from consideration. For all the alternatives identified in Table 2-5 as being retained, the relative merits of those alternatives and subalternatives are superior to those that have been proposed to be dropped for reasons explained throughout Section 2. WisDOT and FHWA opted to identify the shortcomings of the dropped alternatives and subalternatives in Table 2-5, and have the narrative elsewhere in Section 2 note why alternatives were retained for additional study and describe the attributes of the retained concepts.
2. During preparation of the Final EIS and subsequent design phases for the project WisDOT will continue to evaluate the potential long-term and construction-related air quality mitigation measures that would be implemented during the reconstruction of the Zoo Interchange. In addition to the air quality mitigation measures mentioned in the Draft EIS, any additional appropriate mitigation measures will be committed to in the ROD.

Alternatives Retained for Detailed Study

The Draft EIS adequately documents the process by which alternatives were developed, evaluated, and either dismissed or retained for additional analysis. However, several sub-alternatives listed in the Draft EIS do not include an explanation of the benefits that may be derived if that sub-alternative is implemented; other alternatives, such as Modernization Alternative 1 (E1) for the East Leg, include an explanation of the safety issue that will be corrected if that sub-alternative is implemented.

For instance, Modernization Alternative 3 (S3) for the South Leg describes the construction activities/enhancements/future footprint which will occur if this alternative is selected; however, it does not contain an explanation of the benefits to be derived and/or safety issue that would be addressed if this sub-alternative is implemented. An explanation focused on the benefits of the potential enhancements (e.g., provide local street access or adequate acceleration/deceleration distance) would be helpful to understand why this alternative was retained and the advantages and disadvantages of each alternative.

3

The same comment applies to the following alternatives:

- E1/E3 Hybrid Alternative for the East Leg,
- the Modernization Alternatives 1, 2, and 3 for the North Leg which do not provide direct access to/from Bluemound Road and I-94,
- the North Avenue Diamond Interchange (Sub-alternative),
- the North Avenue Single-Loop Interchange (Sub-alternative), and
- the North Avenue Double-Loop Interchange (Sub-alternative).

Likewise, Table 2-5, Secondary Screening of Alternatives by Leg, should be revised to include a reason(s) for the proposed retention of the South Leg Alternative. We recommend the rationale included in the Final EIS focus on the reasons for having retained the alternatives through the Draft EIS stage.

4

Air Quality

MSATs

We acknowledge the fact that a quantitative analysis focused on MSATs was conducted for this project. The results of the air quality analysis determined that MSAT emissions will decrease under both of the Build Alternatives. In addition, the Draft EIS describes several mitigation measures that WisDOT will consider including on a voluntary or mandatory basis.

5

In addition to those mitigation measures mentioned in Appendix A of the Draft EIS, *Summary of Measures to Mitigate Adverse Effects*, other mitigation measures employed for

USEPA Responses

- 3E Please refer to Table 2-5 in Section 2. Alternative S3 is proposed to be dropped from further consideration primarily due to the lack of substantive (positive) differentiating traffic operations between S3 and S1/S2, and the significantly increased range of impacts to residences and utility relocation. Per Table 2-5, Alternative E1/E3 Hybrid remains under consideration. Per Table 2-5, the DEIS North Leg alternatives proposed to be retained are N1 and N3; N2 was proposed to be eliminated. None of the North Leg alternatives were proposed with the provision of I-94 access to or from Bluemound Road/Wisconsin Avenue. As a result, this feature was not a differentiating characteristic between the North Leg alternatives. With respect to the sub-alternatives listed, those not mentioned in Section 2.4 as being screened (all but the North Avenue diamond interchange option) have been retained for further consideration, based on similar traffic operations performance and a lack of differentiating positive or negative impacts resulting from each.
4. Comment noted. For all of the alternatives identified in Table 2-5 as being retained, the relative merits of those alternatives and subalternatives are superior to those that have been proposed to be dropped, for reasons explained throughout Section 2 (responsiveness to purpose and need elements, range and extent of impacts, stakeholder feedback, and other factors). WisDOT and FHWA opted to identify the shortcomings of the dropped alternatives and subalternatives in Table 2-5, and have the narrative elsewhere in Section 2 describe the attributes of the retained concepts. In all cases, the alternatives and subalternatives being dropped in this portion of Section 2 do not compare favorably with those retained from an impacts perspective. The Final EIS will fully describe both the Preferred Alternative, and the reasons why it was selected and other alternatives and subalternatives were dropped.
 5. WisDOT will continue to evaluate the potential long-term and construction-related air quality mitigation measures that would be implemented during the reconstruction of the Zoo interchange during the preparation of the Final EIS and during subsequent design phases for the project. All regulatory requirements will be followed, and coordination with appropriate agencies will continue throughout these next phases as appropriate.

At this stage in the NEPA process, the likely measures to minimize construction-related air quality impacts include:

- Use appropriate construction staging locations that eliminate or minimize conflict with residential neighborhoods while reducing the potential for excessive travel to and from the work site at the expense of air quality;

- Limit idle times of diesel related construction equipment per federal, state and local laws, regulations and ordinances; and
- Use ultra low sulfur diesel fuel in all diesel powered construction equipment.

projects in or near communities that we would like considered for this project include:

- a. Installation of the latest air pollution control devices on all construction equipment (See EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>);
- b. Use of ultra low sulfur fuel (ULSD) or a blend of ULSD fuel with biodiesel exclusively for construction equipment;
- c. Limiting the age of off-road vehicles used in construction projects;
- d. Restricting construction activities around certain more sensitive receptors (e.g., hospitals and schools, when in session); and
- e. Using existing power sources or clean fuel generators, rather than temporary power generators.

5

We recommend these mitigation measures be added to those proposed in the Draft EIS and that all mitigation measures be committed to in the ROD.

Particulate Matter (PM)

Clean Air Act section 176(c)(1)(B) is the statutory provision that must be met by all projects in non-attainment and maintenance areas that are subject to transportation conformity. In PM_{2.5} non-attainment areas, projects that involve significant levels of diesel vehicle traffic are defined as projects of air quality concern and that need to complete PM_{2.5} hot-spot analyses as required under 40 CFR 93.123(b)(4). If EPA designates the project area non-attainment for the PM_{2.5} air quality standard before the required FHWA authorization, a project-level conformity determination may be required for this project.

6

Wetlands

EPA and the Army Corps of Engineers (Corps) are in the process of updating the Advance Identification (ADID) of wetlands and water bodies generally unsuitable for receiving fill in Southeastern Wisconsin. The update will be based on a new set of maps of the primary environmental corridors, about to be adopted by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The detailed, updated maps will be available on the SEWRPC website. These new maps should be compared against the current understanding of the location of primary environmental corridors for the project to see if there have been any changes in the study area. At this point, the Draft EIS indicates that the build alternatives avoid the primary environmental corridors. If this situation changes, and if there is no practicable alternative to dredging or filling waters in these areas, then proposed compensatory mitigation should be sought that contributes to the primary environmental corridor system in the watershed. Early consultation with the Corps and EPA would help in this situation, if it is necessary.

7

Surface Water

The Draft EIS discloses several best management practices that can be utilized for stormwater management. The Draft EIS also indicates that selection of different water quality

8

6. Following preparation of the Draft EIS, Southeast Wisconsin has been determined to be in non-attainment for PM_{2.5}. WisDOT will address this comment further as part of the Final EIS, or following the development of a compliance plan for the region by Wisconsin DNR, whichever comes first.
7. The primary environmental corridor boundaries and the wetland boundaries within the environmental corridors used in developing the Draft EIS were taken from SEWRPC's website. SEWRPC was contacted about the status of the project to update its environmental corridors. They indicated the project to update environmental corridor is at the very earliest stages. Completion of the project was estimated to be in 2012 which would be beyond the life of this project's NEPA process.
8. WisDOT will re-evaluate the list of water quality and water quantity mitigation options discussed in the DEIS after a preferred alternative is selected to determine which measures are most suitable to the preferred alternative. If the development of a detention pond in the northwest quadrant of the I-94/84th Street interchange and relocation of Honey Creek is part of the project's preferred alternative, WisDOT will begin coordinating with USEPA about this issue early in the design phase.

and water quantity management options will take place during the design phase. One stormwater management option is construction of a retention/detention pond at 84th Street, which would require re-alignment of Honey Creek. This action would be subject to the Clean Water Action Section 404 permit process. Early coordination with EPA on this issue is requested.

8

Wildlife

A large migratory population of Monarch butterflies uses the Milwaukee County Grounds. The greatest concentration of Monarch butterflies on the grounds can be found in trees near the Eschweiler Buildings, which are used for roosting. An adjacent meadow, including a berm along US 45, is used for nectaring. The berm may enhance the attractiveness of this site by providing a wind break for the butterflies.

The build alternatives will not affect the trees adjacent to the Eschweiler Buildings. However, the southern half of the berm, between US 45 and the nectaring area, will be removed under both build alternatives. This would remove some of the nectaring area and part of the wind break. We understand that high quality habitat will not be disturbed. Nevertheless, we request WisDOT work with city and county officials to develop a management plan for the Monarch butterfly. One part of this management plan might incorporate native plantings to mitigate for impacts.

9

Summary

In summary, we request that FHWA and WisDOT add clarifying remarks to the alternatives section for all alternatives retained for consideration, include the additional mitigation measures mentioned above, and commit to all measures in the project plan by including these commitments in the ROD. Additionally, we recommend the Final EIS address issues pertaining to wetlands, surface water runoff management, and wildlife habitat.

Please send one copy of the Final EIS to my attention once it becomes available. Should you have any questions regarding the contents of this letter, please do not hesitate to contact me or Kathy Kowal of my staff at [REDACTED] or via email at [REDACTED]

Sincerely,

[REDACTED]

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

Enclosure – Summary of Rating Definitions

9. Milwaukee County and UWM developed a habitat preservation plan for the Milwaukee County Grounds that focuses on preserving key areas of Monarch butterfly habitat. WisDOT will consider the habitat preservation plan and will continue to coordinate with Milwaukee County, UWM and the individuals and groups that are active in preserving the Monarch butterfly habitat as the project moves into the Final EIS and subsequent design phases.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS state, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

August 10, 2009

File Ref: 1600

Dear Mr. Liptack:

Thank you for the opportunity to review and provide comments on the Draft Environmental Impact Statement (DEIS) for the I-94, I-894, and U.S. Highway 45, 124th Street to 70th Street, Lincoln Avenue to Burleigh Street, Milwaukee County Project, also known as the Zoo Interchange Project.

The proposed Zoo Interchange Project is intended to address the deteriorated condition and obsolete design of the existing freeway facility. A full range of freeway reconstruction alternatives was evaluated. The Department of Transportation (WisDOT) has retained two build alternatives: Reconstruct to modern safety and design standards with No Added Capacity (6-lane freeway), and reconstruct to modern safety and design standards with Added Capacity (8-lane freeway). The 6 and 8-lane freeways include sub-alternatives for interchanges, ramps, and service drives. WisDOT has withdrawn consideration of a full interchange at Swan Boulevard.

The Department of Natural Resources (Department) is committed to intergovernmental cooperation and planning to protect public health, safety, and the environment while conserving resources that support a sustainable, high quality of life. The Department and WisDOT work together during transportation planning, design, and construction to develop projects that meet transportation needs, minimize adverse environmental impacts, maximize use of existing infrastructure, consider stakeholder input and public opinion, support a compact regional development pattern, and enhance community and regional character. Specific comments on water, land, and air follow below.

Water

Section 3.11.1, page 3-90, Surface Water and Fishery: Note that the Department and stakeholders are working to rehabilitate Underwood Creek and its tributaries to restore warm-water fish habitat and northern pike sport fisheries. 1

Section 3.11.2, page 3-94, Surface Water and Fishery Impacts – Water Quantity and Section 3.13.2, page 3-98, Floodplain Impacts: The Department recommends that the EIS provide more detailed analysis of the existing and recommended alternative's stormwater peak flow rates, changes in flood profiles, and potential for flooding in the project area and surrounding communities. Discuss the significance of hydraulic changes. 2

Section 3.11.3, page 3-94, Stormwater Management: Discuss porous pavement and structural bio-filtration systems and whether they are appropriate for the Zoo Interchange Project. Provide illustrations of typical storm water management best management practices (BMPs). Discuss which BMPs would be most appropriate to use in urbanized areas like the North Leg, from Underwood Creek to Burleigh Street, which has limited open space. 3

Discuss the *Milwaukee Metropolitan Sewerage District's 2020 Facilities Plan - Concrete Lined Channel Projects - Table 8-5*, <http://www.mmsd.com/wqi/FacilitiesPlan.cfm>, and the potential for coordination with the Zoo Interchange Project's stormwater management practices. 4

DNR Responses

1. Section 3.11.1 has been revised to note that the DNR and stakeholders are working to rehabilitate Underwood Creek to restore warm-water fish habitat and northern pike sport fisheries.
2. WisDOT will provide more detailed analysis of the existing and recommended alternative's stormwater peak flow rates, changes in flood profiles, and potential for flooding in the project area after a preferred alternative is selected. The primary purpose of the SDEIS is to discuss the new Reduced Impacts Alternative and arterial improvements and their impacts.
3. WisDOT has concerns about the strength of porous pavement and its ability to handle freeway traffic loads. In addition, use of porous pavement requires the capital cost to purchase the appropriate type of sweeper to keep it clean and additional maintenance costs to perform the sweeping. Given that, the use of porous pavement would have limited application on this project. On WisDOT's I-94 North-South project, porous pavement for a park-n-ride lot is being considered. This type of use may be possible on this project.

WisDOT has used biofiltration systems in locations where the drainage areas are small enough and where sufficient green space is available near the outfall. Where available, this may be a solution that can be implemented along the North Leg. Biofiltration, and all applicable BMPs (see Exhibit 3-30), will be considered by WisDOT for the project once a preferred alternative has been selected. Dry detention areas, if utilized, may be able to incorporate biofiltration elements pending site-specific data gathering and design considerations.

4. The Milwaukee Metropolitan Sewerage District's 2020 Facilities Plan – Concrete Lined Channel Projects (Table 8-5) lists the 21 projects where the District would like to replace the concrete lined waterway channel with a bioengineered channel. A few of the projects are located in the Zoo Interchange study area. After identifying the preferred alternative, WisDOT will coordinate with the District to ensure that the project's potential water quantity/water quality mitigation measures are compatible with the District's objectives for improvements to Underwood Creek and Honey Creek. Additional coordination with MMSD has occurred since the distribution of the DEIS with respect to performing additional modeling of Underwood Creek to determine discharge and peaking characteristics. This modeling will assist WisDOT and MMSD in developing a stormwater handling strategy for the creek, and will be developed in greater detail during subsequent project phases.

Inform readers that additional information about stormwater pond siting is presented in Section 4.3.1, page 4-9 Underwood Creek Parkway, and Section 4.3.4, page 4-18, Honey Creek Parkway.] 5

Section 3.13.3, page 3-99, Measures to Mitigate Adverse Floodplain Impacts: Indicate if the recommended alternative will include compensatory storage to offset loss of flood storage capacity.] 6

Land

Section 3.26, page 3-135, Recreational Resources/Public Use Lands: Provide an exhibit and text describing a temporary Hank Aaron State Trail (HAST) alignment from 94th Place to the Oak Leaf Trail. Discuss how the public may use the HAST corridor prior to reconstruction of the Zoo Interchange Project.] 7

Section 3.26.3, page 3-143, Measures to Mitigate Adverse Recreational Resource/Public Use Land Impacts: New bridges, retaining walls, and utility relocations near the Hank Aaron State Trail should maintain or enhance the trail's aesthetics. The Department is interested in participating in future Community Sensitive Design committee meetings and workshops.] 8

Section 3.4.2, page 3-40, Utility Impacts: Describe and illustrate the selected utility relocations. Describe how utilities' vegetation management and other operations will change existing aesthetics, noise, and access.] 9

Air

Section 3.20.1, page 3-123, Air Quality, Affected Environment: Describe particulate matter hot-spot analysis. Discuss whether WisDOT will conduct the analysis for this project.] 10

Section 3.20.3, page 3-126, Measures to Mitigate Adverse Air Quality Impacts: Explain briefly how WisDOT establishes project level air quality mitigation measures including idling periods and diesel engine emissions in contract documents during final design.] 11

The Department recommends that the DEIS provide additional information about stormwater management, flood control, coordination with the Hank Aaron State Trail, and air quality analysis. As alternatives are further refined, the Department encourages WisDOT to explore more fully the design options that minimize adverse environmental impacts.

Thanks again for the opportunity to comment on this project. Please contact me if you have questions or want additional information. I would be glad to meet or speak with you.

Sincerely,
Michael C. Thompson



5. In Section 3.11.3, page 3-122, text has been added informing the reader that information about stormwater detention ponds in Underwood Creek Parkway and Honey Creek Parkway can also be found in Section 4.3.1 page 4-11 (Underwood Creek) and Section 4.3.4 page 4-28 (Honey Creek), of the SDEIS.
6. WisDOT will design the preferred alternative to prevent an increase in headwater elevations by more than the permissible 0.01 foot in urban areas. Given this commitment and the small size of the project's floodplain impact (0.1 to 0.2 acre), no compensatory storage to offset loss of flood storage capacity is proposed.
7. Although the WisDOT-funded extension of the Hank Aaron State Trail from the Menomonee Valley will end at 94th Place, DNR, which has jurisdiction over the Hank Aaron State Trail, has the authority to allow public access as it sees fit between 94th Street and the Oak Leaf Trail. As DNR is aware, WisDOT and DNR staff have discussed a temporary Hank Aaron State Trail route from 94th Street to the Oak Leaf Trail that uses a combination of local streets. The exact location of the temporary connection depends on when the temporary connection is implemented and the status of West Allis's crosstown connector at the time it is implemented. WisDOT's only interest in the public use of the Hank Aaron State Trail under the Zoo Interchange is to ensure safety of the trail users during reconstruction of the Zoo interchange.
8. WisDOT agrees that new bridges and retaining walls near the Hank Aaron State Trail should maintain or enhance the trail's aesthetics. Because of the possible scale of major utility relocations, it will be more challenging to have utility relocations maintain the trail's aesthetics. WisDOT anticipates that community sensitive design workshops will begin during the preliminary engineering phase. The DNR will be invited to participate in the workshops.
9. Potential utility facility relocations are discussed on pages 3-179 and 3-180, and are portrayed in Exhibits 3-34, 3-35, 3-36 and 3-37. Depending upon decisions made on the north side of I-94, multiple overhead transmission towers may be relocated. If tower relocation to the north side of I-94 is required, some reduction in the amount of wooded buffer between the freeway and the zoo property would result. Mitigation for aesthetics, noise, and other impacts will be considered should such relocation be required. If the towers are relocated on the south side of I-94 (adjacent to the Hank Aaron State Trail), vegetation would be removed to allow the construction and maintenance of the towers. The Hank Aaron State Trail would be similar to the New Berlin Trail and the Glacial Drumlin Trail, both of which have electrical transmission towers adjacent to portions of the trail. The Glacial Drumlin Trail also has a rail line adjacent to a portion of the trail. The number of New Berlin Trail and the Glacial Drumlin Trail users is clear evidence that the proximity of major utilities to portions of

urban and suburban trails is not a deterrent to use. No changes in access to the Hank Aaron State Trail are anticipated if the transmission towers would be located adjacent to the trail. More information about the possibility of relocating transmission towers adjacent to the Hank Aaron State Trail will be provided in the Final EIS. Minimal tower relocation will be required if the Reduced Impacts Alternative becomes the preferred alternative for the project.

10. Additional text has been added to the Particulate Matter discussion in Section 3.20.2 explaining why WisDOT will not conduct a particulate matter hot spot analysis. See also the response to US EPA Comment #4, above. WisDOT and FHWA subsequently decided a hot spot analysis was appropriate. It is included in Section 3.20.2 and Appendix G.

11. Language is WisDOT's contract documents that relates to air quality can be found in the *Standard Provisions for Road and Bridge Construction* (2009) and the project's special provisions. The special provisions from the Marquette Interchange (North Leg) that dealt with project site air quality are found below. This special provision would be representative of the language that could be developed for the Zoo Interchange.

"Because fine particulate matter levels for Milwaukee County are typically close to PM_{2.5} limits and the project is in a non-attainment area for the federal 1-hour ozone standard, contributions from construction activities can have a major impact well beyond the project limits. Take practical measures to mitigate the impact of operating construction equipment on the air quality in and around the project site. Do not burn diesel fuel with a sulfur content exceeding 500 ppm (0.05% by weight) within the project limits. Red dyed diesel fuels marketed for off-road use frequently will not meet this requirement. If burning dyed fuel, ensure that the sulfur contents meets this requirement. The department encourages the contractor to voluntarily establish staging zones for trucks waiting to load and unload. Locate staging zones where idling of diesel powered equipment will have minimal impact on abutting properties and the general public. The department will make signs available to the contractor to help identify these zones. Have truckers queue up in these zones whenever it is practical. The department further encourages drivers to shut down diesel trucks as soon as it appears likely that they will be queued up for more than 15 minutes."



DEPARTMENT OF THE ARMY

REPLY TO
ATTENTION OF

August 10, 2009

Operations
Regulatory (2007-6778-RMG)

Mr. Jim Liptack, Project Manager

Dear Mr. Liptack:

We have received a request for Corps comments regarding the May 2009 draft Environmental Impact Statement (EIS) prepared for the reconstruction of the Zoo Interchange (Interstate I-94, I-894, and United States Highway 45). The Zoo Interchange project includes Interstate I-94 from 124th Street (west terminus) to 70th Street (east terminus), and Interstate I-894/United States Highway 45 from Lincoln Avenue (south terminus) to Burleigh Street (north terminus). The study area for the project lies within Milwaukee County, Wisconsin.

As you are aware, pursuant to Section 404 of the Clean Water Act, the Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill materials, including discharges associated with mechanical land clearing, in all waters of the United States, which may include wetlands. Please note that for our program purposes, Section 404 authorizations are also required for discharges into riverine systems such as Honey Creek and Underwood Creek.

Based on agency coordination to date, we understand that this proposal would likely result in a discharge of fill material into waters of the United States. As such, the Corps regulatory review must determine whether the proposal complies with the guidelines of Section 404(b)(1) of the Clean Water Act (CWA). These guidelines require that when a project is not "water dependent," that is, it does not need to be located in or near wetlands to serve its basic purpose. It is presumed that there are alternative upland sites available and that the use of the upland sites would be less environmentally-damaging than the proposed alteration of the wetland. This presumption is more difficult to overcome when the aquatic resources proposed for impact are identified as ADID. It is our understanding that while the project area may cross and impact Primary Environmental Corridor lands (the north and west legs), none of the proposed aquatic resource impacts are to occur in ADID wetlands¹.

We have reviewed the draft EIS provided, and are pleased with the purpose and need, range of alternatives given, and the level of public input requested to help drive development of a preferred alternative. We find that the document provides sufficient identification and evaluation of the impacts of the No-Build and Build Alternatives (Modernization), as well as the extent to which these alternatives address the project's purpose and need, with the following comments:

1. We would recommend that the next EIS document produced include drawings depicting all Modernization Alternatives (including all sub-alternatives) discussed to facilitate a better understanding of the footprint anticipated for each variant.

¹ Advanced Identification (or ADID) wetlands in the St. Paul District are currently defined as "waters of the United States" that are physically delineated within the boundaries of Primary Environmental Corridors and Natural Areas as identified by the Southeastern Regional Planning Commission.

COE Responses

1. Section 2 of the SDEIS contains graphics portraying the Modernization Alternatives and subalternatives (Exhibits 2-6 through 2-18), the Reduced Impacts Alternative (Exhibits 2-21 through 2-26), and the Adjacent Arterials Component (Exhibits 2-28 through 2-30).

2. We request that the text provided on page 3-16, 3-106 to 3-107, and on page A-4 regarding the procedures to be followed for wetland mitigation be revised. As you are aware, new regulations for compensatory wetland mitigation were issued jointly by the Corps and U.S. Environmental Protection Agency in May 2008. We ask that the text be revised to incorporate these regulations, and not just the *Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guidelines*, into the framework for developing plans to manage wetland impacts. Please further note that our new regulations do not set a preference for on-site mitigation; thus, retention of the text on page 3-107 and page A-5 may warrant reconsideration.
3. We also request that the text in the final paragraph of page 3-16 be revised to “unavoidable impacts” from “unavoidable direct impacts.” While we recognize that in the past mitigation was routinely quantified based on a direct fill footprint, our regulations now require our agency to view mitigation and impacts from a more holistic environmental perspective.
4. We request that the final two sentences of Section 3.11.3 be removed from the document (this topic is also addressed in Appendix page A-4). At this time, we are not clear that the level of aquatic resource impacts proposed will require our agency to publicly notice any subsequent application for Section 404 authorization. Further, our agency is not confident that all comments regarding a proposed stormwater pond would be substantive to our review process. Thus, we do not feel it is reasonable at this time to state that the public would be given an opportunity to comment regarding retention/detention ponds during the Section 404 authorization review process.
5. Please ensure that the identification of wetlands is completed in light of current USACE guidance. Wetland delineations completed in Milwaukee County should be conducted in conformance with the 1987 Corps Manual and the Midwest Supplement. We request that determinations of isolation or connectivity be avoided for purposes of this document, as these could be construed as interpretations for our program (please refer to Section 3.15.1). Further, we request that the nomenclature developed to identify wetlands in the EIS be followed during subsequent planning and permitting phases for consistency.
6. Lastly, it is our agencies understanding that the EIS study will not be rapidly followed by construction. Therefore, we caution you that, dependent on the time lag realized, portions of the document may need updating to reflect any changes that may have occurred within the affected environment. Depending on the number or severity of the changes, a supplement to the document may be sufficient.

2

3

4

5

Thank you for the opportunity to review this document and participate as a cooperating agency. If you have any questions, please contact Rebecca Graser at [REDACTED] extension 3, in our Waukesha field office. In any future correspondence, please refer to the Regulatory file number provided above.

Sincerely,

[REDACTED]
for Tamara E. Cameron
Chief, Regulatory Branch

Copies furnished:

Allen Radliff, FHWA, Madison;
Eugene Johnson, WDOT BEES, Madison;
Sherry Kamke, USEPA, Region V;
Mike Thompson, WDNR.

2. The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) updated their regulatory standards to provide guidance on the preferred sequencing and options for compensatory mitigation (Joint Rule effective date June 9, 2008). The relatively new guidance found in 40 CFR Part 230 and 33 CFR Chapter II Part 325 – Compensatory Mitigation for Losses of Aquatic Resources establishes a preference hierarchy for mitigation options. They include mitigating at an established Mitigation Bank, In-Lieu Fee Mitigation, and Permittee-Responsible mitigation, respectively.

The WisDOT Wetland Mitigation Banking Technical Guidelines are a mitigation banking umbrella instrument and agreement signed by WisDOT, WNDR, Corps, EPA, FWS, and FHWA (July 1993, First Revision: January 1997 and Second Revision: March 2002). Mitigation banks approved prior to July 9, 2008 may continue to operate under the terms of their existing instrument, per 33 CFR Chapter II Part 332, Section 332.8 (v) – grandfathering of existing instruments. The next revision and update to the WisDOT technical guidelines and banking instrument is in progress in consultation with DNR and Corps.

The compensatory mitigation options will be weighed for mitigating wetland impacts associated with the Zoo Interchange Reconstruction Project. Due to the emphasis on preservation of aquatic resources and watersheds, WisDOT will evaluate opportunities in the Honey Creek and Underwood Creek watersheds depending on the preferred alternative and acres of impact. Otherwise, mitigation will occur at a statewide bank. These alternatives will be coordinated with the Corps and DNR. These guidelines, in addition to the “Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guidelines” will be followed.

3. The text has been revised per the comment.
4. The text has been revised per the comment.
5. The wetland boundaries for the project were mapped using GPS in June/July of 2007. No wetland delineations in conformance with the 1987 Corps Manual were conducted. Delineations on the wetlands along the preferred alternative will be conducted before WisDOT applies for a Section 404 permit. Determinations of wetland isolation or connectivity in the DEIS have been removed from this document.



Preserving The Environment •
Improving Water Quality

Kevin L. Shafer, P.E.
Executive Director

August 10, 2009

Submitted:

James Liptack, P.E.

***Re: Draft Environmental Impact Statement and Section 4(f) Evaluation
Zoo Interchange Reconstruction Project***

Dear Mr. Liptack:

The Milwaukee Metropolitan Sewerage District (MMSD) submits the following comments on the Draft Environmental Impact Statement (EIS) for the Zoo Interchange.

The District, as a regional sewerage agency, takes no position on efficient transportation management choices in the reconstruction of the interstate system. Nothing in these comments should be construed as opposition to any reconstruction alternative.

The District is a “cooperating agency” that has a special expertise (hydrologic assessment) with respect to regional flood management and impacts of pollutant runoff on streams, and both are relevant environmental effects of impervious transportation systems. §1.11(2)(d) and Ch. Trans. 400.04(4), Wis. Adm. Code. Consultation will lead to a better understanding of the swift dynamics of urban flash flooding and water quality impacts early in the design process.

Broadly, District comments relate to the negative impacts of the existing Zoo Interchange and the proposed expansion of the Zoo Interchange on downstream flood peaks and downstream water quality. Reconstruction is an opportunity to retrofit detention for existing impervious areas and to mitigate additional harm from urban flash flooding. As a general summary, we note the following:

[Type text]

- this project represents a unique opportunity to help restore Honey Creek, Underwood Creek, and the Menomonee River
- the Draft EIS does not adequately document the negative impacts that the proposed Zoo Interchange will have on surface water hydrology and quality
- that the proposed actions do not adequately address downstream flood concerns
- the Draft EIS is too general and vague on implementation level, types and impacts of proposed stormwater BMPs

The MMSD and Southeastern Wisconsin Regional Planning Commission (SEWRPC) have been in the forefront of planning to help restore the water quality of the region's watersheds. We are currently developing Watershed Restoration Plans for the Menomonee River, and the recommendations included in this letter are consistent with what those plans will be recommended.

Impacts from Increased Impervious Area

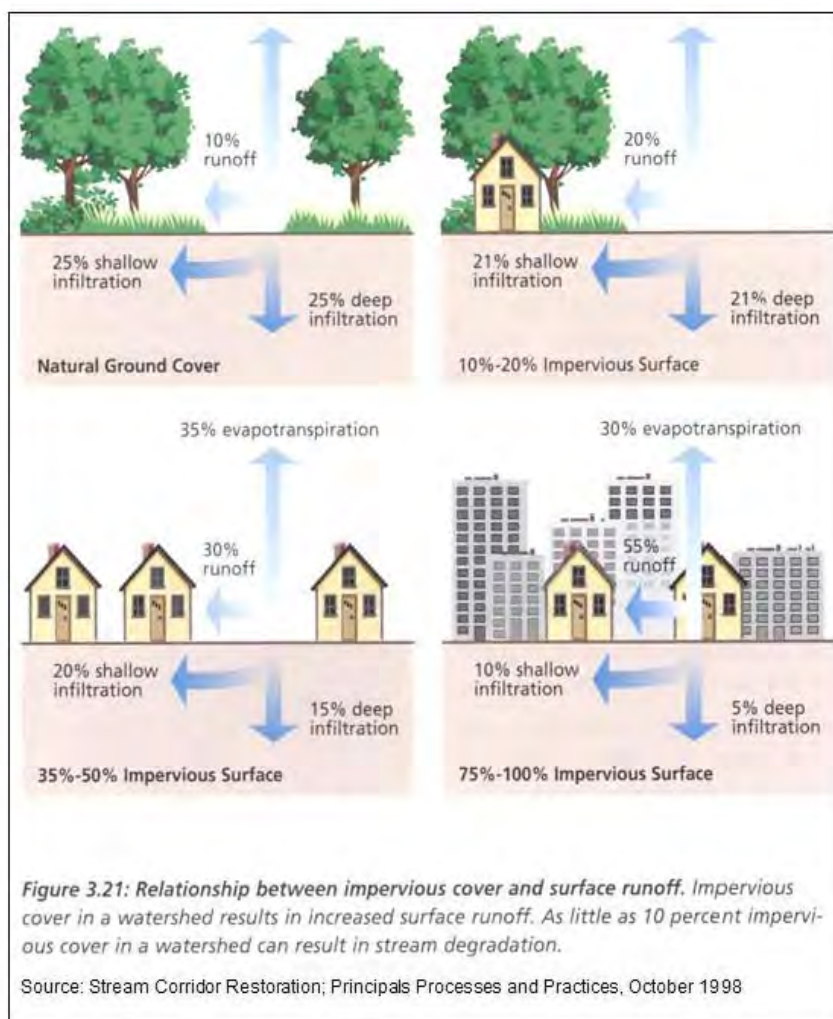
It is well accepted that increased impervious areas have negative impacts on watercourses. While the Draft EIS describes some of these impacts, it doesn't fully address the broad spectrum of negative impacts. The following figure outlines the broad spectrum of the impacts.

[Type text]

We request that the Draft EIS be modified to more clearly describe the impacts of increased impervious area.

Of concern are the negative impacts on watercourse biologic activity. The following provides examples of how increased impervious area negatively correlates with indices of biologic integrity.

1



MMSD Responses

1. Runoff will increase under the 6- and 8-lane Modernization Alternatives, the Reduced Impacts Alternative, and the Adjacent Arterials Component. The Draft EIS and this Supplemental Draft EIS each identify several areas where stormwater detention is available. WisDOT will continue to investigate appropriate mitigation strategies and locations, and will provide more detail (and will participate in more direct coordination with MMSD) during the Final EIS and subsequent design phases of the project.

[Type text]

Table 27. Fish-community information from one-time surveys conducted during July, August, and October 2004, for 14 Phase II stream sites in the Milwaukee Metropolitan Sewerage District planning area, Wis.

(*, fewer than 50 individual fish were collected, so the Wisconsin Warmwater Index of Biotic Integrity was not used (Jaco, 1992))

Site name	Total number of fish	Total number of fish species	Percent fish tolerant of low dissolved oxygen	Percent fish tolerant to disturbed habitat	Index of Biotic Integrity	
					Score	Rating
Milwaukee River near Cedarburg	319	22	9	4	70	Excellent
Lansdale Creek at 47th Street at Milwaukee	48	8	84	0	*	Very poor
Milwaukee River at Milwaukee	224	18	34	6	60	Good
Willow Creek at Maple Road near Germantown	238	6	36	24	25	Poor
Menomonee River at Menomonee Falls	241	13	40	50	30	Fair
Little Menomonee River at Milwaukee	14	5	69	31	*	Very poor
Underwood Creek at Wauwatosa	231	8	8	92	10	Very poor
Honey Creek at Wauwatosa	135	6	16	84	7	Very poor
Menomonee River at Wauwatosa	118	3	11	87	12	Very poor
Kinnickinnic River at S. 11th Street at Milwaukee	11	1	100	0	*	Very poor
Oak Creek at South Milwaukee	207	7	17	83	10	Very poor
Root River at Grange Avenue at Greenfield	174	9	28	66	12	Very poor
Root River near Franklin	122	12	3	84	14	Very poor
Jewel Creek at Mukago	514	15	15	46	22	Poor

Biological Response to Urban Land Use and Imperviousness

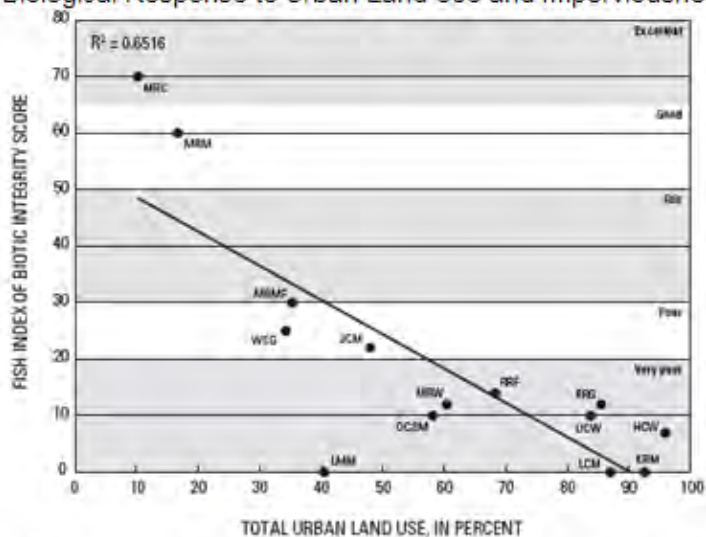


Figure 59. Fish Index of Biotic Integrity (IBI) scores plotted against percent urban land use in site drainage basins for 15 stream sites in the Milwaukee Metropolitan Sewerage District planning area, Wis. Site abbreviations listed in table 1.

Source: Water-Quality Characteristics for Selected Sites within the Milwaukee Metropolitan Sewerage District Planning Area, February 2004-September 2005; USGS Scientific Investigations Report 2007-5084

Biological Response to Urban Land Use and Imperviousness

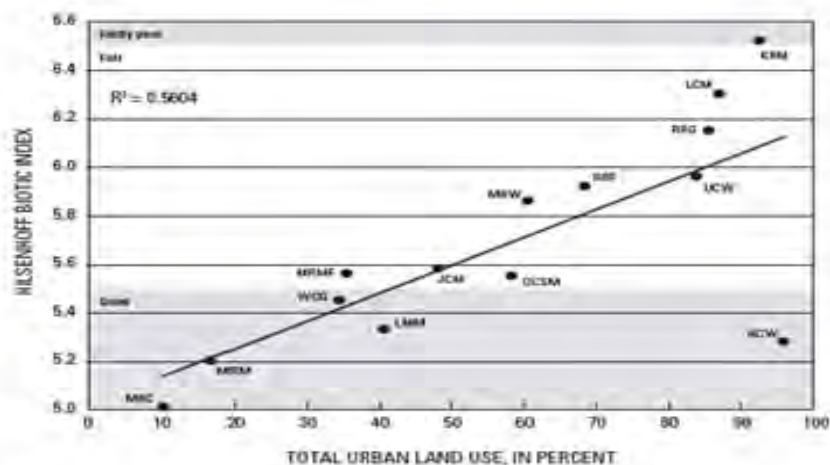


Figure 63. A modified Hilsenhoff Biotic Index (HBI-10) plotted against percent urban land use in site drainage basins for 15 stream sites in the Milwaukee Metropolitan Sewerage District planning area, Wis (Hilsenhoff, 1988). Site abbreviations listed in table 1.

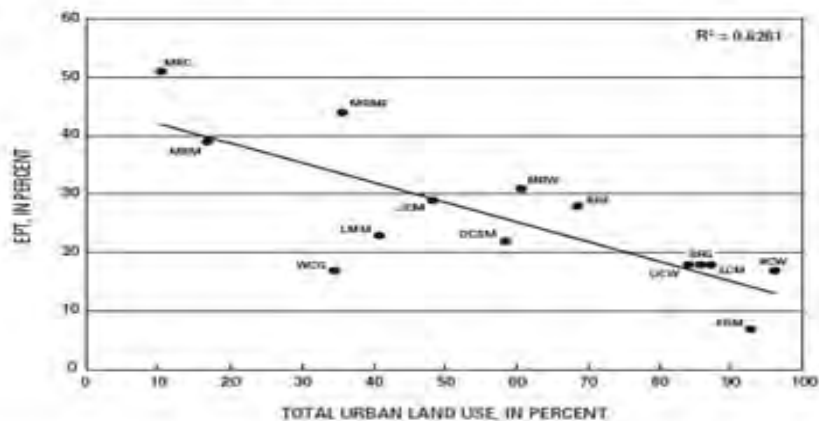


Figure 61. Percent Epifaunal, Planktonic, and Trichoptera (EPT) taxa plotted against percent urban land use in site drainage basins for 15 stream sites in the Milwaukee Metropolitan Sewerage District planning area, Wis. Site abbreviations listed in table 1.

Source: Water-Quality Characteristics for Selected Sites within the Milwaukee Metropolitan Sewerage District Planning Area, February 2004-September 2005; USGS Scientific Investigations Report 2007-5084

[Type text]

The Draft EIS does not specifically quantify the amount of increased impervious area resulting from each alternative. It only provides a percent increase in impervious area. MMSD recommends that the EIS specifically quantify the amount of impervious area for each alternative and the detention capacity needed to achieve a runoff rate of 0.5 cfs/acre during a regional flood event.

2

In addition to the negative impacts of the increased impervious area for the alternatives, reconstruction should consider stormwater BMPs to mitigate the negative impacts of run-off from the impervious area for the existing freeway system.

3

The existing Zoo Interchange is 202 acres of impervious area. The existing freeway system is a significant source of pollution that has and continues to discharge stormwater unabated to area watercourses. The change in hydrology from this freeway has continued to harm the biology of downstream watercourses. The proposed alterations to the Zoo Interchange represent a once in a lifetime opportunity to help restore the integrity of Honey Creek and Underwood Creek. The Draft EIS only states that “WisDOT will assess the different water quality and water quantity management options during the design phase,” and that options will be considered. The MMSD is concerned that WisDOT has not stated specifically the water quality and quantity options it will take, or even broad water quality-related goals that WisDOT is attempting to attain. MMSD understands that WisDOT is only required to take actions necessary to meet state regulations, and only required to undertake additional efforts reflective of the negative impacts of projects. However, MMSD does note that WisDOT has been more open to addressing the larger negative impacts of their more recent projects.

4

The MMSD recommends that WisDOT utilize the following water quality performance goals:

- Restore the hydrologic regime to pre-development (prior to land development) conditions for precipitation events up to and including the “100 year” event, the Regional Flood event used by SEWRPC when estimating future peak flow at 70th Street on the Menomonee River (USGS gauge).
- Consistent with WDNR performance standards for redevelopment and new development within municipalities, reduce TSS by 40% for the existing freeway system, and 80% for all new impervious area
- Reconstruction should restore pervious soils where possible and build wetlands
- Install stream buffers within project boundaries

5

Our prior comment summarizes the unique adverse environmental consequences of peak flood flows from impervious surfaces in this fully developed metropolitan area. See, App. D, pages 456 to 459 (MMSD letter dated April 1, 2008).

Clarification on Stormwater Nomenclature

2. The Supplemental Draft EIS includes updated text in Section 3.11.2 identifying the change in impervious area (both acreage and percentage) under each alternative. At this stage, WisDOT cannot commit to matching MMSD flow rate reductions. WisDOT uses a consistent approach state-wide.
3. Storage at identified sites, and other BMPs, will be investigated to reduce freeway runoff to the extent practicable. The existing freeway system was designed to comply with regulations in-place at the time of its construction. Reconstruction offers the opportunity to enhance freeway-related stormwater management.
4. Similar to recent freeway projects, the Draft EIS states that WisDOT will meet TRANS 401 regulations, while coordinating with MMSD. WisDOT will continue to collaborate with MMSD as alternatives analysis and then design progresses, to provide updates and receive input from MMSD on the stormwater management plan.
5. TRANS 401 is clear with respect to TSS and other factors, and includes buffer requirements. WisDOT will maximize stormwater storage area as well as investigating other BMPs. Analysis results will be provided to MMSD for incorporation into watershed models.

[Type text]

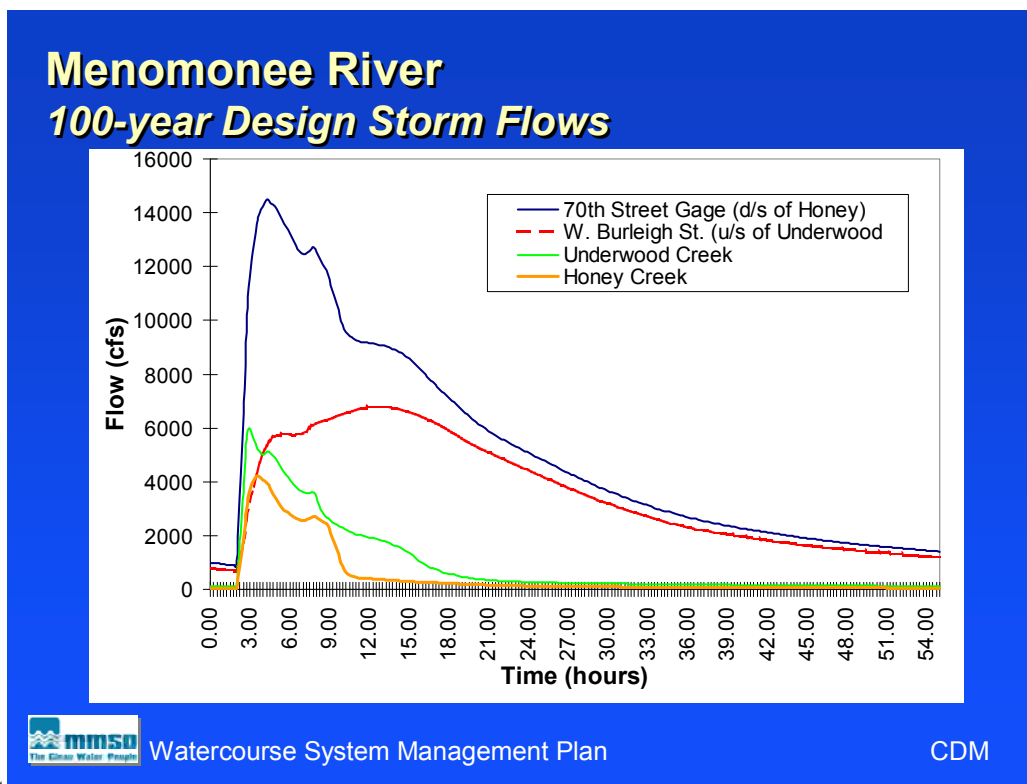
The Draft EIS fails to distinguish between peak flood risks (1% annual probability) and “nonflood” drainage (50% annual probability) when discussing stormwater. We understand the EIS references to “stormwater” to be the 50% annual probability event, also referred to as the 2-year event. These are nonflood events. The EIS must be clarified to distinguish between the nonflood stormwater runoff management and peak flood stormwater management.

6

Regional flood or simply flooding refers to the peak flow and peak elevation of water with a 1% probability of occurring during any year, considering rainfall time and intensity patterns, rainfall duration, area distribution, antecedent moisture, and snow melt.

Focus on Peak Flow

A real time graph of the actual flow in the Menomonee River at the 70th Street flow monitor during the **June 1997** flood illustrates the problem and why additional impervious areas in the watersheds must not increase the peak flow.



At Underwood Creek and Honey Creek, with upstream Menomonee River peak flow arriving after the highest peak creek flows have passed. The creeks drain watersheds that are fully developed with storm conveyance systems that produce flashy peaks downstream.

If the Milwaukee County Grounds, a/k/a Menomonee River Detention Facility, was not

6. WisDOT will evaluate BMPs' effectiveness at reducing run-off from 50 percent and 1 percent annual probability events during a subsequent design phase of the project.

[Type text]

constructed or operated, SEWRPC modeling predicts, even with effective Chapter 13 MMSD regional BMPs for new development and redevelopment, that the Regional Flood at 70th Street would be 15,900 cfs, a slight increase over the present peak.

If nothing had been done by the metropolitan governmental units to shave the peak, modeling predicts the peak would increase by 19% based on 2020 land use conditions. Thus, the Regional Flood at 70th Street would be about 18,920 cfs, and may reach that level if the BMPs are not effectively implemented when new impervious areas are added to the watershed.

The massive detention facility on the Milwaukee County Grounds is an additional safeguard, which may shave 3,500 cfs off the regional flood peak at 70th Street when fully operational by capturing and delaying river flow. The SEWRPC model predicts peak flow of 11,500 cfs with the Menomonee River Detention Center operating, a reduction in the 1% regional flood peak of 29%. Thus, the Detention Facility will provide an additional margin of relative safety compared to the status quo.

The Menomonee River Detention Facility is an example of a structural solution to mitigate the uncontrollable peak flood risks from severe precipitation within a densely populated urban area. WisDOT should provide a comparable facility in the design to reconstruct the Zoo Interchange.

7

The Scope of the Project and the Failure to Consider Peak Runoff

The scope of the environmental review is dictated by the environmental effects of reconstruction of the Zoo Interchange and adding additional impervious areas in the Menomonee River watershed.

7. The Draft EIS and this Supplemental DEIS each identify several locations where detention is possible. These locations are within Honey Creek and Underwood Creek watersheds. Available storage will be maximized at each location.

[Type text]

The draft design recognizes a worst case scenario for the project:

Total proposed impervious area	1,484,867 sq. yds	= 306.8 acres
Pre-existing impervious area	978,112 sq. yds	= 202.1 acres
Total new impervious area	506,756 sq. yds	= 104.7 acres

One hundred and five (rounding off) acres of new impervious area will cause the peak flood flows to increase, an obvious negative environmental effect which project design can reasonably mitigate.

Nowhere in the EIS is there consideration of avoidance alternatives, measures to minimize harm, or mitigation of the peak flood risks from Zoo Interchange reconstruction. Many public comments point out the omission.

8

WisDOT Trans 401 in no way limits the agency’s duty to consider and address peak flood risks from new impervious areas. The risk is very real from the Zoo Interchange. An agency is not a slave to its rules. WisDOT Trans 401 is just the beginning of stormwater impacts in the specific context of the Zoo Interchange reconstruction. The agency must go beyond the new stormwater quality rules to address urban flash flood mitigation, the **volume, quantity and release rate** of flash flooding that occurs downstream of the Zoo Interchange reconstruction.

9

The District beleives that WisDOT is legally bound by Chapter 13 of MMSD Rules. The District asserts that Chapter 13 is a persuasive uniform tool to mitigate peak flood runoff, based on best available science.

Chapter 13 establishes a level of protection when new imperious areas are added so that peak flood risks will not become worse than 2001 conditions (1/1/2002 effective date). Our references to Chapter 13 are to its detention runoff rate (0.5 cfs/acre) and other practices for watershed protection which are, in fact, reasonable, practicable and non-cost prohibitive peak flood management practices in the metropolitan area.

Using the parlance of the Environmental Review Law, § 1.11, Wis. Stats., and NEPA, 42 U.S.C. §§ 4321 – 4370f, the “requirements” are essentially procedural in character, and are designed to ensure serious concern for environmental consequences. The process is intended to ensure that the final agency project is the result of a fully informed and well-considered decision.

The MMSD is a “cooperating agency” that has expertise, with respect to regional flood management and impacts of pollutant runoff on streams, a relevant environmental effect generated by transportation by transportation mission of WisDOT §1.11(2)(d) and Ch. Trans. 400.04(4), Wis. Adm. Code. WisDOT has a duty to “consult” with the MMSD on regional flood impacts and pollutant runoff and mitigation caused by planned transportation projects, individually and cumulatively. We hope that the consultation will lead to a better understanding of the swift dynamics of urban flash flooding and water quality impacts. WisDOT can greatly assist by considering these factors early in the design process.

Again, this is a once in a lifetime opportunity for WisDOT to mitigate for the ongoing

8. The No-Build Alternative would not increase the amount of stormwater run-off from the study-area freeway system. Section 3.11 does include stormwater management options under consideration that would minimize the impact on receiving waters during heavy rain events, including (but not limited to) retention/detention basins.
9. TRANS 401 does deal with water quality, not quantity as MMSD notes. However, WisDOT will work with MMSD to identify strategies to maximize stormwater storage to the extent practicable in an effort to limit the potential for flash flooding. Additional coordination with MMSD has occurred since the distribution of the DEIS with respect to performing additional modeling of Underwood Creek to determine discharge and peaking characteristics. This modeling will assist WisDOT and MMSD in developing a stormwater handling strategy for the creek, and will be developed in greater detail during subsequent project phases (see also the response to DNR comment #4, above). More analysis of this issue will be conducted after a preferred alternative is selected. WisDOT will meet regularly with MMSD to discuss progress of the design, exchange information and solicit feedback.

As a state agency WisDOT is not bound by Chapter 13 of MMSD rules. WisDOT considers local storm ordinances that have been adopted by local communities and existing flooding problems adjacent to the highway right-of-way when designing highway drainage systems. WisDOT's goal as a "good neighbor" is to not make an existing flooding problem worse, to the maximum extent possible. As WisDOT has stated at several meetings with MMSD, WisDOT will strive to maintain the regional flood elevations where reasonable.

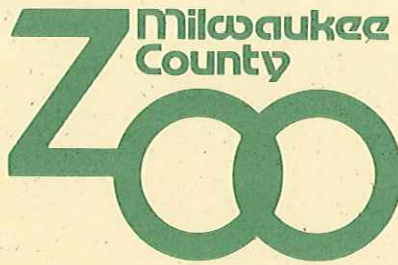
[Type text]

negative impacts of the large amounts of freeway impervious area. We strongly encourage WisDOT to seize this opportunity and become a leader on environmental ethic.

Sincerely,



Kevin L. Shafer, P.E.
Executive Director
Milwaukee Metropolitan Sewerage District



Thursday, June 11, 2009

Jim Liptake

Dear Mr. Liptake:

I recently received a copy of the Zoo Interchange Corridor Study Draft EIS. In the report, the study addresses the impact that the interchange renovation will have on the Milwaukee County Zoo. WDOT staff and consultants have regularly met with Zoo staff to share information on the ongoing design process.

We realize that the project will "take" several buildings and acres of Zoo property. We are confident that the State of Wisconsin will provide adequate means to replace these physical items. However, maintaining the aesthetics of the Zoo grounds and its impact on the Zoo visitors experience is still of concern.

Specifically, the Zoo opposes the taking of additional Zoo property for the purpose of relocating any high voltage electrical transmission lines. This will endanger the Zoo's own electrical substation, its deep well, and eliminates a considerable amount of mature landscaping that buffers the Zoo from highway noise and provides the natural backdrop to several vistas seen by its visitors.

The draft EIS lists this concern in its description of the impact on the Zoo. Please advise staff and consultants to make every effort to avoid this intrusion on to Zoo property.

Thank you for your consideration.

Sincerely,

Charles Wikenhauser
Zoo Director

cc: Donna Brown, Project Director

Zoo Director Response

1. WisDOT and FHWA will continue to refine the alignment of the Zoo Interchange core and explore options to further reduce impacts to the Milwaukee County Zoo. For example, the Reduced Impacts Alternative developed and presented in the SDEIS minimizes the need to relocate ATC towers along the west leg of the project. WisDOT will also continue to work with ATC to explore alternatives that would avoid easements and visual impacts to the Zoo.

Future community sensitive design (CSD) efforts will also further identify existing viewsheds and vistas, as well as provide concepts for visual benefits and minimization of impacts resulting from a larger-scale freeway and core interchange. Previous CSD efforts on the Marquette Interchange and I-94 North-South Corridor projects provide CSD examples and best practices to draw from for this study. For these projects, CSD committees worked to identify aesthetic treatments and beautification measures that blend the highway corridor into the surrounding environment. A CSD committee will be formed for the Zoo Interchange project.



Wisconsin Department of Transportation

Zoo Interchange Corridor Study

Milwaukee County

Public Hearing Testimony

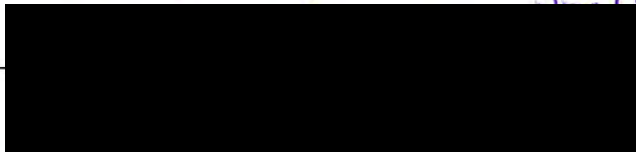
*All comments must be postmarked by July 13, 2009 to be
part of the public record.*

FROM:

Name

Jerzy Stepaniak Alderman, City of Wauwatosa
Chair Traffic & Safety Comm

Address



Date

6-24-09

1. An additional exit from north bound Hwy 45 into the southwest corner of the Miller Regional Medical Center that allows eastbound I-94 and westbound I-94 traffic to exit directly into the Medical Center - in addition to Watertown Plank Road. Traffic from I-94 would otherwise be routed onto 84th St (Glenview Ave) or 108th St (Hwy 100) which cannot accommodate that amount of traffic.

2. There are many other improvements evident in the design since the initial options. Staff should be commended for those changes.

Are additional pages included? Yes ☐ No ☒

Zoo Interchange June 2009 Public Hearing - Draft Environmental Impact Statement

City of Wauwatosa Traffic & Safety Commission Response

1. Efforts to provide ramp access to Bluemound/Wisconsin from I-94 continued following the conclusion of the DEIS comment period. In an effort to ensure that current and accurate information was used to determine the need for this access, aerial surveys of traffic movements into and out of the Milwaukee Regional Medical Center were completed by WisDOT in 2010. These surveys quantified the volume of existing traffic moving into and out of Medical Center parking areas and facilities from all directions and via all freeway and surface streets in the vicinity. The surveys confirmed that approximately 5 percent of the total Medical Center traffic stream uses the Bluemound/Wisconsin interchange heading to, or coming from, I-94. The use of arterials, as well as the other existing interchanges along I-94 and US 45, by the vast majority of Medical Center traffic reinforces the study's conclusion that other options will successfully handle the traffic diverted as a result of the proposed access change. See also Section 2.5.1. This information, when combined with the continued complications resulting from the close proximity of I-94 and Bluemound Road, led to an inability by FHWA and WisDOT to provide such access. However, the addition of (1) the Adjacent Arterials Component, and (2) a new US 45/Watertown Plank Road interchange configuration in the SDEIS address this concern. Improvements to 84th Street, Highway 100, and Watertown Plank Road (and intersections along each arterial) will address any increased traffic using these arterials to access the Milwaukee Regional Medical Center/Milwaukee County Research Park area. Additionally, the development of a free-flow interchange at US 45/Watertown Plank Road will significantly improve traffic operations along Watertown Plank Road, providing I-94 traffic opting to use US 45 to the new Watertown Plank Road interchange with direct access to each.

Wilson, Jason - DOT

From: Christopher J Gluesing [REDACTED]
Sent: Monday, August 10, 2009 3:21 PM
To: DOT DTSD SE Zoo
Cc: Brown, Christy - UWM; David Gilbert; Jerry Z Tarrer; Claude R Schuttey
Subject: Zoo Interchange Corridor Study Draft EIS Comments

Jim Liptack, WisDOT Project Manager
Wisconsin Department of Transportation
Southeast Regional Office

Dear Mr. Liptack:

On behalf of Chancellor Carlos Santiago and the University of Wisconsin-Milwaukee, we thank you for the opportunity to comment on your Draft Environmental Impact Statement (EIS) for the Zoo Interchange Corridor Study.

First, we commend you on producing a comprehensive and thoughtful document. It is an excellent tool in support of your ongoing planning work and the continuing public process that accompanies it. As a stakeholder in the future of the County Grounds site, we are an advocate for the investments you propose in this important corridor.

Our specific comments relate to the work you propose adjacent to the northeast quadrant of the County Grounds site, an area we hope to develop in the future. Alternative N1 (as shown in Exhibit 4-7) leaves the least amount of space between the Parks Building and the location of the new roadway. Though still possible, this location will make placement of a building on the west side of the Parks Building more challenging. Alternative N3 (as shown in Exhibit 4-8) is more optimum for future development as the new roadway location remains closer to existing Swan Boulevard.

In summary, we prefer Alternative N3. With the new roadway location further to the west, there will be greater flexibility in the planning and development of this area.

Thank you again for the opportunity to participate in your comment period.

Sincerely,

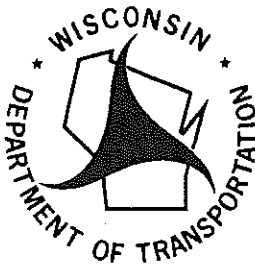
--

Christopher J. Gluesing, AIA
Assistant Director
Office of University Architects and Planning

[REDACTED]

Christopher Gluesing - UWM Response

1. Comment noted. However, please note that the Reduced Impacts Alternative includes a substantially different concept for the Watertown Plank Road interchange with US 45. Regardless of the alternative selected, coordination with UWM will continue throughout subsequent design phases for the project to strike a balance between freeway needs and the development of the parcel.



Wisconsin Department of Transportation

Zoo Interchange Corridor Study

Milwaukee County

Public Hearing Testimony

All comments must be postmarked by July 13, 2009 to be part of the public record.

FROM:

Name Bruce Johnson Facilities Manager, Wauwatosa School District

Address Buildings & Grounds Dept. [REDACTED]

Date 7/09/09

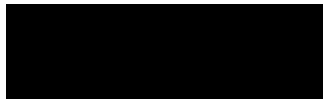
As part of the zoo-interchange project, the Wauwatosa School District requests improvements to the pedestrian bridge that currently connects West HS and Whitman MS, just north of Center Street. As discussed at a previous public meeting, the school district would like to see the newly constructed bridge built wide and high enough (safety fencing) to allow winter plowing. The bridge is extensively utilized by students, staff and other users of district facilities and provides a safe route between the sites. Any questions can be directed to Bruce Johnson, Facilities Manager [REDACTED]

Are additional pages included? Yes ☐ No ☒

Zoo Interchange June 2009 Public Hearing - Draft Environmental Impact Statement

Wauwatosa School District (Buildings & Grounds Dept.) Response

1. FHWA and WisDOT will coordinate with the School District at a point during a subsequent design phase to discuss the configuration of the existing (and possible replacement) pedestrian bridge at the referenced location.


DEPARTMENT OF TRANSPORTATION
AND PUBLIC WORKS
TRANSPORTATION DIVISIONOffice:
(414) 278-5096Fax:
(414) 223-1850

FAX TRANSMITTAL

DATE: August 10, 2009FAX #: # of Pages
(including this Page) Four (4)FROM: Jack TakerianTO: WisDOT - SE RegionSUBJECT: Zoo Interchange AlternativesATTN: James Liptack, P.E.☐ FOR APPROVAL☐ FOR REVIEW AND COMMENT☐ ORIGINAL TO FOLLOW☐ FOR YOUR USE☐ CANCELLED FOR CORRECTION☒ FOR YOUR INFORMATION☐ SIGNED AS REQUESTED☐

MESSAGE:

The subsequent pages include our comments regarding the Zoo Interchange Alternatives. If you have any further questions, please contact our office.


*Jack H. Takerian, Interim Director
Dept of Transportation & Public Works*

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL 414-278-4893

MILWAUKEE COUNTY
Department of Transportation
&
Public Works

Date: August 10, 2009

Subject: Comments to Zoo Interchange Alternatives

The impacts to County facilities do not vary much based on the alternatives being considered for the north leg. Generally the 8-lane option improves traffic operations throughout the interchange as well as upstream and down stream.

North Leg 6 lane N1 and N3; 8 lane N1 and N3

6 Lane Option - N1 Alternative

General

Provides access across US 45 via Innovation Drive overpass and improved access from Wisconsin Ave and Watertown Plank Rd on and off ramps.

Maintenance of Swan Blvd ramps and roadway is unclear, WisDOT or local municipality?

1

County Grounds/ MRMC Impacts

Potential storm water pond on County Grounds site.

Watertown Plank Rd ramps take away land from County Grounds.

Watertown Plank Rd realigned to the north also takes land from the County Grounds.

Potential relocation of the building (Children Adolescent Treatment Center 9501 W Watertown Plank Rd) is currently licensed by the State as a Type II Child Caring Institution. The unique nature of this operation will make relocation a challenge given various zoning restrictions and identifying a comparable location that includes existing on grounds educational services provided by the local education authority to avoid further negative impact to the County.

2

Highway Maintenance/ Sheriff's Department

Some parking for the Park and Ride lot, Highway Maintenance and Sheriff's Department would be affected or eliminated. The necessary provisions should be made to mitigate changes or possible relocation.

3

Zoo

The Zoo will be impacted during construction with access limitations.

Milwaukee County Department of Transportation and Public Works Response

1. WisDOT will maintain all service ramps to and from the freeway to the limits of the freeway right of way including the Swan Boulevard ramps.
2. WisDOT and FHWA will continue to refine the Modernization Alternatives, where possible, to further reduce impacts to the Children and Adolescent Treatment Center Type II Child Care Facility. The Reduced Impacts Alternative does not require relocation of this building.
3. WisDOT and FHWA will work with Milwaukee County to mitigate or replace any lost parking at the Sherriff's Department, Department of Public Works and the Park and Ride lot.

Some remote parking will be affected or eliminated. Appears that a building will have to be moved.

Relocation of a Milwaukee County Register of Deeds 9715 W Bluemound Road.

6 Lane Option - N3 Alternative

General

No Innovation Drive overpass.

County Grounds/ MRMC Impacts

Improved access to Innovation Drive from Wisconsin Ave and Watertown Plank via ramps and collector/ distributor roads

Same impacts as N1

Highway Maintenance/ Sheriff's Department

Same impacts as N1

Zoo

Same impacts as N1

8 Lane Option - N1 Alternative

General

Traffic operations is improved with the 8-lane option, Level of service is improved overall throughout the interchange ramps and up/down stream.

Connell Ave will have to be improved to accept additional traffic flow from the Innovation Dr overpass Bridge.

County Grounds/ MRMC Impacts

Same impacts as N1 6-lane

Highway Maintenance/ Sheriff's Department

Same impacts as N1 6-lane

Zoo

Same impacts as N1 6-lane

8 Lane Option - N3 Alternative

General

Same impacts as N3 6-lane

County Grounds/ MRMC Impacts

Same impacts as N3 6-lane

Highway Maintenance/ Sheriff's Department

Same impacts as N3 6-lane.

Zoo

Same impacts as N3 6-lane.

South Leg 6 lane S2; 8 lane S2

There do not appear to be any impacts to County facilities or to County Trunk Highways on this leg of the interchange.

East Leg 6 lane E1 and E1/E3 hybrid; 8-lanes E1 and E1/E3 hybrid**Honey Creek Parkway**

Both E1 and E1/E3 hybrid alternatives for the 6 and 8 lane configurations show a potential storm water detention pond west of 84th & Honey Creek Parkway.

West Leg 6 lane W3 and W3b; 8 lane W3 and W3b**Zoo**

The Zoo maintenance facilities will be relocated as part of all designs of the west leg of the Zoo interchange.

Underwood Creek Parkway

Both W3 and W3b alternatives for the 6 and 8 lane configurations show a potential storm water detention pond west of the Colder's Property near the Underwood Creek Parkway.

Additional comments:

As previously stated UWM has accepted an offer from the Milwaukee County for a portion of the land located in the Northeast Quadrant. Any potential storm water facilities or impacts to the northeast quadrant property a UWM representative needs to be included in discussions.

There are several utilities along Watertown Plank Road that may need to be relocated. Impact to County facilities needs to be addressed.