

Operations  
Regulatory (2006-06047-LMK)

We also remain concerned regarding the potential impacts associated with the acquisition of borrow material. We fully understand that your regulations require you to allow contractor(s) to select borrow sites and obtain any permits that may be needed. However, we thought we had reached agreement with your agency regarding the need to identify and assess these potential impacts as part of the NEPA process. If off-site fill material is not obtained from a licensed commercial facility, it will be necessary to evaluate potential impacts and incorporate additional analysis into our administrative record prior to reaching a permit decision. If this analysis must be conducted later in the permit evaluation process, then we recommend that you notify any prospective contractors that delays may be expected.

If you have any questions, contact Linda Kurtz in our Green Bay Field Office at (920)448-2824. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron  
Chief, Regulatory Branch

CF:  
Sherry Kamke - EPA  
James Doperalski - WDNR

From: Kamke.Sherry@epamail.epa.gov [mailto:Kamke.Sherry@epamail.epa.gov]  
Sent: Friday, November 05, 2010 12:59 PM  
To: Gardner, Mindy - DOT  
Subject: RE: USH 41 (Memorial Drive to CTH M) Comments on P/N and Alternatives Chapters

Mindy,

I have reviewed the mailed documentation on this project in detail. I have one question - why is it necessary to have the frontage road go along the RR tracks and connect with Memorial Drive?

Sherry A. Kamke  
Environmental Scientist  
NEPA Implementation (Mailcode: E-19J)  
Office of Enforcement and Compliance Assurance U.S. EPA Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590  
Phone: 312-353-5794  
Fax: 312-408-2215

**From:** Gardner, Mindy - DOT [Mindy.Gardner@dot.wi.gov]  
**Sent:** Friday, November 12, 2010 10:59 AM  
**To:** 'Kamke.Sherry@epamail.epa.gov'  
**Cc:** Gwidt, Natasha - DOT; Wallace, Brett - DOT; Helmrick, Michael - DOT; Barr, Matthew; Robillard, Troy  
**Subject:** answer to EPA/Sherry's question on frontage road - review Sect 1 and 2 - RE: USH 41 (Memorial Drive to CTH M) Comments on P/N and Alternatives Chapters

Hi Sherry -

The purpose is mainly related to FHWA's requirement that this frontage road (and fifth leg of a roundabout) provide connectivity/connect to a public street, rather than being a dead end. It also makes sense from the standpoint of the Village of Howard for this to provide some sort of connectivity.

If anyone else has anything to add/clarify on this matter, please go ahead and do so.

**From:** Runge\_CM [mailto:Runge\_CM@co.brown.wi.us]  
**Sent:** Tuesday, November 09, 2010 10:19 AM  
**To:** Gardner, Mindy - DOT  
**Cc:** Lamine\_CF; Schuette\_AM  
**Subject:** Question/comment about US 41 EIS P & N report

Hi Mindy,

I have a question about the reasons for dropping Alternative C from the study. According to the Purpose and Need report, Alternative C is being eliminated from further consideration because of:

"...the substantial impacts to parklands and other Section 4(f) properties (total of 13.6 acres) compared to the other alternatives that address the purpose and need for this project. In addition, this alternative has impacts to higher quality wetlands and created fragmentation of wetlands with the proposed ramp from southbound US 41 to southbound I-43."

However, it looks like Alternative C fares as well or better than Alternative E (which is being retained) in many ways. For example:

Impact	Alternative C	Alternative E
Section 4(f) properties affected	13.6 acres	12.2 acres
Section 6(f) properties affected	5.5 acres	10.6 acres
Additional ROW needed	30.0 acres	37.0 acres
Wetlands impacted	51.0 acres	55.0 acres
Traffic operations in AM and PM peaks	LOS C or better	LOS C or better
Estimated Cost	\$205 million	\$230 million
Compatible with US 41 interstate conversion?	Yes	Yes
Maintains Velp to I-43 access?	Yes	No

Based on the information in the P&N report, I get the impression that the decision to keep Alternative E and drop Alternative C is based primarily on a desire for a slightly higher design speed for the US 41/I-43 system interchange (as stated on Page 2-8). Is there more to it than this? If so, I believe the other reasons need to be stated in the P&N report.

Thanks for the chance to comment.

Cole

Cole Runge  
Principal Planner  
Brown County Planning Commission  
305 E. Walnut Street, Room 320  
PO Box 23600  
Green Bay, WI 54305-3600  
Phone: (920) 448-6480  
Fax: (920) 448-4487  
Email: [runge\\_cm@co.brown.wi.us](mailto:runge_cm@co.brown.wi.us)  
Web: [www.co.brown.wi.us/planning](http://www.co.brown.wi.us/planning)

**From:** Gardner, Mindy - DOT  
**Sent:** Wednesday, November 10, 2010 1:09 PM  
**To:** 'Runge\_CM'  
**Cc:** Lamine\_CF; Schuette\_AM; Gwidt, Natasha - DOT; Wallace, Brett - DOT; Helmrick, Michael - DOT; Matt Barr (barrm@AyresAssociates.com); Troy Robillard (robillardt@AyresAssociates.com)  
**Subject:** RE: Question/comment about US 41 EIS P & N report

**Hi Cole –**

In a nutshell, with the impacts being somewhat similar/close for Alts C and E, we felt Alternative C did not measure up to Alternative E when considering the lower level of safety improvements that Alternative C would provide when compared to the level of safety improvements with Alternative E (mainly related to elimination of the tight loop ramps at the US 41/I-43 interchange). Although we need to balance/consider all factors, safety is number one priority.

In addition, as eluded to in the document, the agencies did not like the fact that the wetland impacts related to Alternative C involved higher quality wetlands and also created a fragmentation of the wetlands.

**Natasha, Brett, Mike, and Matt –**

If you have anything else to add to help answer Cole's question, please do so and "reply to all".

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**From:** Wallace, Brett - DOT [mailto:brett.wallace@dot.wi.gov]  
**Sent:** Wednesday, November 10, 2010 3:04 PM  
**To:** Gardner, Mindy - DOT; Runge\_CM  
**Cc:** Lamine\_CF; Schuette\_AM; Gwidt, Natasha - DOT; Helmrick, Michael - DOT; Matt Barr (barrm@AyresAssociates.com); Troy Robillard (robillardt@AyresAssociates.com)  
**Subject:** RE: Question/comment about US 41 EIS P & N report

WisDOT and FHWA have agreed that Alt C and Alt D provide essentially the same function (ops, safety, access, etc). Alt D provides this function with less impacts to the natural and built environment; therefore, Alt C is being eliminated as we would not select Alt C over Alt D in any scenario due to the impacts. Carrying Alt D and Alt E forward to the DEIS provides two very good build alternatives to consider along with the no-build.

Hope this helps.

Thanks.

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**From:** Runge\_CM [mailto:Runge\_CM@co.brown.wi.us]  
**Sent:** Thursday, November 11, 2010 8:21 AM  
**To:** Wallace, Brett - DOT; Gardner, Mindy - DOT  
**Cc:** Lamine\_CF; Schuette\_AM; Gwidt, Natasha - DOT; Helmrick, Michael - DOT; barrm@AyresAssociates.com; robillardt@AyresAssociates.com  
**Subject:** RE: Question/comment about US 41 EIS P & N report

Thanks for the responses. I suggest adding Mindy's and Brett's points to Alternative C's elimination discussion on Page 2-8 of the P&N report.

Cole

Cole Runge  
Principal Planner  
Brown County Planning Commission

### Comment response

1. Additional information supporting elimination of Alternative C was added to the EIS, Section 2.2.3.

1

**From:** Gardner, Mindy - DOT [mailto:Mindy.Gardner@dot.wi.gov]  
**Sent:** Tuesday, November 16, 2010 1:08 PM  
**To:** Runge\_CM  
**Cc:** Gwidt, Natasha - DOT  
**Subject:** requested concurrence (Cole) on EIS Sections 1 and 2 - #1133-10-01

Hi Cole –

Assuming we make the clarification below, do you “concur” with the draft EIS Sections 1 and 2 that were mailed to you at the end of October (dated October 29<sup>th</sup>)?

WisDOT would like to get formal “concurrence” from all of the participating and cooperating agencies at part of the NEPA process.

**From:** Runge\_CM [mailto:Runge\_CM@co.brown.wi.us]  
**Sent:** Wednesday, November 17, 2010 8:50 AM  
**To:** Gardner, Mindy - DOT  
**Cc:** Gwidt, Natasha - DOT; Wallace, Brett - DOT; Lamine\_CF  
**Subject:** RE: requested concurrence (Cole) on EIS Sections 1 and 2 - #1133-10-01

Hi Mindy,

Yes. I'll concur with these sections if the additional points are added.

Cole

Cole Runge  
Principal Planner  
Brown County Planning Commission  
305 E. Walnut Street, Room 320  
PO Box 23600  
Green Bay, WI 54305-3600  
Phone: (920) 448-6480  
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Email: [runge\\_cm@co.brown.wi.us](mailto:runge_cm@co.brown.wi.us)  
Web: [www.co.brown.wi.us/planning](http://www.co.brown.wi.us/planning)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711

November 11, 2010

DOT: Brown, 8247

Mindy Gardner, P.E.
944 Vanderperren Way
Green Bay, WI 54313

Subject: Project ID: 1133-10-01
Project Title: Draft EIS Sections 1 and 2 US 41 (Memorial to CTH M).
County: Brown County

Dear Ms. Gardner,

Thank you for incorporating the comments provided to you by the Department in a correspondence memo dated September 23, 2010 regarding revisions to Sections 1 and 2 of the EIS for the USH 41 from Memorial Drive to County M segment in Brown County. The Department has reviewed the updated version of the EIS and concurs with Sections 1 and 2 provided that the following comments are adequately addressed:

- The second bullet point on page 1-2 states: "Minimize impacts to the natural and built environment to the extent practicable." Should the statement read "... to the greatest extent practicable."?
• Page 2-2 provides a brief description of the two roundabout alternatives for the Northwest quadrant of US 141/Velp Avenue interchange. It should be noted in this description that the five-leg roundabout would have an additional 1.1 acres of wetland impact.
• Please include a detailed diagram of the traffic flow in the roundabout which illustrates the differences between the two roundabout options.
• Page 2-11 paragraph 2 states "the five-leg roundabout option would provide better safety performance along Velp Avenue for traffic accessing planned future development in the northwest quadrant of US 141/Velp Avenue. However, at the US 41 southbound ramp terminal location, with the increased complexity and high volumes/additional conflicts of the five-leg roundabout, there would likely be more crashes than the four-leg roundabout option." This section is somewhat confusing. How can the five-leg roundabout provide better safety performance if it is more complex and would likely have more crashes than the four-leg roundabout? If the document is discussing two separate traffic movements it should be clarified.
• Page 2-11 paragraph 3 states "it would also provide needed access to the property zoned 'Highway Commercial' in the northwest quadrant of the US 141/Velp Avenue interchange...". There is currently access to this quadrant so it should say it would improve access.

See attached comment responses

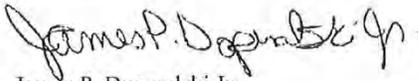
- Page 2-11 paragraph 4 states that “the 5 legged roundabout... would provide safer access to and from the planned development in the northwest quadrant of the interchange”. Any and all planned development may be subject to permitting for wetland fill. A site visit on Monday, November 08, 2010 by Department staff confirmed presence of historic fill leading up to the wetlands that dominate the northern 1/3 of the parcel. These wetlands are dominated by the invasive *Phragmites australis* (common reed), however, there are a few remaining pockets of (*Carex spp*) that should be protected if possible.
- On page 2-12, statement 1 in the notes section of Figure 2-1, states “The No Build Alternative not address...”. Should this read “The No Build Alternative **does** not address...”? This same statement also appears on the Preliminary Environmental Impacts table.

6

All other comments mentioned in the September 23, 2010 memo have been addressed. If you have any further questions, please contact me at 920-662-5119.

Sincerely,

See attached comment responses



James P. Doperalski Jr.  
Environmental Analysis and Review Specialist

- c. Mike Helmrick – DOT Green Bay  
Natasha Gwidt – DOT Green Bay  
Jay Schiefelbein – DNR Green Bay  
File: 8247

Comment Responses  
(November 11, 2010 DNR Letter)

1. The last bullet under section 1.2 (page 1-1) has been revised to the following:

*Minimize impacts to the natural and built environment to the maximum extent practicable.*

2. No change made. The discussion on the 5-legged roundabout in section 2.1.2 (a) on page 2-2 is intended only to provide a physical description of this roundabout option, similar to the other alternatives discussed in section 2.1 (Description of Initial Range of Alternatives). Impact information (additional 1.1 acre of wetland impact) is provided in section 2.2.6 for comparison to the 4-legged roundabout option.
3. No change made. Figure 2-1 (page 2-16) illustrates the key features and impact footprints for the five-legged and four-legged roundabout options. A traffic flow diagram would not provide any pertinent additional information with respect to the impacts.
4. For clarification, the discussion concerning safety aspects of the five-legged roundabout has been changed to the following (see second paragraph under section 2.2.6, page 2-10):

*The five-legged roundabout option would provide safer access for traffic entering and exiting the existing and planned development at this location. However, with the increased complexity and high volumes/additional conflicts of the five-leg roundabout, there would likely be more crashes for traffic traveling through the roundabout than with the four-leg roundabout option.*

5. For clarification, the discussion concerning access to property in the northwest quadrant of the US 141/Velp Avenue interchange has been changed to the following (see third paragraph under section 2.2.6, page 2-10):

*It would also improve access to the property zoned "Highway Commercial" in the northwest quadrant of the US 141/Velp Avenue interchange, according to the Village of Howard 2009 zoning map.*

6. This correction has been made. Note #1 in Figure 2-1 (page 2-12) has been changed to the following:

*The No Build Alternative does not address the project's key purpose and need factors and therefore is not a viable course of action. It serves as a baseline of comparison to the build alternatives.*

This same change has been made to the impact summary table in the EIS Summary, Exhibit S-2.

**From:** Richard Heath [mailto:RHeath@baylakerpc.org]

**Sent:** Wednesday, November 17, 2010 9:25 AM

**To:** Gardner, Mindy - DOT

**Subject:** RE: requested concurrence from Bay Lake Reg Plan Com - EIS Sections 1 and 2 - US 41 Memorial to County M

**Importance:** High

Hi Mindy:

Sorry about the delay in response. We reviewed the information contained along with your letter dated October 29, 2010. Thanks you for the detail and notations in yellow of those areas that have been revised from the previous packet of information dated August 26, 2010. From input gathered from Commission staff, the proposals are in line with our Regional Comprehensive Plan and the goals stated within the plan of improving infrastructure within the region for continued economic development, increased safety with the additional drivers using the roads, increased capacity to expand all modes of transportation, and long-term sustainability. Each alternative states costs and potential disruption to environmental features in that area with appropriate mitigation strategies, which are also in line with our stated regional goals for preservation, function, and continued connectivity of natural areas.

Thank you for including us in the review. I would suspect staff from the Green Bay MPO and impacted local communities would be able to provide greater detail on the alternatives than we can from a regional perspective.

If you need any additional information from me or my staff, please do not hesitate to contact me.

Best wishes,

Rich

*Richard L. Heath*

Interim Executive Director

Bay-Lake Regional Planning Commission

441 S. Jackson Street

Green Bay, WI 54301

Phone: (920) 448-2820

Fax: (920) 448-2823



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 17 2010

REPLY TO THE ATTENTION OF

E-19J

Ms. Mindy Gardner, PE  
WisDOT Project Manager  
Wisconsin Division of Transportation  
Northeast Regional Office  
944 Vanderperren Way  
Green Bay, WI 54304

RE: Concurrence Points 1 & 2 - US-41 Memorial Drive to County M, Brown County, Wisconsin

Dear Ms. Gardner:

The U.S. Environmental Protection Agency (EPA) has received your October 29, 2010 request to provide concurrence on the Purpose and Need and Alternatives Carried Forward for Detailed Study for the US-41 Project from Memorial Drive to County M in Brown County, Wisconsin.

As stated in the Draft Purpose and Need Statement dated October 28, 2010, the purpose of the proposed action is to:

- Meet traffic demand and mobility needs including future conversion of the US 41 to an Interstate Highway
- Improve traffic flow and safety on US 41 and its interchanges
- Address geometric and operational deficiencies
- Provide reasonable and safe local access while at the same time preserving freeway operations and safety
- Minimize impacts to the natural and built environment to the extent practicable.

The October 28, 2010 documentation provides adequate support for justifying the need for the project. Therefore, we provide concurrence with the Purpose and Need (Concurrence Point #1).

The October 28, 2010 documentation discusses the merits of Alternative A (No Build) and that of four build alternatives (Alternatives B, C, D, and E). The main difference among the build alternatives occurs along the US 41 mainline between US 141/Velp Avenue and I-43 and the US41/I-43 System Interchange. Some key common elements of the build alternatives are:

- The widening of the US41 freeway mainline from four to six lanes and the addition of auxiliary lanes along US41
- The reconstruction of US 141/Velp Avenue interchange including roundabouts at the ramp terminals and at the US 141/Velp Avenue and Memorial Driver intersection
- The construction of new bridges over US 141/Velp Avenue, Canadian National Railroad, Wietor Drive, I-43 and Duck Creek.
- The Replacement of bridges at County EB/Lakeview Drive and County M bridges over US 41.

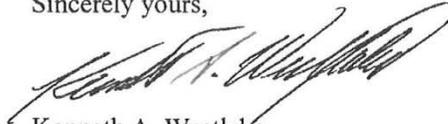
Two build alternatives were evaluated and discarded and two build alternatives were evaluated and retained. Alternative B: US 41 expansion with minor ramp improvements to I-43/US 41 interchange and Alternative C: US 41 expansion with Collector/Distributor roadways between US 141/Velp Avenue and I-43 were evaluated and discarded. Alternative D: US41 expansion with Collector/Distributor roadways between US 141/Velp Avenue and I-43 with Freeway Split Configuration and Alternative E: US 41 expansion with full reconfiguration of I-43/US 41 interchange were retained for detailed study in the Draft Environmental Impact Statement.

We agree with the rationale used for retaining these two alternatives and discarding the other two build alternatives. Therefore, we concur with the Alternatives Carried Forward for Detailed Study (Concurrence Point #2). We recommend that additional information about the frontage road requirements per the email dated November 12<sup>th</sup> be included in the DEIS (e.g., frontage roads providing connectivity to a public street and not to dead ends).

1

Thank you for the opportunity to review this information. If you have any questions, please contact Sherry Kamke, of my staff, at either [kamke.sherry@epa.gov](mailto:kamke.sherry@epa.gov) or (312) 353-5794.

Sincerely yours,



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

cc: Tracey McKenney, FHWA-WI

Comment response:

1. Additional information added to discussion of 5-legged roundabout



**DEPARTMENT OF THE ARMY**  
St. Paul District Corps of Engineers  
180 Fifth Street East, Suite 700  
St. Paul, Minnesota 55101-1678

November 18, 2010

REPLY TO  
ATTENTION OF:  
Operations  
Regulatory (2006-06047-LMK)

Ms. Mindy Gardner  
WDOT – Northeast Regional Office  
944 Vanderperren Way  
Green Bay, Wisconsin 54304

Dear Ms. Gardner:

This letter is in response to your request for concurrence with Sections 1 (Purpose and Need) and 2 (Alternatives) as revised October 28, 2010 for the US 41, Memorial Drive to County Trunk Highway M Environmental Impact Statement (EIS). This project is otherwise identified by identification number 1133-10-01, located in Brown County, Wisconsin.

As a cooperating agency for the National Environmental Policy Act (NEPA) review, we submit the following comments:

We concur with the Project Purpose and Need Statement. The proposed action information is well presented in Section 1.1, and the need is well defined in Section 1.2. However, it is our opinion that additional information regarding the need for local traffic build alternatives (specifically the five-leg roundabout and construction of a local road to connect Memorial Drive) has not been adequately addressed in Section 1.3. Without a discussion that adequately describes the need for this type of feature, it is difficult to justify their retention as option shown in the build alternatives.

As such, we are providing a conditioned concurrence with the Alternatives. We are satisfied with the range of alternatives described, minus the decision to retain only roundabout alternative A (NW Quadrant of US 141/Velp Avenue Interchange) for further study. Sections 2.1.2(a) and 2.2.6 have been a valuable addition to the document, as they identify the opportunities available and provide an initial screening of options. However, we remain concerned that the five-leg roundabout and local connector road have not demonstrated sufficient need and may be viewed as a speculative fill from a Clean Water Act perspective. Therefore, we respectfully condition our concurrence not to include retention of only roundabout alternative A for further study. We would instead recommend that the northwestern roundabout at US 141/Velp Avenue be designed in all alternatives to accommodate the “fifth spoke” (without constructing it) and incorporate longer bridges to facilitate construction of the local road as an option outside of this project. It is our opinion that this alternative would not preclude future development, would eliminate any speculative fill concerns and facilitate full concurrence with the Alternatives by the Corps, and would be in keeping with the Purpose and Need statement for the project.

1

See attached comment response

We appreciate your coordination with our agency and look forward to continued collaboration on this project. If you have any questions, please contact Linda Kurtz in our Green Bay office at (920) 448-2824, or Rebecca Graser in our Waukesha office at (262) 547-4171. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

/e-copy only/

Tamara E. Cameron  
Chief, Regulatory Branch

CF:

Tracey McKenney, FHWA Madison;  
Sherry Kamke, USEPA Region 5;  
Mike Helmrick, WDOT-NE Region;  
James Doperalski, Jr., WDNR;  
Jill Utrup, USFWS.

**Comment Response**  
**(November 18, 2010 EPA Letter)**

1. Additional coordination has been completed with the Village of Howard concerning the five-legged and four-legged roundabout options, including the extent to which these options would be compatible with existing and proposed development, cost sharing and other factors. At this time, the Village of Howard has indicated support for the four-legged roundabout while recognizing its limitations with respect to providing local access. Based on this input from the Village of Howard, the four-legged roundabout has now been identified as WisDOT's recommended alternative in the Draft EIS. However, both roundabout options will be carried forward as viable alternatives to provide an opportunity for additional public input at the public hearing.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Green Bay ES Field Office  
2661 Scott Tower Drive  
New Franken, Wisconsin 54229-9565  
Telephone 920/866-1717  
FAX 920/866-1710

November 22, 2010

Ms. Mindy Gardner  
Wisconsin Department of Transportation  
944 Vanderperren Way  
Green Bay, Wisconsin 54304

re: Draft EIS Sections 1 and 2  
US 41, DePere to Suamico  
(Memorial Drive to County M)  
Brown County, Wisconsin

Dear Ms. Gardner:

The U.S. Fish and Wildlife Service (Service) has received the Draft Environmental Impact Statement (EIS) document, Sections 1 and 2, for the proposed improvements to US 41 in the Memorial Drive to County M section, in Brown County, Wisconsin, with request for review and comment. We have reviewed Sections 1 and 2 of the Draft EIS and our comments follow. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969 (NEPA).

### **General Comments**

#### **Section 1.1 Proposed Action**

The proposed action is to reconstruct US 41 between Memorial Drive and County Road M in Brown County, Wisconsin. The proposed improvements are listed in this section. Although some improvements are explained in detail, such as the use of roundabouts, other proposed improvements are not. Either the rationale for all improvements should be included in this section, or they should be discussed in Section 2.

1

#### **Section 1.2 Purpose of Proposed Action**

The purpose of the proposed action is not adequately described. As presented, this subsection provides only a bulleted list of objectives of the proposed improvements. There should be more explanation as to why these improvements are being proposed.

2

#### **Section 1.3 Need for Proposed Action**

The project need, as adequately described, is to provide for system linkage, traffic demand, existing highway deficiencies, and safety concerns.

See attached comment responses

## Section 2 Alternatives

Although the Draft EIS has included the total wetland acreage potentially impacted by each alternative, it would be helpful if the wetland type(s) (e.g., sedge meadow, shallow marsh) were also included. In addition, it would be helpful to know the size of the wetland(s) being impacted (i.e., several small wetlands or few large wetlands).

3

## Federally-Listed Species, Proposed Species, and Designated Critical Habitat

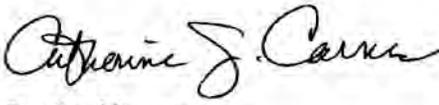
Our records indicate that there are currently no federally-listed threatened or endangered species, or designated critical habitat present at the project site. As project planning proceeds, project proponents should regularly assess the project area for presence of protected species. We recommend that the project area be reviewed every 12 months.

4

Please provide us with copies of any future documents that may be associated with this project or of future projects you may be planning that would require Service review.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Jill Utrup at 920-866-1734.

Sincerely,

  
for Louise Clemency  
Field Supervisor

See attached comment responses

**Comment Response**  
**(November 22, 2010 Fish & Wildlife Service Letter)**

1. To minimize duplication in the EIS, the description of the proposed action in Section 1 is intended to be an overview of the key improvement concepts. For cross reference, a sentence has been added at the end of section 1.1 stating that more detailed information on the proposed action is provided in Section 2.
2. No changes made. Per FHWA's EIS preparation guidelines, the purpose of the proposed action should be briefly stated and not so narrowly defined that it appears to support or preclude certain improvement alternatives. The bulk of the discussion/documentation concerning why the improvements are being proposed is provided under a separate EIS heading "Need for Proposed Action." At the 9/22/10 agency coordination meeting at which EIS Sections 1 and 2 were discussed, the USACE requested that the previous purpose statement be expanded somewhat to provide a stronger platform for the alternatives discussion. The bulleted items under section 1.2 reflect the revision made to address the USACE's comment.
3. No changes made. The wetland impact quantities noted in Section 2 is one of several environmental impact measures for comparing and screening the alternatives. Per FHWA's EIS preparation guidelines and to avoid duplication in the EIS, more detailed information on wetland impacts, including wetland types is more appropriately provided in Section 3.
4. The threatened and endangered species discussion in Section 3.10 (page 3-31) mentions the need to consult the latest federal list if there is a lag time of more than 12 months between the project's planning and construction phases.

**ARCHAEOLOGICAL / HISTORICAL RESURVEY ADDENDUM**

**SECTION 106 REVIEW  
ARCHAEOLOGICAL/HISTORICAL INFORMATION**

Wisconsin Department of Transportation  
DT1635 11/2006

**SHPO**

For instructions, see FDM Chapter 26

**I. PROJECT INFORMATION**

Project ID 1133-10-01	Highway - Street US 41	<b>RECEIVED</b>	County Brown
Project Termini Memorial Drive to County M			Region - Office Northeast Region
Regional Project Engineer - Project Manager Mindy Gardner PE		DEC 09 2010	Area Code - Telephone Number (920) 492-0133
Consultant Project Engineer - Project Manager Matt Barr PE, Ayres Associates		<b>DIV HIST PRES</b>	Area Code - Telephone Number (608) 443-1261
Archaeological Consultant US 141/Velp Avenue and I-43 Interchanges—Archaeological Research, Inc. (ARI) (contact: David Keene)			Area Code - Telephone Number (608) 836-8677
County M Interchange—Commonwealth Cultural Resources Group, Inc. (CCRG) (contact: Kathryn Egan-Bruhy)			(715) 358-5686
Architecture/History Consultant County M Interchange—CCRG (contact: Kathryn Egan-Bruhy)			Area Code - Telephone Number (715) <del>358-5686</del>
Date of Need December 15, 2010			SHSW #08-0493/BR
Return a signed copy of this form to: Mindy Gardner, WisDOT Northeast Region			

**II. PROJECT DESCRIPTION**

Project Length: US 141/Velp Avenue, I-43, and County M Interchanges	Land to be Acquired: Fee Simple ± 29-37 acres depending on alternative	Land to be Acquired: Easement Unknown at this time
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Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width			Terrace Width		
Shoulder			Sidewalk Width		
Slope Intercept			Number of Lanes		
Edge of Pavement			Grade Separated Crossing		
Back of Curb Line			Vision Triangle acres		
Realignment			Temporary Bypass acres		
Other - List:			Stream Channel Change	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Attach Map(s) that depict "maximum" impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree topping and/or grubbing	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Brief Narrative Project Description - Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements.

This addendum reports the results of updated cultural resource investigations for the US 41 Memorial Drive to County M project. See page 2 for additional information. Ground disturbing activities will include clearing, grading, and roadway construction.

Add continuation sheet, if needed.

## Project Background/Overview

Key proposed improvements in the US 41 Memorial Drive to County M project section include expansion of the US 41 mainline from Memorial Drive to County M, reconstruction/improvements at the US 141/Velp Avenue interchange, I-43 interchange, and County M interchange, and improvements along I-43 from US 41 to Atkinson Drive. See **Figure 1** for project limits. There are currently two build alternatives (Alternatives D and E) remaining for detailed evaluation in the EIS for the US 41 Memorial Drive to County M project. Proposed improvements for both alternatives are the same with the exception of the level/type of improvements at the I-43/US 41 interchange.

The US 41 Memorial Drive to County M project is the northernmost section of the overall US 41 Brown County expansion project that extends from Orange Lane (just south of the County F interchange at DePere) to the County M interchange in the Village of Howard. See **Figure 2**. The original US 41 Orange Lane to County M corridor study was completed in 2003 (WisDOT Project I.D. 1133-03-01). The original corridor study did not include improvements at the County M interchange.

## Summary of Past Section 106 Submittals/Approvals

June 21, 2002 (SHSW #01-1584/BR)—SHPO approved the original Section 106 review which included archaeological and historic structure investigations for the original US 41 corridor study noted above. No archaeological or historic sites were identified.

June 17, 2008 (SHSW #08-0493/BR)—SHPO approved a Section 106 addendum for the Memorial Drive to County M project section under WisDOT Project I.D. 1133-10-00/01. The main reason for this addendum was more extensive reconfiguration of the I-43/US 41 interchange to provide an interstate to interstate connection due to designation of US 41 as an Interstate Highway. Reconfiguration of the I-43/US 41 interchange also resulted in improvements extending farther along I-43 than originally planned. In addition, minor design refinements at the US 141/Velp Avenue interchange required additional ground disturbance at this interchange. No archaeological or historic sites were identified.

## Currently Proposed Improvements

Proposed improvements in the US 141/Velp Avenue and I-43 interchange area, and at the County M interchange that are the subject of the current Section 106 addendum are summarized below.

Current improvements in the US 141/Velp Avenue and I-43 interchange area for Alternatives D and E (retained for detailed evaluation in the EIS) are illustrated on **Figure 3**. Key design features are summarized as follows:

### Alternative D

- Expand US 41 on a revised alignment from US 141/Velp Avenue to I-43
- Construct Collector-Distributor (C/D) roads on both sides of US 41 between US 141/Velp Avenue and I-43
- Extend the on and off ramps at the US 141/Velp Avenue interchange and realign them slightly
- Make minor improvements to existing indirect loop ramp geometry at the I-43/US 41 systems interchange
- Improve the southbound US 41 to southbound I-43 ramp and northbound I-43 to northbound US 41 ramp to a 70 mph design speed

### Alternative E

- Expand US 41 including a revised northbound alignment with raised gradeline
- Reconstruct the I-43/US 41 systems interchange with elimination of the existing loop ramps

Both alternatives also include realignment of Beaver Dam Creek at the US 141/Velp Avenue interchange, construction of a stormwater detention pond in the southwest quadrant of the interchange, and a possible five-legged roundabout with local access frontage road in the northwest quadrant of the interchange.

Currently proposed improvements at the County M interchange are illustrated on **Figure 4**. Key design features include replacing the existing County M structure over US 41 and constructing roundabouts at the interchange ramp terminals and at the frontage road intersections with County M.

## Current Section 106 Addendum

The current Section 106 addendum reports the results of additional cultural resource investigations that have occurred since the June 17, 2008 Section 106 addendum/approval. These additional investigations are summarized below and the general locations are indicated on **Figure 1**.

### August 2008—Archaeological and historic structure investigations at the County M interchange

Initial Archaeological and historic structure investigations for the County M interchange were conducted by Commonwealth Cultural Resources Group Inc. (CCRG) when this interchange was part of the US 41 Green Bay to Abrams corridor study (WisDOT Project I.D. 1150-46-00). No archaeological sites or historic structures were identified. The Archaeological Field Survey Report documenting CCRG's 2008 archaeological investigations is enclosed with this Section 106 addendum (*County M Interchange Survey*). A separate memo documenting CCRG's historic structure survey is attached to this Section 106 addendum as **Figure 5**.

### June 2009—Archaeological resurvey at the US 141/Velp Avenue interchange

This resurvey was conducted by Archaeological Research Inc. (ARI) to account for advanced acquisition of residential parcels in the southwest quadrant of the US 141/Velp Avenue interchange (Island Court area) and commercial parcels in the northeast and southeast quadrants of the interchange. Previous investigations within the proposed right-of-way limits at this interchange were reported in the June 17, 2008 Section 106 addendum. Subsequent to that investigation, WisDOT determined that several small parcels would be acquired in their entirety. Therefore, updated investigation was done in 2009 to allow WisDOT to move forward with any razing activities at these locations. No archaeological sites were identified. The archaeological survey report documenting ARI's 2009 archaeological investigations is enclosed with this Section 106 addendum (*Resurvey for Advanced Acquisition of Small Parcels at US 141/Velp Avenue Interchange*). Additional historic structure investigations were not necessary because the advanced acquisition parcels are within the original APE for historic structures. See Item IV of this Section 106 addendum for more information.

### June 2010—Archaeological resurvey at the County M interchange

The County M interchange was added to the current US 41 Memorial Drive to County M project (WisDOT Project I.D. 1133-10-01) in 2009. As part of the alternatives refinement for this interchange, WisDOT considered a potential shift of the County M structure to the north which was outside the limits of the 2008 survey conducted by CCRG. Therefore, CCRG resurveyed this interchange in 2010 to account for the potential alignment shift. No archaeological sites were identified. Because there were no structures within the alignment shift area, an updated historic structure investigation was not needed. It should be noted that the County M alignment shift is no longer being considered at this time. The Archaeological Field Survey Report documenting CCRG's archaeological resurvey is enclosed with this Section 106 addendum (*County M Interchange Survey*).

### October 2010—Additional archaeological resurvey at the US 141/Velp Avenue and I-43 interchanges

This resurvey was conducted by ARI to account for the following design refinements which expanded the footprint of the previous resurvey covered in the June 17, 2008 Section 106 addendum:

- Beaver Dam Creek/box culvert realignment required to accommodate proposed improvements in the area of the US 141/Velp Avenue interchange.
- Design refinements at the I-43 interchange related to expansion of the Alternative C footprint (Alternative C was still under consideration at that time).
- Proposed 5-legged roundabout and associated local access frontage road on the west side of the US 141/Velp Avenue interchange

No archaeological sites were identified. The archaeological survey report documenting ARI's 2010 resurvey is enclosed with this Section 106 addendum (*Resurvey for Design Refinements at US 141/Velp Avenue and I-43 Interchanges*). Additional historic structure investigations were not necessary because the proposed design refinements are within the original APE for historic structures. See Item IV of this Section 106 addendum for more information.

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DEC 09 2010

DIV HIST PRES

**III. CONSULTATION**

How has notification of the project been provided to:

- Property Owners
  - Public Information Meeting Notice
  - Letter - Required for Archaeology
  - Telephone Call
  - Other:

- Historical Societies/Organizations
  - Public Information Meeting Notice
  - Letter
  - Telephone Call
  - Other:

- Native American Tribes
  - Public Info. Mtg. Notice
  - Letter
  - Telephone Call
  - Other:

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\*Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

See **Appendix A**.

**IV. AREA OF POTENTIAL EFFECTS - APE**

**ARCHAEOLOGY:** Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance exemption.

The archaeological APE for the original US 41 corridor study included an approximate 300-foot wide band along the US 41 mainline (centered on the existing highway median), land within the proposed interchange reconstruction footprints, and land along side roads where improvements were proposed. The expanded APE for the currently proposed improvements includes all land within and adjacent to existing highway R/W where refinements are now being proposed, land within the refined interchange reconstruction footprints, and land within the refined side road reconstruction footprints.

**HISTORY:** Describe the area of potential effects for buildings/structures.

The historic structure APE for the original US 41 corridor study encompassed structures fronting on and adjacent to the US 41 mainline, frontage roads, interchange ramps, side roads and overpasses where construction was anticipated. No surveyable properties were found. The currently proposed improvements/design refinements at the US 141/Velp Avenue and I-43 interchanges are within the original APE for historic structures. No surveyable structures were identified.

A historic structure investigation for the County M interchange was conducted by CCRG in 2008 and no surveyable structures were identified within the APE for this interchange (see CCRG letter, **Figure 5**).

No additional structure investigations are required.

**V. PHASE I ARCHEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED**

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed  <input type="checkbox"/> Archaeological survey is not needed - Provide justification <ul style="list-style-type: none"> <li><input type="checkbox"/> Screening list (date).</li> </ul>	<input type="checkbox"/> Architecture/History survey is needed  <input checked="" type="checkbox"/> Architecture/History survey is not needed <ul style="list-style-type: none"> <li><input type="checkbox"/> No structures or buildings of any kind within APE</li> <li><input type="checkbox"/> Screening list (date).</li> </ul> See Item IV for additional information.

**VI. SURVEY COMPLETED**

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> NO archaeological sites(s) identified - ASFR attached ASFR is applicable to County M interchange survey. <input checked="" type="checkbox"/> NO potentially eligible site(s) in project area - Phase I Report attached Phase I Report applicable to Velp Avenue Interchange <ul style="list-style-type: none"> <li><input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached                         <ul style="list-style-type: none"> <li><input type="checkbox"/> Avoided through redesign</li> <li><input type="checkbox"/> Phase II conducted - go to VII (Evaluation).</li> </ul> </li> <li><input type="checkbox"/> Phase I Report attached - Cemetery/cataloged burial documentation</li> </ul>	<input checked="" type="checkbox"/> NO buildings/structures identified <ul style="list-style-type: none"> <li><input type="checkbox"/> Potentially eligible buildings/structures identified in the APE - A/HSF attached</li> <li><input type="checkbox"/> Potentially eligible buildings/structures avoided - documentation attached</li> </ul> See APE discussion in Item IV for additional information.

**VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED**

<input type="checkbox"/> No arch site(s) eligible for NRHP - Phase II Report attached <input type="checkbox"/> Arch site(s) eligible for NRHP - Phase II Report attached <input type="checkbox"/> Site(s) eligible for NRHP - DOE attached	<input type="checkbox"/> No buildings/structure(s) eligible for NRHP - DOE attached <input type="checkbox"/> Building/structure(s) eligible for NRHP - DOE attached
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**VIII. COMMITMENTS/SPECIAL PROVISIONS – must be included with special provisions language**

No commitments or special provisions have been identified.

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**IX. PROJECT DECISION**

DEC 09 2010

- No historic properties (historical or archaeological) in the APE.
- No historic properties (historical or archaeological) affected.
- Historic properties (historical and/or archaeological) may be affected by project;
  - Go to Step 4: Assess affects and begin consultation on affects
  - Documentation for Determination of No Adverse Effects is included with this form. WIDOT has concluded that this project will have No Adverse Effect on historic properties. Signature by SHPO below indicates SHPO concurrence in the DNAE and concludes the Section 106 Review process for this project.

DIV HIST PRES

*Mindy E. Gardner*

Mindy E. Gardner PE  
(Regional Project Manager)

11/10/10  
(Date)

Matthew Barr PE  
(Consultant Project Manager)

11/10/10  
(Date)

*Patricia M. Truener for*  
(WIDOT Historic Preservation Officer)

8 December 2010  
(Date)

*Kimberly A. Cook*  
(State Historic Preservation Officer)

12-29-2010  
(Date)



## Draft EIS Distribution List

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### Federal Agencies

U.S. Army Corps of Engineers  
U.S. Department of Commerce – NOAA Office of Program Planning and Integration  
U.S. Department of Interior – Bureau of Indian Affairs  
U.S. Department of Interior – Fish and Wildlife Service  
U.S. Department of Interior – Office of Environmental Policy and Compliance  
U.S. Department of Housing and Urban Development  
U.S. Environmental Protection Agency

### State Agencies

Wisconsin Department of Natural Resources  
Legislative Fiscal Bureau  
Wisconsin Historical Society – State Historic Preservation Office  
State Reference and Loan Library  
Wisconsin Coastal Zone Management Program

### Federal and State Elected Officials

Governor Scott Walker  
Honorable Herbert Kohl (U.S. Senator)  
Honorable Ron Johnson (U.S. Senator)  
Honorable Reid Ribble (U.S. Representative)  
Honorable Karl Van Roy (State Representative – District 90)  
Honorable David Hansen (State Senate – District 30)

### Local Units of Government / Interest Groups

Bay-Lake Regional Planning Commission  
Brown County  
Brown County Planning Department  
City of Green Bay  
Green Bay Metropolitan Planning Organization  
Village of Howard  
Village of Suamico



# List of Preparers

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<b>Organization/Name</b>	<b>Primary Responsibility</b>	<b>Qualifications</b>
<b>FHWA</b>		
Tracey McKenney	EIS review for environmental and design aspects	B.S., Civil Engineering; 22 years of experience in highway project development and environmental review
<b>WisDOT</b>		
<b>Bureau of Equity and Environment Services (BEES)</b>		
Jay Waldschmidt, P.E.	EIS review for environmental aspects and legal sufficiency	B.S., Civil Engineering; B.S., Mining Engineering; Experience since 1989 in highway project development and environmental review
Jim Becker	Environmental Analysis & Review Specialist, Archaeology Program Manager	B.A. Organizational Management; Experience since 2005 in archaeological and burial site resource issues, and environmental coordination and review
Bob Newbery	Cultural resource review	B.A., M.A., U.S. history; 28 years experience as WisDOT historian
<b>Northeast Region</b>		
Mindy Gardner, P.E.	WisDOT project manager, public involvement, review of engineering studies, and EIS preparation	B.S., Civil Engineering, Environmental Emphasis; 1 year experience in Leaking Underground Storage Tanks (LUST) investigations and remediation, 5 years experience in site development engineering/consulting, 10 years experience at WisDOT in transportation engineering design, planning, and project management.
Brett Wallace, P.E.	WisDOT US 41 manager, public involvement, review of engineering studies, and EIS preparation	B.S., Civil Engineering; 20 years of experience in planning, NEPA, design, construction and maintenance of transportation systems.
Paul Vraney, P.E.	WisDOT project manager, review of engineering studies	B.S., Civil Engineering; 24 years of experience in roadway design and management of transportation projects through project development process.
Natasha Gwidt	WisDOT US 41 Design Supervisor	B.S., Civil Engineering; Project engineer with WisDOT since 2006, with an emphasis in construction and design in project development.

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**Northeast Region**

Danielle Block, P.E.	WisDOT US 41 project manager	B.S., Civil Engineering; 6 years experience in transportation engineering design and public involvement.
Mike Helmrick	WisDOT NE Region environmental coordinator	B.S., Watershed Management; Experience since 1999 in transportation project development and environmental review.
Kathie Van Price	Hazardous materials	B.S., Biology; M.S. Environmental Science and Policy; 4 years of experience in environmental analysis and document review
Scott Ebel, P.E.	Stormwater Issues	B.S., Civil Engineering, 10 years experience in transportation and roadway drainage design and construction.

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<b>Organization/Name</b>	<b>Primary Responsibility</b>	<b>Qualifications</b>
Matt Barr, P.E. Ayres Associates	Project Manager; engineering studies; alternatives development; agency coordination; public involvement	B.S., Civil Engineering; 26 years of experience in transportation design, public involvement, and environmental studies.
Troy Robillard, P.E. Ayres Associates	Environmental impact analysis; EIS preparation; public involvement	B.S., Civil Engineering; 12 years of experience in environmental documents, transportation design, public involvement.
Mary Ellen O'Brien Transportation Environmental Management	Environmental impact analysis; EIS preparation and review; agency coordination	B.S. and M.S., Environmental Sciences; Ph.D. course work in Land Resources; Experience since 1976 in transportation environmental studies and EIS preparation
Scott Cramer KL Engineering	Air quality and noise impact evaluation; Coordination plan and Impact Analysis Methodology; EIS preparation	B.S., Biology/Environmental Sciences; M.S. course work in Environmental Sciences; 17 years of experience in environmental analysis and document preparation
Dave Tollefson KL Engineering	Air quality and noise impact evaluation; Coordination plan and Impact Analysis Methodology; EIS preparation	B.S., Economics; M.S., Urban and Regional Planning; 4 years of experience in transportation planning and environmental document preparation

Organization/Name	Primary Responsibility	Qualifications
Brandy Howe Vandewalle & Associates Inc	Indirect and cumulative effects analysis	BA in Communication Studies, Iowa MA in Urban and Regional Planning, Iowa. 3 years experience working on Transportation Studies under NEPA process, with a focus on Indirect and Cumulative Effects analysis and public participation.
Mike Slavney Vandewalle & Associates Inc	Indirect and cumulative effects analysis	BS in Urban Sociology and Economic Geography; 18 years experience working on Transportation Studies under NEPA process, with a focus on Indirect and Cumulative Effects analysis, public participation, and community relations.
William Roth, P.E. Ayres Associates	Alternatives development	B.S. Civil Engineering; 22 years experience in transportation engineering design
Phil Verville III, P.E. Ayres Associates	Railroad impacts	B.S. Civil Engineering; 11 years experience in transportation engineering design
Cara Abts Strand Associates, Inc.	Traffic modeling and crash analysis	B.S. in Mechanical Engineering, M.S. in Civil and Environmental Engineering; 4 years of experience in transportation planning and crash analysis
Jeff Held, P.E., PTOE Strand Associates, Inc.	Traffic modeling and crash analysis	B.S. Civil Engineering; 11 years experience in transportation and traffic engineering