

**Section 106 Form for 2006 and 2007 Archaeological Resurvey
At US 141/Velp Avenue and I-43 Interchanges**

**SECTION 106 REVIEW
ARCHAEOLOGICAL/HISTORICAL INFORMATION**

Wisconsin Department of Transportation
DT1635 11/2006

**SHPO
RECEIVED**

For instructions, see FDM Chapter 26

I. PROJECT INFORMATION

Project ID 1133-10-00/01	Highway - Street US 41	County Brown	JUN 06 2008
Project Termini Memorial Drive to CTH M	Region - Office Northeast DIV HIST PRES		
Regional Project Engineer - Project Manager Chuck Karow	Area Code - Telephone Number 920-492-5997		
Consultant Project Engineer - Project Manager Matt Barr, Ayres Associates Inc	Area Code - Telephone Number 608-443-1261		
Archaeological Consultant Daniel Cain, Archeological Research	Area Code - Telephone Number 608-836-8677		
Architecture/History Consultant John Vogel, Heritage Research Inc	Area Code - Telephone Number 262-251-7792		
Date of Need June 1, 2008	SHSW # <i>08-0493/BR</i>		
Return a signed copy of this form to:			

II. PROJECT DESCRIPTION

Project Length 3.3 miles	Land to be Acquired: Fee Simple 45 acres	Land to be Acquired: Easement unknown acres
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Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width	Varies 180'-210'	Variable	Terrace Width	N/A	N/A
Shoulder (Measured from center of median to inside edge of shoulder and outside edge of shoulder)	Inside US 41-24', IH 43-28' Outside US 41- 64', IH 43-66'	Inside US 41-6', IH 43-8', Outside US 41- 77.5', IH 43-81'	Sidewalk Width	N/A	N/A
Slope Intercept	Variable	Within proposed right-of- way	Number of Lanes	4	6 (minimum) 10 (maximum)
Edge of Pavement (Measured from center of median to outside lane)	US 41- 54', I 43- 56'	US 41- 66', I 43- 68'	Grade Separated Crossing	1 RR, 2 Overpa sses, 3 Intercha nges	No additional grade separation locations
Back of Curb Line	N/A	N/A	Vision Triangle acres	N/A	N/A
Realignment			Temporary Bypass acres	N/A	N/A
Other - List:			Stream Channel Change	<input checked="" 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 checked="" 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 project provides for the expansion of US 41 from Memorial Drive and CTH M (Lineville Road). As part of this project, the US 41/IH 43 interchange will be reconstructed, including reconstruction of IH 43 southeasterly from US 41 to approximately 3000 feet northeast of the Atkinson Drive Interchange. The project includes the reconstruction of the US 41/Velp Avenue (US 141) interchange, and replacement of the US 41 structures over the Canadian National Railroad, Duck Creek and Beaver Dam Creek. The affected sections of both US 41 and IH 43 roadways are in T24N, R20E, with US 41 falling entirely in the Village of Howard, and IH 43 extending into the City of Green Bay. This project is the northernmost of four US 41 corridor segments in Brown County to be expanded to a minimum of six and as many as ten lanes (including auxiliary lanes) at some locations. This project will be the last segment on the corridor to be rebuilt, with construction currently scheduled for 2014. It is identified in yellow on the enclosed US 41 map (Exhibit A).

A Section 106 Review was originally completed for the reconstruction along the approximate 14-mile US 41 corridor in Brown County, and approved by the State Historic Preservation Officer on June 21, 2002. The coordination required for that initial study only addressed the US 41 corridor and very little work along IH 43. The original Section 106 Review for the 14-mile corridor included several historical sites outside of this project (Exhibit G). The amended historical survey for the change in scope of this project discovered no historical sites (Exhibit H). The attached archaeological survey field report (Exhibit I) and the amended archaeological survey field report (Exhibit J) were performed for the impacts of this project only. The reason for the change in scope from the initial corridor study was a decision to re-designate US 41 as an interstate highway. As a result, the originally proposed configuration for the IH 43 interchange is being reconsidered to eliminate the existing tight ramp loops and provide a higher type of interchange for an interstate-to-interstate connection. This proposed modification results in the reconstruction extending further along IH 43 than originally planned. In addition, it will add additional ground disturbance activity adjacent to the US 41/Velp Avenue Interchange, and at the US 41/IH 43 Interchange (Exhibit B). All areas where ground disturbance activity was anticipated were surveyed. Prior to the acquisition of properties southwest of the US 41/Velp Avenue interchange, an additional archaeological survey may be required for areas outside of the project slope intercepts if the entire parcel is acquired in addition to the right of way required for the proposed construction.

08-0493/BR

Add continuation sheet, if needed.

III. CONSULTATION

How has notification of the project been provided to:

<input checked="" type="checkbox"/> Property Owners	<input checked="" type="checkbox"/> Historical Societies/Organizations	<input checked="" type="checkbox"/> Native American Tribes
<input checked="" type="checkbox"/> Public Information Meeting Notice	<input checked="" type="checkbox"/> Public Information Meeting Notice	<input type="checkbox"/> Public Info. Mtg. Notice
<input checked="" type="checkbox"/> Letter - Required for Archaeology	<input type="checkbox"/> Letter	<input checked="" type="checkbox"/> Letter
<input type="checkbox"/> Telephone Call	<input type="checkbox"/> Telephone Call	<input type="checkbox"/> Telephone Call
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

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

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.

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

As discussed in the brief narrative above the additional APE that was evaluated includes the reconstruction along IH 43, from US 41 to Atkinson Drive (approximately 600-800 feet on each side of IH 43). In addition, the ground disturbance and impacted areas due to the reconstruction of US 41/Velp Avenue Interchange and the US 41/IH 43 interchange were surveyed.

V. PHASE I ARCHEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed	<input checked="" type="checkbox"/> Architecture/History survey is needed <i>Survey approved in 2008, is amended by the attached letter report 6/17/08</i>
<input type="checkbox"/> Archaeological survey is not needed - Provide justification <input type="checkbox"/> Screening list (date).	<input type="checkbox"/> Architecture/History survey is not needed <input type="checkbox"/> No structures or buildings of any kind within APE <input type="checkbox"/> Screening list (date).

VI. SURVEY COMPLETED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> NO archaeological sites(s) identified - ASFR attached	<input checked="" type="checkbox"/> NO buildings/structures identified - A/HSF attached
<input type="checkbox"/> NO potentially eligible site(s) in project area - Phase I Report attached	<input type="checkbox"/> Potentially eligible buildings/structures identified in the APE - A/HSF attached
<input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached <input type="checkbox"/> Avoided through redesign <input type="checkbox"/> Phase II conducted - go to VII (Evaluation).	<input type="checkbox"/> Potentially eligible buildings/structures avoided - documentation attached
<input type="checkbox"/> Phase I Report attached - Cemetery/cataloged burial documentation	

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

<input type="checkbox"/> No arch site(s) eligible for NRHP - Phase II Report attached	<input type="checkbox"/> No buildings/structure(s) eligible for NRHP - DOE attached
<input type="checkbox"/> Arch site(s) eligible for NRHP - Phase II Report attached	<input type="checkbox"/> Building/structure(s) eligible for NRHP - DOE attached
<input type="checkbox"/> Site(s) eligible for NRHP - DOE attached	

VIII. COMMITMENTS/SPECIAL PROVISIONS - must be included with special provisions language

- Add a special provision to add safety fence along the west boundaries of the surveyed Rentmeester Site (BR-399), located southwest of the USH 41/Velp Avenue Interchange.

IX. PROJECT DECISION

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.

08-0493/BR

Charles M. ...
(Regional Project Manager)

3/6/08
(Date)

Paula ...
(Consultant Project Manager)

12/28/07
(Date)

E. Johnson
(WIDOT Historic Preservation Officer)

6/4/08
(Date)

Sharon ...
(State Historic Preservation Officer)

6/17/08
(Date)



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

October 8, 2009

David D. Platz
FHWA-Wisconsin Division
525 Junction Road, Suite 8000
Madison, Wisconsin 53717-2157

re: Request to Become a Participating Agency
Project ID 1133-10-01
USH 41, Memorial Drive – CTH M
Brown County, Wisconsin

Dear Mr. Platz:

The U.S. Fish and Wildlife Service (Service) has received your letter dated September 16, 2009, requesting that the Service become a participating agency in the environmental review process for the subject project. This project entails transportation improvements of USH 41 between Memorial Drive and CTH M, to include improvements to the USH 41/Velp Avenue, STH 141 and I-43 interchanges in Brown County, Wisconsin. Enclosed for our review were your Impact Assessment Methodology and Coordination Plan. We have reviewed the information provided and our comments follow.

The Service accepts your invitation to become a participating agency in the environmental review process for this project. As previously discussed in our letter dated February 13, 2007, our agency has concerns regarding impacts to wetlands in the project area, in particular those wetlands adjacent to Duck Creek and Green Bay that may be impacted by improvements to the USH 41/I-43 interchange. We ask that we be informed of any meetings or field reviews of the project, and we will participate to the extent that current workloads and other priorities allow.

We have also reviewed the two documents which were enclosed for our review. For those resource areas of concern to the Service, the Impact Assessment Methodology accurately describes an appropriate methodology sufficient to adequately assess impacts to those resources. The Coordination Plan was also found to be complete and accurate regarding our understanding and expectations for how the environmental review process should proceed.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Mr. Joel Trick at 920-866-1737.

Sincerely,


Louise Clemency
Field Supervisor

cc: Paul Vraney, Wisconsin DOT, Green Bay, WI



Bay-Lake Regional Planning Commission

441 S. Jackson Street, Green Bay, WI 54301

tele: 1 (920) 448-2820 fax: 1 (920) 448-2823 www.baylakerpc.org

Mark A. Walter, Executive Director

The regional planning commission for Northeastern Wisconsin serving communities within the counties of:
FLORENCE • MARINETTE • OCONTO • BROWN • DOOR • KEWAUNEE • MANITOWOC • SHEBOYGAN

October 15, 2009

Mr. Paul Vraney
WisDOT NE Region
944 Vanderperren Way
Green Bay, WI 54304-5344

Re: Invitation to become a participating agency in environmental aspects of the USH 41 Memorial Drive to CTH M Project

Dear Mr. Vraney,

The Bay-Lake Regional Planning Commission is pleased to accept the invitation to participate in the review of environmental aspects of the USH 41 Memorial Drive to CTH M Project with the Wisconsin Department of Transportation.

This project is an important transportation project for the Bay-Lake Region that will certainly have an effect on the natural and cultural environment of this area of Brown County. The Commission staff have expertise in environmental assessment, community planning and transportation planning as well as significant local knowledge that could provide valuable insight into the impacts of this project. As a partner with the Wisconsin Coastal Management Program, we also are able to provide input into the effect on coastal resources in the area including the crossing of the Duck Creek.

With regard to the *Impact Analysis Methodology*, we have a number of comments:

1. The Commission recommends that the Wisconsin Coastal Management Program, as the state program office for the Federal Coastal Zone Program be added to the list of agencies that receive notice concerning the Environmental Impact Statement as it is developed. Since the project lies completely within the Coastal Zone, it falls under the purview of the Coastal Zone Management Act of 1972, administered by NOAA, which is charged with "preserving, protecting, developing, and where possible, restoring or enhancing the resources of the nation's coastal zone." All of Brown County is considered to be within the Coastal Zone.
2. Under Section 11.3, we believe that the Brown County Land Conservation Department is a better agency to determine impacts on agricultural lands than NRCS or DATCP.
3. Under Section 13, we would like to see special emphasis put on reducing or limiting the amount of impervious surface created by this project as part of the General Methodology.

With regard to the *Coordination Plan*, the Commission again recommends that NOAA, Office of Ocean and Coastal Resource Management, or the Wisconsin Coastal Management Program, as the state program office for the Federal Coastal Zone Program, be added to the list of agencies that

receive notice concerning the Environmental Impact Statement as it is developed. As noted above, the US 41 project in Brown County fall wholly within the Coastal Zone. Contact information can be found on NOAA's website <http://coastalmanagement.noaa.gov/> as well as WCMP's website <http://coastal.wisconsin.gov>.

We appreciate the opportunity to comment on this process and look forward to working with you as the EIS is developed.

I will be the point of contact for this process at the Commission. Correspondence can be addressed to me at:

Mark A. Walter
Executive Director
Bay-Lake Regional Planning Commission
441 S. Jackson Street
Green Bay, WI 54301
mwalter@baylakerpc.org
(920) 448-2820

The Commission looks forward to working with WisDOT and others on this important project.

Sincerely,



Mark A. Walter
Executive Director

From: Runge_CM [mailto:Runge_CM@co.brown.wi.us]
Sent: Tuesday, October 20, 2009 4:26 PM
To: Vraney, Paul - DOT
Cc: Lamine_CF
Subject: Environmental review process for US 41 between Memorial Drive & CTH M - agreement to serve as a participating agency

Hi Paul,

The Brown County Planning Commission/Green Bay MPO agrees to serve as a participating agency for the environmental review process for US 41 between Memorial Drive & CTH M. Please put me down as the MPO's contact person for this process.

Thanks,

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
Web: 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

October 21, 2009

Paul Vraney
Wisconsin Department of Transportation
944 Vanderperren Way
P.O. Box 28080
Green Bay, WI 54324-0080

2009 OCT 22 A 4:58
DOT: Brown, 8247

SUBJECT: Initial Comments on Cooperating Agency Participation and Draft Sections of EIS
Project I.D.#: 1133-10-01
Project Title: USH 41 Reconstruction
Location: Memorial Drive to CTH M
County: Brown

Dear Mr. Vraney:

Thank you for contacting the Department of Natural Resources (DNR) regarding your study mentioned above. You have invited the DNR to be actively involved in the environmental review process as a cooperating agency set forth in SAFETEA-LU, the current federal transportation bill. The DNR accepts your invitation to be a cooperating agency, understanding the following considerations:

Our designation as a cooperating agency, in no way, diminishes or replaces our role and responsibility with DOT administered projects as well as our direct agency-to-agency relationship described in the DNR/DOT Cooperative Agreement. Our interagency agreement with DOT is paramount to being a "cooperating agency" for individual projects.

This environmental review process commonly uses "concurrence points" to move forward in a step-by-step manner. Agencies are expected to provide concurrence at various steps including purpose and need, preliminary alternatives and detailed analysis, among others. However, DNR also provides "final concurrence" to DOT in lieu of issuing environmental permits for DOT-administered projects. To satisfy SAFETEA-LU requirements, DNR will provide detailed comments at each concurrence point and provide specific concurrence to a particular stage in the process when warranted. These concurrences to the steps in the process should not be confused with "final concurrence" to the project after it has reached final design.

It is our understanding that once the process proceeds past a concurrence point, that particular concurrence point will not be revisited unless there is new and compelling information not already considered. However, if new information does come to light, we understand that concurrence points, such as purpose and need, could be re-examined with good cause. This ability, to re-examine earlier decisions in light of new information, is critical to our successful participation in this process.

Your letter also asks for comments on the two draft sections of the EIS, Coordination Plan and Impact Analysis Methodology. Below are my comments on the two draft sections:

Coordination Plan for Public and Agency Participation

This section breaks down the participation process for cooperating agencies. Please refer to the considerations listed at the beginning of this letter for comments on the process.

My email address listed on page 11 has been changed to james.doperalski@wisconsin.gov.

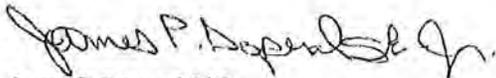
Impact Analysis Methodology

Under Section 15: Threatened and Endangered Impact Methodology, section 15.3 should reference the additional surveys and assessments requested in my March 7, 2008 Initial Project Review letter.

Section 19: Construction Impact Methodology should consider construction impacts that are not located within the project limits such as impacts from selected sites.

Again thank you for contacting DNR. We look forward to working with you as this project progresses. If any of the comments or information provided in this letter requires further clarification, please contact this office at 920-662-5119.

Sincerely,



James P. Doperalski Jr.
Environmental Analysis and Review Specialist

c. Mike Helmrick – DOT NER
File: 8247



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

OCT 30 2009

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

Mr. David D. Platz
FHWA – Wisconsin Division
525 Junction Road, Suite 8000
Madison, WI 53717-2157

Dear Mr. Platz:

This is in response to your September 16, 2009, request that the St. Paul District, Corps of Engineers serve as a cooperating agency in the development of an Environmental Impact Statement (EIS) for transportation improvements in the Memorial Drive to CTH M portion of the USH 41 corridor, Brown County, Wisconsin.

The St. Paul District, Corps of Engineers will serve as a cooperating agency for development of the EIS. Our involvement will include providing concurrence or non-concurrence regarding the following elements of the review: 1) the purpose and need statement, 2) alternatives carried forward for detailed review in the EIS, and 3) FHWA/WisDOT's selection of the preferred alternative. In addition, we would expect to provide input in the design phase impact avoidance and minimization. We will also provide comments on the draft and final EIS. However, please be aware that we do not have the resources to conduct specific environmental analyses beyond the scope of our Clean Water Section 404 permit review process.

We have reviewed the draft Coordination Plan and draft Impact Analysis Methodology dated September 2009, and offer the following comments:

Coordination Plan:

Page 4, paragraph 2 states, "Because a Draft EA has already been prepared, initial coordination with state and federal review agencies, local officials and the public has already occurred." The Corps acknowledges that some coordination with our agency has occurred. The Corps was informed in 2007 that an EA was being prepared and would be available soon. However, We have not been provided the opportunity to review the 2008 draft EA. This may affect our ability to review the key coordination/decision points in accordance with the tight Project Schedule in Section 4.

Page 7, Cooperating Agency paragraph states, "...with respect to any environmental impact involved in a proposed project or reasonable project alternative." Section 404 CWA review requires looking at practicable alternatives. We would prefer to see the term "practicable" rather than "reasonable" used here.

Page 7, 2.1, Cooperating Agency paragraph, last sentence regarding the Corps involvement; Please state the document being referred to here. Is this the work that was involved in the 2003 EA/FONSI?

Page 17, Step No. 3. Depending upon what the content of Sections 1 and 2 of DEIS entails and whether the content is based on the 2008 draft EA, we may have difficulty meeting the timeframe of 30 calendar days.

Page 17, Step No. 5. Due to potential of not being able to meet timeframe for Step No. 3, we request the response time for Step No. 5 be increased from 15 to 30 days.

Page 18, Step No. 6, and Page 19, Step No. 10. Please note: It is critical in order for us to keep this response time that the preliminary information be sent a minimum of 30 days prior to meeting.

Page 23. Paragraph 6.2 indicates there has been a refined Area of Potential Effect (APE) in conjunction with a January 22, 2007, notification letter. The Corps would like to receive a map showing this APE and strongly encourages such an area to include any potential construction material "borrow" sites.

Impact Analysis Methodology

Page 7, - We recommend that 40 CFR 230.11(g) and (h) be addressed in Section 5.1. Secondary effects are further described in 40 CFR 230.11(h) as "...effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material". Cumulative effects are further described in 40 CFR 230.11(g), and include, "...changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material..." And as general policy in 33 CFR 320.4(a)(1) included as, "...All factors which may be relevant to the proposal must be considered *including the cumulative effects thereof*; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people". The general methodology should incorporate indirect and cumulative effects specific to *the aquatic ecosystem*.

Page 14, Section 12.1 - We would like 33 CFR Part 332 (2008) Compensatory Mitigation for Losses of Aquatic Resources to be added to the list of regulations.

Page 14, 12.2 - Please change the last sentence in the first paragraph to omit *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* and replace it with *Corps of Engineers Wetland Delineation Manual* (1987 Manual).

Page 14, 12.2 – Methodology for evaluation of on/near site compensatory mitigation should include site suitability assessments early in the planning phase. The methodology should include (but not be limited to) identification of existing wetlands in and adjacent to the potential on/near site compensation sites and any potential effects the mitigation project may have on those wetlands be included in the impact analysis as well as being considered as part of the site suitability assessment.

Page 14, 12.3 – Wetland boundary determination should include not only consultation with DNR, but also with the Corps.

Through appropriate public interest review factors Corps responsibilities include incorporation of invasive species concerns in our impact analysis (U.S. Army Corps of Engineers Invasive Species Policy June 2, 2009). See also 40 CFR 230.75(b) and (d). Therefore, we strongly suggest including invasive species concerns in the impact analysis, whether directly or indirectly related to the project impacts.

A final issue of concern is that impacts at sites outside the area typically included in project analysis (such as borrow pits) need to be addressed in the impact analysis. In addition, related impacts caused as a result of the project (such as additional wetland/stream impacts from utility line relocations) also need to be addressed in the impact analysis. Not addressing these could result in delays during the permit evaluation process.

We look forward to participation at key points in the process.

Ms. Linda Kurtz from our Green Bay Field Office has been assigned as the project manager. Please notify her of any coordination meetings so she may participate as necessary. If you have any questions, contact Linda at (920) 448-2824. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
WisDOT Northeast Region, Paul Vraney
U.S. EPA, Sherry Kampke



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

NOV 03 2009

REPLY TO THE ATTENTION OF:

E-19J

Mr. David D. Platz
FHWA – Wisconsin Division
525 Junction Road, Suite 8000
Madison, Wisconsin 53717-2157

Mr. Paul Vraney
WisDOT – NE Region
944 Vanderperren Way
Green Bay, Wisconsin 54304-5344

Re: Participating Agency Request Regarding for USH 41 (Memorial Drive – CTH M), Brown County, Wisconsin

Dear Mr. Platz and Mr. Vraney:

The U.S. Environmental Protection Agency – Region 5 (U.S. EPA) has received the September 16, 2009 letter in which the Federal Highway Administration (FHWA) invited U.S. EPA to be a participating agency for the above-mentioned project. We understand that FHWA, in cooperation with Wisconsin Department of Transportation (WisDOT), is developing a Draft Environmental Impact Statement (DEIS) for transportation improvements in this segment of the USH 41 corridor. There are many related projects adjacent to this segment. We believe that this segment has more potential for significant impacts. Therefore, it is good to see that FHWA is evaluating impacts using an EIS.

The purpose of this letter is to formally agree to be a participating agency for this project. As a participating agency, U.S. EPA agrees to provide project-related input on our areas of expertise. We agree to provide input on impact assessment methodologies; participate in coordination meetings, calls, and field visits; and provide comment on preliminary information developed for the DEIS. Specifically, we look to provide information on purpose and need, alternatives considered, anticipated impacts, and mitigation. U.S. EPA retains its independent review and comment function under Section 309 of the Clean Air Act. During the formal EIS comment period, we will submit comments on this project, as we do for all federal EISs.

We have already reviewed the Coordination Plan and Impact Analysis Methodology documents submitted for our review. We have no comment on the Coordination Plan or the Impact Analysis Methodology at this time.

C16

We are committed to working together with FHWA and WisDOT on this project. Thank you for providing us this opportunity. If you have any questions, please call Sherry Kamke of my staff at 312-353-5794.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake". The signature is written in a cursive style with a large initial "K".

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



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MN 55101-1638

REPLY TO
ATTENTION OF

April 5, 2010

Operations
Regulatory (2006-06047-LMK)

Mr. David Platz
FHWA - Wisconsin Division
525 Junction Road
Madison, Wisconsin 53717

Mr. Paul Vraney
WisDOT - NE Region
944 Vanderperren Way
Green Bay, Wisconsin 54324

Dear Mr. Platz and Mr. Vraney:

This letter provides our final comments on the Impact Analysis Methodology and Coordination Plan for the Draft EIS being prepared for USH 41- Memorial Drive to CTH M (WisDOT Project I.D. 1133-10-01) in Brown County, Wisconsin. We are offering these comments in an attempt to avoid conflicts regarding the analytic requirements for this proposed project, and to avoid any delays in the subsequent permit process.

As you know, the National Environmental Policy Act (NEPA) requires that Federal agencies consider the environmental consequences of an undertaking, including an analysis of direct, indirect, and cumulative effects. The acquisition of borrow material for use on this project and the relocation of utility lines that may result from this project are reasonably foreseeable connected actions that must be addressed in the EIS.

We understand that during this phase of design, the need for utility relocations may not be known. However, planning efforts currently include, but are not limited to identifying impacts that result from residential and business displacements, impacts to Section 4(f) lands, wetlands, archeological sites, and historic structures. Considerable resources are being expended on surveying and identifying environmental impacts and we ask that you also identify utility lines within the area that could be affected, and engage utility companies early in the planning process to develop a reasonable relocation scenario. We recognize that the magnitude of impacts is variable depending whether utilities are relocated within the existing road right of way or in new corridors. Our concerns are primarily centered on potential impacts to aquatic resources, and we may need to evaluate other impact areas while fulfilling our obligations under NEPA and Section 404 of the Clean Water Act.

We have recently had experiences in which utilities have contacted us in need of permits for work in waters of the U.S. associated with the relocation of utility lines, which were required due to a planned road project. Most often, permits are needed before we can complete our permit review process, resulting in delay of construction activities. We have also experienced a number of unauthorized activities related to utility relocations that were necessary as a result of road projects. We strongly encourage early coordination of both the road work and the utility relocation work, to avoid project delays.

C17

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
Web: 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".

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.

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 29th)?

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
Fax: (920) 448-4487
Email: runge_cm@co.brown.wi.us
Web: 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."? 1
- 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. 2
- Please include a detailed diagram of the traffic flow in the roundabout which illustrates the differences between the two roundabout options. 3
- 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. 4
- 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. 5

See attached comment responses

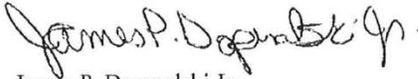
- Page 2-11 paragraph 4 states that “the 5 legged roundabout... would provide safer access to and from the planned development in the northwest quadrant of the interchange”. Any and all planned development may be subject to permitting for wetland fill. A site visit on Monday, November 08, 2010 by Department 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.

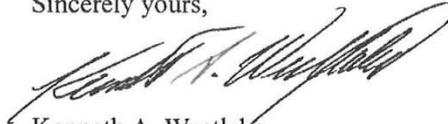
Two build alternatives were evaluated and discarded and two build alternatives were evaluated and retained. Alternative B: US 41 expansion with minor ramp improvements to I-43/US 41 interchange and Alternative C: US 41 expansion with Collector/Distributor roadways between US 141/Velp Avenue and I-43 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 12th 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 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

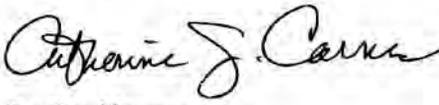
Our records indicate that there are currently no federally-listed threatened or endangered species, or designated critical habitat present at the project site. As project planning proceeds, project proponents should regularly assess the project area for presence of protected species. We recommend that 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	RECEIVED	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		DIV HIST PRES	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) 358-5686
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
--	---	---

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.

RECEIVED

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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DEC 09 2010
DIV HIST PRE

*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"/> Architecture/History survey is needed
<input type="checkbox"/> Archaeological survey is not needed - Provide justification <input type="checkbox"/> Screening list (date).	<input checked="" type="checkbox"/> Architecture/History survey is not needed <input type="checkbox"/> No structures or buildings of any kind within APE <input type="checkbox"/> Screening list (date).
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 <input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached <input type="checkbox"/> Avoided through redesign <input type="checkbox"/> Phase II conducted - go to VII (Evaluation). <input type="checkbox"/> Phase I Report attached - Cemetery/cataloged burial documentation	<input checked="" type="checkbox"/> NO buildings/structures identified <input type="checkbox"/> Potentially eligible buildings/structures identified in the APE - A/HSF attached <input type="checkbox"/> Potentially eligible buildings/structures avoided - documentation attached 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
--	--

VIII. COMMITMENTS/SPECIAL PROVISIONS – must be included with special provisions language

No commitments or special provisions have been identified.

RECEIVED

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. Turner for
(WIDOT Historic Preservation Officer)

8 December 2010
(Date)

Kimberly A. Cook
(State Historic Preservation Officer)

12-29-2010
(Date)



February 18, 2011

Natasha Gwidt
Corridor Design Supervisor
Wisconsin Department of Transportation
US 41 Brown County Project Office
1940 West Mason Street
Green Bay, WI 54303

RE: Black Forest access / 5 legged roundabout

Dear Mrs. Gwidt:

The Village of Howard at its November 22, 2010 meeting rejected the 5 legged roundabout option at the Velp Avenue USH 41 west ramps. To be clear, this option has been rejected by the Village because of the requirement that the 5th leg of the roundabout be connected to N. Memorial Drive as opposed to a short Village street that currently only serves the Black Forest and does not connect to Memorial Drive. In order to install the local street connection, additional right of way and approximately \$1,000,000 would be needed to install the roadway and widen bridges. Unfortunately, the underlying access issue that the 5 legged roundabout would have resolved still exists.

Therefore, the Village requests that the DOT consider other solutions to the access issue. The Village understands the need to control access but the method chosen to do that may create adverse side effects on Village and County roadways. The USH 41 reconstruction effort will change the access situation on Velp Avenue for the foreseeable future at a significant cost. Therefore, it is desired that we arrive at the best possible solution for controlling access while avoiding the negative effects on our local roadways. The Village of Howard requests that the DOT investigate and provide design and traffic information regarding a "protected left turn" solution for outbound Black Forrest traffic that may be the potential solution. Village staff looks forward to continuing discussions with the DOT and County on the access issue at the Black Forest property.

Respectfully,

Geoffrey S. Farr, PE
Director of Public Works

Comment response

WisDOT will continue to work with the Village of Howard in the design phase to develop a local access plan at the Velp Avenue interchange that addresses safety concerns and local access needs.

CC: Robert Bartelt, Village Administrator
Dave Weise, Director of Community Development
Brain Lamers, Brown County Highway Commissioner
Ray Smith, Brown County Operations Manager

1

See comment response below

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
Jean Romback-Bartels, Acting Regional Dir.
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711



March 11, 2011

DOT: Brown, 8247

Mindy Gardner, P.E.
Wisconsin Department of Transportation
944 Vanderperren Way
Green Bay, WI 54313

Subject: Project ID: 1133-10-01
Project Title: USH 41 Draft EIS
Location: Memorial Drive to CTH M
County: Brown

Dear Ms. Gardner,

The DNR has been involved with this project since early in the planning phase. We have worked with DOT to review the environmental issues associated with a project of this scope. From wetlands to floodplains to storm water issues the DNR had worked with DOT make sure the environmental issues were considered during alternative selection phase. Based on past coordination and the information contained in this document the DNR agrees that the two remaining build alternatives (Alternative D and E) should be considered practical alternatives. Once DOT identifies the preferred alternative DNR will continue to work with DOT to avoid and minimize the environmental impacts.

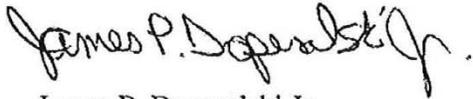
The DNR has completed our review of the USH 41 Draft EIS and offers the following comments:

1. There are several references to the term basic segment (i.e. page 2-6, 2.2.2 Alternative B:...). A brief description of this term should be provided. 1
2. Under Compensation for Unavoidable Wetland Impacts on page 3-22 there should be a brief description of the goals of the Resort Road wetland mitigation site. 2
3. Page 3-23 the document states 'there will be no net loss of wetlands due to this project'. This document should also describe how the functional values of the wetlands that would be impacted as a result of this project will be mitigated by the wetland mitigation site. 3
4. With the projected amount of borrow material needed for this project the document should discuss the potential environmental and regulatory impacts associated with selected sites and ways to minimize these impacts. 4

See comment responses
following this letter

The Department is looking forward to working with you on the design of the preferred alternative. Should you have questions regarding this letter, please contact me at (920) 662-5119 or James.Doperalski@wisconsin.gov.

Sincerely,

A handwritten signature in black ink that reads "James P. Doperalski Jr." The signature is written in a cursive style with a large initial 'J'.

James P. Doperalski Jr.
Environmental Analysis and Review Specialist

- c. Mike Helmrick – DOT Green Bay
- Lisie Kitchel – DNR BER
- Jay Schiefelbein – DNR Green Bay
- File: 8247

Comment Responses
March 11, 2011 DNR Letter

1. For clarity, the previous “US 41 southbound basic segment” and “US 41 northbound basic segment” text has been replaced with “US 41 southbound roadway” and “US 41 northbound roadway” in Final EIS subsections 2.2.2, 2.2.3, and 2.2.5.
2. A description of the goals of the Resort Road wetland mitigation site has been added to Final EIS subsection 3.7.2 under *Compensation for Unavoidable Wetland Impacts*.
3. Information on how functional values of impacted wetlands will be mitigated at the Resort Road mitigation site has been added to Final EIS subsection 3.7.2 under *Compensation for Unavoidable Wetland Impacts*.
4. The information in Draft EIS subsections 3.18.6 and 3.18.8 concerning potential impacts of material source (borrow) sites and ways to minimize potential adverse impacts is all that can be provided at this time given that specific locations for material source sites will not be identified (by construction contractors) until after the project has been advertised for contract bidding. Discussion in the Draft EIS is commensurate with the SAFETEA-LU Impact Analysis Methodology prepared in consultation with participating and cooperating agencies and which notes that a *conceptual* discussion on borrow sites will be included in the EIS.



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904



March 21, 2011

9043.1
ER 11/104

Mr. George Poirier
Division Administrator
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

Dear Mr. Poirier:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation for U.S. 41 Depere – Suamico (Memorial Drive to County M), Brown County, Wisconsin. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

This document considers effects to identified properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)) associated with the proposed reconstruction of U.S. 41 from Memorial Drive to County M/Lineville Road in Brown County, Wisconsin. The proposed reconstruction would provide additional capacity on U.S. 41 while reconstructing the interchanges at U.S. 141/Velp Avenue, at I-43, and at County M. The design refinements include roundabouts rather than signalized intersections at interchange ramps and local road intersections.

This evaluation, prepared by the Wisconsin Department of Transportation (WisDOT) and Federal Highway Administration (FHWA), considered the impacts to six recreational properties; one of these properties, Green Bay West Shores Wildlife Area (Peats Lake Unit) consisted of three separate properties. Of the six recreational properties, three would be directly affected by either of the build alternatives, and two of the three properties of the Peats Lake Unit would be affected. These properties are the Gordon Nauman Conservation Area, Wietor Wharf Park, the Deerfield Docks facility, and the Peats Lake Unit Property #1 and Property #3. WisDOT and FHWA indicate that two of these properties, Wietor Wharf Park and Deerfield Docks facility, are ineligible as Section 4(f) properties because they are owned by WisDOT and are leased to the Village of Howard under a revocable lease agreement. These are essentially transportation properties temporarily used for recreation. However, both received funds from the Dingell-

Johnson Act (Federal Aid in Sport Fish Restoration Act, 16 U.S.C. §§ 777-7771) for certain improvements (boardwalks and docks) and are, therefore, subject to compensation requirements.

WisDOT and FHWA assert that there are no avoidance alternatives other than the no action alternative, because the need to increase capacity on U.S. 41 and the close proximity of these properties to the existing highway means that there is no way to avoid the properties. The Department would concur with FHWA and WisDOT on a determination of no feasible or prudent alternative to the proposed project, if built as proposed, which would result in impacts to eligible properties. In terms of mitigation, the U.S. Fish and Wildlife Service (USFWS), in reviewing this document, recommends that of the two build alternatives, Alternative D is preferable due to its lower impacts to publicly owned resources. As noted in the Draft EIS, both Alternatives D and E were designed to minimize impacts to Section 4(f) and/or Section 6(f) resources to the maximum extent practicable. In anticipation of potentially unavoidable impacts to the Peats Lake Unit properties, Gordon Nauman Conservation Area, Wietor Wharf Park, and Deerfield Docks Park, WisDOT purchased an approximately 18-acre parcel located at Lineville Road and Bayshore Drive. The USFWS believes this property is a desirable parcel because it consolidates an existing area devoted to conservation purposes and is thus acceptable for compensation of unavoidable impacts resulting from the project. We commend WisDOT for proactively acquiring this parcel as acknowledgement of the applicability of Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §§ 4601-4 through 4601-11).

For impacts to the Gordon Nauman Conservation Area, Wietor Wharf Park, and the Deerfield Docks facility (owned or leased by the Village of Howard), WisDOT has been negotiating with the Village of Howard over adequate compensation. WisDOT will replace any loss of boardwalk at Wietor Wharf Park and Deerfield Docks. The Village of Howard submitted a list of requests, to which WisDOT responded, identifying requests that would qualify as mitigation. There is no indication in the evaluation that the Village of Howard has accepted all of the WisDOT mitigation recommendations. Therefore, the Department cannot concur with the measures to minimize harm to the property until the parties come to some agreement on the mitigation measures and formal recognition of that agreement appears in the final evaluation.

1

Fish and Wildlife Coordination Act Comments

**See comment responses
at end of this letter**

Federal permits under Section 404 of the Clean Water Act (33 U.S.C. § 1251) for the crossing of streams, wetlands, or other waters will be needed from the U.S. Army Corps of Engineers for both Build Alternatives D and E. Accordingly, the Department's comments do not preclude separate evaluation and comments by the USFWS when reviewing any forthcoming permit applications. The USFWS may concur, with or without stipulations, or recommend denial depending upon effects. At that time, the USFWS will review the Corps of Engineers' public notice to ensure that adequate mitigation measures for fish and wildlife habitat losses have been incorporated into the project's final plans and specifications.

General Comments

In a letter dated November 22, 2010, the USFWS provided initial comments on the Purpose and Need for the project and the Project Alternatives. The USFWS also noted that there are no

known occurrences of federally listed species within the proposed project corridor. According to the USFWS records, that information remains correct.

Wetlands and Streams

The Draft EIS does not thoroughly discuss ways to minimize wetland and stream impacts. Specifically, there should be further discussion of potential ways to minimize wetland and stream fragmentation. There should be an effort to maintain a hydrologic connection between wetlands and streams. However, the hydrology of streams and wetlands is only one aspect of their ecological value. Retention of as many of the ecological functions of both persistent and ephemeral streams and wetlands should be a goal in avoiding and minimizing impacts to those resources, particularly as future and cumulative impacts to fish and wildlife cannot always be anticipated. The USFWS strongly recommends that, wherever possible, efforts be made to create viable habitat corridors between fragmented wetlands. Facilitating the movement of fish and small wildlife between otherwise fragmented areas can serve to enhance the habitat value of impacted wetlands. Creation of corridors can be accomplished through appropriate design and construction or installation of bottomless culverts.

2

We agree that replacing the existing three-span bridges over Duck Creek with two-span bridges (under both Alternatives D and E) has the potential to benefit the benthic habitat and organisms of the stream. However, we recommend that bridges and abutments be designed and constructed in such a way as to allow terrestrial wildlife to pass under the bridge without entering the river during normal flow conditions. This may require lengthening the bridge, limiting the use of exposed riprap, modifying the surface of the riprap (e.g., grouting the surface or filling with soil or other natural materials), or modifying the substrate and/or slope at the base of the abutments because some wildlife species cannot or prefer not to traverse areas of riprap.

3

In replacement of the four-cell box culvert over the proposed realigned Beaver Dam Creek, we recommend installing a bottomless culvert to continue to allow the seasonal migration of fish and other aquatic or amphibious wildlife through the affected stream. At a minimum, we recommend new culverts be set at a zero slope, with a width that matches bank flow.

4

Migratory Birds

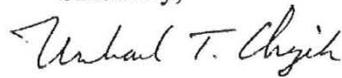
Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful to take, capture, kill, or possess migratory birds, their nests, eggs, and young. If migratory birds are known to nest on any structures (e.g., bridges, trees) that may be disturbed by project construction, activities should take place before or after, but not during, the breeding seasons for subject species. Alternatively, bridges can be tightly screened before the breeding season to prevent nesting by swallows. As cited in the Draft EIS, we recommend that screening or any other habitat disturbance occur before May 1 or after August 30 to minimize potential impacts to migratory birds; but, please be aware that some species may initiate nesting before May 1. It is stated in the document that “nests with eggs and/or young cannot be disturbed between May 1 and August 30.” However, a depredation permit from the USFWS is required to remove any migratory bird nest, whether or not the nest is active, between May 1 and August 30.

5

The Department has a continuing interest in working with FHWA and WisDOT to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning Section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844. For issues concerning fish and wildlife resources, please contact Ms. Jill Utrup, U.S. Fish and Wildlife Service, Green Bay Ecological Services Field Office, 2661 Scott Tower Drive, New Franken, Wisconsin 54229, telephone 920-866-1734.

We appreciate the opportunity to provide these comments.

Sincerely,



Michael T. Chezik
Regional Environmental Officer

cc:

N. Chevance, NPS, Omaha, NE
J. Carriero, NPS, Denver, CO
J. Utrup, FWS, New Franken, WI

Comment Responses **(March 21, 2011 Department of Interior Letter)**

1. Since the Draft EIS, Section 4(f) mitigation measures for impacts at the Gordon Nauman Conservation area have been finalized by WisDOT in consultation with the Village of Howard. Updated information on the mitigation measures is provided in new Final EIS subsection 4.8, Updated Mitigation Measures for Preferred Alternative E, and a new letter from the Village of Howard has been added as Exhibit 4-5.

2. Wetland impacts for Alternatives D and E are caused primarily by widening the existing freeway and reconstructing the existing interchange ramps. Past wetland fragmentation occurred when the existing freeway was constructed, particularly at the I-43 interchange ramps. There will be no additional wetland fragmentation due to the proposed roadway improvements under Alternatives D and E. As shown on Exhibits 2-5 and 2-6, and as discussed subsection 3.7.2 of the Draft EIS, new or reconstructed ramps at the I-43 interchange would utilize bridges that span the wetlands. This will avoid further fragmentation and allow wildlife movement between wetland areas. Obliteration of existing interchange ramp segments would also offset previous wetland fragmentation to some extent. Information on wetland fragmentation has been added to Final EIS subsection 3.7.1, *Wetland Impacts*.

Since the Draft EIS, WisDOT has identified possible locations for access roads that will be needed for construction, maintenance and protection of the new structures at the I-43 interchange under Alternatives D and E. The access roads have not yet been designed, but they are typically constructed with clean fill and gravel. The roads will initially be wide enough to accommodate construction equipment. After completion of the project, some of the temporary access road fill that was needed for construction equipment will be removed, leaving a narrower permanent road for future maintenance access. The need for permanent access roads and other clear areas around the new bridge abutments and piers is driven in part by renewed concern about bridge security by FHWA and AASHTO (American Association of State Highway and Transportation Officials).

The permanent maintenance access roads would be traversable by wildlife and would be at an elevation that would not restrict flood flow. Culverts would also be installed where needed to maintain hydraulic connections between adjacent wetlands. Therefore, the access roads should not result in any substantive fragmentation of wetlands or wildlife movement corridors.

A discussion of the access roads and potential additional wetland impacts for Alternatives D and E has been included in the Final EIS under new subsection 3.18.10, *Construction and Maintenance Access Roads*. New Exhibits 3-11 (Alternative D) and 3-12 (Alternative E) show wetland areas affected by the permanent access roads.

3. The new structures over Duck Creek are being designed with additional length to allow for construction of pathways on each side of the creek. This will provide a wildlife movement corridor between wetlands and riparian habitat on each side of US 41. This information has been added to Final EIS subsection 3.8.3, *Measures to Minimize Adverse Effects*.

4. The type of box culvert needed for the Beaver Dam Creek realignment will be determined in the project's final design phase when more information is available on hydraulics and soils. If possible, a bottomless box culvert will be used. Another option would be to lower the bottom of the box culvert below the streambed elevation to provide a more natural substratum through the culvert. This information has been added to Final EIS subsection 3.8.3, *Measures to Minimize Adverse Effects*.

5. WisDOT believes the Draft EIS text is accurate. According to information from the U.S. Fish & Wildlife Midwest Regional Office, the Migratory Bird Treaty Act does not protect empty or unoccupied nests, and it is permissible to destroy unoccupied nests without obtaining a depredation permit.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 2011

REPLY TO THE ATTENTION OF:

E-19J

Mindy Gardner
Wisconsin Department of Transportation
US 41 Brown County Project Office
1940 West Mason Street
Green Bay Wisconsin 54303

Re: Draft Environmental Impact Statement, US 41, Memorial Drive to County M, Brown County, Wisconsin - CEQ #20110034

Dear Ms. Gardner:

The U.S. Environmental Protection Agency has reviewed the draft environmental impact statement (EIS) for the above-mentioned project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508) and Section 309 of the Clean Air Act.

The proposed action is to reconstruct US 41 from Memorial Drive to County M/Lineville Road in Brown County, Wisconsin. Improvements include providing additional traffic capacity on US 41 and reconstructing the interchanges at US 141/Velp Avenue, I-43 and County M. EPA provided concurrence for the Purpose and Need for the project on November 17, 2010.

EPA provided concurrence for retaining Build Alternative D (US 41 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) for analysis in the Draft EIS on November 17, 2010. For each alternative, there are two roundabout options, resulting in a total of four alternatives to be considered. The Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration will identify a preferred alternative after reviewing public input from the comment period for the Draft EIS.

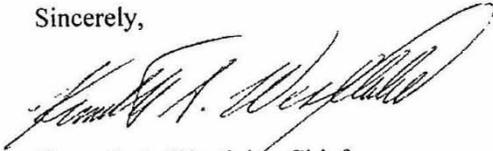
We understand that Option 2 (five-legged roundabout) is no longer being actively considered, due to additional wetland impacts and objections from the Village of Howard. While we agree with the elimination of Option 2, we reviewed it nonetheless because it was included as part of the alternatives analysis.

Since no preferred alternative is identified, EPA rates all alternatives and assigns the overall Draft EIS with the lowest rating among all alternatives. Based on our review of the Draft EIS and conversations between you and Elizabeth Poole of my staff, we have assigned a rating of **"Environmental Concerns – Insufficient Information"** (EC-2); each of the four alternatives was rated EC-2. These ratings are based

on impacts to aquatic resources (wetlands, streams, failure to identify connected actions and water quality). Additional concerns include indirect traffic impacts, aesthetics, and impacts to threatened and endangered species. These concerns should be addressed in the Final EIS and the Record of Decision. A summary of the rating definitions is enclosed.

Should you have any questions, please do not hesitate to contact me or Elizabeth Poole of my staff at (312) 353-2087 or poole.elizabeth@epa.gov.

Sincerely,



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

Cc: George Poirier, Federal Highway Administration
Eugene Johnson, WisDOT Bureau of Equity and Environmental Services
Charlie Webb, CH2M Hill

Enclosures (2)

**U.S. Environmental Protection Agency, Region 5 - Comments on the Draft Environmental Impact Statement, US 41, Memorial Drive to County M, Brown County, Wisconsin
CEQ #20110034**

Aquatic Resources

Wetlands

We view the wetlands analysis and wetlands exhibits as insufficient. There is little indication of wetland quality beyond the presence of non-native invasive species, such as phragmites. Floristic quality is not the only parameter that determines a wetland's function and value. As outlined on page 3-21, the wetlands in the project area provide water quality protection, shoreline protection, ground water recharge, and wildlife habitat; these are important functions which should be included in the quality determination. The wetlands in the project area are part of a greater network of Great Lakes coastal zone aquatic resources; the wetlands are subject to changes in water level from Lake Michigan. We understand that the final wetlands delineation is expected next year; we recommend that it be included in the Final EIS.

1

Wetland exhibits (3-3 through 3-6 and 3-10 through 3-13) are not detailed enough for review. While the maps indicate direct impacts to wetlands and their associated types, they do not indicate special features mentioned in the text, for example the location of Suamico Lacustrine Flats. Utility adjustments depicted in exhibits 3-10 through 3-13 do not show wetland impacts, although text on pages 3-48 and 49 indicate there will be direct impacts to wetlands as a result of utility adjustments. We recommend that these exhibits be updated to show wetlands impacts in order to analyze the extent to which avoidance and minimization of impacts has occurred. See "Utility Adjustments" below for additional concerns regarding avoidance and minimization.

2

We recommend more details regarding wetlands mitigation be added to the Final EIS. Only 63 acres of wetlands remain available at the Resort Road wetland bank site; it is not clear which types of wetlands are available for compensation for the proposed project. Additionally, because the quality of existing wetlands that will be impacted is not clear, it is difficult to determine if available credits at the bank will adequately mitigate for their loss.

Because the Draft EIS acknowledges that the only mitigation bank within the watershed will not have sufficient credits to mitigate for this project's impacts, the Final EIS should discuss the possibility for onsite wetlands mitigation within the coastal zone of the Great Lakes. Publicly-owned lands adjacent to the project area should be considered for onsite restoration or enhancement projects. There may be opportunities to partner with state and local agencies to create meaningful long-term projects that would benefit water quality and wildlife habitat.

3

EPA acknowledges the avoidance of further wetlands impacts by eliminating additional access roads and keeping East and West Deerfield Avenue frontage roads in place and the minimization of wetlands impacts by altering the design for both Alternatives D and E.

**See comment responses
at end of this letter**

Streams

Under Alternatives D and E, Beaver Dam Creek will be realigned on either side of US 41. We appreciate that the new stream channel will have a wider cross section and will be further from US 41. However, we strongly recommend that realignment of the Creek employ natural channel design. Currently, the mitigated Creek is depicted as a channelized ditch in Exhibit 2-2; this is not adequate stream mitigation under the Clean Water Act 404(b)(1) guidelines. The Draft EIS should indicate objectives of stream realignment, including, but not limited to, biotic, habitat and profile restoration. We strongly recommend that the realignment of the Creek include a buffer of at least 50 feet on each side. We recommend the buffer not include turf grass, but native trees, shrubs and deep-rooted plants instead. Native plants are more effective at filtering pollutants, increasing infiltration, and preventing bank erosion. This will help stabilize the stream bank, improve water quality and restore wildlife habitat.

4

The existing box culvert that carries US 41 over Beaver Dam Creek will be moved approximately 400 feet south of its current location. The proposed box culvert will be 60 feet longer than the existing one to accommodate for the widening of US 41. We recommend open bottom culverts rather than box culverts; this maintains habitat connectivity and allows for the accumulation of substrate. An open bottom culvert will help to increase the likelihood that Beaver Dam Creek will recover natural stream functions.

Under Alternatives D and E, existing three-span bridges carrying northbound and southbound US 41 over Duck Creek will be replaced with two-span bridges. We commend the replacement, which reduces the number of in-stream piers and enhances stream functions.

Water Quality

Total maximum daily load (TMDL) determinations for low dissolved oxygen and sediment/total suspended solids are expected in the reasonably foreseeable future for Duck Creek. Given the extent of construction for the proposed project, sediment loading is likely to increase in Duck Creek during construction and as impervious surfaces increase. In order to comply with the future TMDL, we recommend bioswales or stormwater retention basins be constructed in the medians and along the rights-of-way and a vegetated buffer along Duck Creek. This will increase infiltration and filter runoff. Use of low-growing plants, which require infrequent mowing, should not attract wildlife that might cause traffic disruptions. Bioswales or stormwater retention in the medians will help reduce post-construction total suspended solids by 40% as required by Wisconsin Administrative Code Chapter TRANS 401.

5

The Draft EIS does not outline how construction will be handled, given that much of the project area and its surroundings are in wetlands. The wetlands in the project area are impacted by changes in Lake Michigan water levels. Explicit measures to minimize additional temporary impacts to wetlands during construction and limit negative impacts to water quality (e.g., use of mats or construction during winter) should be included in the Final EIS and committed to in the Record of Decision (ROD). The Final EIS should detail how construction will take place so that wetland impacts are avoided or minimized and how these measures will ensure that the TMDL for sediment/total suspended solids is not exceeded. Any construction best management practices should take into account the changing lake levels. If there are unavoidable temporal wetland impacts, they should be accounted for in the conceptual mitigation plan.

6

Utility Adjustments

Given that the relocation of American Transmission Company’s overhead transmission lines and Green Bay Metropolitan Sewerage District interceptor sewer lines are required only because of the proposed project, they are connected actions (40 CFR 1508.25(a)(1)). Both utility adjustments will result in additional wetlands impacts. The utility adjustments and their impacts should be included in this analysis as part of the proposed project and should not be analyzed in a separate document as stated on page 3-49. We expect all impacts from the utility lines relocations be included in the Final EIS.

7

Indirect Impacts – Traffic

The analysis of indirect impacts to traffic is not comprehensive. Under Alternative E, access to I-43 from US 141/Velp Avenue via US 41 is eliminated. In Table 3-2, the Draft EIS states that this will cause changes in traffic patterns along these routes and at the I-43/Aitkinson Road interchange, which will be the next nearest access point between I-43 and US 141/Velp Avenue. The Draft EIS does not indicate the extent of increased use of US 141/Velp Avenue and the I-43/Aitkinson Road interchange. This analysis should include how projected levels of service, stormwater runoff, noise, and vibrations might change due to increased use of these roads and this interchange.

8

Aesthetics

We recommend a vegetated barrier (e.g., evergreens) between US 41 and the Island Court and Long Grove Avenue/Rosewood Street neighborhoods. This will provide an aesthetic barrier between the road and the neighborhoods, particularly for those homes that will become first-row homes along US 41. In addition to creating a sense of separation for the community, vegetation along the realigned portion of Beaver Dam Creek will serve as a buffer, as detailed above. A vegetated barrier will benefit water quality and increase the stream’s chance of recovering natural functions and values.

9

Threatened and Endangered Species

Table 3-3 states that “impacts to threatened or endangered species habitat could occur as land is developed in accordance with community comprehensive plans” for the No Build Alternative as well as both build alternatives. The Draft EIS also states that both Alternatives D and E “have the potential for impacting threatened or endangered species habitat beyond the study area, particularly in the Village of Suamico and southern Oconto County.” These statements should be explained in more detail, including the species to which these statements apply, the extent of habitat impacts, and what measures will be taken to avoid, minimize or mitigate for their loss. If the communities have comprehensive plans that will protect such habitat or green space, this should be discussed. Further coordination with U.S. Fish and Wildlife Service is recommended to evaluate the cumulative impacts to threatened and endangered species.

10

Beneficial Reuse

EPA understands that US 41 contains recycled materials. We commend WisDOT for their inclusion of recycled materials in the original design of the road; we recommend that this practice be continued during construction of US 41 and I-43 interchange. This information should be included in *Section 3.18 Construction* and should be committed to in the ROD.

11

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 date, 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

Comment Responses (March 23, 2011 EPA Letter)

1. Additional information on the affected wetlands for Alternatives D and E has been provided in Final EIS subsection 3.7.1 (Table 3-12). The previous wetland delineation will be updated prior to a Clean Water Act permit application to verify/update the wetland boundaries as needed.

2. The wetland impact maps in the Draft EIS (Exhibits 3-3 through 3-6) have been replaced with maps using an aerial photo base and surrounding special features have been noted. See new Final EIS Exhibits 3-3 through 3-5.

As discussed in Draft EIS subsection 3.18.7, *Utility Adjustments*, possible utility adjustments for the Green Bay Metropolitan Sewerage District (GBMSD) sanitary sewer line and the American Transmission Company (ATC) overhead transmission line are based on conceptual information from the utility companies. Final locations for utility adjustments will be determined in the final design phase based on more detailed design for the US 41 improvements. A new conceptual utility adjustment map for preferred Alternative E has been provided in the Final EIS. The new map shows wetlands and public use land in the vicinity of the GBMSD and ATC utility adjustments. The utility adjustments would be similar for Alternative D. See comment response #7 for information on how wetland impacts for utility adjustments are addressed in the Final EIS.

3. Information on the types of wetlands that will be available at the Resort Road wetland mitigation site is provided on page 3-23 of the Draft EIS. Additional information on how the functional values of impacted wetlands will be mitigated at the Resort Road mitigation site has been added to Final EIS subsection 3.7.2 under *Compensation for Unavoidable Wetland Impacts*.

As stated in the Draft EIS, WisDOT will continue to search for additional near-site wetland mitigation parcels. Site searches are underway at this time with the objective of finding another mitigation area similar to the Resort Road site prior to a Clean Water Act permit application. If suitable sites do not materialize prior to the timeframe for the permit application, the remainder of wetland impacts will be compensated at the Hope Marsh wetland mitigation bank as noted in the Draft EIS.

4. Exhibit 2-2 is a conceptual drawing intended only to illustrate the location of the Beaver Dam Creek realignment. A detailed plan for the creek realignment will be developed in the final design phase in consultation with DNR and the USACE, similar to what was done for the Beaver Dam Creek realignment at the US 41/WIS 29 interchange in the Mason Street to Memorial Drive project section.

At this time, WisDOT has identified the following enhancement measures, similar to those developed in consultation with DNR for the Beaver Dam Creek realignment at the US 41/WIS 29 interchange. More specific measures for the Beaver Dam Creek realignment at the Velp Avenue interchange will be developed in the final design phase in consultation with DNR.

- The amount of exposed riprap along the streambank will be reduced by covering it with salvaged topsoil, erosion mat and vegetative cover (seeding and live stake planting through the riprap).
- The stream alignment and streambed profile will be varied where possible by constructing meanders and placing gravel riffles at select locations.
- The new stream substratum will have a mixed gradation of stone, gravel and sand to support submergent vegetation.

These design features will enhance water quality, fishery habitat and other features of Beaver Dam Creek compared to the existing conditions. The existing creek at this location has limited fishery habitat due to past straightening, and the existing box culvert does not have a natural stream substratum.

Conceptual information on environmental enhancement objectives of the creek realignment has been added to Final EIS subsection 3.8.3, *Measures to Minimize Adverse Effects*.

The type of box culvert needed for the Beaver Dam Creek realignment will be determined in the final design phase when more information is available on hydraulics and soils. If possible, a bottomless box culvert will be used. Another option would be to lower the bottom of the box culvert below the streambed elevation to provide a more natural substratum through the culvert. This information has been added to Final EIS subsection 3.8.3, *Measures to Minimize Adverse Effects*.

5. As discussed in Draft EIS subsection 3.8.1, *Stream/Water Quality Impacts*, WisDOT will prepare a detailed stormwater management plan for the US 41 Memorial Drive to County project section in the final design phase in consultation with DNR and the USACE. The plan will be similar to the one that was prepared for the remainder of the US 41 Brown County corridor and will include stormwater management measures that meet post-construction performance standards (40% reduction) for total suspended solids (TSS) as specified in Wisconsin Administrative Code Chapter TRANS 401.

6. Construction operations, staging and sequencing will be determined in the final design phase. As discussed in Draft EIS subsection 3.8.3 the project will be constructed in accordance with applicable guidelines and regulations concerning water quality protection, erosion control, and stormwater management.

Since the Draft EIS, WisDOT has identified possible locations for access roads that will be needed for construction, maintenance and protection of the new structures at the I-43 interchange under Alternatives D and E. The access roads have not yet been designed, but they are typically constructed with clean fill and gravel. The roads will initially be wide enough to accommodate construction equipment. After completion of the project, some of the temporary access road fill that was needed for construction equipment will be removed, leaving a narrower permanent road for future maintenance access. The need for permanent access roads and other clear areas around the new bridge abutments and piers is driven in part by renewed concern about bridge security by FHWA and AASHTO (American Association of State Highway and Transportation Officials).

The permanent access roads would be traversable by wildlife and would be at an elevation that would not restrict flood flow. Culverts would also be installed where needed to maintain hydraulic connections between adjacent wetlands. Therefore, the access roads should not result in any substantive fragmentation of wetlands or wildlife movement corridors.

A discussion of the access roads and potential additional wetland impacts for Alternatives D and E has been included in the Final EIS under new subsection 3.18.10, *Construction and Maintenance Access Roads*. New Exhibits 3-11 (Alternative D) and 3-12 (Alternative E) show wetland areas affected by the permanent access roads. Information on additional wetland impacts for the access roads is provided in Final EIS subsection 3.7.1, *Wetland Impacts*.

7. The Impact Assessment Methodology developed in consultation with participating and cooperating agencies as part of the SAFETEA-LU Section 6002 environmental process states that the EIS will include a conceptual discussion of utility adjustments. Based on input from participating and cooperating agencies, WisDOT contacted utility providers to determine possible substantive adjustments that could be needed under Alternatives D and E. The Green Bay Metropolitan Sewerage District (GBMSD) sanitary sewer line and the American Transmission Company (ATC) overhead transmission line were identified as the most substantive utility adjustments that would likely be required. Conceptual GBMSD and ATC utility adjustments were identified in the Draft EIS for Alternatives D and E based on the best available information.

WisDOT's policy concerning utility adjustments is discussed in subsection 3.18.7 of the Draft EIS where it is noted that GBMSD and ATC will be responsible for NEPA compliance for their utility adjustments, including environmental documentation and any permits for wetland impacts due to the adjustments.

In response to EPA's concern about possible additional wetland impacts due to utility adjustments, an estimate of potential wetland impacts for the conceptual GBMSD and ATC adjustments has been provided for Preferred Alternative E in Final EIS subsection 3.7.1, *Wetland Impacts*, and in Final EIS subsection 3.18.7, *Utility Adjustments*.

8. As discussed in Draft EIS subsection 3.2, the indirect and cumulative effects (ICE) analysis utilized a local expert panel approach to identify how the proposed US 41 improvements might affect existing and future land use and development trends in the study area. Table 3-2 summarizes the views and opinions of the expert panel, and in some cases, no additional elaboration or clarification was provided. The panel's view on how traffic volumes on US 41, I-43, Velp Avenue and at the I-43/Atkinson Drive interchange could change under Alternative E was provided in the context of how this might influence existing and planned development trends. The panel did not conclude that the changes in traffic volumes would have an influence on existing or planned development trends.

In the discussion of Alternative E in Draft EIS subsection 2.2.5, it is noted that traffic along Velp Avenue from Atkinson Drive to US 41 could increase by approximately 500 vehicles in the 2035 AM peak hour and 1,100 vehicles in the PM peak hour. It is also noted that traffic on I-43 between Atkinson Avenue and US 41 could be reduced under Alternative E.

As noted on Draft EIS Exhibits 2-5 (Alternative D) and 2-6 (Alternative E), improvements to Velp Avenue are proposed in 2011 and 2012 under a separate project (Project I.D. 1450-04/06-00) for which a separate environmental document has been prepared. Existing Velp Avenue is a 4-lane roadway and it will be reconstructed to improve traffic flow, safety, and intersection design including roundabouts at three major intersections. These improvements will accommodate the increased traffic on Velp Avenue that could occur due to closure of the existing Velp Avenue access to I-43 via US 41 under Alternative E. The environmental document for the Velp Avenue project states that design year traffic projections for that project accounted for the proposed improvements under Alternative E for the US 41 Memorial Drive to County M project.

The Velp Avenue improvements will include stormwater management and vibration will not be an issue. The additional traffic on Velp Avenue that could be contributed due to Alternative E would not cause any substantive change in noise levels on Velp Avenue. A doubling of traffic volumes is needed to cause a 3 dBA increase in sound levels (a 3 dBA change in sound level is discernible by the human ear). The projected peak hour volume for the Velp Avenue reconstruction project is 2,610 vehicles and this volume would not be doubled by adding an additional 1,100 vehicles in the PM peak hours under Alternative E.

The existing I-43/Atkinson Drive interchange design would accommodate any increased traffic at this interchange that could occur due to closure of the existing Velp Avenue access under Alternative E. However, WisDOT has also initiated a separate study to evaluate whether improvements are needed at the I-43/Atkinson Drive interchange.

9. As noted in Draft EIS subsection 3.17, *Aesthetics*, WisDOT is using a Community Sensitive Design (CSD) process to enhance visual aesthetics in the overall Brown County US 41 corridor and specific recommendations (e.g. aesthetic treatments on bridges and retaining walls) will be determined in the project's design phase. As part of the CSD process, WisDOT will evaluate opportunities for providing a visual buffer by landscaping the area between US 41 and the Island Court and Long Grove Avenue/Rosewood Street neighborhoods.

10. The information on threatened or endangered species provided in Draft EIS Tables 3-2 and 3-3 reflects the general views and opinions of the local expert panel that participated in the ICE analysis. In accordance with WisDOT's ICE analysis guidelines, the context of the analysis was to identify how the proposed US 41 improvements might influence existing and future land use and development trends in the study area, and how or if any changes in land use or development trends might in turn result in indirect or cumulative effects to existing development and currently undeveloped resources such as wetlands, threatened or endangered species habitat, and farmland. The ICE analysis was not intended to identify specific tracts of land where such resources could potentially be affected or to quantify potential effects.

As noted in Table 3-2, the expert panel was of the opinion that the US 41 improvements could potentially facilitate regional growth within and beyond the study area, thereby leading to development of currently undeveloped land. In this context, the expert panel noted that without proper protection of wetland and creek corridors through local planning and zoning and other state and federal permitting practices, such development could potentially affect habitat for threatened or endangered species as identified by DNR. The ICE discussion in the Draft EIS provides information on existing and future local land use regulations and other tools as identified by the local expert panel to help avoid, minimize or mitigate the potential for adverse cumulative effects. All of the study area municipalities have adopted comprehensive plans that include general goals for preserving natural resources.

For further clarification, the phrase “without proper protection through local planning and zoning and other state and federal permitting practices” has been added to the threatened or endangered species entry in Table 3-3. Additional information on local comprehensive plan goals for preserving natural resources has been provided in subsection 3.2.3, *Measures to Minimize Potential Adverse Effects*.

11. In the Final design phase, WisDOT will evaluate opportunities for using recycled material such as recycled concrete in the Memorial Drive to County M project. At this time, no specific commitments can be made. Fly ash was used in past construction of the US 41 embankment in the Scheuring Road area, but due to agency concerns about removal and disposal of the old fly ash fill, WisDOT does not plan to use it elsewhere in the US 41 corridor.



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

March 24, 2011

REPLY TO
ATTENTION OF

Operations
Regulatory (2006-06047-LMK)

Ms. Mindy Gardner
Wisconsin Department of Transportation
1940 West Mason Street
Green Bay, Wisconsin 54303

Dear Ms. Gardner:

This letter is in response to the Draft Environmental Impact Statement received by this office on January 26, 2011 for the Wisconsin State Highway 41 Memorial Drive to County M Project (Project ID: 1133-10-01). The project is located in Brown County, Wisconsin.

The U.S. Army Corps of Engineers is acting as a cooperating agency for the National Environmental Policy Act (NEPA) review for the proposed project due to the requirement for a Clean Water Act (CWA) Section 404 permit. We have evaluated the document pursuant to NEPA guidelines and concur with the range of alternatives carried forward for additional study.

Though the range of alternatives considered is adequate for NEPA purposes, the Corps remains concerned (as expressed in November 18, 2010 Corps letter) about Roundabout Option A: 5-leg roundabout with new frontage road (Section 2.2.6). We are concerned that this section of road does not serve a sufficient need at this time. We are aware that this is an ongoing point of discussion with local municipalities and request that you coordinate any future discussions on this intersection with this office to ensure the project complies with all Clean Water Act guidelines.

1

Finally, we request additional agency coordination during design phase for the following subjects:

1. Waters of the U.S. delineation and impact identification: The Corps will need to concur that established wetland boundaries are adequate for subsequent CWA 404 review purposes. Due to age of data or mechanism of collection, additional delineation information may be required during design phase. Any refined water of the U.S. boundaries identified may result in refinement of estimated impacts. We expect that further efforts to avoid and minimize wetland and stream impacts will take place during design phase.
2. Please ensure that the Corps is included in future coordination efforts directed toward development of compensatory mitigation plans. Corps approval is required prior to constructing mitigation sites. Further, any Section 404 CWA

2

3

See comment responses
at end of this letter

Operations
Regulatory (2006-06047-LMK)

authorization we may issue for the US 41 Memorial to M project will most likely require a Corps approved compensation plan.

3. We are pleased to see a discussion of material source sites (Section 3.18.6) within the EIS. However, we are concerned that this project has the potential to require large quantities of borrow material. While we recognize that it is customary for contractors to select borrow sites, we would prefer if some mechanism could more clearly ensure that borrow locations are not located within waters of the U.S. unless authorized in advance by the Corps (please refer to our April 5, 2010 correspondence).

4

We appreciate your coordination with our agency and look forward to continued collaboration on this project. If you have any questions, contact Joey Shoemaker in our Green Bay Field Office at (920) 448-2821. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



for Tamara E. Cameron
Chief, Regulatory Branch

Copy:
Tracey McKenney, FHWA
Sherry Kamke, USEPA Region 5
Mike Helmrick, WisDOT
James Doperalski, WDNR
Jill Utrup, USFWS

Comment Responses (March 24, 2011 USACE Letter)

1. The 5-leg roundabout at the Velp Avenue interchange was presented at the March 2, 2011 public hearing as a possible design option for Alternatives D and E. This design option has now been eliminated from further consideration based on input from the Village of Howard as discussed in EIS Section 2.2.6 (concern about cost, impact to developable land, incompatibility with potential future development in the Memorial Drive area). Clarification on elimination of the 5-leg roundabout has been added to Final EIS subsection 2.2.6, and in new Final EIS subsection 2.4.2, *Alternative E Updates and Refinements*.

2. WisDOT acknowledges that the previous wetland delineations will need to be updated prior to a Clean Water Act permit application and will verify/update the wetland boundaries as needed. The wetland impacts calculated for purposes of the EIS are based on preliminary design information and it is possible that the impacts will change when more detailed design information is available. There will be additional coordination with the USACE and DNR in the design phase and efforts will be made to further avoid and/or minimize the impacts to the extent practicable.

3. The USACE and DNR have already been involved in the Resort Road wetland mitigation site that will compensate most of the wetland impacts for the Memorial Drive to County M project. WisDOT will ensure that both agencies are kept informed of WisDOT's efforts to locate and evaluate additional potential mitigation sites, and in the planning/development of any viable sites that may become available.

4. As discussed in Draft EIS subsection 3.18.6, WisDOT Standard Specifications for Road and Bridge Construction and as reiterated in WisDOT's Construction and Materials Manual, borrow material must consist of satisfactory soil or a mixture of satisfactory soil, stone, gravel, or other acceptable materials and must be free of sod, stumps, logs, and other perishable and deleterious matter. The specifications also require that topsoil removed from the borrow site be stockpiled and replaced and that erosion control measures be implemented in accordance with Wisconsin Administrative Code TRANS 401, *Construction Site Erosion Control and Storm Water Management Procedures for Department Actions*.

Because of the required quality of borrow material and its intended use (highway embankment and roadway fill), it is highly unlikely that borrow sites would be located in wetlands or other waters of the U.S. The most common source for large quantities of borrow is from existing commercial sand and gravel operations or upland sites on private properties identified by contractors. As mentioned in the Draft EIS, under certain circumstances, excess material from ongoing public works projects such as dredged material from the bay of Green Bay could be a source of borrow for the US 41 project. Such sources would be used only if they meet WisDOT specifications and only if they are concurred in by DNR.

From: Gardner, Mindy - DOT [mailto:Mindy.Gardner@dot.wi.gov]
Sent: Wednesday, May 18, 2011 3:11 PM
To: Runge_CM
Cc: Charlie.Webb@CH2M.com
Subject: Pref. Alt Tech Memo - US 41 Memorial to County M

Hi Cole –

On April 22nd, we sent out the “Preferred Alternative Tech Memo” for this project soliciting agency comments. We have not heard anything from you to date, and the end of the comment period is May 23rd.

Just wanted to confirm that you received the Memo, and have no comments?

Mindy E. Gardner, P.E. (Professional Engineer)

Deputy Project Engineer
Wisconsin Department of Transportation
US 41 Brown County Project Office
1940 West Mason Street
Green Bay, WI 54303
work phone: 920-492-2247
e-mail: Mindy.Gardner@dot.wi.gov
work hours: Monday, Wednesday, Friday - 8:30 a.m. to 3:00 p.m.

<p>From: Runge_CM [mailto:Runge_CM@co.brown.wi.us] Sent: Thursday, May 19, 2011 10:13 AM To: Gardner, Mindy - DOT Cc: Webb, Charlie/ZOO Subject: RE: Pref. Alt Tech Memo - US 41 Memorial to County M</p>
--

Hi Mindy,

I have no comments.

Cole

Cole Runge
Principal Planner
Brown County Planning Commission
305 East 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

E-mail correspondence with Brown County
concerning preferred alternative

From: Gardner, Mindy - DOT [mailto:Mindy.Gardner@dot.wi.gov]
Sent: Wednesday, May 18, 2011 3:09 PM
To: Geoff Farr
Cc: Charlie.Webb@CH2M.com
Subject: Pref Alt Tech Memo - US 41 Memorial to County M

Hi Geoff –

On April 22nd, we sent out the “Preferred Alternative Tech Memo” for this project soliciting agency comments. We have not heard anything from you to date, and the end of the comment period is May 23rd.

Just wanted to confirm that you received the Memo, and have no comments?

Mindy E. Gardner, P.E. (Professional Engineer)

Deputy Project Engineer

Wisconsin Department of Transportation

US 41 Brown County Project Office

1940 West Mason Street

Green Bay, WI 54303

work phone: 920-492-2247

e-mail: Mindy.Gardner@dot.wi.gov

work hours: Monday, Wednesday, Friday - 8:30 a.m. to 3:00 p.m.

<p>From: Geoff Farr [mailto:GFarr@villageofhoward.com] Sent: Thursday, May 19, 2011 7:06 AM To: Gardner, Mindy - DOT Cc: Charlie.Webb@CH2M.com; Block, Danielle - DOT Subject: RE: Pref Alt Tech Memo - US 41 Memorial to County M</p>

Mindy, Thanks for checking. Did receive. Correct the Staff has informed the Village Board on several occasions regarding the preferred alternative and has not taken a position or commented one way or the other.

Respectfully,

Geoffrey Farr P.E.

Director of Engineering

Department of Public Works

Village of Howard, Wisconsin

920/434-4060

920/434-4072

www.villageofhoward.com

This message may contain confidential information that is legally privileged, and is intended only for the use of the parties to whom it is addressed. If you are not an intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any information in this message is strictly prohibited. If you have received this message in error please notify me at 920/434-4060 or by reply e-mail. Thank you.

**E-mail correspondence with Village of Howard
concerning preferred alternative**



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

May 19, 2011

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

Ms. Mindy Gardner
Wisconsin Department of Transportation
1940 West Mason Street
Green Bay, Wisconsin 54303

Dear Ms. Gardner:

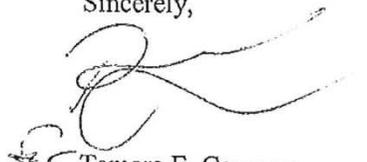
This letter is in response to the Preferred Alternative Technical Memo dated April 21, 2011 for the Wisconsin State Highway 41 Memorial Drive to County M Project (Project ID: 1133-10-01). The project is located in Brown County, Wisconsin.

The U.S. Army Corps of Engineers is acting as a cooperating agency for the National Environmental Policy Act (NEPA) review for the proposed project due to the requirement for a Clean Water Act Section 404 permit.

We have evaluated the updated document pursuant to NEPA guidelines and concur with the document regarding purpose and need, range of alternatives and the WisDOT preferred alternative.

We appreciate your coordination with our agency and look forward to continued collaboration on this project. If you have any questions, contact Joey Shoemaker in our Green Bay Field Office at (920) 448-2821. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copy:
Tracey McKenney, FHWA
Sherry Kamke, USEPA Region 5
Mike Helmrick, WisDOT
James Doperalski, WDNR
Jill Utrup, USFWS

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State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
Jean Romback-Bartels, Acting Regional Dir.
Telephone 920-662-5100
FAX 920-662-6413
TTY Access via relay - 711



May 19, 2011

DOT: Brown, 8247

Danielle Block, P.E.
Wisconsin Department of Transportation
944 Vanderperren Way
Green Bay, WI 54313

Subject: Project ID: 1133-10-01
Project Title: USH 41, Selection of the Preferred Alternative
Location: Memorial Drive to CTH M
County: Brown

Dear Ms. Block,

The DNR has completed review of the Selection of Preferred Alternative for USH 41. The DNR has previously stated that the two alternatives analyzed in the Draft EIS are viable alternatives. Based on the information submitted and previous correspondence the DNR supports DOT's selection of Alternative E as the preferred alternative. Throughout the planning phase of this project DNR has worked with DOT toward a common goal of minimizing environmental impacts while providing a safe and efficient transportation corridor. DNR believes that the preferred alternative accomplishes these goals. DNR will continue to work with DOT during the design phase to further minimize the environmental impacts associated with the preferred alternative.

The Department is looking forward to working with you on the design of the preferred alternative. Should you have questions regarding this letter, please contact me at (920) 662-5119 or James.Doperalski@wisconsin.gov.

Sincerely,

A handwritten signature in black ink that reads 'James P. Doperalski Jr.'.

James P. Doperalski Jr.
Environmental Analysis and Review Specialist

- c. Mike Helmrick – DOT Green Bay
- Jay Schiefelbein – DNR Green Bay
- Joey Shoemaker – USACOE
- Charlie Webb – CH2MHill
- File: 8247



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

May 23, 2011

Ms. Danielle Block
Wisconsin Department of Transportation
1940 West Mason Street
Green Bay, Wisconsin 54303

re: Preferred Alternative Selection
Memorial Drive to County M
Brown County, Wisconsin

Dear Ms. Block:

The U.S. Fish and Wildlife Service (Service) has received the Preferred Alternative Technical Memo for the proposed improvements to US 41 in the Memorial Drive to County M section, in Brown County, Wisconsin, with request for concurrence. We have reviewed the Preferred Alternative Technical Memo along with the Preliminary Responses to Agency Comments on Draft EIS document 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

The proposed action is to reconstruct US 41 between Memorial Drive and County Road M in Brown County, Wisconsin. The Wisconsin Department of Transportation (WisDOT) and Federal Highway Administration (FHWA) have identified Alternative E—US 41 Expansion with Full Reconfiguration of I-43/US 41 Interchange as the preferred alternative for addressing long-term mobility needs and safety concerns in the US 41 Memorial Drive to County M project corridor.

The WisDOT has addressed our concerns in the Preliminary Responses to Agency Comments on Draft EIS document; therefore, we concur with the preferred alternative selection. One of our concerns was that the Village of Howard had not reached an agreement with WisDOT on mitigation measures. Although we have not seen a letter documenting the agreement between WisDOT and the Village of Howard, the Responses to Agency Comments document states that there will be a letter from the Village of Howard in the Final EIS. In addition, we appreciate WisDOT applying our recommendations in maintaining or increasing habitat connectivity whenever possible.

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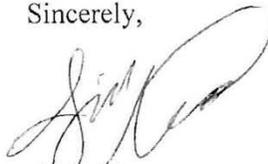
See comment
response
below

The 5/18/11 letter from the Village of Howard agreeing to Section 4(f) and Section 6(f) mitigation measures is provided in EIS Section 4, Exhibit 4-5.

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 and look forward to working with you in design of the preferred alternative. Questions pertaining to these comments can be directed to Ms. Jill Utrup at 920-866-1734.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill S. Utrup". The signature is fluid and cursive, with a large loop at the end.

Jill S. Utrup
Acting Field Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 24 2011

REPLY TO THE ATTENTION OF

E-19J

Danielle Block
Project Manager
Wisconsin Department of Transportation
US 41 Brown County Project Office
1940 West Mason Street
Green Bay, WI 54303

Re: Concurrence Point 3, Selection of Preferred Alternative - US 41, Memorial Drive to County M,
Brown County, Wisconsin

Dear Ms. Block:

The U.S. Environmental Protection Agency has reviewed the April 22, 2011 request to provide concurrence on the Selection of Preferred Alternative for US 41, Memorial Drive to County M, Brown County, Wisconsin.

The proposed action is to reconstruct US 41 from Memorial Drive to County M/Lineville Road in Brown County, Wisconsin. Improvements include providing additional traffic capacity on US 41 and reconstructing the interchanges at US 141/Velp Avenue, I-43, and County M. On November 17, 2010, EPA provided concurrence for the purpose and need (Concurrence Point 1) and the alternatives carried forward (Concurrence Point 2). Wisconsin Department of Transportation (WisDOT) and Federal Highway Administration (FHWA) identified Build Alternative D (US 41 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) for further consideration in the draft environmental impact statement (EIS).

EPA provided comments on the Draft EIS on March 23, 2011. We received initial responses to those comments and notification of selection of the preferred alternative on April 22, 2011. WisDOT and FHWA have identified *Alternative E – US 41 Expansion with Full Reconfiguration of I-43/US 41 Interchange* as the preferred alternative because it provides the best solution for addressing long-term mobility needs and safety concerns while minimizing impacts to existing development and environmental resources to the maximum extent practicable.

Based on the above, we agree with the rationale used for selection of *Alternative E – US 41 Expansion with Full Reconfiguration of I-43/US 41 Interchange* as the preferred alternative. Therefore, we concur with Concurrence Point 3.

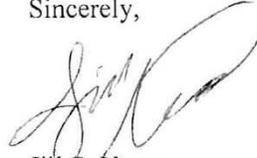
Thank you for the opportunity to review this information and we look forward to reviewing the Final EIS.

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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 and look forward to working with you in design of the preferred alternative. Questions pertaining to these comments can be directed to Ms. Jill Utrup at 920-866-1734.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill S. Utrup". The signature is fluid and cursive, with a large loop at the end.

Jill S. Utrup
Acting Field Supervisor

EIS Distribution List

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

Organization/Name	Primary Responsibility	Qualifications
FHWA		
Tracey McKenney	EIS review for environmental and design aspects	B.S., Civil Engineering; 22 years of experience in highway project development and environmental review
WisDOT		
Bureau of Technical Services – Environmental Services Section (BTS–ESS formerly BEES)		
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
Northeast Region		
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.

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.

Organization/Name	Primary Responsibility	Qualifications
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
Charlie Webb CH2M HILL	EIS Review	M.S. Urban and Regional Planning; 20 years of experience in transportation environmental studies and EIS preparation