INFORMATION FOR RE-EVALUATION OF ENVIRONMENTAL DOCUMENT VALIDITY

Wisconsin Department of Transportation
DT2095 1/2018

PROJECT ID: 1440-13/15-00
PROJECT NAME: Wisconsin State Highway 23
PROJECT TERMINI: Fond du Lac to Plymouth
Fond du Lac and Sheboygan Counties, Wisconsin

ORIGINAL PROJECT ID (if different from ID above): N/A

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

Region Approving Authority [Name, Title] [Sign and Print] Date

Bureau of Technical Services Director Date

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Wisconsin Division

FHWA Approving Authority [Name, Title] [Sign and Print Name] Date

1. PURPOSE OF THIS RE-EVALUATION

This re-evaluation has been prepared in accordance with the requirements of the following documents as applicable; Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 40 CFR 1500-1508; Federal Highway Administration Environmental Impact and Related Procedures 23 CFR 771; Federal Highway Administration Technical Advisory T 6640.8A; the Wisconsin Environmental Policy Act; Wisconsin Administrative Code Chapter Trans 400 and the policy of WisDOT to evaluate the status of a project's environmental documentation prior to authorization of each major project development step.

Elements considered in the re-evaluation are:

- Changes in scope, design of the project or funding
- Changes in laws, rules, codes
- Changes to the existing environment
- Changes to project impacts and mitigation

Before beginning preparation of this re-evaluation document, consultation must occur between the preparer, the Region Environmental Coordinator, the Environmental Process and Documentation Section liaison and FHWA (if federal funding or a federal action is involved) to ensure a re-evaluation is applicable, and is so, what information should be included and the level of public involvement required.

Has this consultation occurred? ☒ Yes ☐ No

2. ORIGINAL ENVIRONMENTAL DOCUMENT TYPE AND PROJECT TERMINI

☐ Draft ER ☐ Final ER ☐ EA ☐ FONSI ☐ Draft EIS ☐ Final EIS ☐ ROD ☐ Latest Re-evaluation

☒ Other, describe: ROD for a Limited Scope Supplemental Final EIS

Approval Date of Original Environmental Document: DEIS: 11/5/2004; SDEIS: 12/23/2009; FEIS: 6/3/2010; ROD for FEIS: 9/27/2010; LS SDEIS: 7/8/2013; LS SFEIS/ROD: 3/17/2014; LS SDEIS: 5/18/2018; LS SFEIS/ROD: 10/15/2018

Approval Date(s) of Previous Re-evaluation(s): N/A

Termini of Original Environmental Document: Fond du Lac to Plymouth (See Exhibit 1)

Termini of This Re-evaluation (Study Area): Fond du Lac to Plymouth (See Exhibit 1)

3. PROPOSED ACTION

Have there been any changes to the following since the approval of the original environmental document:	YES	NO
• The project scope?	☐	☒
• The project design?	☒	☐
• The project funding sources?	☐	☒
• The project delivery or construction schedule?	☐	☒

Describe changes: The logical termini of the project and full termini of the 2018 Limited Scope Supplemental Final Environmental Impact Statement/Record of Decision (LS SFEIS/ROD) are from US 151 in Fond du Lac County to County P in Sheboygan County. This re-evaluation focuses on proposed 2019 design refinements within a 2.9-mile section of WIS 23 between US 151 and Taft Road and a change in real estate for one parcel at the County G interchange, located approximately 11.6 miles east of US 151. The changes occur in Fond du Lac County. The Sheboygan County section of the project is currently under construction.

As part of design refinement, slope intercepts and right of way needs at various locations were reviewed and modified in the 2.9-mile section. While the design continues to meet design standards, the modifications resulted in a reduction of land needing to be acquired. These changes are shown with purple-colored areas on the maps in Exhibit 2 that are not associated with specific design refinements.

The numbered paragraphs below describe specific design refinements. Exhibit 2 maps have numbered circles that correlate to the specific design refinements. Exhibit 2 includes an overview map and three detail maps of the design refinements in the 2.9-mile section and a map of the real estate change at the County G interchange.

1. Remove Backage Road

The backage road in the southeast quadrant of the County UU interchange was originally developed to provide access to the following: a property owned by Free Spirit Riders, Inc., land that a large farmer in the area planned to purchase, and to four residential properties located on WIS 23 east of County UU. Direct access to WIS 23 from these properties was removed because the accesses were located too close to the on-ramp from County UU.

Due to the change in ownership of the Free Spirit Riders, Inc. property and the failure of the large farmer to purchase the land (currently owned by a farmer who has access to WIS 23), a cost comparison of building the backage road or relocating the properties was prepared. The two options had estimated costs that were similar (within $40,000).

Removing the backage road would require an additional four relocations (three residential and one business), but would reduce impact to two agricultural properties. Under the current design, the two agricultural properties would have a total 7.6-acre impact. With the proposed change, one agricultural property would have no impacts and the other would be a buyout of the entire parcel. However, only a fraction of the parcel would be needed for the project, and the majority would be sold as excess right of way.

2.a. Relocation/Buyout Due to Access Impacts - Miller Parcel
The relocation of the Bruce and Paula Miller parcel is necessitated by profile changes to WIS 23 and County UU which were adjusted to match current design standards. The profile changes impact the driveway access grade to the Miller property. The current driveway grade is approximately 10 percent and matches in right in front of their garage. Due to the proposed design changes and resulting unacceptably steep driveway, a relocation/buyout of the parcel is needed.

2.b. Relocation/Buyout Due to Access Impacts - Arts Parcel
The Ronald Arts property is vacant and has no buildings on it. The adjacent property to the west (the Michael Birschbach property) is currently occupied and will be impacted by the project's expansion of WIS 23. The Birschbach house is located on a hill and the new lanes for WIS 23 will be added to the north and will impact the property. Providing access to the Birschbach property will cause additional impacts including removal of most of the trees and landscaping on the property and impacts to the septic system. A driveway access to the Birschbach property can be constructed through the vacant Ronald Arts property and avoid the impacts a driveway in the current location of WIS 23 would cause. By eliminating the existing driveway to the Birschbach property and providing an access through the existing Ronald Arts property, the distance between the driveway and County UU off-ramp will be increased, increasing the safety through this section of WIS 23.

3. Relocation/Buyout Due to Drainage Impacts - Guell Parcel
During the investigation into drainage design for the WIS 23/County UU interchange, WisDOT determined that the Ronald and Karen Guell parcel would be needed to maintain existing drainage. Buying the parcel would minimize drainage backups within the interchange. A shed/garage exists on the property. This outbuilding will be relocated but is not considered a displaced residence or business.

4. Move Park and Ride Lot Location
The park and ride lot for the WIS 23/County UU interchange was originally placed approximately 1,500 feet south of WIS 23 along the west side of County UU. Moving the location of the park and ride lot to the northeast quadrant of the interchange is proposed for several reasons:
o The multiuse trail that was originally along the backage road in the southeast quadrant was moved to parallel the WIS 23/County UU on-ramp and WIS 23 when the backage road was eliminated (See Design Refinement 1).
o The multiuse trail crosses from the south side to the north side of WIS 23 on County UU within the interchange.
o With the multiuse trail crossing on County UU, the park and ride lot nearer the WIS 23/County UU interchange is closer for trail users and eliminates the cost of approximately 550 feet of trail.
o WisDOT has already purchased the property within the northeast quadrant of the WIS 23/County UU interchange where the park and ride lot would be located.
o Moving the proposed park and ride lot to the northeast quadrant of WIS 23/County UU interchange reduces the impacts to agricultural land at the former location.

5. Relocate Intersection of Access Road to County UU
The original design of the access road in the northeast quadrant of the WIS 23/County UU interchange located the intersection with County UU between two houses on the east side of County UU. Moving the intersection to the south approximately 350 feet would provide better access to the park and ride lot (see Design Refinement 4) and reduce the reconstruction limits along County UU. The new intersection will be offset from the house on the west side of County UU so headlights will not shine into the building. The intersection will be moved onto property WisDOT has already purchased on the north side of the relocated park and ride lot. In addition, relocating the intersection would reduce impacts to the two residential properties north of the relocated park and ride lot on the east side of County UU and the agricultural property to the east.

6. Shift Intersection of Connector Road and Whispering Springs Drive
The original design of the proposed connector road between County UU and Whispering Springs Drive followed an east-west property line. The west portion of the connector road impacted a residential property (including the septic system) and a wooded property. Moving the intersection of the connector road with Whispering Springs Drive slightly to the south means there would be no impacts to the residential and wooded properties to the north, but the impacts to the properties to the south would increase. However, the properties impacted on the south side of the connector road were already impacted by the design and no buildings are impacted by the shift to the south.

7. Shift Connector Road for Irene Drive
The original design of the proposed connector road between Irene Drive and Whispering Springs Drive had it extend west from the right angle turn of Irene Drive. The design impacted the residential property on the north side and the vacant property on the south side of the connector road. Shifting the connector slightly to the south eliminates the impact to the residential property on the north side and increases the impacts to the vacant property on the south side.

8. Shift Cul-de-sac for Access Road
This design refinement concerns the proposed access road in the southwest quadrant of the WIS 23/County UU interchange. The access road intersects the west side of County UU south of WIS 23 near the former location of the park and ride lot. It then runs due west for approximately 1,400 feet and then turns north to end in a cul-de-sac that allows removal of an access point to WIS 23 at the eastbound exit ramp to County UU. The original design for the access road cul-de-sac impacted an American Transmission Company parcel. Shifting the cul-de-sac to the south eliminates the impact to the American Transmission Company parcel. Moving the cul-de-sac does increase the impact to the property to the south, but this property was already impacted by the access road. Overall, this will require slightly less real estate.

9. Add North Leg to Wisconsin-American Drive Roundabout

The original design had a three-leg multilane roundabout located at the WIS 23 and Wisconsin- American Drive intersection. Adding a north leg to the roundabout would allow a controlled access point to the properties on the north side of WIS 23, increasing safety. Adding the north leg increases the impact to the properties to the north, but those properties were already impacted by the project. Benefit - three deeded access points will be removed from the deeds.

10. Revise Profile Grades Along WIS 23
The original design called for a design speed of 50 mph between County K and Taft Road. After further review, WisDOT believed driver expectation would perceive the roadway as higher speed because of the 4-lane expansion. Therefore, the design speed was increased to 60 mph between County K and Taft Road. With the increase in design speed, the profile grades on WIS 23 were revised to meet design standards. The change to the profile grades initially created greater impacts to the surrounding properties between County K and Taft Road, but with adjustments to the design (e.g., storm sewer instead of ditches, steeper slopes outside of clear zone) the impacts were minimized or eliminated. Property impacts did not increase because of this design refinement.

11. Include Barrier Wall Between Trail and WIS 23
The original design did not call for barrier wall between the multiuse trail and WIS 23 if the trail was located within the clear zone. After further review, WisDOT felt that to increase the safety of trail users, barrier wall should be placed between the trail and WIS 23 when the trail is located within the clear zone at higher design speeds. As a result, barrier wall will be included between County K and County UU. There are no property impacts as a result of using barrier wall because the original design called for wider spacing between WIS 23 and the trail than is necessary when a barrier wall is included.

12. Move MultiuseTrail East of County UU

The original design called for the multiuse trail to parallel the backage road (see Design Refinement 1) to County UU, cross County UU and then turn north and parallel County UU to the WIS 23/County UU interchange. The original design had the trail cross through an adjacent residential property to get from WIS 23 to the backage road. Crossing this property impacted the residence's septic system and various landscaping. Independent of and prior to the design refinement to remove the backage road, property impacts and input from the public led to a review of the trail design. The revised design moved the trail to be parallel to WIS 23 and the eastbound on-ramp of the WIS 23/County UU interchange. Moving the trail made it uniformly parallel along the WIS 23 expansion and reduced the impact to the residential property. With the trail parallel to WIS 23 impacts to properties adjacent to WIS 23 were increased, but those properties were already impacted by the expansion of WIS 23.

13. Buyout of P&N (Michaels) Parcel at County G Interchange

In the southwest quadrant of the WIS 23/County G interchange the area needed for the roadway and multiuse trail requires a large portion of the P&N (Michaels) parcel. Following the 2018 LS SFEIS/ROD, WisDOT has since determined that the remainder of this parcel will be an uneconomic remnant. Thus, a buyout of the entire parcel is needed.

4. PURPOSE AND NEED	**YES**	**NO**
Have there been any changes to the project purpose and need since the approval of the original environmental document including changes or updates to underlying analyses such as traffic data, crash data or infrastructure condition?	☐	☒

Briefly describe the purpose and need in the original approved document:

The purpose of the WIS 23 project is to provide additional highway capacity [i.e., to provide appropriate and effective Level of Service (LOS)] to service existing and projected traffic volumes, and improve operational efficiency and safety for local and through traffic while avoiding or minimizing environmental effects. Needs that support this purpose include:

System Linkage and Route Importance–WIS 23 is on the NHS and is a Corridors 2030 Connector route. It is a rural principal arterial between the city of Fond du Lac and the city of Sheboygan and a major east-west connecting highway between these and other population centers of east central Wisconsin. It provides a major link between I-43 and I-41. WIS 23 is a state-designated long truck route. As a Connector route and NHS route, WIS 23 should be upgraded in accordance with criteria that adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance.

Transportation Demand and Regional Economic Development–WIS 23 provides a connection to numerous economic sectors within the east Wisconsin region. It helps connect east central Wisconsin to the Fox Valley, Green Bay, Milwaukee, and Madison, Wisconsin, and Chicago, Illinois, economic centers. The current roadway does not adequately meet the regional transportation needs of these economic sectors and decreases the region's competitiveness.

Legislative and Planning History–As a Corridors 2030 Connector route in the Connections 2030 Statewide Long-Range Transportation Plan, WIS 23 warrants increasing attention to mobility and safety. Because of this, in the 1999 biennial budget, the legislature enumerated WIS 23 as a major project. Authorization for a major project along the portion of WIS 23 from WIS 67 to US 41 in Sheboygan and Fond du Lac counties is found in Wis. Stat. § 84.013(3)(ra).

Existing and Future Traffic Volumes and Resulting Operation–Portions of WIS 23 have existing and future traffic operations that warrant consideration of capacity expansion. The lack of adequate capacity creates service levels that are below desirable standards for a Connector route.

Existing Highway Geometric Characteristics–The geometrics of existing WIS 23 generally fall within WisDOT design standards but there are some substandard features in various locations. These include substandard shoulder width adjacent to the westbound climbing lane at the east end of the project, substandard horizontal sight distance northbound along County G for trucks turning left onto WIS 23, a substandard intersection angle at Pit Road, and two locations of substandard grade. Much of the route is marked for no passing and when passing zones are available, opposing traffic volumes reduce passing opportunities. Reduced passing opportunities negatively affect mainline LOS.

4. PURPOSE AND NEED

YES NO

Access–The high number of access points impacts both highway safety and mobility. WIS 23 has greater numbers of driveway and side-road access than what is desired for a rural principal arterial. Local traffic and farm machinery enter and exit the highway from approximately 235 county and local roads, private driveways, and field access points.

Safety–While the overall WIS 23 crash rate is below the statewide average for a 2-lane rural state trunk highway, some sections, particularly near high use intersections, experience higher than average crash rates. The area westbound from Whispering Springs Boulevard to County K and the area from 7 Hills Road to County W/Loehr Road experienced fatal and injury crash rates higher than the state average. From 2013 to 2017 there were 58 crashes involving vehicles crossing the highway centerline. On high priority corridors such as WIS 23, it is desirable to reduce as many risk factors as possible that contribute to crashes, particularly at intersections.

Nonmotorized Travel Accommodations–Currently, there are no good east-west routes or accommodations on WIS 23 for nonmotorized travel between Fond du Lac's Prairie Trail and Sheboygan County's Old Plank Road Trail. Additionally, WIS 23 provides one of the few crossings of the Sheboygan River and other topographic features, yet there is a 16-mile gap on WIS 23 where separated pedestrian and bicycle facilities are not provided.

If 'YES' is checked, describe the changes or updates:

5. AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

Identify if there have been any changes in the affected environment or project impacts from those identified in the original approved environmental document. For each 'YES', describe the change and include a statement regarding whether or not the change will result in a new significant impact not identified in the original document. If the change results in a new significant impact, supplemental or new environmental documentation is required. Include any supporting analysis, studies or comparison maps as an attachment to this document. Summarize all changes on the Re-evaluation Impact Comparison Matrix and indicate any changes to commitments on the Updated Environmental Commitments Document. If the resource is not present in the study area, put an "X" in the "NO" box and no further information is needed.

A. Affected Environment Changes

	YES	NO
Have there been any changes in the affected environment within or adjacent to the project area that could affect any impact categories (e.g. transportation infrastructure, protected resources, land use plans, etc.)?	☐	☒

Describe changes:

B. Law, Regulation and Policy Changes

	YES	NO
Have there been any changes to laws, regulations and policies that could affect any impact categories?	☐	☒

Describe changes:

C. Land Use, Transportation and Other Plans

	YES	NO
Have there been any changes to the following since the approval of the original environmental document:		
• The State Transportation Improvement Program or other state plans?	☐	☒
• The Regional Land Use Plan, Region Transportation Plan, Transportation Improvement Program?	☐	☒
• Local land use or transportation plan(s)?	☐	☒
• The potential for the project to have adverse indirect and cumulative effects on land use or transportation?	☐	☒

Describe changes: This project is currently under construction in Sheboygan County. The project is included in the Statewide Transportation Improvement Program and is consistent with state, regional, and local plans.

D. Right of Way Changes

	YES	NO
Have there been any changes to the following since the approval of the original environmental document:		

- The right of way requirements for the project (in final design or construction)? ☒ YES ☐ NO

Describe changes or any right of way that has already been acquired:

The changes described will change the right of way needed for the project. It is anticipated that total acres of FEE right of way that is required for the 4-lane On-alignment Alternative will decrease by approximately 20 acres. Excess right of way will increase by approximately 55 acres.

The decrease of 20 acres of FEE right of way for the 4-lane On-alignment Alternative is from adjustments in the strip right of way needed along WIS 23 and the design refinements listed under "Proposed Action" above. This right of way is shown in Exhibit 2 as "R/W No Longer Needed" (purple color).

Excess right of way because of 2019 design refinements results from the proposed purchase of five residential properties (approximately 4 acres) and one business (approximately 38 acres) as described in Design Refinements 1, 2a, and 2b, and the purchase of the P&N (Micheals) parcel on the south side of WIS 23 and County G (approximately 13 acres) as described in Design Refinement 13.

E. Social and Cultural Impacts

	YES	NO
Have there been any changes to the following since the approval of the original environmental document:		
• The number of residential acquisitions/relocations required?	☒	☐
• The project's effect on neighborhoods or community cohesion?	☐	☒
• The project's effect on travel patterns and accessibility (e.g. vehicular, commuter, bicycle, or pedestrian)?	☒	☐
• The project's effect on schools, recreation areas, churches, businesses, police and fire protection, etc.?	☐	☒
• The project's effects on the elderly, handicapped, non-drivers or transit-dependent?	☐	☒
• Has the U.S. Census been updated?	☐	☒
• Unresolved project issues or concerns of an Indian Tribe?	☐	☒

Describe changes for each 'YES' above including any acquisitions that have already occurred:

The 2019 design refinements will result in the additional relocation of five residential properties, one business, and one outbuilding. Three of the residential relocations and the one business relocation are a result of Design Refinement 1, two residential relocations are a result of Design Refinements 2a and 2b, and the outbuilding relocation is a result of Design Refinement 3. See "Proposed Action" above for more information on the design refinements.

Design Refinement 1 removes an access road to numerous properties on the south side of WIS 23 east of County UU. The proposed multiuse trail was originally placed along this access road. Since the access road is being removed, the multiuse trail will be placed along the south side of WIS 23 and the County UU eastbound on-ramp. There will be no negative effects on elderly, hanicapped, or other multimodal travelers when compared to the original design.

F. Environmental Justice Impacts

	YES	NO
Is there an Environmental Justice population in the study area?	☒	☐

If 'NO', describe the methodology(ies) to make this determination:

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The project's effects related to each resource category on minority or low income populations as defined in DOT Order 5610.2(a), May 2, 2012 and DOT Order 6640.23A, June 14, 2012?	☐	☒

If 'YES', describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

G. Economic and Farmland Impacts

	YES	NO
Are there businesses or farmlands in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The number of business acquisitions/relocations required?	☒	☐
• The project's potential to have adverse economic impacts on the regional and/or local economy, such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales?	☒	☐
• The project's potential to have adverse effect on established businesses or business districts?	☐	☒
• The project's impact on farmland or farming operations?	☒	☐

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

There is one business relocation as a result of Design Refinement 1. This is the relocation of Rawhide, Inc., which purchased the property from Free Spirit Riders in 2019.

The economic advantages of the 4-lane On-alignment Alternative, and any changes as a result of the 2019 design refinements, are as follows:

- Safety features, such as interchanges, access modifications, and a 4-lane separated roadway may decrease economic and personal losses associated with injuries and property damage attributable to crashes. (This advantage will increase with the additional access removals from Design Refinements 1, 2b, and 9.)
- Higher and more reliable travel speeds will decrease transportation costs of the delivery of goods and services between economic centers. (This advantage will increase with the increased design speed described in Design Refinement 10.)
- Wider shoulders and multiple lanes will improve the interaction between WIS 23 traffic and farm equipment using the highway. (No change anticipated from design refinements.)

The economic disadvantages of the 4-lane On-alignment Alternative, and any changes as a result of the 2019 design refinements, are as follows:

- Five businesses and 18 farm operations will need to be relocated (an increase of one business based on Design Refinement 1). Three of these businesses and 17 of these farm operations have already been relocated based on the decision in the 2014 Limited Scope Supplemental Final Environmental Impact Statement (LS SFEIS).
- The 4-lane On-alignment Alternative requires land from numerous farm operations including 204 acres of crop land (a decrease of 14 acres based on the design refinements).
- Access modifications may increase indirection for travelers that have origins and destinations on opposite sides of WIS 23. This may affect farmers that have field operations on both sides of WIS 23. (No change anticipated from design refinements.)
- Area farmers have noted it may be difficult to cross two lanes of traffic with farm equipment to make the left turn associated with RCUT intersection control. (No change anticipated from the design refinements.)
- Funds used for the construction of the 4-lane On-alignment Alternative, once committed, are unavailable for other highway projects or uses throughout the state. (No change anticipated from the design refinements.)

H. Historic Resource/Archaeological/Burial Site Impacts

	YES	NO
Are there historic/archeological resources or burial sites in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The status of National Register-listed or eligible sites in the project area?	☐	☒
• The conclusions reached in the original environmental document regarding the project's effect on cultural and historical resources?	☐	☒
• The project activities described in consultation or findings letters previously submitted to SHPO or other consulting parties?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

I. Section 4(f)/Section 6(f)/Other Uniquely Funded Lands

	YES	NO
Are there Section 4(f), 6(f) or other uniquely funded lands in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The status of Section 4(f) properties affected by the proposed action or the project's effects on such properties?	☐	☒
• The determination of whether the project would '"use" land from a Section 4(f) property?	☐	☒
• The status of Section 6(f) or other uniquely funded properties affected by the proposed action?	☐	☒
• The determination of whether the use of a Section 6(f) or other uniquely funded property is a "conversion of use" per Section 6(f) of the LWCFA or other regulation/statute?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments and attach appropriate Section 4(f) and Section 6(f) documentation:

The design refinements would not change the Section 4(f) or Section 6(f) evaluations completed for the 2018 LS SFEIS.

J. Wetland Impacts

	YES	NO
Are there wetlands in the study area?	☒	☐
Are new wetland delineations required?	☒	☐

If 'YES' to either, have there been any changes to the following since the approval of the original environmental document:

- The project's wetland impacts? *If yes, complete a b and c. Attach resource agency coordination.* ☒ ☐
  a. Total acres of impact (original/changed): There were no changes to the wetland delineation during the 2019 field investigations. The design refinements reduced the wetland area needed for FEE right of way to approximately 25 acres (a reduction of approximately 0.9 acres).
  b. Total acres of temporary impact included in the total acres above (original/changed): Temporary limited easements account for approximately 0.1 acres of the wetland impact (no change).
  c. Total fill quantities in wetlands (original/changed): The total wetlands that will be filled (inside and outside existing right of way) is approximately 51 acres (a reduction of approximately 0.8 acres).
- The project wetland mitigation measures? ☐ ☒

Was a Least Environmentally Damaging Practicable Alternative (LEDPA) determination made?	☒	☐
If "YES', was the LEDPA determination re-validated?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

There are no new wetland or waterways delineated for the project. The design refinements documented in this re-evaluation result in a reduction in the amount of impacted wetlands. The following two wetlands were impacted by the design changes:

Wetland 1 (SS): The orginal impact to this wetland was 0.68 acres. As part of design refinement, slope intercepts and right of way were reviewed and modified. The multiuse path was moved closer to WIS 23 which resulted in a reduction of the amount of wetland needed to 0.45 acres (a reduction of 0.23 acres).

Wetland 6 (M): The original impact to this wetland was 0.57 acres. Design Refinement 1 removed the backage road at this location. No impact to this wetland is anticipated.

The Section 404 permit was amended on April 9, 2019. It authorizes discharge of dredged and/or fill material in 35.69 acres of wetlands and waters. It also includes impacts within 1,059.5 linear feet of tributaries at 12 locations for culvert placement and extension. WisDOT shall provide a minimum of 53.54 compensatory wetland mitigation credits through the restoration and establishment of wetlands.

WisDOT will discuss the design refinements with the US Army Corps of Engineers but it is anticipated the agency will not require the permit be revised to account for the minor reduction in wetland impacts resulting from the design refinements.

K. Rivers, Streams, Lakes, Springs and Wells Involvement

	YES	NO
Are there rivers, streams, lakes, springs or wells in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The project's effects on water bodies?	☐	☒
• The project's effects on a navigable water body as defined by USCG (Section 9)?	☐	☒
• The project's effects on Waters of the U.S. as defined by the USACE (Section 404) other than those wetlands described in Item 5.J above?	☐	☒
• The project's effects on Navigable Waters of the U.S. as defined by the USACE (Section 10)?	☐	☒
• The project's effects on a designated Wild and Scenic River or land adjacent to a Wild and Scenic River?	☐	☒
• The project's effects on springs or wells?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

L. Floodplains Impacts

	YES	NO
Are there floodplains or floodways in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The project's encroachment into the 100-year floodplain?	☐	☒
• The project's potential to encroach on a regulatory floodway?	☐	☒
• The project's consistency with local flood protection standards and E.O. 11988?	☐	☒

Was FHWA required to make an Only Practicable Alternative Finding under 23 CFR 650.113?	☐	☒
If 'YES', was the Only Practicable Alternative Finding re-validated?	☐	☐

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

M. Fish and Wildlife Impacts

	YES	NO
Is there fish, wildlife or migratory bird species or habitat in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The project's effects on wildlife or fish species or habitat?	☐	☒
• The project's effect on migratory birds?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

N. Threatened and Endangered Species (T&E) Impacts

	YES	NO
Are there any federally-listed T&E species or critical habitat in the study area?	☒	☐
Are there any state-listed T&E species in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The status of listed, proposed or candidate T&E species that will be directly or indirectly affected by the project?	☐	☒
• The status of critical habitat for federally-listed species in the project area?	☐	☒
• The project's effect or the WDNR/U.S.F&WS affect finding on listed, proposed or candidate T&E species or designated critical habitat for federally-listed species?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments: Since the 2018 LS SFEIS/ROD, there have been no newly listed state or federal threatened or endangered species in the project area and no new critical habitat for a listed species has emerged. See Exhibits 3 and 4 for an updated Federal Listing and an updated Natural Heritage Inventory (NHI) review email from the WDNR, respectively.

O. Unique Upland Habitat

	YES	NO
Has any unique upland habitat been identified in the study area?	☐	☒

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The project's effect on identified unique upland habitat?	☐	☐

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

P. Air Quality (Conformity)

Have there been any changes to the following since the approval of the original environmental document:

	YES	NO
• the project's effect on a non-attainment area or maintenance area, which will require a new or revised conformity determination?	☐	☒
• the requirement to perform a hot-spot analysis for mobile source air toxics or $PM_{2.5}$?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

Q. Noise Impacts

Have there been any changes to the following since the approval of the original environmental document:

	YES	NO
• The project's scope or design that would change the project to or from a Type I project per Procedure 23-10-1 of the WisDOT Facilities Development Manual?	☐	☒
• Factors that influence sound levels as described in Section 23-15 of the WisDOT Facilities Development Manual that would require a revision to the noise analysis completed for the original environmental document?	☒	☐
• Determinations regarding the feasibility and reasonability of mitigation for identified noise impacts?	☒	☐

Describe results of a new noise analysis, identification of new impacts, newly identified noise sensitive receptors or changes in noise abatement measures. If noise abatement was determined feasible and reasonable, identify what public involvement has occurred and explain what public involvement is still required.

Design Refinement 10 concerned an increase in design (and posted) speed between County K and Taft Road that then required a change in profile grades. This area was reanalyzed to confirm the previous evaluation of noise barriers. The receptors modeled resulted in the same receptors being impacted and not impacted. A new noise wall analysis was performed and verified that no noise barrier walls are reasonable or feasible between County K and Taft Road.

Abatement:

For a noise barrier to be reasonable, the total cost may not exceed $47,000 per benefited receptor and meet the following criteria according to FDM Chapter 23 (July 2019):

• A minimum of one receptor or common use area achieves WisDOT's noise reduction design goal of 9 decibels.

• The noise barrier reduces noise levels by a minimum of 8 decibels for each benefiting receptor used in the cost calculation.

• For purposes of reasonableness determination:

  o Each individual residence benefited is counted as one benefited receptor.

  o Each dwelling unit benefited in a multifamily dwelling is counted as one benefited receptor.

o Each dwelling unit in the multifamily complex eligible to use the benefited common use area is counted as one benefited receptor.

o Each discrete parcel benefited in Land Use Categories A, C, D and E is counted as one benefited receptor, except,

 Section 4(f) properties as identified in Land Use Category C, will be evaluated on a case-by-case basis to determine the location of equivalent receptors on the discrete parcel that will each count as one benefited receptor.

 Soundproofing of properties as identified in Land Use Category D will be evaluated on a case-by-case basis to determine the location of equivalent receptors on the discrete parcel that will each count as one benefited receptor.

See Exhibit 8 for the noise barrier results, summary of receptor data, and receptor map.

R. Hazardous Materials or Contaminated Sites

	YES	NO
Have hazardous materials or contaminated sites been identified in the study area?	☒	☐

If 'YES', have there been any changes to the following since the approval of the original environmental document:

• The status of known or potentially contaminated sites within or adjacent to the existing and/or proposed ROW?	☐	☒
• Any proposed excavation plans adjacent to, or within, a known contaminated site?	☐	☒
• The potential for encountering contamination during construction?	☐	☒
• Additional bridge repairs or replacements requiring asbestos inspection?	☐	☒

Describe changes, including any changes to previously identified remediation plans and/or environmental commitments:

S. Stormwater Impacts

Have there been any changes to the following since the approval of the original environmental document:

	YES	NO
• The project's involvement with a public or private drinking water source?	☐	☒
• The project's effect on discharges of stormwater into waters of state?	☐	☒
• The project's effect on a WisDOT Phase I or II stormwater management area?	☐	☒
• Changes to the stormwater management methodologies resulting from project scope or design changes?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

T. Construction Impacts

Have there been any changes to the following since the approval of the original environmental document:

	YES	NO
• Temporary degradation of water quality?	☐	☒
• Temporary wetland impacts?	☐	☒
• Temporary stream diversion?	☐	☒
• Temporary degradation of air quality?	☐	☒
• Temporary delays and detours of traffic?	☐	☒
• Temporary impacts on businesses?	☐	☒

• Temporary noise impacts?	☐	☒
• Other construction impacts?	☐	☒

Describe changes, including any changes to previously proposed mitigation and/or environmental commitments:

U. Permits and Authorizations

	YES	NO
Are permits or other authorizations following environmental documentation approval such as a Section 404 permits for work in waters of the United States required for work in the study area?	☒	☐
If 'YES', have there been any changes to the status of permits and authorizations since the approval of the original environmental document?	☒	☐

Describe changes:

There are several outstanding permits and authorizations that still need to be obtained prior to the 2021 LET date. The specific permit of authorization and its respective status is outlined below.

Section 404: The Section 404 permit was signed on March 10, 2015 with an amendment signed on April 9, 2019. See Exhibit 5 for the Section 404 permit cover letter.

WDNR Final Concurrence and General Permit to Discharge Under the Wisconsin Pollutant Discharge Elimination System: The WDNR final concurrence and permit will be applied for at the 90 percent plan completion/PS&E timeframe.

6. COMMENTS AND COORDINATION CONDUCTED

	YES	NO
Has public and/or agency coordination occurred since the approval of the original environmental document?	☒	☐

Describe all outreach and coordination efforts conducted for this project since approval of the original environmental document. Discuss pertinent issues raised by the public and other agencies. Attach applicable correspondence and responses. If no additional public involvement was conducted, explain why.

A public involvement meeting occurred on August 19, 2019 from 5 to 7 pm. Public comments and responses are included in Exhibit 10.

United States Fish and Wildlife Service (USFWS) Coordination: A new species list was produced on July 9, 2019. There were no changes to the listed threatened, endangered, or candidate species and therefore no coordiation with USFWS is required (see Exhibit 3).

WDNR Coordination: WDNR staff will be contacted to render an opinion on threatened and endangered resource changes that may have changed since the 2018 LS SFEIS/ROD was signed on October 15, 2018.

Native American Tribes Coordination: A letter was sent on July 24, 2019 to update the Native American Tribes of the design refinements and additional survey area (see Exhibit 6). No responses have been received.

Wisconsin Historical Society: The Wisconsin Historical Society sent a letter on July 10, 2019 stating "An additional Architecture/History Survey of these areas is not needed." (see Exhibit 7).

Agricultural Impact Statement (AIS): The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) completed an AIS on October 17, 2006. They produced an addendum to the AIS in 2010. DATCP will be provided the change in agricultural impacts associated with the 2019 design refinements.

7. ENVIRONMENTAL RE-EVALUATION DETERMINATION	YES	NO
The supporting information included in this re-evaluation indicate that the original approved environmental decision remains valid.	☒	☐
The changes in the project scope, identification of new significant environmental impacts not previously evaluated, changes to environmental commitments or public controversy identified through the supporting information included in this re-evaluation indicate a new or supplemental environmental document is required. [If 'Yes', consultation with the Region Environmental Coordinator, Local Roads Program Management Consultant or BTS-EPDS Region Liaison and FHWA, as appropriate, is required.]	☐	☒

RE-EVALUATION IMPACT COMPARISON MATRIX

All estimates in the 'Original Document' column including costs are based on conditions described in the original, approved document at the time of preparation in the year of expenditure (YOE). All estimates in the 'Re-evaluation' column, including costs, are based on present conditions described in this document at the time of preparation in the YOE. Additional agency or public involvement may change these estimates in the future. Attach the Alternatives Comparison Matrix or other summary of impacts table from the original environmental document as an appendix. If other re-evaluations have been done of the original environmental, also attach all previously completed Re-evaluation Impact Comparison Matrixes.

Table 1 of 2 RE-EVALUATION IMPACT COMPARISON MATRIX

		UNIT	2018 LS SFEIS (Original Document): 4-lane On-alignment Alternative	Re-evaluation for 2019 Design Refinements	Change
Project Length		Miles	19.1	19.1	None
COST					
Costs expended prior to vacating 2014 ROD	Design	Millions $	9.1	9.1	None
	Real Estate	Millions $	19.1	19.1	None
	Utility	Millions $	0.0	0.0	None
	Construction	Millions $	1.7	1.7	None
	Total	Millions $	**29.9**	**29.9**	**None**
Costs expended after vacating 2014 ROD and through August 2018	Design	Millions $	2.5	2.5	None
	Real Estate	Millions $	0.8	0.8	None
	Utility	Millions $	0.4	0.4	None
	Construction	Millions $	2.5	2.5	None
	Total	Millions $	**6.2**	**6.2**	**None**
Total costs expended through August 2018	Design	Millions $	11.6	11.6	None
	Real Estate	Millions $	19.9	19.9	None
	Utility	Millions $	0.4	0.4	None
	Construction	Millions $	4.2	4.2	None
	Total	Millions $	**36.1**	**36.1**	**None**
Costs remaining (FY 2019 dollars)	Design	Millions $	2.8		
	Real Estate	Millions $	5.6		
	Utility	Millions $	4.6		
	Construction	Millions $	101.4		
	Total	Millions $	114.4		
Total Project Costs (FY 2019 dollars)		Millions $	**150.5**	**36.1**	
Total Project Costs (Year of Expenditure)[1]		Millions $	**153.1**		

[1] "Year of Expenditure" is 2019-2023.

Table 2 of 2 RE-EVALUATION IMPACT COMPARISON MATRIX

	UNIT	2018 LS SFEIS (Original Document): 4-lane On-alignment Alternative	Re-evaluation for 2019 Design Refinements	Change
Area Converted to Highway R/W for Alternative				
Cropland and Pasture needed for R/W	Acres	218	204	-14
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	119	117	-2
- Remaining to be purchased for needed R/W	Acres	99	87	-12
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[2] or wetland mitigation acres)	Acres	199	201	2
Wetland Area needed for R/W	Acres	26	25	-1
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	15	15	---
- Remaining to be purchased for needed R/W	Acres	11	10	-1
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[2] or wetland mitigation acres)	Acres	15	15	---
Woodland/Upland Area to R/W	Acres	38	38	---
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	34	34	---
- Remaining to be purchased for needed R/W	Acres	4	4	---
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[2] or wetland mitigation acres)	Acres	10	10	---
Other Area needed for R/W[3]	Acres	128	123	-5
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	49	52	3
- Remaining to be purchased for needed R/W	Acres	79	71	-8
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[2] or wetland mitigation acres)	Acres	87	84	-3
Total Area needed for Highway R/W	Acres	410	390	-20
Total Area Already Purchased for Highway R/W[4]	Acres	528	528	---
Total Area Still Needed for Highway R/W	Acres	193	172	-21
Excess R/W[2], Temporary Easement, and Wetland Mitigation				
Excess R/W purchased prior to vacating 2014 ROD and not required for Alternative	Acres	152	151	-1
Excess R/W as a result of 2019 design refinements	Acres	---	55	55
Excess R/W from relocations noted in the LS SFEIS, but not prior to vacating 2014 ROD	Acres	---	60	60
Temporary Easements required for Alternative	Acres	---	3	3
Wetland Mitigation	Acres	159	159	---
Relocations				
Total Residential Relocations needed	Number	30	35	5
- Residences relocated prior to vacating 2014 ROD	Number	30	30	---
- Residential Relocations where buildings were razed	Number	27	27	---
- Residential Relocations Still Needed	Number	0	5	5
Total Business Relocations Required (Not Including Farms)	Number	4	5	1
- Business relocated prior to vacating 2014 ROD	Number	3	3	---
- Business Relocations where buildings were razed	Number	3	3	---
- Business Relocations Still Needed	Number	1	2	1
Total Farm Relocations Required (One or more farm buildings)	Number	18	18	---
- Farms relocated prior to vacating 2014 ROD	Number	17	17	---
- Farm Relocations where buildings were razed	Number	16	16	---
- Farm Relocations Still Needed	Number	1	1	---
Farms Severed	Number	5	2	-3
Other Impacts				
Eligible Historic Structures/Archeological Sites identified	Yes/No	Yes	Yes	---
Section 106 MOA Required	Yes/No	Yes	Yes	---
Section 4(f) Evaluation Required	Yes/No	Yes	Yes	---
Section 6(f) Land Conversion Required	Yes/No	Yes	Yes	---
Floodplain Encroachment	Yes/No	Yes	Yes	---
Total Wetlands to be Filled (includes wetlands in existing and new R/W)	Acres	51.8	51.0	-0.8
Stream Crossings	Number	3	3	---
Threatened/Endangered Species	Yes/No	Yes	Yes	---
Noise Analysis Required	Yes/No	Yes	Yes	---
Receptors Impacted in the design year	Number	47	47	---
Contaminated Sites	Number	6	6	---

[2] Excess right of way is a result of parcels purchased because they have uneconomic remnants or are land-locked parcels. The purchase of right of way and excess right of way is consistent with normal procedures and is typical for this type of project.

[3] Other Area includes: Single- and Multi-Family Residential, Commercial, Industrial, Community, Institutional, Manufacturing, Mining, Retail Trade, Parks/Recreation, Undeveloped, and Transportation.

[4] Actual surveyed amount is 530 acres between excess right of way and wetland mitigation. Value shown represents the approximate amount calculated using GIS parcel line files, not surveyed right of way lines.

UPDATED ENVIRONMENTAL COMMITMENTS DOCUMENT

See Exhibit 12 for the project commitments. Exhibit 12 is Section 6, Measure to Minimize Adverse Effects, from the 2018 LS SFEIS, with references to the No Build, Passing Lane, and Hybrid Alternatives lined out as no longer relevant. Section 6 is essentially the same as the environmental commitments attached to the Design Study Report, which were taken from Section 5 in the 2010 FEIS/ROD, and will be attached to the PS&E submittal package. The 2019 design refinements discussed in this re-evaluation have not resulted in changes or additions to the environmental commitments identified in the original approved environmental document (2018 LS SFEIS).

Exhibit 1

Termini of Original Environmental Document and Re-evaluation

Wisconsin Department of Transportation (WisDOT)
Project ID: 1440-15-00/1440-13-00
Wisconsin State Highway (WIS) 23
Fond du Lac to Plymouth
Fond du Lac and Sheboygan Counties

Project Location Map

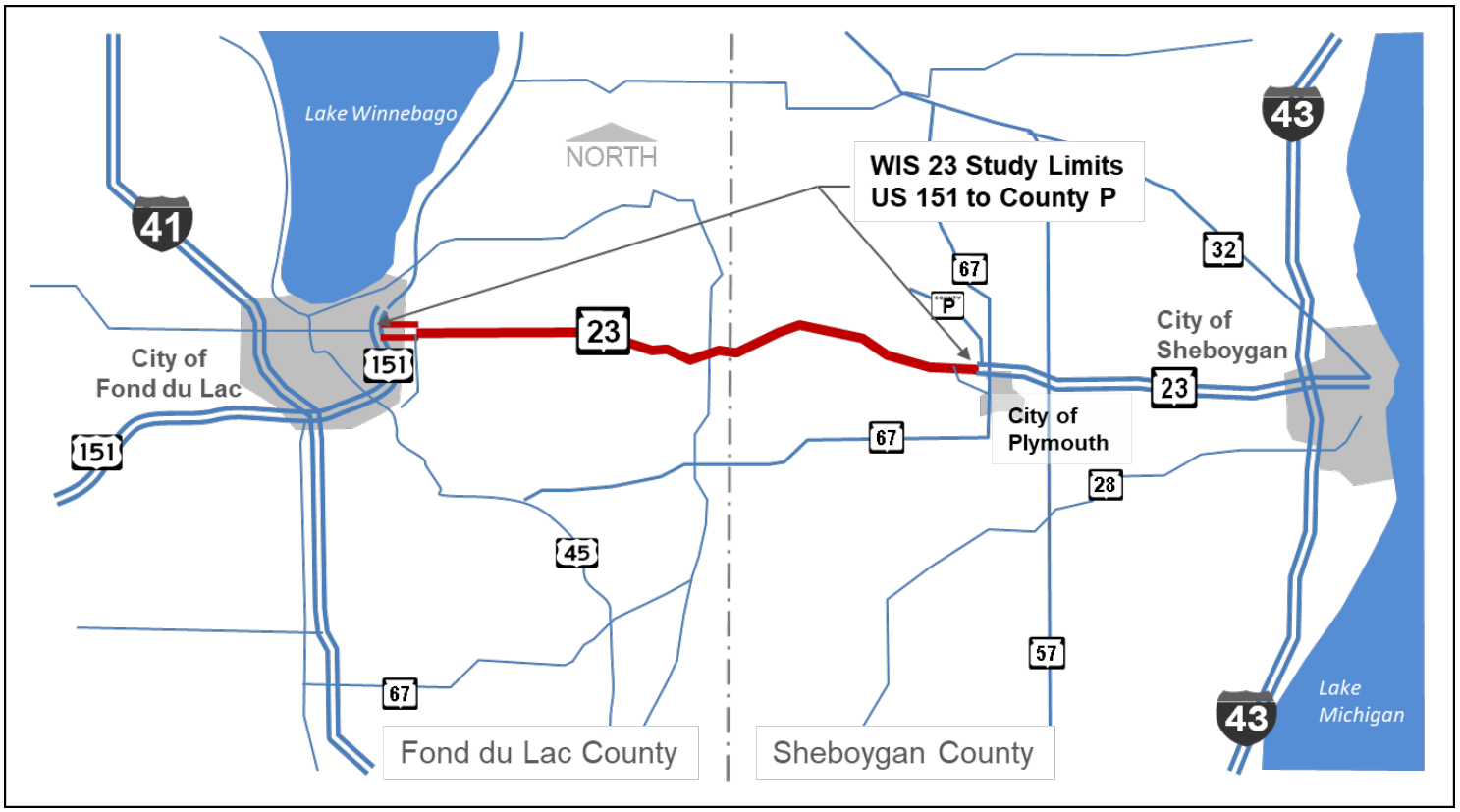
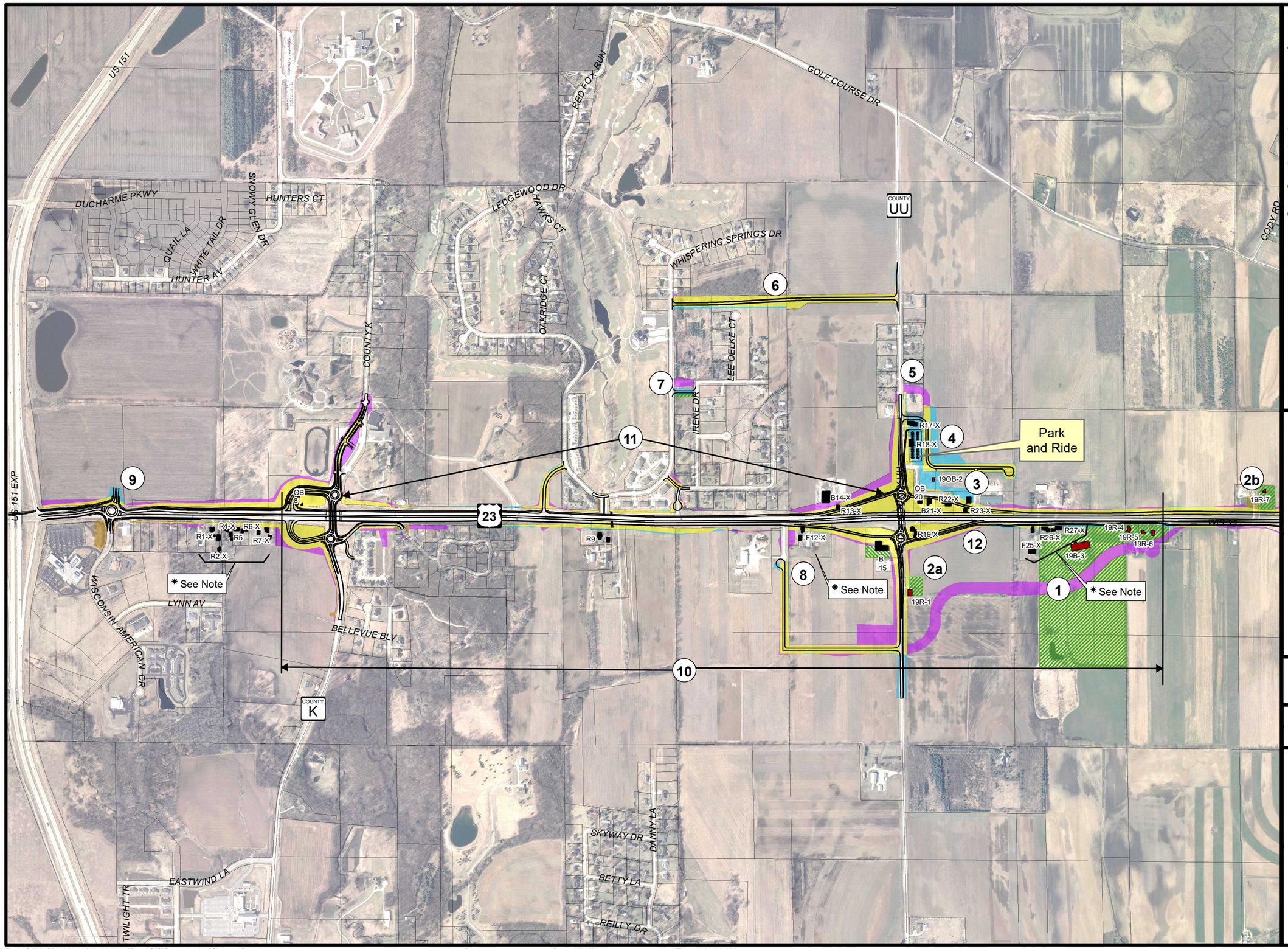


Exhibit 2

Proposed Action



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BUILD ALTERNATIVE

- 2019 Design Refinement
- LS SFEIS Relocation
- 2019 Design Refinement Relocation
- R/W Needed for 4-Lane On-Alignment Alternative
- R/W No Longer Needed
- R/W Needed for Design Refinement
- TLE Needed for Design Refinement
- Excess R/W as a Result of Design Refinements
- Excess R/W from Relocations in LS SFEIS
- (1) 2019 Design Refinement

R = Residential Relocation
B = Business Relocation
F = Farm Relocation
OB = Outbuilding
X = Building was Removed

LS SFEIS - Limited Scope Supplemental Final Environmental Impact Statement (2018)

* Refer to the 2018 LS SFEIS for excess R/W shown in that document.

PROJECT ID 1440-13/15-00
WISCONSIN STATE HIGHWAY 23

FOND DU LAC TO PLYMOUTH

WISCONSIN DEPARTMENT OF TRANSPORTATION

FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN

0 250 500 1,000 Feet

Exhibit 2

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19OB-2

WESTFIELD RD

WIS 23

23

12

2a

1

19R-1

19B-3

* See Note

19R-4

19R-5

19R-6

2b

19R-7

COUNTY UU

Legend

BUILD ALTERNATIVE

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PROJECT ID 1440-13/15-00
WISCONSIN STATE HIGHWAY 23

FOND DU LAC TO PLYMOUTH

WISCONSIN DEPARTMENT OF TRANSPORTATION

FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN

0 75 150 300
Feet

Exhibit 2

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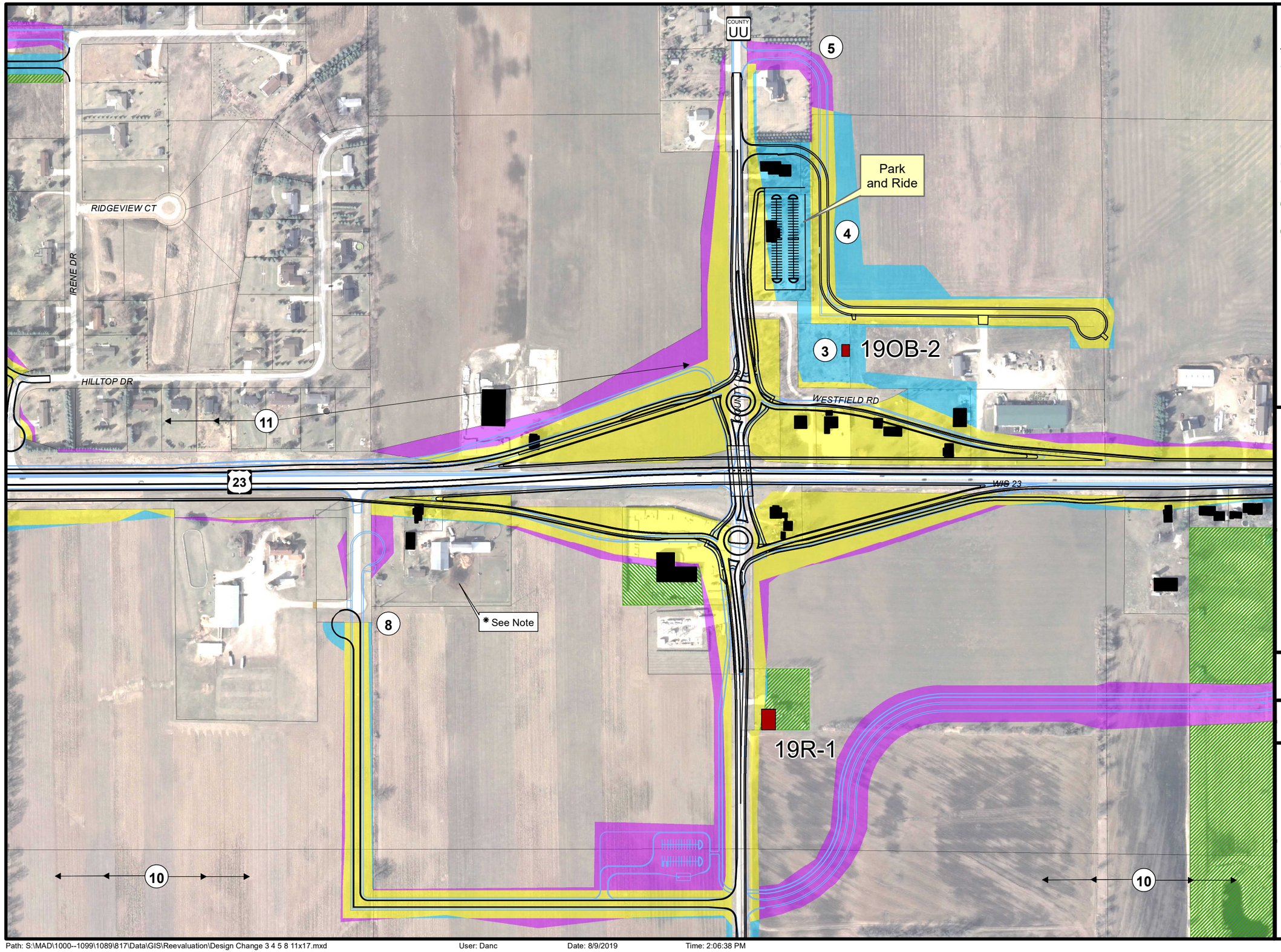

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PROJECT ID 1440-13/15-00 WISCONSIN STATE HIGHWAY 23

FOND DU LAC TO PLYMOUTH

WISCONSIN DEPARTMENT OF TRANSPORTATION

FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN

0 75 150 300
Feet

Exhibit 2

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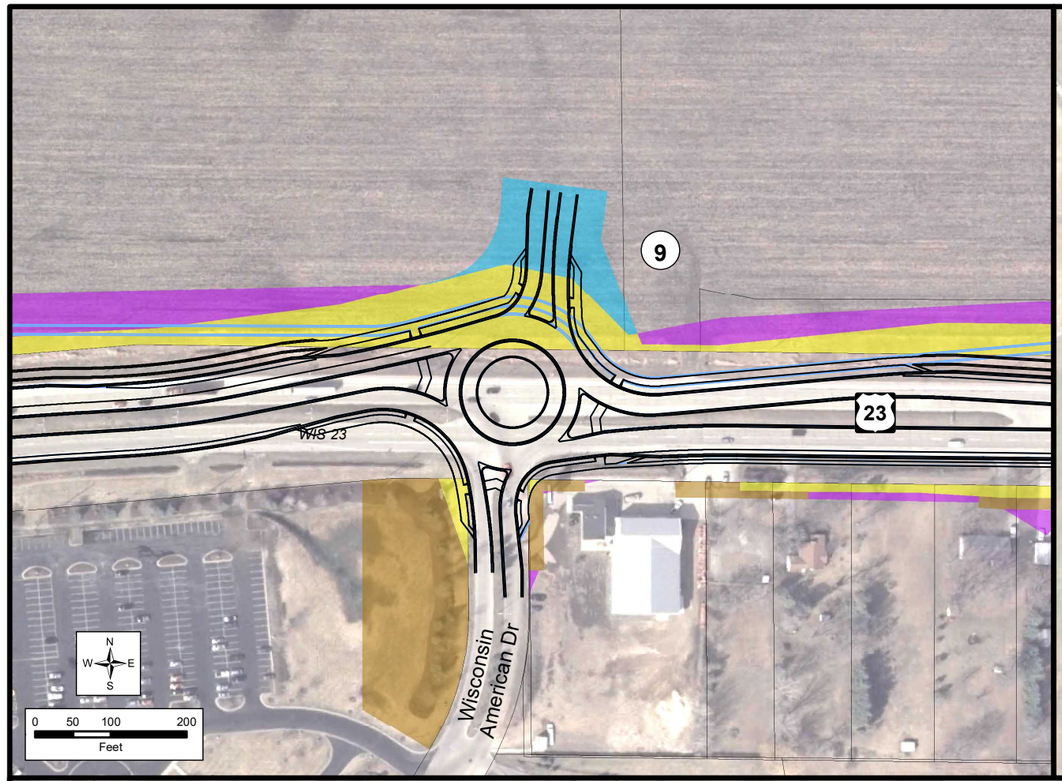

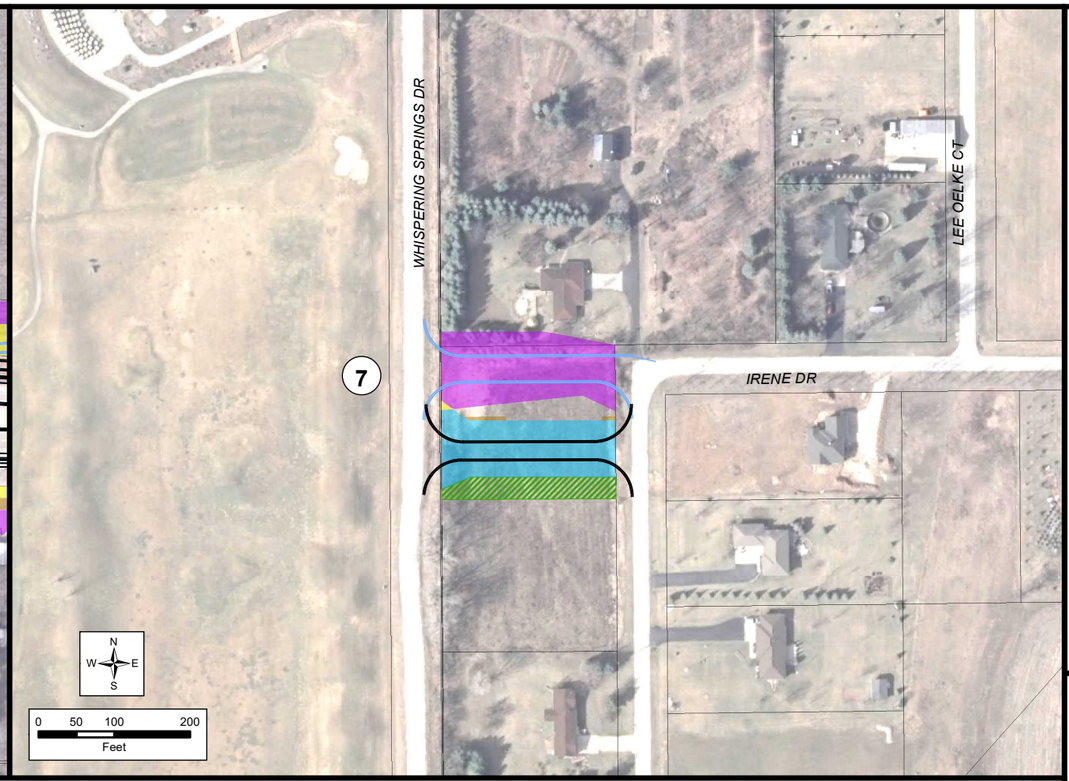

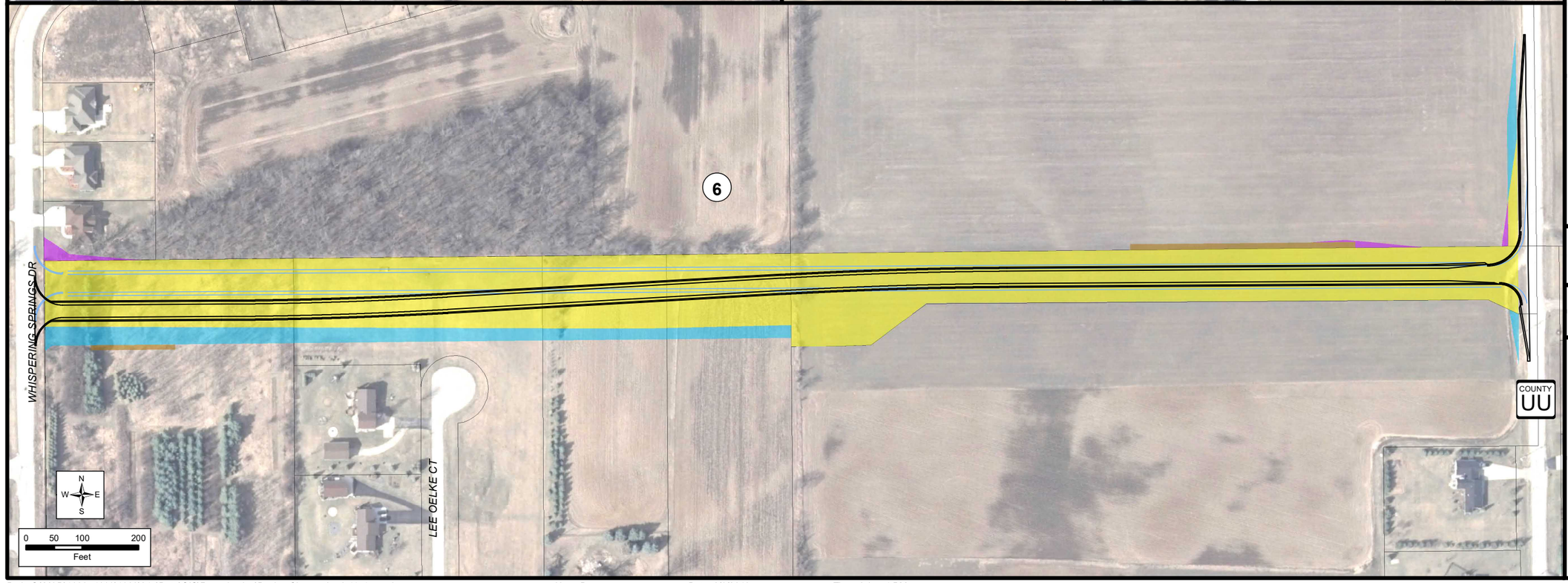

Legend

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PROJECT ID 1440-13/15-00
WISCONSIN STATE HIGHWAY 23

FOND DU LAC TO PLYMOUTH

WISCONSIN DEPARTMENT OF TRANSPORTATION

FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN

0 50 100 200
Feet

Exhibit 2

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PROJECT ID 1440-13/15-00 WISCONSIN STATE HIGHWAY 23

FOND DU LAC TO PLYMOUTH

WISCONSIN DEPARTMENT OF TRANSPORTATION

FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN

0 75 150 300
Feet

Exhibit 2

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Exhibit 3

USFWS Updated IPAC List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710

In Reply Refer To:
Consultation Code: 03E17000-2016-SLI-0141
Event Code: 03E17000-2019-E-03460
Project Name: WIS 23: US 151 - County P

July 09, 2019

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website http://ecos.fws.gov/ipac/ at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - http://www.fws.gov/midwest/endangered/section7/s7process/index.html. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (*e.g.*, communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act *(*16 U.S.C. 703 *et seq*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
(920) 866-1717

Project Summary

Consultation Code: 03E17000-2016-SLI-0141

Event Code: 03E17000-2019-E-03460

Project Name: WIS 23: US 151 - County P

Project Type: TRANSPORTATION

Project Description: Wis 23 project in Fond du Lac and Sheboygan Counties

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/43.775463261773766N88.22209890345388W

Counties: Fond du Lac, WI | Sheboygan, WI

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Whooping Crane *Grus americana* Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non-Essential

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid *Platanthera leucophaea* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened
Pitcher's Thistle *Cirsium pitcheri* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8153	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Exhibit 4

WDNR NHI Review

Exhibit 5

Section 404 Permit Cover Letter

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

REPLY TO
ATTENTION OF

MAR 1 0 2015

Operations Division
Regulatory Branch (2010-00379-AMN)

Wisconsin Department of Transportation
c/o Eric Danke
944 Vanderperren Way
Green Bay, Wisconsin 54304

Dear Mr. Danke:

Enclosed is the validated copy of the Department of the Army permit authorizing the Wisconsin Department of Transportation to discharge dredged and/or fill material into 42.95 acres of wetlands and waters in conjunction with the WIS 23 Expansion Project (WisDOT Project ID 1440-13-01 & 1440-15-01) in Fond du Lac and Sheboygan Counties, Wisconsin.

Please be advised that the authorization hereby granted is contingent on the permittee's compliance with all conditions stated in the permit and its attachments.

This Federal permit does not obviate the need to obtain any other Federal, state or local authorizations required by law.

If you have any questions, contact Nick Domer, Senior Project Manager in our Green Bay office at (651) 290- 5855 or nicholas.t.domer@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Todd Vagts

for Tamara E. Cameron
Chief, Regulatory Branch

Enclosure(s)

cc: Kathie Van Price, WisDOT
Jay Schiefelbein, WDNR

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

April 26, 2019

REPLY TO
ATTENTION OF

Operations Division
Regulatory Branch (MVP-2010-00379-RJH)

Bryan Lipke
WisDOT- Northeast Region
944 Vanderperren Way
Green Bay, Wisconsin 54324-0080

Dear Mr. Lipke:

Enclosed is the validated copy of the Permit Modification and Acknowledgement and a copy of the conformed permit for Department of the Army Permit MVP-2010-00379-RJH. Please be advised that the authorized modifications are contingent on the permittee's compliance with the conformed permit and all conditions.

This Federal permit does not obviate the need to obtain any other Federal, state or local authorizations required by law.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Ryan Huber in our Green Bay office at (651) 290- 5859 or Ryan.J.Huber@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Chad Konickson

Chad Konickson
Chief, Regulatory Branch

Enclosure(s)

cc: Kathie Van Price, WisDOT
Jay Schiefelbein, WDNR

Exhibit 6

Native American Letter

WisDOT Division of Transportation System Development
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

Governor Tony Evers
Secretary Craig Thompson
wisconsindot.gov
Telephone: (920)492-5643
FAX: (920)492-5640
Email: ner.dtsd@dot.wi.gov

July 24, 2019

«Title» «First_Name» «Last_Name», «Credentials»
«Company»
«Office_Building»
«Address_1»
«City», «State» «Postal_Code»

Re: UPDATE: Design refinements and accompanying efforts to identify historic properties

I am writing to you to provide an update on the following project:

Wisconsin Department of Transportation (WisDOT) Project ID: 1440-15-00/1440-13-00
Wisconsin State Highway (WIS) 23
Fond du Lac to Plymouth
Fond du Lac and Sheboygan Counties

Project design refinements have resulted in a change to the undertaking's area of potential effect (APE). WisDOT, in cooperation with the Federal Highway Administration (FHWA), has conducted additional efforts to identify historic properties in the amended APE. The amended APE includes two parcels which are included on the attached map showing the location of the new areas of potential effect in relation to the undertaking as originally designed.

Letters about the project were sent to American Indian Tribes in 2002, 2007, and 2017. The letters provided project information to the tribes and asked if they would like to be a consulting party or if they have any concerns with the project. No issues have been noted by any of the tribes contacted.

WisDOT would be pleased to receive any comments your tribe wishes to share regarding this undertaking, the determination of the APE, and any potential impacts to historic properties and/or burials. Additional environmental studies may be conducted for this undertaking such as archaeological site identification survey, architecture/history survey, endangered species survey, contaminated material investigations, soil testing and right-of-way surveys. Results of these studies and comments provided by you will assist the engineers in the design to avoid, minimize, or mitigate effects upon cultural and natural resources. To ensure your comments are considered during this early phase of project development, WisDOT requests a response within 30 days of receipt of this letter.

If your tribe wishes to be a consulting party under Section 106 of the National Historic Preservation Act or would like to receive additional information regarding this undertaking, please contact WisDOT Project Manager Bryan Lipke at the Wisconsin Department of Transportation, Northeast Region, 944 Vanderperren Way, Green Bay, WI 54304, (920) 492-5703 or at Bryan.Lipke@dot.wi.gov.

Sincerely,

Bryan Lipke

Bryan Lipke, P.E.

CC: bees.cr@dot.wi.gov

Attachments: Project Location Map
New Areas of Potential Effect Map

Company	Title	First Name	Last Name	Credentials	Email	Phone Number	Office Building	Address 1	Address 2	City	State	Postal Code
Bad River Band of Lake Superior Chippewa Indians of Wisconsin	Ms.	Edith	Leoso	THPO	thpo@badriver-nsn.gov	(715) 682-7123 Ext. 1662		P.O. Box 39		Odanah	WI	54861
Forest County Potawatomi Community of Wisconsin	Mr.	Michael	LaRonge	THPO	michael.laronge@fcpotawatomi-nsn.gov	(715) 478-7354	Tribal Office	5320 Wensaut Lane, P.O. Box 340		Crandon	WI	54520
Fond du Lac Band of Lake Superior Chippewa		Jill	Hoppe	THPO	JillHoppe@fdlrez.com	(218) 878-7129		1720 Big Lake Road		Cloquet	MN	55720
Ho-Chunk Nation	Mr.	William	Quackenbush	THPO	bill.quackenbush@ho-chunk.com	(715) 284-7181	Executive Offices	P.O. Box 667		Black River Falls	WI	54615
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin	Mr.	Brian	Bisonette	THPO	'bbisonette@lco-nsn.gov'	(715) 634-8934	Tribal Office	13394 West Trepania Road		Hayward	WI	54843
Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin	Ms.	Melinda	Young	THPO	mjyoung@ldftribe.com	(715) 588-4380	Tribal Historic Preservation Office	838 Whitefeather Street, P.O. Box 67		Lac du Flambeau	WI	54538
Lac Vieux Desert Band of Lake Superior Chippewa Indians	Ms.	Daisy	McGeshick	THPO	daisy.mcgeshick@lvdtribal.com	(906) 358-0137	Ketegitigaanig Ojibwe Nation	P.O. Box 249		Watersmeet	MI	49969
Menominee Indian Tribe of Wisconsin	Mr.	David	Grignon	THPO	dgrignon@mitw.org	(715) 779-0910		P.O. Box 910		Keshena	WI	54135
Prairie Band Potawatomi Nation	Ms.	Hattie	Mitchell	THPO				16281 Q Road		Mayetta	KS	66509
Prairie Island Indian Community	Mr.	Noah	White	THPO	noah.white@piic.org	(651) 385-4175		5636 Sturgeon Lake Road		Welch	MN	55089
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Mr.	Marvin	DeFoe	THPO	marvin.defoe@redcliff-nsn.gov	(715) 779-3700 Ext. 4244	Red Cliff Band of Lake Superior Chippewa Indians	88385 Pike Road, Highway 13		Bayfield	WI	54814
Sac and Fox Nation of Missouri in Kansas and Nebraska	Mr.	Gary	Bahr					305 North Main		Reserve	KS	66434
Sac and Fox Nation of Oklahoma	Ms.	Sandra	Massey	Historic Preservation Officer	smassey@sacandfoxnation-nsn.gov	(918) 968-3526 Ext. 1070		920883 S Hwy 99 Bldg A, RR 2, Box 246		Stroud	OK	74079
Sac and Fox of the Mississippi in Iowa	Mr.	Jonathan	Buffalo	NAGPRA Representative		(641) 484-3185		349 Meskwaki Road		Tama	IA	52339
Sokaogon Chippewa Community Mole Lake Band	Mr.	Adam	VanZile	THPO	adam.vanzile@scc-nsn.gov	(715) 478-6435		3051 Sand Lake Road		Crandon	WI	54520
St. Croix Band Chippewa Indians of Wisconsin	Ms.	Wanda	McFaggen	THPO	thpo@stcroixtribalcenter.com	(715) 349-2195 Ext. 5238	Tribal Historic Preservation Office	24663 Angeline Avenue		Webster	WI	54893

Exhibit 7

Wisconsin Historical Society

WISCONSIN HISTORICAL SOCIETY

DATE: July 10, 2019

TO: Kelly Hamilton

FROM: Timothy F. Heggland

SUBJECT: Fond du Lac County STH 23, WisDOT # 1440-15-00

Dear Kelly:

I have examined the information supplied by WisDOT regarding the project changes and proposed property acquisitions located along STH 23 east of CTH K and west of CTH G in Fond du Lac County, specifically around the intersections of STH 23 with CTH UU and with CTH G. It is my opinion that an additional Architecture/History Survey of these areas is not needed. All the lands that will be affected have been previously surveyed and evaluated by me and none of the buildings or historic resources that were identified as meeting survey criteria or that have potential eligibility for National Register listing in my previous survey are located within any of the areas that will be affected by these project changes.

Sincerely,

Timothy F. Heggland
Architectural Historian
Museum Archaeology Program (MAP)

Exhibit 8

Noise Analysis

Wisconsin State Highway 23
Fond du Lac to Plymouth
Fond du Lac and Sheboygan Counties, Wisconsin
ID 1440-13/15-00

Noise Analysis Re-evaluation
County K to Taft Road

Impacted Receptor	Noise Barrier Results
13 14 15	The topography would allow the construction of a noise wall. The wall would need to be placed about 75 feet from the edge of roadway so it was at the same elevation of the receptors (approximately 15 feet higher than the roadway). The receptors are far apart and would require a wall at least 1,250 feet long. There are only three receptors that could qualify as a benefited receptor which would allow for a 4-foot-tall wall to meet the cost/benefited receptor ratio (assuming all receptors would be benefited). Receptors are measured 5 feet above the ground elevation. The cost of the wall to benefit all three receptors would place this wall over $47,000 per benefited receptor. This wall is not reasonable or feasible.
16	The topography would allow the construction of a noise wall. There are four receptors that could qualify as a benefited receptor. Wall Number 1 (shown on receptor maps) had the following benefit. Wall Length–530 feet Wall Height–18 feet Estimated Cost–$267,120 Number of benefitted receptors–4 Cost per benefited receptor–$66,780 per benefitted receptor The cost of the wall would place this wall over $47,000 per benefited receptor. This wall is not reasonable.
17 21 25 30	This wall location is an example of a wall that is not reasonable because there is only one receptor that can benefit and therefore the cost per receptor is too high. There are four impacted receptors that are each isolated from other impacted receptors. The four impacted receptors include receptor Nos. 17, 21, 25, and 30. The location chosen for the cost calculation was receptor No. 17. This receptor was used as a representative case to see if a reasonable determination could be made for all four receptors. Wall Number 2 (shown on receptor maps) had the following benefit. Wall Length–370 feet Wall Height–30 feet Estimated Cost–$310,800 Number of benefitted receptors–1 Cost per benefited receptor–$310,800 per benefitted receptor The cost of the wall would place this wall over $47,000 per benefited receptor. This wall is not reasonable.
18	The topography would allow the construction of a noise wall. The wall would need to be placed about 75 feet from the edge of roadway so it was at the same elevation of the receptors (approximately 10 feet lower than the roadway). There are seven receptors that could qualify as a benefited receptor. Wall Number 3 (shown on receptor maps) had the following benefit. Wall Length–620 feet Wall Height–24 feet Estimated Cost–$416,640 Number of benefitted receptors–6 Cost per benefited receptor–$69,440 per benefitted receptor The cost of the wall would place this wall over $47,000 per benefited receptor. This wall is not reasonable.

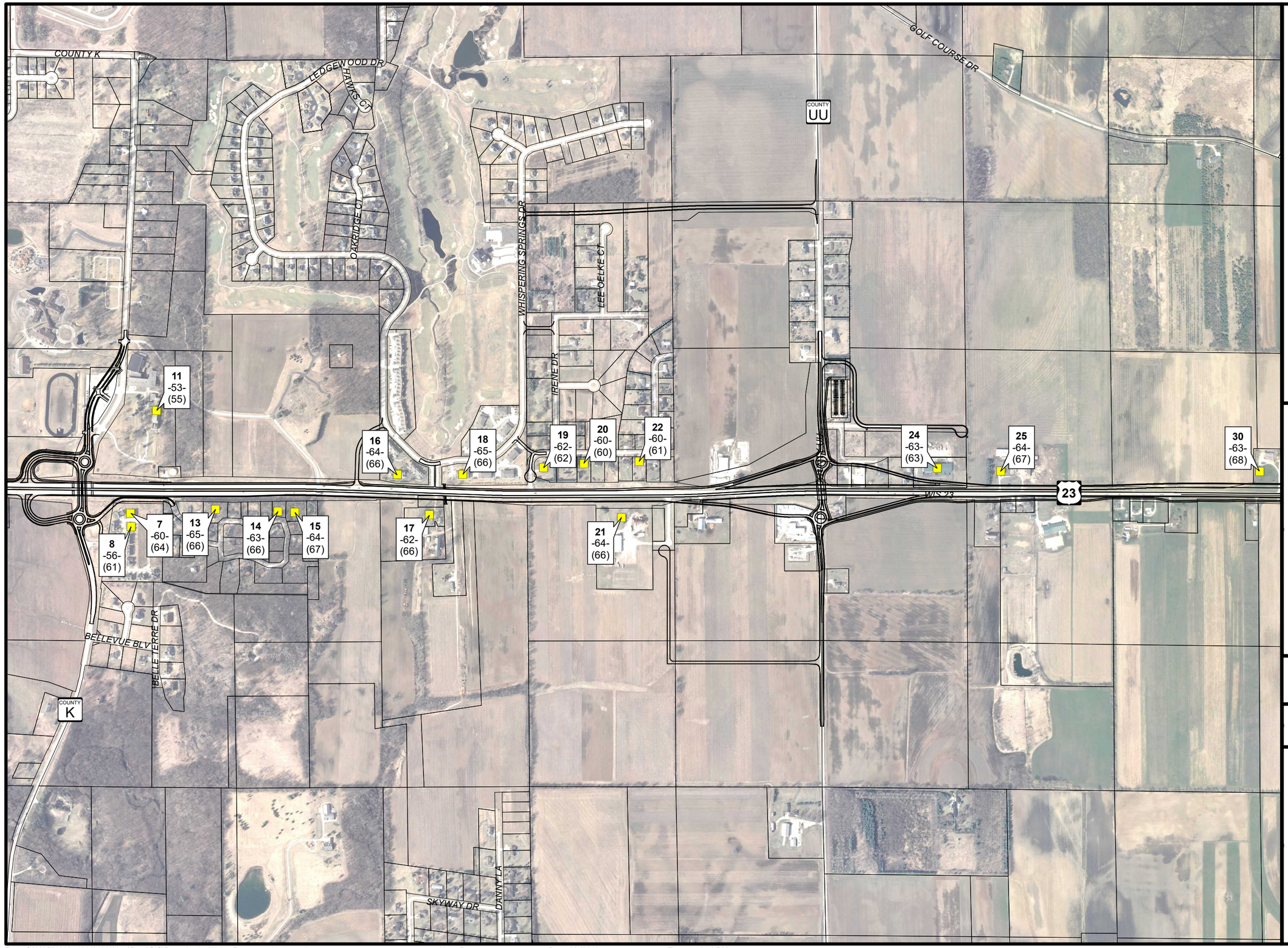
Summary of Receptor Data:

			Sound Level L_{eq} (dBA)[1]			Impact Evaluation		
A. Receptor Location or Site Identification (See map attached here:)	**B. Distance from C/L of Near Lane to Receptor in feet (ft.)**	**C. Number of Families or People Typical of this Receptor Site**	**D. Noise Level Criteria[2] (NLC) (dBA)**	**E. Future Sound Level (dBA)**	**F. Existing Sound Level (dBA)**	**G. Difference in Future and Existing Sound Levels (E minus F) (dBA)**	**H. Difference in Future Sound Levels and Noise Level Criteria (E minus D) (dBA)**	**I. Impact (I) or No Impact[3] (N)**
7	155	4	67	64	60	4	-3	N
8	275	2	67	61	56	5	-6	N
11	525	School	67	55	53	2	-12	N
13	130	3	67	66	65	1	-1	I
14	160	2	67	66	63	3	-1	I
15	135	2	67	67	64	3	0	I
16	120	5	67	66	64	2	0	I
17	125	1	67	66	62	4	-1	I
18	135	6	67	66	65	1	-1	I
19	195	1	67	62	62	0	-5	N
20	255	4	67	60	60	0	-7	N
21	145	1	67	66	64	2	-1	I
22	265	3	67	61	60	1	-6	N
24	140	Business	72	63	63	0	-9	N
25	125	1	67	67	64	3	0	I
30	95	1	67	68	63	5	1	I

[1] Use whole numbers only.

[2] Insert the actual Noise Level Criteria from WisDOT Facilities Development Manual, Section 23-30, Table 2.1.

[3] An impact occurs when future sound levels exceed existing sound levels by 15 dB or more, **or**, future sound levels approach or exceed the Noise Level Criteria ("approach" is defined as 1 dB less than the Noise Level Criteria, therefore an impact occurs when Column (h) is –1 dB or greater). I = Impact, N = No Impact.



Legend

NOISE RECEPTORS

Noise Receptor

1 -00- (00) Receptor Number, Existing Noise Level (dBA), 2035 Build Out Noise Level (dBA)

PROJECT ID 1440-13/15-00
WISCONSIN STATE HIGHWAY 23

FOND DU LAC TO PLYMOUTH

WISCONSIN DEPARTMENT OF TRANSPORTATION

FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN

0 175 350 700
Feet

Exhibit 8

Path: S:\MAD\1000--1099\1089\817\Data\GIS\Reevaluation\Noise Receptors 11x17.mxd User: Danc Date: 8/5/2019 Time: 1:16:50 PM

Exhibit 9

Agricultural Impact Statement

Exhibit 10

Public Comments and Responses

Exhibit 11

2018 LS SFEIS Alternative Comparison Matrices

Table ES. 7-1a Alternative Comparison Matrix - Costs[24]

		UNIT	No-Build Alternative	Passing Lane Alternatives[1]	Hybrid Alternative	4-lane On-alignment Alternative
Road Length		Miles	19.1	19.1	19.1	19.1
COST						
Costs expended prior to vacating 2014 ROD	Design	Millions $	9.1			
	Real Estate	Millions $	19.1			
	Utility	Millions $	0.0			
	Construction	Millions $	1.7			
	Total	Millions $	**29.9**			
Costs expended after vacating 2014 ROD and through August 2018	Design	Millions $	2.5			
	Real Estate	Millions $	0.8			
	Utility	Millions $	0.4			
	Construction	Millions $	2.5			
	Total	Millions $	**6.2**			
Total costs expended through August 2018	Design	Millions $	11.6			
	Real Estate	Millions $	19.9			
	Utility	Millions $	0.4			
	Construction	Millions $	4.2			
	Total	Millions $	**36.1**			
Costs remaining (FY 2019 dollars)	Design	Millions $	0.3	6.3	4.1	2.8
	Real Estate	Millions $	0.0	1.6	5.6	5.6
	Utility	Millions $	0.0	3.0	4.6	4.6
	Construction	Millions $	3.8	52.2	85.7	101.4
	Total	Millions $	4.1[2]	63.1	100.0	114.4
Total Project Costs (FY 2019 dollars)		Millions $	**40.2**	**99.2**	**136.1**	**150.5**
Total Project Costs (Year of Expenditure)[3]		Millions $	**40.2**	**100.7**	**138.1**	**153.1**

[1] Passing Lane impacts are presented using the higher impact option: Passing Lane Alternative with Left-Turn Lanes.

[2] No-Build construction costs include active and programmed WIS 23 resurfacing projects in Fond du Lac County (US 151 to County UU) and Sheboygan County (Division Road to County P).

[3] "Year of Expenditure" is 2019-2023.

[24] Table ES.7-1a Alternative Comparison Matrix - Costs was not included in the May 2018 LS SDEIS.

Table ES.7-1b Alternative Comparison Matrix- Land, Relocations, and Other Impacts

	UNIT	No-Build Alternative	Passing Lane Alternatives[1]	Hybrid Alternative	4-lane On-alignment Alternative
Area Converted to Highway R/W for Alternative					
Cropland and Pasture needed for R/W	Acres	0	24	171	218
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	0	6	119	119
- Remaining to be purchased for needed R/W	Acres	0	18	99	99
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[4] or wetland mitigation acres)	Acres	318	312	199	199
Wetland Area needed for R/W	Acres	0	5	21	26
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	0	3	10	15
- Remaining to be purchased for needed R/W	Acres	0	2	11	11
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[4] or wetland mitigation acres)	Acres	30	27	20	15
Woodland/Upland Area to R/W	Acres	0	5	9	38
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	0	3	5	34
- Remaining to be purchased for needed R/W	Acres	0	2	4	4
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[4] or wetland mitigation acres)	Acres	44	41	39	10
Other Area needed for R/W[5]	Acres	0	45	120	128
- Purchased prior to vacating 2014 ROD and needed for R/W	Acres	0	9	41	49
- Remaining to be purchased for needed R/W	Acres	0	36	79	79
- Purchased prior to vacating 2014 ROD but not needed for R/W (comprised of either excess R/W[4] or wetland mitigation acres)	Acres	136	127	98	87
Total Area needed for Highway R/W	Acres	0	79	321	410
Total Area Already Purchased for Highway R/W[6]	Acres	528	528	528	528
Total Area Still Needed for Highway R/W	Acres	0	58	193	193
Excess R/W[4] and Wetland Mitigation					
Excess R/W purchased prior to vacating 2014 ROD and not required for Alternative	Acres	369	348	241	152
Wetland Mitigation	Acres	159	159	159	159
Relocations					
Total Residential Relocations needed	Number	0	12	28	30
- Residences relocated prior to vacating 2014 ROD	Number	30	30	30	30
- Residential Relocations where buildings were razed	Number	27	27	27	27
- Residential Relocations Still Needed	Number	0	0	0	0
Total Business Relocations Required (Not Including Farms)	Number	0	0	4	4
- Business relocated prior to vacating 2014 ROD	Number	3	3	3	3
- Business Relocations where buildings were razed	Number	3	3	3	3
- Business Relocations Still Needed	Number	0	0	1	1
Total Farm Relocations Required (One or more farm buildings)	Number	0	6	13	18
- Farms relocated prior to vacating 2014 ROD	Number	17	17	17	17
- Farm Relocations where buildings were razed	Number	16	16	16	16
- Farm Relocations Still Needed	Number	0	0	1	1
Farms Severed	Number	0	1	5	5
Other Impacts					
Eligible Historic Structures/Archeological Sites identified	Yes/No	Yes	Yes	Yes	Yes
Section 106 MOA Required	Yes/No	No	Yes	Yes	Yes
Section 4(f) Evaluation Required	Yes/No	No	Yes	Yes	Yes
Section 6(f) Land Conversion Required	Yes/No	No	No[7]	No[7]	Yes
Floodplain Encroachment	Yes/No	No	Yes	Yes	Yes
Total Wetlands to be Filled (includes wetlands in existing and new R/W)	Acres	0	29.9	45.9	51.8
Stream Crossings	Number	3	3	3	3
Threatened/Endangered Species	Yes/No	No	Yes	Yes	Yes
Noise Analysis Required	Yes/No	No	Yes	Yes	Yes
Receptors Impacted in the design year	Number	44	ND[8]	ND[8]	47
Contaminated Sites	Number	0	4	6	6

[4] Excess right of way is a result of parcels purchased because they have uneconomic remnants or are land-locked parcels. The purchase of right of way and excess right of way is consistent with normal procedures and is typical for this type of project.

[5] Other Area includes: Single- and Multi-Family Residential, Commercial, Industrial, Community, Institutional, Manufacturing, Mining, Retail Trade, Parks/Recreation, Undeveloped, and Transportation.

[6] Actual surveyed amount is 530 acres between excess right of way and wetland mitigation. Value shown represents the approximate amount calculated using GIS parcel line files, not surveyed right of way lines.

[7] While technically not required, the land conversion has already taken place. Correspondence with National Park Service indicates they expect the provisions of the 6(f) conversion agreement to be honored through the process.

[8] ND - Not Determined. The traffic noise analysis in the 2014 LS SFEIS modeled the 4-lane On-alignment Alternative and shows the worst case situation compared to the Passing Lane and Hybrid Alternatives. The Passing Lane and the Hybrid Alternatives (in Sheboygan County) would have a larger separation distance between the roadway traffic and the receptor and therefore the same or fewer receptors impacted in the design year.

Corridor preservation seeks to preserve right of way for transportation improvements that are likely to be needed in the future. The preservation most often takes the form of official mapping by WisDOT [Wis. Stat. § 84.295(10)]. In the future, if WisDOT determines that transportation improvements are needed within these preserved areas, subsequent environmental documentation would be prepared to evaluate a range of alternatives and associated impacts and costs.[25]

Table ES.7-2 lists the resources, land types, residences, and businesses within the corridor preservation area. These resources are not impacted by the act of preservation, except that property owners wishing to erect or alter a structure within that mapped right of way must give WisDOT a 60-day notice before beginning that construction. If WisDOT receives a notice, they will either acquire the property or approve the construction to move forward. If approval is given and in the future WisDOT determines transportation improvements are needed within the preserved area, the property owner will be compensated as part of the normal WisDOT acquisition process. The statute also states that if notice is not given to WisDOT, compensation will not be made by WisDOT for structure improvements occurring within the corridor preservation area. In the future, if WisDOT determines that transportation improvements are needed within these preserved areas, subsequent environmental documentation would be prepared to evaluate a range of alternatives and associated impacts and costs.

Table ES.7-2 Corridor Preservation Comparison

	UNIT	Corridor Preservation associated with Passing Lane Alternatives [1]	Corridor Preservation associated with Hybrid Alternative [2]	Corridor Preservation associated with 4-lane On-alignment Alternative [3]
Land Types within Corridor Preservation Limits				
Cropland and Pasture	Acres	244	97	50
Wetland Area	Acres	22	6	1
Woodland/Upland Area	Acres	40	36	7
Other Area [4]	Acres	101	26	18
Total Land Required for Mapping/Corridor Preservation	Acres	**407**	**165**	**76**
Purchased prior to vacating 2014 ROD and needed for 84.295(10) Mapping	Acres	196	90	1
Area Still Needed for 84.295(10) Mapping	Acres	211	75	75
Excess R/W[5] and Wetland Mitigation				
Excess R/W purchased prior to vacating 2014 ROD and not required for Alternative	Acres	152		
Wetland Mitigation	Acres	159		
Potential Restriction of Property Improvement (Relocations)[6]				
Residences within Corridor Preservation Area	Number	21	5	3
Residences within Corridor Preservation Area relocated prior to vacating 2014 ROD	Number	18	2	0
Residential relocations where buildings were razed	Number	17	2	0
Businesses within Corridor Preservation Area	Number	6	2	2
Businesses within Corridor Preservation Area relocated prior to vacating 2014 ROD	Number	3	0	0
Business relocations where buildings were razed	Number	3	0	0
Farms within Corridor Preservation Area (One or more farm buildings)	Number	16	9	4
Farm Relocations completed prior to vacating 2014 ROD	Number	11	5	0
Farm Relocations where buildings were razed	Number	10	4	0
Other Impacts (if potential future improvements are implemented)				
Wetlands within Corridor Preservation Area (includes wetlands in existing and new R/W)	Acres	24.1	8.1	2.2

[1] Corridor Preservation consists of preserving the right of way needed to convert WIS 23 to a 4-lane facility. It also includes preserving right of way needed for future access modifications and improvements for possible future overpasses and interchanges.

[2] Corridor Preservation consists of preserving the right of way needed to convert WIS 23 to a 4-lane facility from County G to County P. It also includes preserving right of way needed for future access modifications and improvements for possible future overpasses and interchanges.

[3] Corridor Preservation consists of preserving right of way needed for future access modifications and improvements for possible future overpasses and interchanges.

[4] Other Area includes: Single- and Multi-Family Residential, Commercial, Industrial, Community, Institutional, Manufacturing, Mining, Retail Trade, Parks/Recreation, Undeveloped, and Transportation.

[5] Excess right of way is a result of parcels purchased because they have uneconomic remnants or are land-locked parcels. The purchase of right of way and excess right of way is consistent with normal procedures and is typical for this type of project.

[6] Right of way impacts have occurred on the project. These impacts were not to facilitate mapping, but for the construction of the previously identified selected alternative under the 2014 LS SFEIS and ROD.

[25] See Section 2 for more detail.

Exhibit 12

2018 LS SFEIS Environmental Commitments

Section 6 discusses measures to minimize harm during construction and lists commitments that are made as part of the National Environmental Policy Act (NEPA) process. This section is essentially the same as presented in the 2014 Limited Scope Supplemental Final Environmental Impact Statement (LS SFEIS) except sections have been updated as more information has become available through the design process.

Yellow highlight signifies updates since the May 2018 Limited Scope Supplemental Draft Environmental Impact Statement (LS SDEIS). Minor changes to grammar, punctuation, and usage are not highlighted. Highlighting of a figure or table title signifies updated or new information.

Section 101(b) of NEPA requires that federal agencies incorporate into project planning all practicable means to avoid environmental degradation; preserve historic, cultural, and natural uses; and promote the widest range of beneficial uses. Section 6 summarizes concept-level impact mitigation commitments for the WIS 23 improvement project and lists specific commitments. Proposed mitigation measures reflect comments received from the public and agencies.

~~Agency coordination since the 2014 LS SFEIS has included the following:~~

1. ~~An updated wetland delineation by the Wisconsin Department of Transportation (WisDOT) and the Wisconsin Department of Natural Resources (WDNR) in summer and fall of 2017.~~
2. ~~Coordination with WDNR regarding updating rare species within the corridor in August 2017.~~
3. ~~Coordination with expert panel and an Indirect Effects Workshop in October 2017.~~
4. ~~Coordination with WDNR regarding funding sources used for the Wade House Historic Site.~~

~~An agency meeting was held on October 10, 2017 to update state and federal agencies of WisDOT's and the Federal Highway Administration's (FHWA's) intention to prepare a Limited Scope Supplemental Environmental Impact Statement (LS SEIS). A conference call with agencies was held on July 19, 2018 to discuss the review of the 2018 LS SDEIS and information supporting Concurrence Point 2. A conference call with agencies was held on August 16, 2018 to review information supporting Concurrence Point 3 and the Least Environmentally Damaging Practicable Alternative (LEDPA) determinations.~~

~~A local officials meeting and public involvement meeting were held on October 12, 2017, both at University of Wisconsin (UW) Fond du Lac. The meetings highlighted the status of the project, the intent to prepare a LS SEIS, the purpose and need, and the Range of Alternatives Carried Forward for Detailed Study being evaluated. A public hearing on the 2018 LS SDEIS was held on June 19, 2018 at UW Fond du Lac. Section 7 contains a summary of the comments received at the hearing. WisDOT will continue agency coordination efforts as well as opportunities for public involvement through the construction phase of the project.~~

6.1 ACCESS DURING CONSTRUCTION

A transportation management plan (TMP) will be developed and implemented to ensure reasonably convenient access to all residences, businesses, farm parcels, community services, and local roads during construction. Work will be staged to minimize disruption during the construction period. To minimize delays to emergency vehicles, WisDOT will coordinate construction activities, staging, and traffic management plans with local fire, police, and emergency rescue districts. Traffic flow will be maintained during construction to the maximum extent possible. Lengthy detours will be minimized; however, it is anticipated that, for various durations, side-road connections will be closed to accommodate construction activities directly at the intersection.

Specific Project Commitments:

~~Passing Lane Alternative: WIS 23 will be closed during construction surrounding the areas where passing lanes will be added, but access will be maintained. Side-road access will be closed and detour routes will be posted. Reasonable and convenient access will be maintained during construction. A TMP would be developed and implemented during construction.~~

~~Hybrid Alternative: During the construction of the Sheboygan County section of WIS 23 the roadway will be closed, but access will be maintained. Side-road access will also be closed and detour routes will be posted. For the Fond du Lac County section of WIS 23 at least two lanes of traffic (one lane in each direction) will be open during construction. Short-term closures may be needed for beam placement at~~

~~overpasses and interchanges. Side-road access to WIS 23 will be intermittently closed to accommodate construction activities. A TMP would be developed and implemented during construction.~~
4-lane On-alignment Alternative (Preferred Alternative): WIS 23 will remain open during construction with at least two lanes of traffic (one lane in each direction). Short-term closures may be needed for beam placement at overpasses and interchanges. Side-road access to WIS 23 will be intermittently closed to accommodate construction activities. A TMP would be developed and implemented during construction.

6.2 AESTHETICS

Measures to minimize adverse aesthetic impacts will include roadway design features to blend existing landscape, planting, and natural vegetation on the cut and fill slopes. WisDOT will preserve the existing vegetation as much as possible.

Specific Project Commitments:

Efforts will be made to minimize potential aesthetic impacts of the WIS 23 expansion in the area of the Niagara Escarpment. This will include following the existing topography to the extent possible.

6.3 NOISE AND AIR QUALITY

To reduce the short-term impacts of construction noise, the special provisions for this project will require that motorized equipment be operated in compliance with all applicable local, state, and federal laws and regulations on noise levels permissible within and adjacent to the project construction site.
For projected traffic noise, a noise analysis was performed for the 4-lane On-alignment Alternative for the most conservative results. The analysis indicates the Noise Level Criteria found in WisDOT's Noise Policy Facility Development Manual (FDM) Chapter 23 will be approached or exceeded at various locations throughout the project corridor. Therefore, the project will result in noise impacts or exacerbation of existing impacts.

Since it has been determined that noise impacts will result from this project, WisDOT analyzed whether noise mitigation was reasonable, feasible, and likely to be incorporated into the project. Noise mitigation may be achieved through a variety of measures that modify the noise source, noise path, or receiver characteristics. The most common type of noise mitigation in Wisconsin is the construction of noise barriers. The analysis showed that noise barriers are not considered reasonable for WIS 23 receptors exceeding the Noise Level Criteria.

For a noise barrier to be reasonable, the total cost for a project may not exceed $47,000 per benefited receptor and meet the criteria described in Section 4.7 D-3.

The noise barrier analysis indicated that effective noise barriers for this project would either require walls that are too high to be feasible or would exceed the cost limit per benefiting receptor. Because mitigation techniques on this project are not feasible and reasonable, noise abatement is not proposed.
The build alternatives will have greater traffic volumes than the No-Build Alternative, and consequently more vehicle emissions. Advances in motor vehicle technology may offset the effect of these emissions. See Section 4.4 and Section 4.7 D-1 for more information regarding air quality.

Several examples of voluntary control measures contractors could implement to reduce the emissions of diesel vehicle pollutants will be cited in the Construction Contract Special Provisions for the project. These voluntary control measures include reducing idling, properly maintaining equipment, using cleaner fuel, and retrofitting diesel engines with diesel emission control devices. By reducing unnecessary idling at the construction site, emissions will be reduced and fuel will be saved. Proper maintenance of the diesel engine will also allow the engine to perform better and emit less pollution through burning fuel more efficiently. Switching to fuels that contain lower levels of sulfur reduces particulate matter. Using ultra-low sulfur diesel does not require equipment changes or modification. Using fuels that contain a lower level of sulfur also tend to increase the effectiveness of retrofit technologies. Retrofitting off-road construction equipment with diesel emission control devices can reduce particulate matter, nitrogen oxides, carbon monoxide or hydrocarbons, and other air pollutants. Diesel particulate filters can be used to physically trap and oxidize particulate matter in the exhaust stream, and diesel oxidation catalysts can be used to oxidize pollutants in the exhaust stream.

Dust control will be accomplished in accordance with the WisDOT Standard Specifications, which require application of water or other approved dust control methods during grading operations on haul roads and, in the case of WIS 23, the mainline. The location and operation of asphaltic batch plants will follow the Standard Specifications and any special provisions developed during coordination with WDNR regarding

air quality standards and emissions. Any portable material plants will be operated in accordance with WDNR air quality requirements and guidelines. Demolition and disposal of structures are regulated under the WDNR's asbestos renovation and demolition requirements (Wisconsin Administrative Code, Chapter NR 447). WisDOT conformed with this code for the razing contracts for the 46 properties that have had their buildings removed since the 2014 LS SFEIS (before the Record of Decision (ROD) was vacated). WisDOT will continue to conform with NR 447 in future razing contracts.

Specific Project Commitments:

A notice has been sent to adjacent municipalities notifying them that noise levels adjacent to the roadway will impact properties and that they should consider these impacts in their land use plans.

6.4 PROPERTY ACQUISITION

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended provides for payment of just compensation for property acquired for a federal aid project. In addition to acquisition price, costs for the replacement dwelling or business location, moving expenses, increased rental or mortgage payments, closing costs, and other valid relocation costs are covered. No person or business will be displaced unless a comparable replacement dwelling or business location, or other compensation where a suitable replacement business location is not practicable, is provided. The above compensation is available to all displaced persons without discrimination.

Before property acquisition activities begin, property owners are contacted with an explanation of the details of the acquisition process and Wisconsin's Eminent Domain Law under Section 32.05, Wisconsin Statutes. One or more professional appraisers inspect each property. The property owner is invited to accompany the appraiser during the property inspection. An independent property appraisal by the owner can also be provided. Based on the appraisal(s) made, the value of the property will be determined and an amount offered to the owner.

Property acquisition not involving residential, business, or other building relocations is also compensated in accordance with state and federal laws. In consultation with affected landowners, the required right of way or access rights will be appraised and the owner compensated at fair market value. The property owner may obtain an independent appraisal. If an agreement on the fair market value cannot be reached, the property owner will be advised promptly of the procedure to follow in making an appeal.

Septic tanks, drain fields, or wells on properties that have been or will be acquired will be abandoned by state regulations and local zoning standards.

Specific Project Commitments:

None. There are no specific project commitments above the standard commitments listed above. Many property owners requested that their property be acquired early, before the plat has been prepared. WisDOT has accommodated these requests to the extent possible.

6.5 MATERIAL SOURCE/DISPOSAL SITES

Selection of borrow material sites is the responsibility of the construction contractor subject to approval by WisDOT.

All of the build alternatives are anticipated to be borrow jobs.

~~A. Passing Lane Alternative~~

~~The Passing Lane Alternative is not anticipated to need borrow throughout the rural part of the corridor (Whispering Springs to County P). The portion in urban Fond du Lac County (US 151 to Whispering Spring) will require approximately 870,000 cubic yards of borrow.~~

~~B. Hybrid Alternative~~

~~The Hybrid Alternative in Sheboygan County is not anticipated to need borrow. The rural portion in Fond du Lac County (Whispering Springs to Division Road) will require approximately 270,000 cubic yards of borrow, and the portion in urban Fond du Lac County (US 151 to Whispering Springs) will require approximately 870,000 cubic yards of borrow.~~

C. 4-lane On-alignment Alternative (Preferred Alternative)

The 4-lane On-alignment Alternative will be a borrow job. For the 4-lane On-alignment Alternative the entire corridor will consist of approximately 1.7 million cubic yards of borrow. The portion in Sheboygan County will require approximately 560,000 cubic yards of borrow, the rural portion in Fond du Lac County (Whispering Springs to Division Road) will require approximately 270,000 cubic yards of borrow, and the portion in urban Fond du Lac County (US 151 to Whispering Springs) will require approximately 870,000 cubic yards of borrow.

Federal Rule 23 CFR 635.407 requires that the contractor be allowed to select borrow sites. It is therefore the contractor's responsibility to choose a borrow site and obtain necessary environmental clearance (including permits) for the selected site.[1] An exception to that rule can be made only when there is a public interest finding initiated by WisDOT and approved by the FHWA. It is anticipated that borrow will be obtained locally from existing sites that are properly zoned.

WisDOT makes the arrangements to have archival and literature searches conducted for off-site construction activity areas such as borrow sites, batch plants, and waste sites to determine whether archaeological sites, burials, or mounds may be present. Field survey will also be required in accordance with the Section 106 Memorandum of Agreement (MOA). The contractor is notified with the research results. When necessary, the contractor is responsible for coordination with the Wisconsin Historical Society (WHS) and for obtaining the services of an archaeologist.

The contractor in accordance with the *Standard Specifications for Road and Bridge Construction* or project special provisions will dispose of unusable excavated material to ensure protection of wetlands and waterways. The contractor is responsible for identifying the appropriate disposal site and obtaining written permission from the property owner.

All waste and demolition material from project construction activities will be disposed of in approved upland areas or at licensed solid waste disposal sites under the *Standard Specifications for Road and Bridge Construction* or project special provisions, which consider the protection of wetlands, waterways, and other resources.

This project will require an Erosion Control Plan (ECP) that is developed during design and an Erosion Control Implementation Plan (ECIP) that describes how best management practices will be implemented before, during, and after construction to minimize pollution from stormwater discharges. Additionally, the ECIP should address how post-construction stormwater performance standards will be met for the specific site. The project design and ECIP must comply with the Transportation Construction General Permit (TCGP) in order to receive "permit-coverage" from the WDNR. The permit coverage will be issued by the WDNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards.

Erosion control and stormwater management will be followed at borrow sites and waste areas as set forth in the Wisconsin State Statutes and Administrative Code. The contractor's ECIP for borrow sites and waste areas will cover erosion control. The ECIP will establish the schedule of implementation for temporary and permanent erosion control devices on the highway project and at the project borrow or waste sites.

Revegetation of the project site, as well as borrow sites and waste areas, will be incorporated as a component of the project's ECIP and construction contract.[2] Revegetation and stabilization of cleared and graded areas shall be accomplished by using a combination of seed, mulch, erosion mat, or sod. Revegetation will occur as soon as practicable following the grading operations of the project.

Specific Project Commitments:

Current mitigation arrangements developed in coordination with the WDNR are summarized below.

1. Erosion control measures must be inspected once per week and after every rainfall exceeding 1/2 inch. Any necessary repairs or maintenance must be performed after each inspection.

[1] Those responsibilities are detailed in Section 208.2.2 (Borrow, Source) and Section 107.3 (Permits and Licensing) of the State of Wisconsin *Standard Specifications for Highway and Structure Construction* manual
[2] Revegetation is performed at borrow sites unless the site continues to provide borrow material for other public or private projects.

2. A log of the erosion control inspections, repairs made, and rain events must be maintained. This must be made available to WDNR personnel upon request and must remain on the project site at all times work is being performed.
3. All demolition material must be disposed of properly. Disposal of waste or excess materials in floodplains, wetlands, or waterways is not permitted.
4. Construction materials and equipment must be stored in an upland location; storage in wetlands, waterways, or floodplains is not permitted.
5. All temporary stock piles must be in an upland location and protected with erosion control measures (e.g. silt fence, rock filter-bag berm, etc.). Materials must not be stockpiled in wetlands, waterways, or floodplains.
6. If dewatering is required for any reason, the water must be pumped into a properly selected and sized dewatering basin before the clean/filtered water is allowed to enter any waterway or wetland. The basin must remove suspended solids and contaminants to the maximum extent practicable. A properly designed and constructed dewatering basin must take into consideration maximum pumping volume (gpm or cfs) and the sedimentation rate for soils to be encountered. Method selection by soil type should be based on WisDOT's Dewatering Technical Standard. The dewatering technique may not be located in a wetland.
7. Removal of vegetative cover must be restricted, and exposure of bare ground kept to the minimum amount necessary to complete construction. Restoration of disturbed soils should take place as soon as conditions permit. If sufficient vegetative cover will not be achieved because of late season construction, it will be important that the site is properly winterized (e.g. dormant seeding, erosion control matting, sodding, etc.).
8. After the site is stabilized, all temporary erosion control measures must be removed and disposed of properly.
9. An environmental review documented through the WisDOT Erosion Control Implementation Worksheet must be conducted on selected sites that are not permitted (commercial) facilities. Other special conditions may apply to any non-permitted selected sites. Any selected sites to be used for these projects should be identified in the ECIP.

6.6 WATER QUALITY, HYDROLOGY, AND HYDRAULICS

As of March 2016, Wisconsin Act 307 removed the WisDOT exemption from obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) Permit and required WDNR to issue a TCGP on or before June 30, 2018 for WisDOT administered projects. The new TCGP is now in effect. WisDOT will apply for coverage under the new TCGP prior to final plan, specification, and estimate (PS&E). The permit coverage will be issued by the WDNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards.

Creek, slough, and wetland involvement associated with the project is subject to individual permits under Section 404 of the Clean Water Act (33 USC 1344). The permit program, administered by the U. S. Army Corps of Engineers (USACE), covers the discharge of fill material into the waters of the United States, including wetlands. Issuance of Section 404 permits is contingent on receipt of water quality certification from WDNR under Section 401 of the Clean Water Act and Wisconsin Administrative Code Chapter NR 299. Individual 404 permits will be required for this project. The USACE is using this document for its NEPA documentation requirements for a Section 404 permit. A Section 404 permit was previously obtained for the Preferred Alternative (4-lane On-alignment Alternative). Once impacts are recalculated based on any design modifications and updated wetland determination, coordination with the USACE will continue to determine if the existing permit can be amended or if a new permit is needed.

Structure sizing will be performed in accordance with local, state, and federal guidelines regarding floodplain encroachment and hydraulic capacity. All new and modified structures over navigable waters will be consistent with the provisions of the Wisconsin Administrative Code Chapter NR 116 as administered under the Cooperative Agreement between WisDOT and the WDNR and 23 CFR 650 Subpart A. WisDOT will mitigate project impacts to waterways. As indicated in the WisDOT/DNR Cooperative Agreement and its 1988 attachment related to Waterway Crossings and other Floodplain Encroachments, WisDOT will evaluate impacts from all proposed construction affecting mapped floodplains and will carry out appropriate coordination with the local floodplain zoning authority.

Drainage systems, including ditches on private lands, will be maintained, restored, or reestablished in a manner that will not impound water. Permanent retention facilities will be considered in areas adjacent to streams and wetlands so that roadway runoff will be intercepted before entering the waterway. Because of the rural nature of the project corridor, it is not anticipated that stormwater management measures will be required outside of the proposed right of way. The care and treatment of bridge runoff will be consistent with the latest federal and state laws and regulations. Selection of construction staging areas will be performed in accordance with the Standard Specifications or special provisions to ensure that they will not adversely affect wetlands, streams, or drainageways.

Coordination with the WDNR will continue as the engineering design phase progresses and will include obtaining input on erosion control, structure plans, and construction sequencing to avoid critical fish spawning periods.

Specific Project Commitments:

Precautions will be taken at the Sheboygan River and Mullet River crossings to preclude erosion and stream siltation. Crossing work will be coordinated with the WDNR to protect fish habitat and water quality. Impacts to water quality will be minimized through the implementation of erosion control measures according to the ECIP included in the construction contract, the standard specifications, and project special provisions. In addition, construction near surface waterways will be avoided during periods of high snowmelt or rains. Erosion control devices will be installed before erosion-prone construction activities begin, the devices will be maintained and repaired, as needed, throughout the life of the contract, and areas will be promptly restored to grass or permanent cover.

Finding of No Practicable Alternative, Floodplains:

Presidential Executive Order 11988 and 23 CFR 650 Subpart A require federal agencies to avoid the long- and short-term adverse impacts associated with the occupancy and modification of floodplains. In implementing the Executive Order, it is FHWA policy to:

1. Encourage prevention of uneconomic, hazardous, or incompatible use and development in the floodplain.
2. Avoid longitudinal or other significant encroachments where practicable.
3. Minimize impacts that adversely affect base floodplains.
4. Restore and preserve the natural and beneficial floodplain values.
5. Avoid support of incompatible floodplain development.
6. Be consistent with the intent of the Standards and Criteria of the National Flood Insurance Program and local floodplain management.

All of the build alternatives carried forward involve crossings in the floodplain of the Mullet River, Sheboygan River tributary, or Sheboygan River. These encroachments may have adverse impacts on natural floodplain values such as flood storage, open space, riparian habitat, and agriculture.
This section sets forth the basis for a finding that there is no practicable alternative to the construction of WIS 23 improvements in the floodplain; that the highway proposal includes all practicable measures to minimize harm to these resources; and that the action will conform to applicable state and local floodplain protection standards.

For ~~the Hybrid Alternative and~~ the 4-lane On-alignment Alternative, a new bridge would be constructed adjacent to the existing bridge, to the north, over the Sheboygan River. The existing bridge would remain. An expanded encroachment would travel across the floodplain. Existing channel conditions would be maintained. All build alternatives include a separate bridge crossing of the Sheboygan River for the Old Plank Road Trail. This encroachment will increase the regional 100-year flood level by one foot and is considered significant. The floodplain elevation increase will occur entirely within WisDOT right of way and the floodplain zoning authority will be notified.

The ~~Hybrid and~~ 4-Lane On-Alignment Alternatives would cross the floodplain of the unnamed tributary to the Sheboygan River. They would construct two new 54-inch culverts. For the Passing Lane Alternative, a new culvert at the existing location would be constructed. The new culvert would be longer than the existing culvert due to the construction of an eastbound WIS 23 passing lane at this location. Existing channel conditions would be maintained.

All build alternatives cross the Mullet River at the same location and would cross the 100-year floodplain. Each alternative includes a culvert extension adjacent to the existing Mullet River culvert. The culvert has three cells and the inside dimensions of each are 12 feet wide by 8 feet high. The existing culvert would remain. For all build alternatives, the culvert would be designed in compliance with NR 116 and NR 320 and would be designed to maintain the existing 100-year flood backwater. A hydraulic analysis for the Mullet River box culvert extension indicates that there would be no increase in backwater levels for any alternative.

Floodplain

1. Reasons Why Proposed Action Must be Located in the Floodplain

   The WIS 23 corridor addressed in this document is an east-west corridor that travels from the city of Fond du Lac to the city of Plymouth. Within the corridor both the Sheboygan River and the Mullet River travel northeasterly. It is impossible to meet the purpose and need objectives of this project without affecting the crossing of these rivers and adjacent floodplains.

2. Alternatives and Practicability

   As discussed in Section 2, the alternative development process included scoping and preliminary development of a broad range of alternatives. Alternatives that were not feasible and reasonable were dismissed. Detailed study was then done for a Range of Alternatives Carried Forward for Detailed Study. These detailed study alternatives, as well as other alternatives not selected for detailed study, are described in Section 2.

   Floodplain impacts occur for all the build alternatives carried forward for detailed study. The following bullets summarize the alternatives considered.

   - ~~The No-Build Alternative would have no effect on the streams and floodplains.~~
   - ~~The Passing Lane Alternative would have minimal effect on the streams and floodplains because the roadway does not add travel lanes, and therefore keeps the same footprint. A new bridge crossing of the Sheboygan River would be required for the Old Plank Road Trail.~~
   - ~~The Hybrid Alternative would require two additional bridge crossings of the Sheboygan River (one for the new eastbound WIS 23 and one for the Old Plank Road Trail) adjacent to the existing bridge crossing (westbound WIS 23). This alternative would require a box culvert extension at the Mullet River. The unnamed tributary to the Sheboygan River would receive two new 54-inch culverts.~~
   - The 4-lane On-alignment Alternative (Preferred Alternative) would require two additional bridge crossings of the Sheboygan River (one for the new eastbound WIS 23 and one for the Old Plank Road Trail) adjacent to the existing bridge crossing (westbound WIS 23). This alternative would require a box culvert extension at the Mullet River. The unnamed tributary to the Sheboygan River would receive two new 54-inch culverts.

3. Floodplain Impacts

   The build alternatives all have crossings of the Sheboygan River, the Mullet River, and an unnamed tributary to the Sheboygan River that could potentially impact the floodplains.

A. Sheboygan River

~~The No-Build Alternative would not affect this crossing and the existing culvert would remain.~~

~~With the Passing Lane Alternative, the existing WIS 23 bridge would remain and existing channel conditions would be maintained. The Old Plank Road Trail would require its own separate bridge.~~

With ~~the Hybrid Alternative and~~ the 4-lane On-alignment Alternative (Preferred Alternative), a new WIS 23 bridge would be constructed adjacent to the existing bridge, to the north, over the Sheboygan River. An expanded encroachment would travel across the floodplain. Existing channel conditions would be maintained. The Old Plank Road Trail would require its own separate bridge.

B. Tributary to Sheboygan River

~~The No-Build Alternative would not affect this crossing and the existing culvert would remain.~~

~~For the Passing Lane Alternative, the work would include construction of a new culvert at the existing location. The new culvert would be longer than the existing culvert due to the construction of an eastbound WIS 23 passing lane at this location. Existing channel conditions would be maintained.~~
For the ~~Hybrid Alternative and~~ 4-lane On-alignment Alternative, the work would include grading for two additional lanes with the installation of two new culverts. Existing channel conditions would be maintained.

C. Mullet River

~~The No-Build Alternative would not affect this crossing and the existing culvert would remain.~~
~~All build alternatives cross the river at the same location and would cross the 100-year floodplain. For each alternative, the work would include a culvert extension adjacent to the existing Mullet River culvert. The culvert has three cells and the inside dimensions of each are 12 feet wide by 8 feet high.~~

~~For the Passing Lane Alternative and the Hybrid Alternative, the work would require a culvert extension to the north and south sides of WIS 23 to accommodate the roadway expansion for the left turn lanes at the County A intersection, located to the southeast. The existing culverts would be extended about 25 feet to the north and south~~.

For the 4-lane On-alignment Alternative (Preferred Alternative), the work would include constructing an embankment across the floodplain for the two new travel lanes and extending the culvert about 100 feet on the north side only.

For all build alternatives, existing channel conditions would be maintained. Tree clearing restrictions during the nesting period would apply to minimize potential impacts to rare woodland species. Additionally, freshwater mussel surveys and translocation may be necessary. Because the extensions for all alternatives are matching the existing structure, the bottom is planned to be at the same elevation as the existing box culvert. The existing Mullet River box culvert has approximately 0.5 to 1 foot of streambed material at the inlet and outlet of the box culvert. By matching the existing box culvert dimensions, it is anticipated that stream bed material would move into the extension and over time create a natural bottom. Hydraulic modeling indicates that there would be no increase in backwater by the culvert extension.

4. Measures to Minimize Harm

The improvements listed above for the Sheboygan River and tributary to the Sheboygan River will be sized to avoid any backwater effects. There are limited measures available at the Mullet River crossing since a culvert extension is being planned.

5. Conformity to Applicable State and Local Floodplain Regulations

The Wisconsin Administrative Code NR 116 recognizes floodplain zoning is a necessary tool to protect human life and health and minimize property damages and economic losses. Counties, cities, and villages within Wisconsin are required to adopt reasonable and effective floodplain zoning ordinances within their jurisdictions, and such ordinances are in place. For this project, regulated floodplains fall under the jurisdiction of the city of Fond du Lac as well as Fond du Lac and Sheboygan counties.

Coordination will continue with WDNR, Federal Emergency Management Agency (FEMA), and the USACE to solicit comments and to inform these regulatory agencies of the proposed improvement impacts. For the Sheboygan River crossing, this will require revision of official floodplain maps and zoning ordinances. This action would be in conformance with federal, state, and local floodplain standards. WisDOT will:

a. Perform hydraulic calculations and notify affected property owners. Affected property owners will be compensated in accordance with the WisDOT/WDNR Cooperative Agreement as amended in 1995.

b. Provide hydraulic analysis information to Fond du Lac and Sheboygan counties so that they can amend, as appropriate, the official floodplain maps as well as floodplain zoning ordinances.

The Sheboygan River crossing will increase the backwater elevation for the regional 100-year flood by one foot. These impacts will be within WisDOT right of way and should not affect adjacent property owners.

WisDOT is currently performing the required analysis to revise the regulated floodplain in accordance with the criteria in Wisconsin Administrative Code NR 116.11. For the Sheboygan River floodplain, WisDOT will coordinate with the WDNR and Fond du Lac County to obtain permission to revise the regulated floodplain and to complete the required revision.

Appropriate coordination will occur as it pertains to the Mullet River floodplain; hydraulic modeling with the culvert extension indicates backwater effects will be avoided.

Natural and beneficial floodplain values associated with wetlands, such as wildlife habitat and floodwater storage, will be mitigated as noted above.

6. Floodplain Findings

Based on the above considerations, it is determined that there is no practicable alternative to the proposed construction in floodplains and that the proposed action includes all practicable measures to minimize harm to floodplains that may result from such use.

6.7 FISH, WILDLIFE, AND THREATENED AND ENDANGERED SPECIES

The construction contractor's plan of operations will identify the location of all haul roads, material storage sites, and any other lands that may be disturbed outside the construction zone. WDNR and WisDOT will review the plan to assure the construction impacts to fish and wildlife habitat are minimized. To the maximum extent possible, the highway construction zone will be limited to minimize direct losses to wetland sites and other sensitive habitats.

Mitigation measures proposed to protect water quality, wetlands, and upland vegetation will directly benefit fish and wildlife resources. These measures will help maintain the quality of surface waters needed by aquatic flora and fauna. These measures will also minimize wetland loss and degradation and will help preserve the functional integrity of upland wildlife habitats. Mitigation measures considered to reduce impacts to wildlife include scheduling construction during nonbreeding seasons and using effective erosion control measures. Section 4.7 C-7 details commitments being made to reduce impacts to rare species as coordinated with the WDNR over the winter of 2013 and summer/fall of 2017. Coordination with WDNR and USACE also includes wetland determination and potential wetland mitigation sites, which will help minimize and mitigate adverse effects to upland habitat.

Where appropriate, the revegetation program will use special seed mixtures that will enhance roadside wildlife habitat value. Seed selection will be the responsibility of WisDOT, with guidance as appropriate from the WDNR. The WDNR encourages the use of native species.

Specific Project Commitments:

Current mitigation arrangements developed in coordination with the WDNR during winter 2013, fall 2017, and summer 2018 and USFWS during summer 2018 are summarized below and provided in Section 4.7 C-7.

1. Areas of the Mullet River and its tributaries may provide spawning habitat for forage fish. To protect developing fish eggs and substrate for aquatic organisms, all in-stream work that could adversely impact water quality should be undertaken between June 16 and March 14 of each year. Stream connectivity should not be disturbed by the replacement or modification of structures or riprap.

2. Efforts will be taken to avoid clearing within the Mullet River and wooded environment of the Northern unit of the Kettle Moraine State Forest (KMSF-NU) during the nesting and breeding season to prevent disturbance to nests of state listed bird species. If clearing cannot be avoided during the time frame, WisDOT will work with WDNR to determine if additional minimization or mitigation measures are necessary.

3. Construction Measures to Minimize Impacts to Rare Reptile Species. The WDNR Natural Heritage Inventory and WDNR coordination indicates the special concern Blanding's turtle (*Emydoidea blandingii*) occurs within the Upper Sheboygan River Basin. During construction, the contractor will place non-netted silt fence a suitable distance as appropriate based on-site conditions from delineated wetlands with a riparian connection. Turtles that become trapped will be carefully removed and relocated outside the silt fence.

4. WisDOT conducted rare plant surveys for the state-threatened snow trillium (*Trillium nivale*) at habitat areas near the Mullet River and associated floodplain.
5. WisDOT will conduct rare plant surveys for the state-threatened forked aster (*Eurybia furcata*).
6. The WDNR will conduct final freshwater mussel surveys to clarify presence or absence of slippershell (*Alasmidonta viridis*), ellipse (*Venustaconcha ellipsiformis*), and rainbow shell (*Villosa iris*) mussels in the Sheboygan and Mullet Rivers. If mussels are found, WDNR will translocate species as necessary upstream of the Sheboygan River bridge site and the Mullet River culvert extension.
7. There is risk for the spread of invasive species. Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wis. Administrative Code. All equipment must be cleaned and disinfected to reduce the potential spread of invasive species and viruses. The project should follow STSP 107-055 Environmental Protection–Aquatic Exotic Species Control.
8. There may be opportunities for a wildlife passage under some of the structures. Final design will consider incorporating some type of bench or filling voids with smaller stone into any riprap design.
9. Bridge and culvert construction will be scheduled to avoid migratory bird species nesting and brooding seasons. If there is evidence of migratory bird nesting on structures, the project should either utilize measures to prevent nesting *(e.g. remove unoccupied nests during the non-nesting season and install barrier netting prior to May 1)*, or construction should occur only between August 30 and May 1 (non-nesting season). If netting is used, ensure it is properly maintained and removed as soon as the nesting period is over. If neither option is practicable the U.S. Fish & Wildlife Service (USFWS) must be contacted, and a depredation permit may be needed.

6.8 WETLANDS

Executive Order 11990, Protection of Wetlands, requires federal agencies "...to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands wherever there is a practicable alternative...". The Order states further that where wetlands cannot be avoided, the proposed action must include all practicable measures to minimize harm to wetlands in accordance with state and federal agency policies and regulations for wetland preservation, including the Section 404 (b) (1) Guidelines for Specifications of Disposal Sites for Dredged or Fill Material (40 CFR, Part 230).

During construction, impacts to wetlands from erosion and sediment transport will be minimized or prevented by implementing erosion control best management practices as specified in the construction contract and by ensuring that the practices implemented conform to the contract's special provisions and the WisDOT's *Standard Specifications for Road and Bridge Construction*. These protection efforts are described in this document. Avoidance and minimization of impacts to wetlands related to wetland fill are discussed as follows.

A. Specific Project Commitments

1. Avoidance

This document provides an updated delineation of wetlands that will be impacted (see Section 4.7 C-1). Wetland impacts must be avoided or minimized to the greatest extent possible. Because the reasonable build alternatives are oriented to the existing WIS 23 corridor, and there are scattered wetlands along both sides of the highway, it is not possible to avoid wetland impacts completely. The design attempts to avoid wetlands by placing the additional lanes, when possible, on the opposite side of WIS 23 (Hybrid Alterative and 4-lane On-alignment Alternative). Generally, the additional two lanes were placed where the least amount of wetland impacts would occur. This included:

a. Placing the additional lanes on the north side of the existing highway near the Wade House Wetland Enhancement and Mitigation Site to avoid impacts to this wetland mitigation site.
b. Placing the additional lanes on the south side of the existing highway near Pit Road to avoid impacts to the Pit Road Wetland Mitigation Site.

Altering the placement of lanes is estimated to avoid 3 to 5 acres. Even with these avoidance measures, there is no practicable alternative to avoid all the wetlands.

2. Minimize Wetland Impacts

WisDOT, in coordination with the WDNR, has identified wetland sites that will be affected by the proposed alternatives. Through detailed mapping, these wetlands were evaluated during this environmental review. Specific wetland minimization efforts are noted on the WIS 23 wetland type and alignment maps provided in Section 4.7. Areas where design modifications minimized wetlands impacts include:

a. Steepened slopes near Pit Road.

b. Steepened slopes on WIS 23 between Poplar Road and Hinn Road.

c. Alignment modifications and shifts to the north at County U and east of Scenic View Drive.

d. Steepened slopes near the Mullet River crossing with an extended box culvert.

It is estimated that an additional 3 to 5 acres of wetlands were saved based on increases in side slopes.

3. Wetland Compensation

Compensation for unavoidable wetland loss will be carried out in accordance with Federal requirements and the interagency *Wetland Mitigation Banking Technical Guideline* developed as part of the WisDOT/WDNR *Cooperating Agreement on Compensatory Wetland Mitigation* and the 2008 Joint Rule regulations clarifying requirements regarding compensatory mitigation. Unavoidable wetland loss will be fully compensated at an appropriate replacement ratio that would be no less than 1:1 (one acre restored/created for each acre lost). The final ratio could vary depending on the criteria presently in place in the *Wetland Mitigation Banking Technical Guidelines*. The replacement ratio can range from 1:1 to as high as 3:1 depending on the risk assessment and replacement types needed. The preliminary wetland mitigation evaluation for this project has used restoration site screening practices typical of WisDOT guidance and wetland mitigation protocol.

WisDOT is planning on-site mitigation at two locations in Fond du Lac County to compensate for all the wetland impacts. One of the two on-site mitigation locations would be on property owned by WisDOT and has approximately 50 acres that could be used for mitigation. This site would be mostly wetland creation and is in the Mullet River watershed. The second on-site mitigation location is in the town of Empire. About 70 acres was acquired and mitigation will focus on wetland restoration. About 10 acres of the site is currently wetlands where a preservation credit may be pursued. The other acreage was previously wetlands that have been ditched and drained. Restoration credit will be pursued. This second site is in the Sheboygan River watershed.

It is anticipated that the first property could provide about 50.8 acres of wet meadow and the second property could provide 10 acres of wooded swamp, 5.6 acres of wet meadow, 9.5 acres shallow marsh, and upland buffer credit. The two sites appear to be fully sufficient for mitigation needs. WisDOT plans to start construction on at least one of the sites prior to, or concurrent with, construction of the highway project.

If changes occur that prevent the implementation of these plans, mitigation will be debited to Hope Marsh wetland mitigation site in Marquette County.

B. Finding of No Practicable Alternative, Wetlands

Based on the previously summarized analyses, there is no practicable alternative that fully addresses the project's purpose and need, fulfills WisDOT's statutory mission and responsibilities, while avoiding wetland impacts. Slope adjustments, stream relocation minimization, natural resource area avoidance, and best management practices will minimize harm for the Preferred Alternative during final design.

WisDOT has received and incorporated needed agency comments and design refinements to document compliance with WEPA/NEPA coordination. Coordination has continued beyond the publishing of the 2014 LS SFEIS in updating the wetland delineation and investigating potential wetland mitigation locations. In letters dated August 31, 2018 and September 13, 2018, the USACE and the United States Environmental Protection Agency (USEPA), respectively, provided concurrence with the selection of the Preferred Alternative and confirmed that the Preferred Alternative is the LEDPA. Further, it is anticipated

there will be sufficient wetland restoration areas to fully compensate wetland loss. Compensation will be through either creating/restoring replacement wetland within an approximate 2.5-mile to 5-mile distance of the project corridor or in combination with using an established or future wetland bank site. It is anticipated that mitigation, regardless of location or method, will be available for debiting impacts of the WIS 23 project prior to or concurrent with construction.

Based on the above consideration, in accordance with Presidential Executive Order 11990, Protection of Wetlands, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands.

6.9 UPLANDS AND WOODLANDS

Mitigation for upland habitat disruption includes the replacement of disturbed vegetation within the right of way under the Wisconsin *Standard Specifications for Road and Bridge Construction*. During construction, cleared and graded areas will be restored. The restoration will be staged to follow the grading operations to the maximum extent possible. Revegetation measures will minimize upland wildlife habitat loss.

Specific Project Commitments:

There are no project-specific commitments regarding uplands and woodlands other than those listed in Section 6.7 above.

6.10 CONTAMINATED SITES

In the event petroleum-contaminated sites are located prior to construction, WisDOT will work with all concerned to ensure that the disposition of any petroleum contamination is resolved to the satisfaction of the WDNR, WisDOT Bureau of Technical Services, and FHWA before acquisition of any questionable site and before advertising the project for letting. Non-petroleum sites will be handled on a case-by-case basis with investigation and detailed documentation and coordination with the WDNR, WisDOT Bureau of Technical Services, and FHWA as needed. Contaminated materials identified during construction will be disposed of under applicable state and federal laws and guidelines.

Specific Project Commitments:

Three Phase 2 [3] investigations have been completed. One potentially contaminated site, Site 5, was purchased by WisDOT prior to investigation. The need for Phase 2 investigation at Site 5 will be evaluated once the limits of road construction for this parcel are fully known.

Phase 2 investigation was performed at Site 12. Contamination was discovered and reported to the WDNR. WisDOT is not the Responsible Party. The property is a total acquisition and WisDOT purchased the property in highway easement.

Phase 2 investigations were performed at sites 21 and 22, no contamination was detected and no remediation is recommended.

Impacts to the highway project will be minimized by avoiding contaminated sites to the extent possible. Where avoidance is not possible, such as on Site 12, the remediation measures will depend on the extent, magnitude, and type of contamination impacting the roadway.

WisDOT is seeking to avoid the limits of contamination on contaminated parcels. Investigation of contaminated sites and the management of any excavated contaminated material will be completed in accordance with the FDM and the NR 700 Series of Wisconsin Administrative Codes. The management of excavated contaminated materials on transportation projects typically involves reuse of the materials on the project, disposal of the materials in a landfill, or treatment of the materials at a biopile site. If the contaminated material is classified as a solid waste, activities related to the management of excavated contaminated material will also follow the NR 500 Series of Wisconsin Administrative Codes. If the contaminated material is classified as a hazardous waste, activities related to the management of excavated contaminated material will follow the NR 600 Series of Wisconsin Administrative Codes rather than the NR 500 Series. More information is contained in Section 4.7 D-4.

[3] A Phase 1 includes the research and documentation of sites exhibiting potential hazardous material threats to WisDOT project operations, mainly right-of-way acquisition and excavation requirements. Phase 2 investigations are conducted to determine whether a parcel suspected of being contaminated really is. It includes soil and/or groundwater sampling and analysis within the potential areas of concern as identified in the Phase 1 investigation. The Phase 2.5 or Phase 3 is done to investigate the extent of contamination and determine the feasibility of doing a limited cleanup in the proposed or existing right of way.

6.11 UTILITIES

Utility relocations and coordination with utility owners are done in accordance with Wisconsin Administrative Code TRANS 220, *Utility Facilities Relocation*, WisDOT's Guide to Utility Coordination, and WisDOT's FDM Chapter 18, *Utility Coordination*.

Under these regulations and guidelines, WisDOT is responsible for notifying utility owners about the project, obtaining information on existing utilities in the project corridor, providing preliminary and final plans showing potential utility conflicts, and ultimately reviewing/approving the utility relocation plans.

A compensable utility is one that is located on private land by easement and WisDOT must pay the utility to relocate its facility if the utility does not waive their compensability rights. A noncompensable utility is one that is located on WisDOT right of way and the utility must pay its own cost to relocate its facility. Both compensable and noncompensable utility lines are located along the WIS 23 project corridor and will need to be relocated. There are sensitive resources along the project corridor, but it is anticipated that the majority of these relocations will occur within or directly adjacent to the proposed right of way. All utilities in Sheboygan County have been relocated. The status of utility compensability and conflict in Fond du Lac County in most cases is yet to be determined.

The following paragraphs describe the utilities along the corridor and anticipated conflicts.

A. US 151 to Taft Road (Fond du Lac County–Urban)

For this section, the following comments are a preliminary review of utility conflicts. The right of way plats and the utility work plans have and will determine compensable/non-compensable facilities along this corridor.

- Alliant (WP&L)–Has overhead and underground electric facilities from US 151 to Taft Road. There are conflicts with these facilities. Has gas facilities from US 151 to approximately 2000 feet east of County UU. Conflicts are anticipated with these facilities.
- American Transmission Company–Has overhead facilities from US 151 to County UU. There are anticipated conflicts with these facilities with the Old Plank Road Trail and the County K jughandle intersection.
- AT&T–Has buried telephone and fiber-optic facilities from US 151 to Taft Road. There are anticipated conflicts with these facilities.
- Charter–Has overhead and underground facilities from US 151 to Taft Road. There are anticipated conflicts with these facilities.
- City of Fond du Lac–Has water main and sanitary sewer facilities from US 151 to Whispering Springs Boulevard. There are anticipated conflicts with these facilities at the County K jughandle intersection.
- Mary Hill Park Sanitary District–Has sanitary sewer facilities from County K to Mary Hill Park Drive and water main located at Mary Hill Park Drive. There are anticipated conflicts with the sanitary sewer at the County K jughandle intersection and the access road to Mary Hill Park Drive. There is a potential conflict with the water main on Mary Hill Park Drive. The sanitary district is unable to field locate the water main facilities, because it is not traceable.

B. Taft Road to Division Road (Fond du Lac County–Rural)

- Alliant (WP&L) Electric–Has overhead and underground facilities from Taft Road to Division Road and conflicts are anticipated. Alliant has identified that 140 of the 256 poles are compensable for this area.
- Alliant (WP&L) Gas–There are no gas facilities in this area.
- AT&T–Has telephone and fiber-optic facilities that are anticipated to be in conflict from Taft Road to approximately 1,300 feet east of Hill View Road.

  Approximately 17,000 LF of underground telephone lines are compensable. The remaining facilities are noncompensable.
- Frontier (Verizon)–Has telephone and fiber-optic facilities that are anticipated to be in conflict from approximately 1,300 feet east of Hill View Road to Division Road. Approximately 2,100 LF of underground telephone lines are compensable. Approximately 100 LF of fiber-optic line is compensable. The remaining facilities are non-compensable.

C. Division Road to Pioneer Road (Sheboygan County)

- We Energies–All of its overhead and underground facilities from Division Road to Sugarbush Road were in conflict and have been relocated. Overhead and underground crossings at and between County A and Ridge Road were in conflict and have been relocated. Five poles were identified as compensable on the right of way plat and were relocated.
- ANR Pipeline–Had 120 feet of casing pipe installed on the north side of WIS 23 and 24 feet of casing pipe installed on the south side of WIS 23 for the existing pipeline to avoid conflicts. The marker vent posts were also relocated to the new right of way limits. This work was compensable.
- Northern Moraine Utility Commission–The sanitary sewer force main crossing at County A may need a section relaid to ensure proper clearance under the north ditch of WIS 23.
- Time Warner Cable–Had an overhead line crossing at County A that was in conflict and was relocated. This work was noncompensable.
- Plymouth Utilities–Has underground and overhead electric facilities from County S to Pioneer Road that are anticipated to be in conflict. Plymouth Utilities has four poles that are compensable and 100 LF of underground electric that is compensable.
- West Shore Pipeline–The pipeline crossing was relocated. Approximately 600 LF of pipeline was relocated from south of Plank Road to north of WIS 23.
- Wisconsin Public Service–A gas main crossing at County A needs to be relocated. WPS has a pole located in the northwest corner of WIS 23 and County A that is anticipated to be in conflict.
- Frontier (Verizon)–All of its telephone and fiber-optic facilities were in conflict from Division Road to the west intersection of Plank Road. Telephone crossings between Sugarbush Road and Pioneer Road were relocated.

The utility owners are responsible for determining new locations for their facilities and for obtaining any environmental clearances associated with relocating their facilities. The utility relocations have already occurred for the Sheboygan County part of the project. Environmental information that has been developed by WisDOT for purposes of the project such as wetland delineations and archaeological survey results is made available to the utilities to assist them in determining where to relocate their facilities.

D. Specific Project Commitments

WisDOT and FHWA will continue coordination efforts with utilities, municipalities, and counties to avoid or minimize impacts to the utilities along WIS 23. For impacts that are unavoidable, WisDOT will coordinate with these parties to avoid or minimize interruptions in service during construction. WisDOT will compensate the owners of impacted utility lines as required.

6.12 HISTORICAL/ARCHAEOLOGICAL RESOURCES

WisDOT has made efforts throughout the project planning stages to avoid direct impacts to archaeological sites and historical sites. The only archaeological site that will be impacted by the build alternatives is the Sippel Archaeological Site. Phase III data recovery was completed at this site. Historic properties will not be adversely affected by any of the build alternatives.

Specific Project Commitments

Section 106 requirements have been completed according to the agreement between FHWA, the State Historic Preservation Office (SHPO), and WisDOT. A revised MOA between the FHWA, SHPO, WisDOT, and St. Mary's Springs was signed by SHPO on April 24, 2018 fulfilling the project's Section 106 requirements. This revised MOA can be seen in Factor Sheet 4.7 B-6. The following bullets list the provisions and commitments in the MOA that pertain to known archaeological sites and historical sites.

- The Sippel (47SB394) archaeological site is located entirely within the Area of Potential Effects (APE) and cannot be avoided through project redesign. The WisDOT has implemented the field component of the project data recovery plan titled: The Sippel (47SB394) Site: A Mid Nineteenth Century Yankee Homestead in the Town of Greenbush, Sheboygan County (Attachment #3). Data recovery field efforts occurred in September and October of 2014.

- Prior to construction, WisDOT or its agent will ensure that protective fencing is placed at the Storm Front (47FD497) to prevent inadvertent disturbances. A qualified archaeologist shall assist in the location and placement of the fence. This area shall not be used for the staging of equipment and personnel, sources of borrow, or a location for the placement of waste material or batch plant.
- The WisDOT Project Engineer (PE) or Project Manager (PM) shall notify all parties of this MOA in writing ten working days prior to the start of construction and monitoring.
- At preconstruction meetings, the WisDOT PE/PM shall ensure the stipulations contained in this MOA are reviewed with and understood by the responsible party(ies). Responsible parties also include sub-contractors.
- Prior to construction, the WisDOT or authorized agent shall petition the Director of the Wisconsin Historical Society (WHS) for permission to work within the recorded boundaries of two known uncatalogued burial sites, Academy Hill Mound (47 FD-17/BFD0150) and the Tower Road Burials (47 FD-245), in compliance with Wis. Stat. §157.70. These activities include, but are not limited to, removal of the existing pavement, sidewalk, roadbed (Sub- grade and Base course), parking surfaces, building foundation wall/floor removal, and any excavation below the ground/soil elevation for underground utilities or other designated features.
- A professional archaeologist, as defined in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738), will monitor construction-related activities within the recorded boundaries of the Academy Hill Mound (47 FD-17/BFD0150) and Tower Road Burials (47 FD-245).
- Upon completion of monitoring, the archaeologist will submit a summary report of the results of the monitoring. Three copies of monitoring report will be submitted to WisDOT Bureau of Technical Services, Environmental Process and Documentation Section Cultural Resources Team (CRT) as soon as ground disturbing activities have concluded. Two copies will be forwarded to SHPO.
- Upon discovery of a significant undisturbed archaeological resource, the archaeologist will inform the on-site WisDOT PE/PM to stop construction activities in the immediate area. The on-site WisDOT PE/PM shall ensure protective fencing is installed. The archaeologist will provide the on-site WisDOT PE/PM with a time estimate for completion of field activities. The area will remain fenced until field activities are completed. Upon completion, the archaeologist shall notify the WisDOT PE/PM that construction activities may resume.
- WisDOT will ensure that all construction contracts contain provisions describing potential delays to the contractor, in the event of a discovery of archaeological materials or human remains during construction. This will include language to stop construction in the area of the discovery to permit implementation of mitigation measures. These provisions shall include the opportunity for consulting tribes to perform tribal ceremonial activities.
- The WisDOT on-site PE/PM will immediately notify CRT, who will notify all signatories of this MOA of any discoveries encountered during construction.
- All archaeological research undertaken for this project will meet the Wisconsin Archaeological Survey *Guide for Public Archaeology in Wisconsin*, as revised (dated 2012).
- WisDOT shall ensure a qualified archaeologist conducts archaeological surveys for all proposed borrow sites, batch plants, waste sites and staging areas to be used for this undertaking. Upon completion of these efforts, the archaeologist will submit a summary report of the results. Three copies of survey report will be submitted to CRT as soon as survey is complete. Two copies will be forwarded to SHPO.
- Non-tribal land:
  1. If potentially significant archaeological materials unrelated to a human burial are discovered, the on-site WisDOT PE/PM in consultation with CRT shall ensure Section 106 procedures pursuant to 36 CFR 800 will be followed or another area will be obtained.
  2. If human remains are discovered, all activities will cease, and the on-site WisDOT PE/PM will ensure compliance with Wis. Stat. §157.70.
- Tribal Land: Prior to any proposal request, for any activity on tribal land, consultation with appropriate THPO or Tribal Representative is required.

- Because this project does not involve federal or tribal land, treatment of discovered human remains will comply with Wis. Stat. §157.70. Any such finds will be considered within the category of a “known uncatalogued burial site”, and a Wisconsin Historic Preservation Division standard contract for treatment of human remains will be followed.
- The CRT will notify all signatories of this MOA of any human remains discoveries encountered during construction.
- Human skeletal elements discovered in non-burial context (unintended or accidental location) are considered isolated human remains.
  1. Isolated remains may include, but not limited to; teeth, bones in previously disturbed context (e.g. fill), and bones in refuse context.
  2. Disposition of these remains will be coordinated with the signatories of this MOA upon completion of the construction activities.
- WisDOT or its agent shall prepare appropriate material for public interpretation of the significant information gained from the historic properties investigated as part of WisDOT Project ID 1440-13/15-00, (WIS 23/County K to County P), Sheboygan and Fond du Lac Counties. The extent of public interpretation will proportionally reflect the significance and quantity of recovered historic materials. The FHWA/WisDOT will make the final determination regarding sufficient funding to appropriately interpret the data recovered and to account for inflationary costs. The anticipated cost of the public interpretation for this undertaking is not to exceed $15,000.
- WisDOT shall form a committee, known as the "Public Interpretation Committee" [PIC] consisting of the FHWA, WisDOT, SHPO, Consulting Tribes, archaeology consultant, and a representative of a local historical society or local state historic site.
- The PIC shall establish a Public interpretation plan [Plan]. The Plan shall include background information on the general nineteenth century history of the area and specifically, information based on the archaeological and architectural history survey results and analyses of what activities occurred historically in and around the project area. As well, the Plan shall include a description of what surveys were undertaken to derive this information, and how they were carried out.
- The PIC shall incorporate into the Plan: a mechanism(s) to display the public interpretation and include locations for the public interpretation.
  1. Potential mechanisms for public interpretation may include signage, portable/temporary public or museum type displays, handouts and Internet-based materials.
  2. Potential locations for public interpretive displays may include the WHS Wade House Historic Site, other public buildings, or historical centers.
- The mechanism for the public interpretation will be chosen within one (1) year after the execution of this amended MOA. The public interpretation plan will be completed within one (1) year after the mechanism(s) of interpretation is selected.
- WisDOT will ensure all appropriate records and materials resulting from the archaeological investigations are curated in accordance with the Secretary of Interior Guidelines, 36 CFR 79.
- On or before January 1 of each year until the terms of this agreement have been fulfilled, FHWA or its agent shall prepare and provide an annual report to the SHPO, consulting tribes addressing the stipulations in this MOA.
- WisDOT will ensure that an interim report of findings will be submitted to the SHPO annually, until completion of the data recovery, which consists of field and laboratory work.
- The archaeologist will provide WisDOT a draft technical report for review by June 29, 2018. All reports will be in compliance with contemporary professional standards and with the Department of Interior’s Format Standards for Final Reports of Data Recovery Programs (47 FR 5377-79). Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize the security of the archaeological site(s).
- WisDOT shall ensure that all archaeological and architecture/history work conducted pursuant to this agreement is carried out by or under the supervision of a person or persons meeting at a minimum the Secretary of the Interior’s Professional Qualifications Standards. These guidelines include field research, analysis, report preparation and curation.

- WisDOT will ensure that all archaeological efforts pertaining to human remains are carried out by or under the supervision of a person or persons meeting qualifications stipulated in Wis. Stat. §157.70.
- WisDOT will ensure that information resulting from the archaeological monitor and data recovery is provided to the State Archaeologist in a form acceptable for inclusion in the WHS Historic Preservation - Public History Division database.

WisDOT has committed to moving the Guardian Angel Statue to another location on the St. Mary's Springs Academy property. In addition to the above stipulations, the Stockbridge Munsee Tribe and Forest County Potawatomi Community of Wisconsin will be notified if a Native American cultural site is uncovered.

6.13 PUBLIC USE LANDS

Specific Project Commitments:

WIS 23 crosses the KMSF-NU, the Ice Age Trail (IAT), and the State Equestrian Trail in Sheboygan County. WIS 23 improvements will include a grade-separated crossing for the trails (underpass beneath WIS 23 with a clear width of 20 feet and a vertical clearance of 12 feet for the combined trails), improving functionality and safety of both trails. The underpass is compensation for impacts to the trails. Lands taken from the KMSF-NU (Section 6(f) and Section 4(f) lands) were replaced in accordance with the National Park Service's Land and Water Conservation Fund (LWCF) Program conversion process. The KMSF-NU and the IAT/State Equestrian Trail are Section 4(f) resources. A Section 4(f) *de minimis* impact finding is included in Section 5.3 and addresses impacts to these three resources that are coincident at this location.

WIS 23 travels along the north side of the Wade House Historic Site, which has been delisted as a state park. The proposed WIS 23 expansion would take place on the north side of the existing highway near this site and includes the extension of the Old Plank Road Trail along the south side of WIS 23 in the area of the Wade House Historic Site. The trail extension will be constructed adjacent to WIS 23 to minimize right-of-way impacts to the Wade House Historic Site and avoid impacts to the Wade House Wetland Enhancement and Mitigation Site. The Wade House Historic Site is a Section 4(f) and Section 6(f) property. A Section 4(f) finding of *de minimis* impact is included in Section 5.4. For Section 6(f), WDNR reviewed property title information and WIS 23 right of way is considered a pre-existing condition. As a result, WDNR cleared LWCF interests for the purpose of WIS 23 reconstruction and Section 6(f) replacement lands are not required. See Section 5.2, Table 5.2-1, and Section 5.4.

Specific commitments related to Section 4(f) and Section 6(f) resources are discussed in Section 5.

6.14 AGRICULTURAL LAND

During construction, reasonable access will be provided to agricultural land. Existing drainage systems (ditches and tiles) will be kept operational during construction. WisDOT will work with farm owners to minimize project impacts.

Specific Project Commitments:

Consideration will be given to the 14 recommendations provided in DATCP's Final Agricultural Impact Statement and update. Many of these 14 recommendations were broad-reaching and directed to local jurisdictions. Of the 14, seven apply specifically to WisDOT as they consider the maintenance of farm activities and include the following:

1. *WisDOT should continue to consult with town of Greenbush officials and local residents about the intersection design that will be used at WIS 23 and Sugarbush Road to ensure that the fire department is not hindered in providing emergency services to local residents.*

   Passing Lane Alternative and Hybrid Alternative: The intersection at Sugarbush Road will remain the same as existing. Emergency vehicles will be able to go straight through or turn onto WIS 23 as they do in the existing conditions.

   4-lane On-alignment Alternative (Preferred Alternative): A Restricted Crossing U-Turn intersection is being included at the intersection of WIS 23 and Sugarbush Road, and will have mountable curb and gutter and thicker asphalt pavement within the island to allow emergency vehicles the ability to go straight through or turn west onto WIS 23 from the south if they so choose. The signs

within the intersection will be positioned to allow the movements as well. The movement will not be signed for all traffic, but could be used by emergency vehicles if needed.

2. *WisDOT should allow the current operators to farm any acquired land until it is needed for highway construction as long as there is sufficient growing season for crops to mature and be harvested.*

   Current operators are being allowed to continue to farm if owner requests it. If the previous owner is not farming the area then other area farmers are allowed to farm the land.

3. *The owners and operators of the affected farmland should be given advance notice of the acquisition and construction schedules so that farm activities can be adjusted accordingly. To the extent feasible, the timing of the construction should be coordinated with the farmers to minimize crop damage and disruption of farm operations.*

   The affected owners and operators will be kept aware when construction will occur to minimize any crop damage and disruption of farm operations.

4. *Where access points must be relocated, WisDOT should consult with landowners to determine a new location that will be both safe and efficient for farm operations.*

   WisDOT has consulted and will continue to consult with landowners during negotiations.

5. *WisDOT should consult with farmers when determining the locations of median crossovers. If the placement of median crossovers is a concern to a landowner, he or she should identify that concern during negotiations with WisDOT.*

   Passing Lane Alternative: The Passing Lane Alternative keeps the 2-lane roadway and does not have a median.

   Hybrid Alternative: In Fond du Lac County the median crossovers have been identified through the design. The median crossovers were placed in positions that tried to alleviate travel distance to residences and farms. Median crossovers will be designed with turn lanes to aid residents to make turnarounds (accelerations lanes are not being added). In Sheboygan County the road will remain 2-lanes with no median.

   4-lane On-alignment Alternative (Preferred Alternative): Median crossovers were designed throughout the corridor. The median crossovers were designed to alleviate travel distance to residences and farms. Median crossovers will be designed with turn lanes to aid residents to make turnarounds (accelerations lanes are not being added).

6. *In order to address potential drainage problems that may occur as a result of the proposed project, DATCP recommends that WisDOT representatives discuss design and construction plans with representatives of Fond du Lac County and Sheboygan County Land Conservation Departments during the design process.*

   Sheboygan County and Fond du Lac County representatives have been made aware and will be kept involved with the proposed drainage on the project. The WisDOT maintenance department routinely discusses any drainage problems with Sheboygan and Fond du Lac County maintenance personnel so that design adjustments can be incorporated into the plan. Planned drainage channels should be the same as existing channels with the extending of culverts.

7. *The county conservationists should be consulted to ensure that construction of the facilities proceeds in a manner that minimizes crop damage, soil compaction, and soil erosion on adjacent farmland.*

   The counties will be kept abreast of construction activities throughout the project. Erosion control measures (silt fence, erosion mat, riprap) will be incorporated within the project construction to help prevent soil erosion and crop damage to adjacent farmland. Construction grading practices will be monitored to assure proper compaction and grading are performed.

6.15 POLLUTION PREVENTION

WisDOT plans to avoid the creation of pollution and any subsequent environmental degradation. Review is given to the project's design criteria, including geometric standards, construction standards and specifications, project sizing, and the location of the facility. Habitat is restored to maintain foliage, fish,

and wildlife diversity. WisDOT reviews roadway treatment to assess and devise methods to channel runoff away from water resources.

WisDOT uses coal incinerator ashes and foundry sand in various highway construction activities. Recycling of these ashes and foundry sand is considered by USEPA to be a pollution prevention initiative and a beneficial reuse initiative. These waste products (fly ash and foundry sand) otherwise would be disposed of in a landfill. WisDOT has used coal ash for the following: (1) fly ash (precipitant from the smoke stack) in place of Portland cement in concrete and (2) bottom ash (boiler ash) as a roadway embankment fill, and when mixed with asphalt, it has been used in place of chip sealing on town road maintenance projects. WisDOT has used foundry sand as roadway embankment fill and a replacement to select borrow.

This project has the potential for industrial byproduct reuse. Further evaluation of the potential use, location(s), type, quantity, and supplier will follow in the design phase of the project.

Waste and demolition material that cannot be recycled through incorporation into the project's design and construction will be disposed of in accordance with WisDOT *Standard Specifications for Road and Bridge Construction*. Disposal will be in compliance with all applicable federal and state regulations relating to solid waste.

Specific Project Commitments:

None other than what was listed above in the general commitments.