

# ENVIRONMENTAL EVALUATION OF FACILITIES DEVELOPMENT ACTIONS

Wisconsin Department of Transportation  
DT2094 8/2005

Project ID 1058-14-00	Funding Source <input type="checkbox"/> State Only <input checked="" type="checkbox"/> Federal	Federal Number
Project Name (Highway, Airport, Rail Line) WIS 29 Right of Way Preservation Plan		Project Termini WIS 32 to County J
Sections T25N R19E SEC 30,31,32,33,34 T24N R19E SEC 2,3,4,10,11,12,13 T24N R20E SEC 7,18	Counties Brown and Outagamie	Estimated Project Cost (Include R/W acquisition) \$43,400,000

It is determined, after review of the comments from the public, and coordination with other agencies, that this action would not significantly affect the quality of the human environment. This document is a

☒ Environmental Assessment (EA) No Significant Impacts Indicated by Initial Assessment

☐ Environmental Assessment (EA) EIS Required

☐ Environmental Report (2-ER)

☒ Finding of No Significant Impact (FONSI).

Michael C. M. Carty 10/24/07  
(Signature) (Date)

Michael C. M. Carty 4/30/07  
(Signature) (Date)

PROTECT MANAGER, EMCS  
(Title)

Project Manager, EMCS  
(Title)

Jimmy Cavanaugh 10/26/07  
(Signature) (Date)

Colleen Harris 4/30/07  
(Signature) (Date)

Project Manager  
(Title)

Planning Supervisor  
(Title)

Michael Berg 10/26/07  
(Signature) (Date)

Michael Berg 6/5/07  
(Signature) (Date)

☐ Region, ☐ Aeronautics,  
☐ Transit, Local Roads, Rails & Harbors

☒ Region, ☐ Aeronautics,  
☐ Transit, Local Roads, Rails & Harbors

[Signature] 11/6/07  
(Director, Bureau of Equity & Environmental Services) (Date)

[Signature] 6/14/07  
(Director, Bureau of Equity & Environmental Services) (Date)

Johnny M. Gerbitz 11/14/08  
(FHWA, ☐ FAA, ☐ FTA, ☐ FRA) (Date)

Johnny M. Gerbitz 6/14/07  
(FHWA, ☐ FAA, ☐ FTA, ☐ FRA) (Date)

## 1. Description of Proposed Action (Attach project location map and other appropriate graphics).

The WIS 29 Right of Way Preservation plan identifies and officially map the right of way necessary for future conversion of WIS 29 from expressway to freeway standards. The proposed action officially mapping right-of-way needed to convert WIS 29 to freeway standards is a long-term, proactive planning initiative preserving future highway right of way and discouraging development from occurring on these lands. This action is in accordance with State Statute 84.295 which authorizes the segment designations of the state trunk highway system as either freeways or expressways.

This plan addresses a segment of WIS 29 that is 7.1 miles long beginning 1.2 miles west of WIS 32 and ending 0.9 miles west of County J (see Attachment 1-project limits). Recommended interchange locations include: WIS 29 and WIS 32 (existing interchange); WIS 29 and County VV; and WIS 29 and County FF. Recommended overpasses include County U and North Pine Tree Road (extended north from Sunlite Drive to Milltown Road). The plan also calls for removing access to WIS 29 at Sunlite Drive/Forest Road and at Woodland Road/Greenfield Avenue. No private entrances to WIS 29 exist within this segment of roadway. Relocating local roads to connect into the reconstructed cross roads along WIS 29 is also recommended. These local roads include: Old Hwy 29 Road at County U; Triangle Road at County VV; Milltown Road at Marley Street; and Golden Pond Park Court at County FF. The plan recommends removing access to Sherwood Street from Catherine Drive. See Attachment 3 for plan illustrations of these future roadway alterations.

Access to properties along the cross-roads at interchanges will be restricted within 1,320-feet of the interchange ramp terminals. Where access is allowed to remain within these areas, the use will be restricted to residential or utility use only. See Attachment 3 for plan illustrations of these access restrictions.

A similar right of way preservation plan is underway for WIS 29 in Shawano County that will also identify and officially map the right of way necessary for future conversion of WIS 29 from expressway to freeway standards in that County. WIS 29 will also be reconstructed to freeway standards between County J and US 41 concurrently with the US 41 expansion project in Brown County.

## THIS SHEET FOR USE AFTER PUBLIC AVAILABILITY PERIOD

Project ID 1058-14-00	Highway Wis 29	County Brown and Outagamie
Alternative 1-D (Preferred)	Segment Termini WIS 32 to County J	
Date of Public Notice June 24, 2007 July 15, 2007	In: (Name of Newspaper) Green Bay Press Gazette	Dates Environmental Assessment made available to Public From: June 24, 2007 To: August 11, 2007

## 1. Public Hearing

- ☐ Was not required, explain.
- ☐ Opportunity was given but no hearing was held.
- ☐ No requests for a public hearing were received.
- ☐ Requests for a public hearing were not substantial.
- ☒ Was held on July 26, 2007

## 2. Summary and disposition of public hearing comments and/or comments resulting from Public Notice of Availability. Include a summary of the changes to the environmental document and the project resulting from comments. (Note: Alternatives proposed by the public and subsequently rejected should be identified and the reasons for rejecting them included.)

A public hearing was held on July 26, 2007 at Hillcrest Elementary School in Brown County. The hearing took place from 5:00 p.m. to 7:00 p.m. with a presentation at 5:15 p.m. and public informational period beginning at 5:00 p.m. and extending until 7:00 p.m. One court reporter was available to record oral testimony. 98 people attended the hearing. Two people presented oral testimony at the hearing. Five individuals and one local unit of government submitted written comments either at the hearing or within the public comment period. Copies of the official hearing transcripts are on file at the Green Bay office of the Wisconsin Department of Transportation, the WisDOT Central Office and at FHWA.

The testimony received has been summarized into seven key points. These points, including responses are:

**1. The draft right-of-way plat shows potential acquisition from Parcel No. 32 (Southeast quadrant at Milltown Road and Marley Street). The relocated Milltown Road will leave two remnants unsuitable for building on. The owners have the land for sale. They are concerned that they will not be able to sell this land now that the proposed roadway will take most of the land. They desire WisDOT to purchase the entire parcel as a hardship and would like to know what they need to do next.**

The property owner has been notified that they must make a formal request to WisDOT to purchase their property as a "hardship". The owner must show that the marketability of their property has been adversely affected by the proposed plan and that a prolonged delay in the acquisition will cause them undue economic hardship. Once WisDOT receives such request they will consider the request and follow the procedures for Early and Advanced Acquisitions per the WisDOT Real Estate Program Manual.

**2. Consideration should be given to realignment alternative of Old Hwy 29 near County U to require less land from Parcel No. 1 (Southwest quadrant of County U and Old Hwy 29).**

Design alternatives were considered to minimize acquisition of this parcel. Realignment of Old Hwy 29 is required to meet current WisDOT design standards for horizontal alignment and intersection sight distance. In addition, the realignment of Old Hwy 29 may provide for on-site wetland mitigation where the existing roadway adjoins existing wetlands.

**3. Maintain current location of local roads and access south of the proposed interchange at County FF. Maintain existing seclusion of residential dwellings on Golden Pond Park Court.**

To meet current WisDOT standards for access control adjacent to interchanges, the preferred alternative includes relocating local road connections and controlling access within 1,320-feet of the ramp termini at the County FF interchange. Also considered in the relocation of Golden Pond Park Court is the preference to create a four-legged intersection with Navajo Trail rather than two closely spaced "T" intersections.

The preferred alternative for relocating Golden Pond Park Court provides for a “wooded” buffer for the existing residential properties in the subdivision on the west side of County FF. There is flexibility as to the realignment of Golden Pond Park Court between the intersection at County FF/Navajo Trail and the point where it reconnects to the existing roadway. Realignment considerations will be evaluated with the Village of Hobart when the project advances.

Access for future development of land on the east side of County FF would be available along Navajo Trail. Changes should not be permitted in the location of local roads or driveways for access to County FF that would allow new or change of access type to occur within 1,320-feet of the ramp termini.

**4. Extend Golden Pond Park Court west to connect to Forest Road.**

Extending Golden Pond Park Court would be allowed with the relocation of the intersection to Navajo Trail. While this connection may be desirable for local road connectivity and future growth, it does not provide a benefit to WIS 29 and therefore should be a local consideration without WisDOT participation.

**5. Access to WIS 29 for business operation located on Glendale Avenue should not be restricted for trucking.**

The business currently has access off from Glendale Avenue and County U. Access to WIS 29 is provided via two routes: County U to County VV to WIS 29; or Glendale Avenue to Marley Street to WIS 29. Marley Street is intended to become a County highway as a result of the interchange at County VV and would not restrict trucking. Glendale Avenue is a local road and subject to local regulations regarding trucking restrictions.

**6. Provide adequate roadway configuration to be able to maneuver a 31-foot camper trailer in and out of the driveway at Parcel No. 30 (Northeast quadrant of Marley Street and Milltown Road). Approximately 35 feet of acquisition is planned at this location along Marley Street.**

The property currently has a driveway access off of Marley Street and an access off of a dedicated roadway right-of-way along the south side of the property. The relocated Milltown Road connects to Marley Street at the point of these two driveways. The proposed access would be off of Milltown Road and would accommodate turning maneuvers for a 31-foot camper trailer heading westbound on Milltown Road. Depending on the exact dimensions of the trailer, U-Turns may not be possible along Milltown Road or Marley Street.

**7. Sherwood Street should not become a county road since it is all residential.**

The roadway improvements, spacing and road classification in the preferred alternative are consistent with the Brown County Year 2020 Land Use and Transportation Plan (2001) and are supported by Brown County and both the Village of Howard and the Village of Hobart.

**3. Describe selected alternative.**

☒ Selected alternative is the same as that described on form DT2094, Environmental Evaluation of Facilities Development Actions.

☐ Selected alternative is different from that described on form DT2094, Environmental Evaluation of Facilities Development Actions. Explain changes or why another alternative was selected.

**4. Other changes made to the Environmental Assessment (not related to public comments received):**

- a. Wetland Impact Evaluation, page 40 – Item 2: Changed the number of wetland locations from 8 to 13 and changed the associated waterway for wetlands 1 thru 3 from “Unnamed tributary to Trout Creek” to “Isolated”. Also, on page 41, Item 3: Wetlands 1 thru 3 were changed to be shown as Isolated from stream, lake or other surface water body and removed from the Contiguous with a stream, lake, or other water body description.
- b. Attachment 2 – Alternative Maps: The Interchange spacing was shown incorrectly for alternatives 2 and 3. The correct spacing for alternative 2 is 1.74 miles between WIS 32 and County U and 3.38 miles between County U and County FF. The correct spacing for alternative 3 is 3.67 miles between WIS 32 and County VV and 1.45 miles between County VV and County FF.
- c. Attachment 3 – Preferred Alternative Map Detail for the North Pine Tree Road Overpass: The noise receptors #10 and 11 were shown reversed from what they should be.



# WETLANDS IMPACT EVALUATION

DT2099 11/2005

Wisconsin Department of Transportation

Alternative 1-D	Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Portion of Project This Sheet is Evaluating if Different From Sheet 1	

1) Describe proposed work in the wetland(s), e.g., excavation, fill, marsh disposal, other.

Work in the wetland consists of fill due to roadway embankment construction and ditch grading.

2) Describe the location of wetland(s) affected by the proposal. Include wetland name(s), if available. (Use maps, sketches, or other graphic aids.)

Wetlands will be impacted by the construction at 13 locations throughout the project. See Attachment 3 for wetland locations impacted.

Wetland Number	Wetland Location	WisDOT Type (Description)	Associated Waterway	Area Impacted Acres (Ha)	Estimated Total Area of Wetland Acres (Ha)
1	WIS 29 north side (at County U west bound on ramp)	WS (Wooded Swamp)	Isolated	0.03 (0.01)	2(0.8)
2	Old 29 Road, south side (west of County U)	WS (Wooded Swamp)	Isolated	0.48 (0.19)	20(8.1)
3	County U, west side (south of WIS 29 and Old 29 Road)	WS (Wooded Swamp)	Isolated	0.28 (0.11)	>100(>40.4)
4	WIS 29, north side (at County VV west bound on ramp)	M(D) (Wet Meadow)	Unnamed tributary to Trout Creek	0.05 (0.02)	75 (30.3)
5	WIS 29, south side (at County VV east bound off ramp)	M(D) (Wet Meadow)	Unnamed tributary to Trout Creek	0.02 (0.01)	1 (0.4)
6	North Pine Tree Road	RPF (Riparian Forested Wetland)	Unnamed tributary to Lancaster Creek	0.08 (0.03)	10 (4.0)
7	WIS 29, north side (at County FF west bound on ramp)	RPF(D) (Riparian Forested Wetland - Wetland Degraded)	Unnamed tributary to Thornberry Creek	2.23 (0.90)	15 (6.1)
8	WIS 29, south side (at County FF east bound off ramp)	RPF/E(D) (Riparian Forested wetlands and Riparian Emergent wetlands (degraded))	Unnamed tributary to Thornberry Creek	0.24 (0.10)	10 (4.0)
9	Golden Pond Park Court	RPF (Riparian Forested Wetland)	Lancaster Creek & Thornberry Creek	0.75 (0.30)	70 (28.3)
10	Hillcrest Dr. west side Hillcrest Dr. east side (at County FF)	RPF (Riparian Forested Wetland)	Lancaster Creek & Thornberry Creek	0.74 (0.30)	70 (28.3)
11	WIS 29, south side (at County FF east bound on ramp)	RPF (Riparian Forested Wetland)	Lancaster Creek & Thornberry Creek	0.98 (0.40)	50 (20.2)
12	WIS 29, north side (at County FF west bound off ramp)	WS (Wooded Swamp)	Thornberry Creek	0.89 (0.36)	10 (4.0)

13	Sherwood St, west side Sherwood St, east side (at County FF)	RPF (Riparian Forested Wetland)	Unnamed tributary to Thornberry Creek	0.24 (0.10)	5 (2.0)
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3) This wetland is:

- ☒ Isolated from stream, lake or other surface water body: Wetlands #1 thru 3
- ☐ Not contiguous, but within 5-year floodplain.
- ☒ Contiguous (in contact) with a stream, lake, or other water body: Wetlands #4 thru 13

Identify corresponding stream, lake, or other water body by name or town-range location: (See table above)

Wetlands affected by the County VV interchange are contiguous with intermittent tributaries to Trout Creek (Sections 3 and 4, T24N, R19E). Affected wetlands at the County FF interchange are contiguous with an intermittent tributary to Lancaster Creek (Sec. 12, T24N, R19E), and perennial streams Thornberry Creek and Lancaster Creek. (Sec. 13, T24N, R19E and Sec. 18, T24N, R20E). Affected wetlands at the North Pine Tree Rd overpass are associated with an intermittent tributary to Lancaster Creek (Sec 12, T24N, R19E).

NOTE: If wetland is contiguous or adjacent to a stream, complete form DT2097, Streams and Floodplains Impact Evaluation. If wetland is contiguous to a lake or other water body, complete form DT2071, Lake or Water Body Impact Evaluation.

4) List any observed or expected waterfowl and wildlife inhabiting or dependent upon the wetland. (List should include both permanent and seasonal residents).

Waterfowl and wildlife species potentially occurring in project wetlands are typical of the area and include heron and duck species, song bird species, small mammals such as mice and voles, raccoons, rabbits, white-tailed deer, reptiles and amphibians.

5) Are there any known endangered or threatened species affected by the project?

- ☐ No
- ☒ Yes - Identify the species and indicate whether it is on Federal or State lists.

There is potential habitat for the wood turtle (*Clemmys insculpta*) which is on Wisconsin's list of threatened species.

☐ Section 7 coordination has been completed with the U.S. Fish & Wildlife Service. Describe mitigation required to protect the federally listed endangered species.

☒ Coordination with DNR has been completed. Describe mitigation required to protect the State listed species.

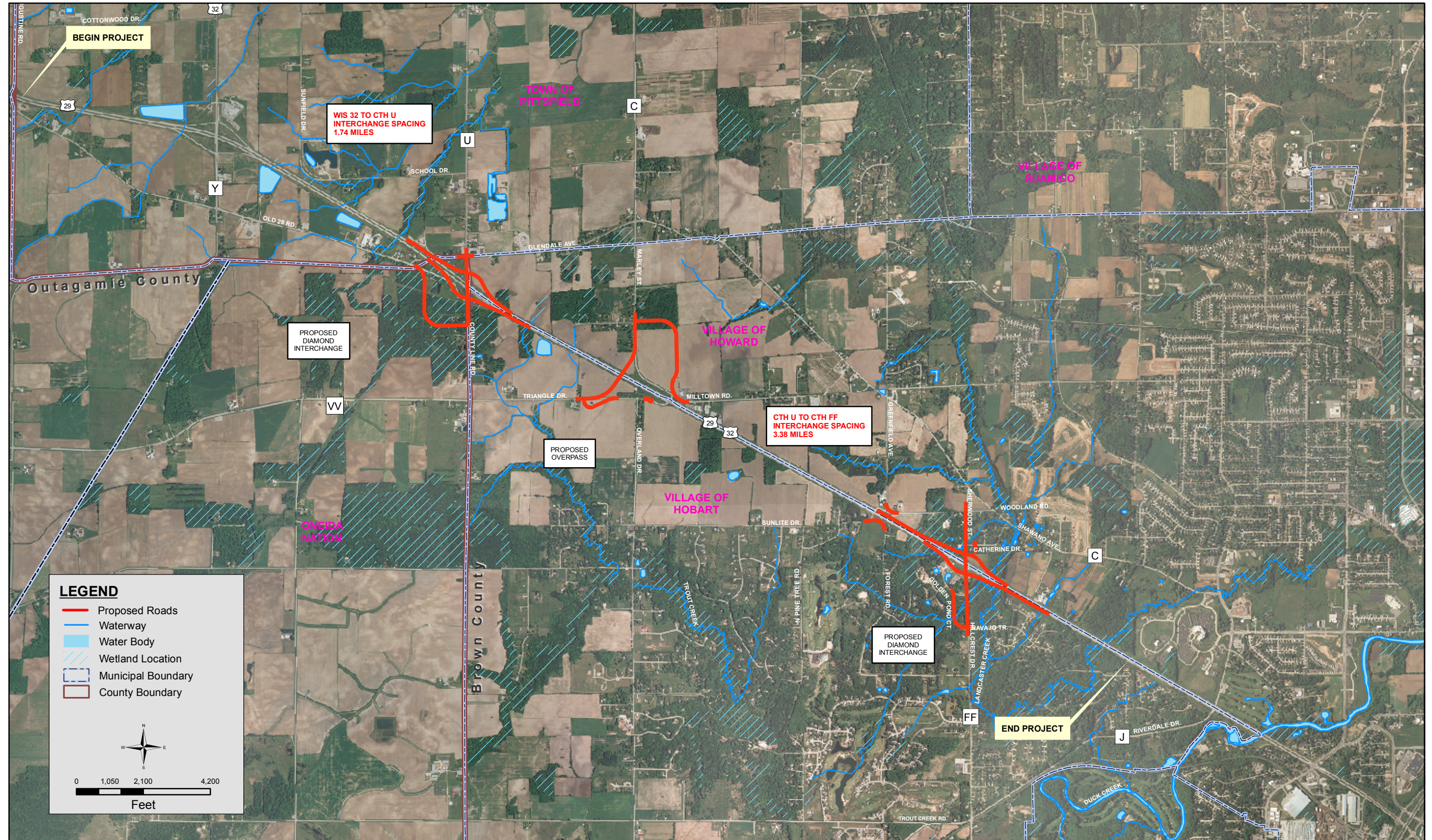
DNR indicates that if construction activity will occur within the turtle's active period (March 15 – October 15), impacts can be avoided by erecting exclusion fencing between the streams and the construction zone prior to March 15<sup>th</sup> of the construction year, to protect turtles from construction activity. Fencing will also be needed for construction site erosion control. Location and timing of the fencing will be determined in the early stages of construction design, when specific plans are being prepared. This approach will allow the contractor to address erosion control issues and wood turtle exclusion with one tool, properly applied to meet both needs. The silt fence is to be installed prior to construction activities and the area behind the silt fence is to be surveyed and any turtles confined within the project area removed prior to any site disturbance.

6) FHWA Wetland Policy

- ☐ Not Applicable - Explain



WISDOT I.D. 1058-14-00  
WIS 29 RIGHT OF WAY PRESERVATION PLAN  
WIS 32 TO COUNTY J  
BROWN COUNTY



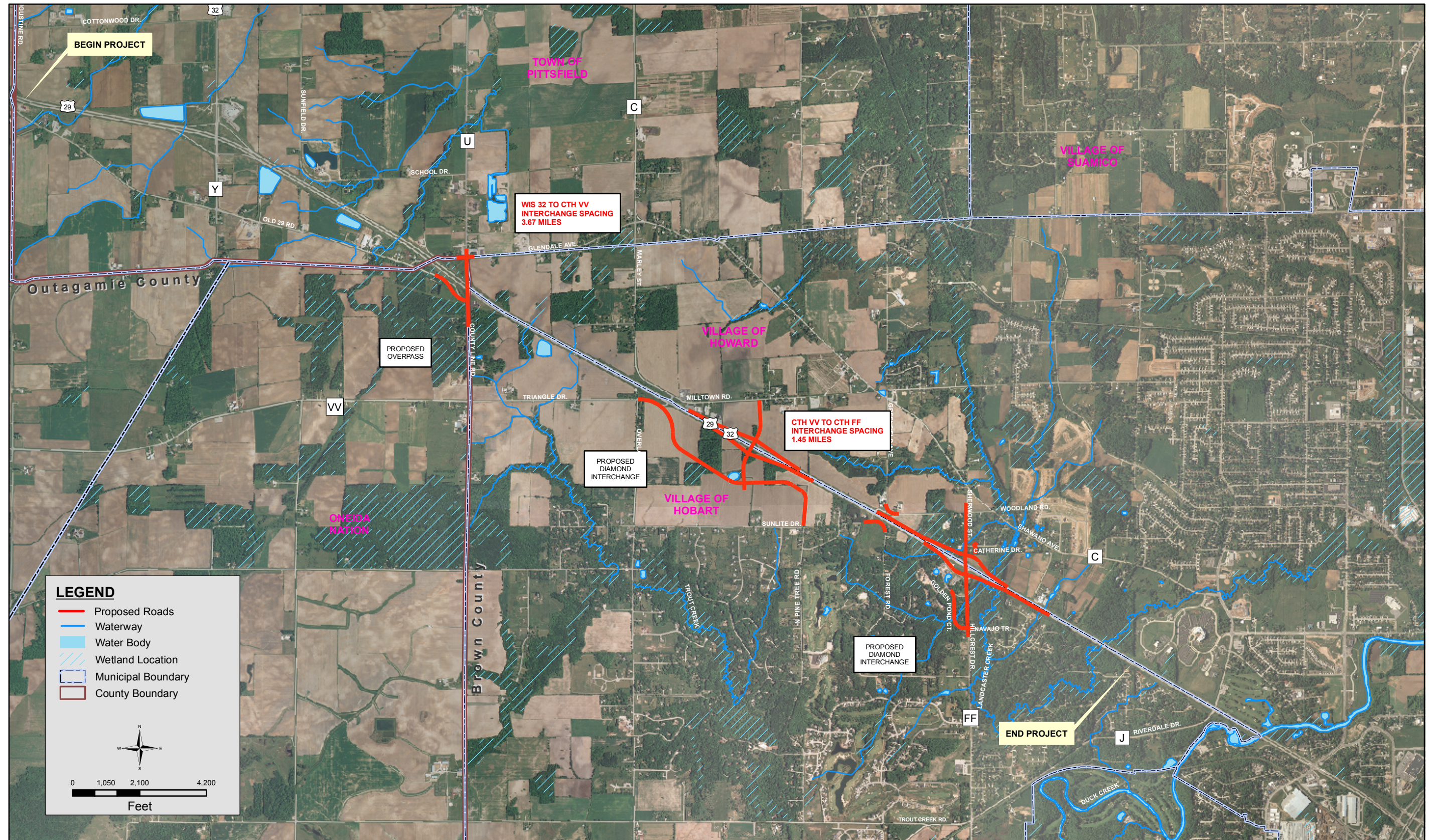
SEPTEMBER 4, 2007

**ALTERNATIVE 2**





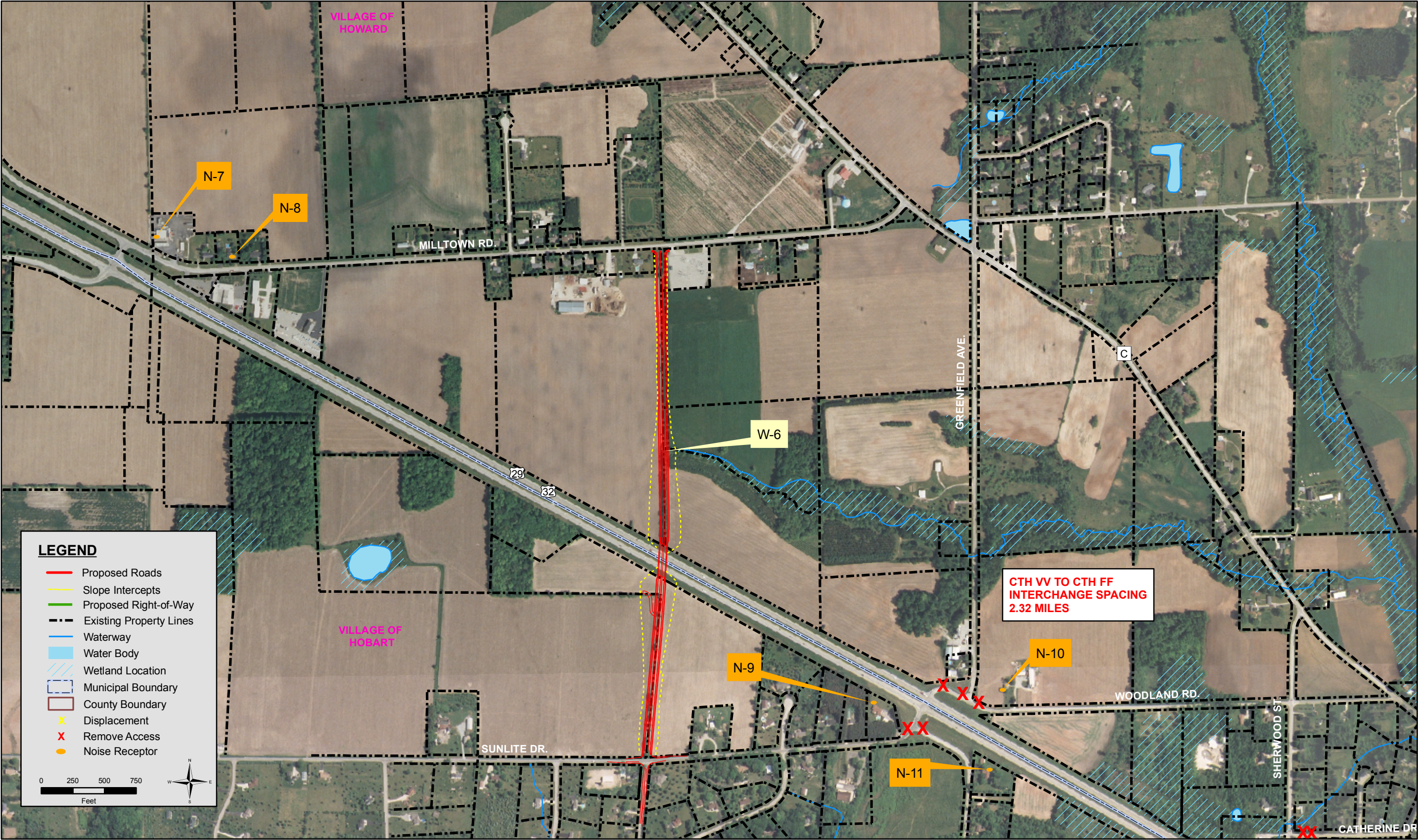
WISDOT I.D. 1058-14-00  
WIS 29 RIGHT OF WAY PRESERVATION PLAN  
WIS 32 TO COUNTY J  
BROWN COUNTY



SEPTEMBER 4, 2007

ALTERNATIVE 3





SEPTEMBER 4, 2007