May1, 2008

E-19J

Mr. David Scott
Federal Highway Administration-WI Division
525 Junction Rd, Suite 8000
Madison, WI 53717

Mr. Roberto Gutierrez
Wisconsin Department of Transportation
Southeast Regional Office
141 N.W. Barstow St.
Waukesha, WI 53187-0798

Re: Final Environmental Impact Statement (FEIS) for the Interstate-94 North-South Corridor Study, Project I.D. 1030-20-00, Interstate I-94, I-43, I-894, and STH 119 (Airport Spur), I-94/USH 41 Interchange to Howard Avenue, Kenosha, Racine, and Milwaukee Counties, Wisconsin and Lake County, Illinois, CEQ#: 20080121

Dear Mr. Scott & Mr. Gutierrez:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) issued by the Federal Highway Administration (FHWA), for the project listed above.

U.S. EPA rated the preferred alternative of the Draft Environmental Impact Statement (DEIS) as EC-2, Environmental Concerns-Insufficient Information. Our concerns from the Draft EIS related to how wetland impacts and air quality concerns were characterized and how mitigation strategies would be evaluated. In the paragraphs below, we will discuss your responses to our comment letter on the DEIS. We appreciate that you highlighted all of the areas that were changed from the DEIS to the FEIS. This helped with our review immensely.

Impacts to Aquatic Resources (Wetlands and Streams)

We appreciate the incorporation of the description of the Advanced Identification (ADID) wetlands in Southeast Wisconsin on page 4-73 of the FEIS.

Thanks for including a table in the FEIS with more detailed information about wetland impacts in the I-94 corridor, which includes both mainline and interchange work evaluated in this project, other Wisconsin Department of Transportation-sponsored projects along I-94 and any frontage road work done along I-94 in these counties. This more complete description provides more context for wetland mitigation decisions.

We appreciate the clarity reached with the Federal Aviation Administration on the mitigation search to avoid restoring wetlands within 10,000 feet of larger airports (and 5000 feet for airports serving smaller aircraft only) as depicted (but not fully labeled) on Exhibit 4-7a.

Excluding a mitigation search beyond 10,000 feet should occur only with project-specific consideration of wildlife impacts.

The Least Environmentally Damaging Practicable Alternative (LEDPA) discussion, in section 4.11.7 of the FEIS, documents important information on the effort to reduce the wetland impacts of this project. As we suggested in our comments on the DEIS, you clarified the need for compensatory mitigation at a ratio of 2:1 for ADID wetland impacts and 1.5:1 for most other wetland impacts.

The FEIS presents the highlights of the search for compensatory mitigation sites. Thanks for your letter dated April 4, 2008 to Sherry Kamke, of my staff, which provides additional information about the search for compensatory mitigation sites. The letter provides information beyond that found in the FEIS. We will be responding to the letter in a separate correspondence. Because the search for compensatory mitigation sites is an issue still being worked on, our DEIS concerns will carry over to the Clean Water Act Section 404 permitting process. For the Section 404 permitting process, it will be critical to document the search for mitigation sites in the Des Plaines and Root River watersheds, as well as provide documentation for the search in other project-area watersheds. We continue to emphasize that the compensatory mitigation for this project should address the water quality values (services) that the lost wetlands have provided. We recognize that the search for good compensatory mitigation sites is an ongoing process with a number of constraints; we hope that some of your current leads on effective mitigation sites will prove to be practicable. Please include U.S. EPA in the key discussions for compensatory mitigation during the 404 permitting process.

Mobile Source Air Toxics (MSATs)

In addition to those MSATs explicitly discussed in FHWA's interim guidance, the guidance acknowledges numerous studies providing evidence that populations living near major roadways faced adverse health outcomes. The guidance also notes that FHWA cannot assess validity of these studies. However, numerous publications, including those of EPA and the Centers for Disease Control and Prevention, have reviewed available public health studies of current populations exposed to certain levels of traffic-related air pollution. The available reviews conclude that there is consistent evidence across a range of different studies for several health endpoints, including respiratory effects (lung developmental decrements, exacerbation of respiratory symptoms in asthmatics and non-asthmatics, and onset of asthma and allergic disease), cardiovascular disease or mortality, and all-cause mortality in adults (Adar and Kaufman, 2007; Salam et al., 2008; Samet, 2007). Available information suggests a portion of the observed health decrements and populations living near major roads may be attributable to mechanically-generated particles from brake and tire wear, ultrafine particles, or other pollutants not herein defined as MSATs.

At this time, we are not asking for additional MSATs studies to be done for this project. We do want to remind you that U.S. EPA can provide technical advice and assessments of available mitigation options to help alleviate any public health concern due to MSATs or mechanically-generated particles.

Air-Quality Mitigation during Construction

We continue to recommend that FHWA and WisDOT make a firm commitment in the Record of Decision (ROD) to the air-quality mitigation measures for construction that we outlined in detail in our DEIS comment letter. In addition, we recommend that WisDOT formalize their actions by making a commitment to develop and implement a construction emissions reduction plan.

Thank you for giving us the opportunity to review the FEIS. Please send us a copy of the ROD. If there are any questions, please call Julie Guenther, of my staff, at 312-886-3172 or email her at guenther.julia@epa.gov.

Sincerely,

/s/

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

cc: Donald Reed, SEWRPC