



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 04 2011

REPLY TO THE ATTENTION OF: E-19J

William Mohr, P.E., Major Projects Manager  
Wisconsin Department of Transportation, Southeast Region  
141 N.W. Barstow Street  
Waukesha, Wisconsin 53187

Re: Supplemental Draft Environmental Impact Statement for the Zoo Interchange Corridor  
Study, Milwaukee County, Wisconsin - EIS No. 20110038

Dear Mr. Mohr:

The U.S. Environmental Protection Agency has reviewed the Supplemental Draft Environmental Impact Statement (EIS) for the above-mentioned project prepared by the Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT). Our review is pursuant to the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Following the public comment period on the Draft EIS, FHWA and WisDOT noted three predominant themes in the comments:

- Investigate whether Build Alternatives with fewer environmental impacts are viable;
- Investigate whether full access to and from I-94 can be provided at the existing US45 crossings with US 18 and Wisconsin Avenue to replace the present interchange access with one or more of the freeway reconstruction/modernization alternatives; and
- Investigate whether a standard diamond interchange can be reconsidered at the 84<sup>th</sup> Street interchange with I-94 to avoid real estate impacts and the diversion of through and local traffic from 84<sup>th</sup> Street to 76<sup>th</sup> Street via the proposed Texas U-turn ramps.

In response to these comments, WisDOT developed a new Build Alternative – the Reduced Impacts Alternative. An additional traffic study determined that some freeway traffic will use arterials in the study area to access local development, resulting in the need for improvements to these arterials. Because these improvements are a direct result of the proposed project alternatives, the arterial improvements are combined into the Adjacent Arterials Component and contemplated with both Build Alternatives.

Potential impacts related to the two build alternatives as well as the arterials component are analyzed in the Supplemental Draft EIS. WisDOT and FHWA will identify a Preferred Alternative in the Final EIS, following review of comments received during the public comment period.

Based on our review of this Supplemental Draft EIS, we view the build alternatives as equally acceptable from an impacts standpoint. Nevertheless, EPA has rated the Supplemental Draft EIS as “**Environmental Concerns, Insufficient Information – EC2.**” We have assigned this project a rating of EC-2 based on three items: 1) the need to clarify whether the latest Advance Identification (ADID) wetlands information was used to determine wetlands impacts, 2) the need for additional information concerning mitigation for non-ADID wetland impacts, and 3) our request that the transportation agencies commit to including all Mobile Source Air Toxics (MSATs) mitigation measures in the Record of Decision (ROD). In addition to the three items mentioned above, we also recommend the Final EIS address issues pertaining to wildlife habitat. A copy of our rating definitions is enclosed with this letter.

#### Alternatives Retained for Detailed Study

Responses provided in the Supplemental Draft EIS, Appendix E, Agency Correspondence, address our Draft EIS comments regarding the rationale for retaining or eliminating alternatives. We understand that Table 205 identifies reasons for eliminating alternatives only, and the narratives in Section 2 address reasons for retaining alternatives for further consideration. We also understand the Final EIS will describe the reasons for selecting the preferred alternative as well as eliminating other alternatives.

#### Air Quality

##### *MSATs*

We acknowledge the fact that a quantitative analysis focused on MSATs was conducted for this project. The results of the air quality analysis determined that MSAT emissions will decrease under both of the Build Alternatives. In addition, the Supplemental Draft EIS describes several mitigation measures that WisDOT will consider including on a voluntary or mandatory basis.

In addition to those mitigation measures mentioned in Appendix A of the Supplemental Draft EIS, *Summary of Measures to Mitigate Adverse Effects*, other mitigation measures employed for projects in or near communities that EPA recommends be considered for this project include:

- a. Installation of the latest air pollution control devices on all construction equipment (See EPA’s Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>);
- b. Use of ultra low sulfur fuel (ULSD) or a blend of ULSD fuel with biodiesel exclusively for construction equipment;
- c. Limiting the age of off-road vehicles used in construction projects;
- d. Restricting construction activities around certain more sensitive receptors (e.g., hospitals and schools, when in session); and

- e. Using existing power sources or clean fuel generators, rather than temporary power generators.

We continue to recommend these mitigation measures be added to those proposed in the Supplemental Draft EIS and that all mitigation measures be committed to in the ROD.

#### *Particulate Matter (PM)*

Clean Air Act section 176(c)(1)(B) is the statutory provision that must be met by all projects in non-attainment and maintenance areas that are subject to transportation conformity. In PM<sub>2.5</sub> non-attainment areas, projects that involve significant levels of diesel vehicle traffic are defined as projects of air quality concern that need to complete PM<sub>2.5</sub> hot-spot analyses as required under 40 CFR 93.123(b)(4). Milwaukee County is part of the Milwaukee-Racine non-attainment area for the 2006 PM<sub>2.5</sub> standard.

The interagency consultation process is essential in the development of project-level conformity determinations to meet all applicable conformity requirements for a given project. If WisDOT determines this is a project of air quality concern and a hot-spot analysis is required, the hot-spot analysis will be done when a project-level conformity determination is completed.

#### Wetlands

In 2009, EPA and the Army Corps of Engineers (Corps) re-verified the ADID of wetlands and water bodies generally unsuitable for receiving fill in Southeastern Wisconsin. Detailed, updated maps are available on the SEWRPC and the St. Paul District Corps websites. It is unclear from the Wetlands analysis in the Supplemental Draft EIS whether the maps in effect in 2009 were used to determine impacts to Primary Environmental Corridors (PEC). The Final EIS should clarify whether this latest information is reflected in the Supplemental Draft EIS.

The Supplemental Draft EIS indicates that all Build Alternatives and the Adjacent Arterials Corridor avoid ADID wetlands. If this situation changes, and if there is no practicable alternative to dredging or filling waters in these areas, then proposed compensatory mitigation should be sought that contributes to the PEC system in the watershed. Early consultation with the Corps and EPA would help in this situation, if it is necessary.

We recommend mitigation options that contribute to the PEC be exhausted before considering debiting wetland acreage credits from a mitigation bank for unavoidable impacts to wetlands that have not been designated as ADID wetlands. If mitigation that contributes to the PEC cannot be accomplished, more information about the Walworth County mitigation bank should be provided in the Final EIS. Specifically, a discussion of mitigation ratios and available credits, including habitat types, acreages, and functions and values should be added. Additionally, the wetland compensation discussion should indicate whether the Walworth County mitigation bank is within the same watershed as the proposed project. This information should be added to the wetland compensation discussion enabling reviewers to understand whether proposed mitigation will be good fit to replace functions and values that will be lost as a result of the proposed project.

Lastly, this information is necessary to comply with the National Environmental Policy Act phase of this project.

#### Surface Water

We acknowledge WisDOT's comment regarding selection of water quality and water quantity mitigation options following selection of a preferred alternative. We look forward to coordinating with WisDOT during the design phase if development of a detention pond in the northwest quadrant of the I-94/84<sup>th</sup> Street interchange and relocation of Honey Creek becomes part of the project's preferred alternative.

#### Wildlife

We commend WisDOT's decision to consider a habitat preservation plan for the Milwaukee County Grounds developed by Milwaukee County and the University of Wisconsin-Milwaukee (UWM). This plan focuses on preserving key areas of Monarch butterfly habitat.

We understand the Build Alternatives will require removal of the southern half of a berm. This would remove some of the nectaring area and part of the wind break that increases the area's attractiveness for the butterflies. We request FHWA and WisDOT pursue additional reduction measures during the design phase that would allow retention of the southern half of the berm and reduce or eliminate impacts to the nectaring area.

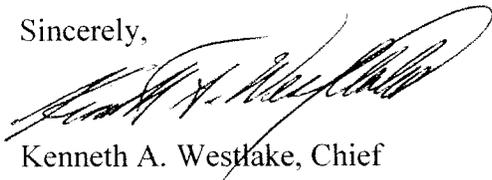
We request a commitment be added in the ROD to pursue further impact reductions to this area during the design phase and to work with Milwaukee County and UWM to preserve key areas of habitat per the habitat preservation plan.

#### Summary

In summary, we have assigned this project a rating of EC-2 based on three items: 1) the need to clarify whether the latest Advance Identification (ADID) wetlands information was used to determine wetlands impacts, 2) the need for additional information concerning mitigation for non-ADID wetland impacts, and 3) our request to commit to including all Mobile Source Air Toxics (MSATs) mitigation measures in the Record of Decision (ROD). Additionally, we also recommend the Final EIS address issues pertaining to wildlife habitat.

Please send one copy of the Final EIS to my attention once it becomes available. Should you have any questions regarding the contents of this letter, please do not hesitate to contact me or Kathy Kowal of my staff at (312) 353-5206 or via email at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov).

Sincerely,



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

Enclosure – Summary of Rating Definitions