

Dear David and Steve—

I'm not sure who to send my comments to at WisDOT regarding the proposed I43 highway expansion between Silver Spring and Highway 60. While I found the original EIS and supporting documents online, I couldn't find any supplementary environmental report to review or contact information for whom to send comments to. I am ccing Steve Hoff, who is the listed Project Manager on the website. I realize the public meetings last week were "public information meetings" and not "public hearings", but given the long period of time between the EIS finalization in 2014 and today, as well as changes in conditions, I hope and expect that you will consider these comments and respond to them. Also, will the supplementary environmental report be provided to the public? Please forward these comments to the appropriate contacts.

We are obviously very concerned about the impacts of increased stormwater runoff to the Milwaukee River and several of its tributaries, as well as to Fish Creek, which is a direct draining creek to Lake Michigan. At the public hearing, one of the displays said that 28 acres of land would be converted to right of way. However, the EIS shows that in the Ulao Creek subwatershed alone that 30 more acres will be added to impervious surface to I43, resulting in a 63% increase in I43 impervious surface. Similarly, I43 impervious surface would increase by 63% for the Milwaukee River South, and by 41% in the Milwaukee River North and Indian Creek subwatersheds. The EIS shows approximately 77 acres of increased I43 impervious surface. In addition, there are 13 proposed stream crossings, and 26.5 acres of wetland impact, 4.9 acres of floodplain filled, as well as permanent impacts to 11 acres of farmland and loss of 11 homes. While significant impacts to floodplain are acknowledged, they are not well explained. Our concerns largely tie to water quality, water quantity/flooding, and wetlands/stream crossings.

Water Quality

It is likely that there will be significant impacts to the Milwaukee River and several of its tributaries, which are already very stressed. Large portions of the Milwaukee River downstream to and adjacent to this project are impaired for TSS, phosphorus, and bacteria and subject to a TMDL. Increased stormwater runoff from the Highway expansion (from 4 to 6 lanes) and increases in impervious surface will increase the level of these pollutants into the Milwaukee River and its tributaries. Indian Creek is impaired with TSS, phosphorus, and heavy metals, all of which would be increased as a result of this highway expansion. Likewise, there will be similar impacts to Fish Creek, which drains directly to Lake Michigan as well as Fairy Chasm Creek, which drains to the Milwaukee River. Fish Creek is listed as impaired for chloride and total phosphorus. Ulao Creek has many water quality challenges, and is also impaired for total phosphorus and chloride. The lower parts of the creek are so filled with sediment already, likely from ag and I43 runoff, that they are getting difficult to access for water quality monitoring activities. Water quality is generally very poor. The Clean Water Act actually states that no "new" or increased pollution should be added to impaired waterways unless that discharge essentially improves water quality or could be offset via a water quality trade or other vehicle. Has WisDOT considered how they are going to address this increased pollution?

In addition, Ozaukee County has spent significant funds on floodplain and wetland restoration, as well as stream re-meandering in portions of the creek immediately downstream of Highway

60 and upstream of I43. How will impacts to the stream and these restoration projects be mitigated by WisDOT?

As you also know, we have TMDLs that have been approved by EPA in 2018, which was not really addressed in the 2014 EIS. How will this project comply with TMDL allocations? The 2014 EIS states that WisDOT will comply with their MOU with the Wisconsin DNR that they address 40% TSS reduction, but this goal is now functionally “moot” for most governments in the Milwaukee River Basin due to the TMDLs. If WisDOT is not going to address increased loading of these pollutants of concern to local waterways, then will the downstream affected municipalities be responsible for reducing that pollution as part of their very high pollutant reductions that are required? That doesn't seem fair or equitable.

From our emails below, I realize that there will be several small detention ponds built, but I remain concerned that these practices are not enough to protect our local waterways from significant increases in pollution. As I mentioned in past email, WisDOT has used carbon filtration and other first flush treatment as part of the Marquette Interchange and Hoan projects, or at least that was my understanding. We would expect that similar technologies are being considered by for I43, as well as all green infrastructure options, including more naturalized wet detention basins with fore bays (and better habitat value), bioswales, infiltration basins, etc. There is very little information provided as far as stormwater treatment methods other than a list of practices likely to be employed. Are there options for installing more water quality practices to address this increased pollution and significant increases in impervious surface?

Water Quantity

According to the 2014 EIS, the impervious area from all the build alternatives increases stormwater flows and flow rates. The preferred alternative results in less than a 2 percent increase in *total impervious area* in the Fish Creek watershed, and a 0.2 percent increase in impervious area in the Milwaukee River watershed. At the subwatershed level, the *total impervious area* increases 0.6 percent in Milwaukee River South subwatershed, and increases impervious area in the Ulao Creek subwatershed by a staggering 9.8 percent. However, when looking at the actual acres of imperviousness added due to the highway expansion, the EIS shows that in the Ulao Creek subwatershed alone that 30 more acres will be added to impervious surface as part of I43, resulting in a 63% *increase in I43 impervious surface*. Similarly, I43 impervious surface would increase by 63% for the Milwaukee River South, and by 41% in both the Milwaukee River North and Indian Creek subwatersheds. The EIS shows approximately 77 acres of increased I43 impervious surface overall. These are very considerable increases in imperviousness, which will result in increases in flow and flow rates. Other than a statement that this project will not cause increased flooding and consideration of past flooding issues at Nicolet High School, very little information is provided.

It seems likely that this project as well as wetland and floodplain impacts, will undoubtedly increase flood risk, and that this risk will be borne by property owners, local municipalities, and MMSD, who is the local floodplain manager. The EIS states that there are no anticipated floodplain elevation increases of more than 0.01 foot, but that WisDOT can ensure this is achieved by designing steeper side slopes, etc. Are there more details about flood management since the 2014 EIS that can be shared? The details in this section are very vague. In addition,

rainfall and flooding/water levels have increased dramatically over the last 5 years. Have flood models for this project been re-run to incorporate new information? Both 2018 and 2019 have broken rainfall records in southeast Wisconsin, and given the huge increases in imperviousness, it would seem prudent to reanalyze whether this project still meets FEMA criteria.

We'd encourage WisDOT to work with MMSD to meet its Chapter 13 rules. During the Zoo Interchange construction project, WisDOT provided funds to MMSD to address impacts to creeks impacted by that highway expansion. It would seem that a similar arrangement could fund projects to mitigate water quality and water quantity impacts to the Milwaukee River and local creeks impacted by this project. Increased runoff and increased peak flows will lead to increased flashiness of our urban streams, which will undoubtedly result in additional erosion and TSS entering our streams. WisDOT needs to do more to mitigate flood impacts to our local rivers and communities.

Wetlands/Stream Crossings

There are approximately 26.5 acres of wetland that will be impacted by this project, which is significant. We'd prefer that these wetlands be mitigated with wetlands of similar quality and within the Milwaukee River Basin and Nearshore Lake Michigan areas. Mitigating impacted wetlands in other areas of southeast Wisconsin does nothing to protect us from increased flood risks posed by wetland fills PLUS massive increases in runoff from increased impervious surface. The MOU between WisDOT and WDNR states that mitigation banking is the preferred option for compensatory mitigation, but allows for "other practicable and ecologically valuable project specific opportunities" on a case-by-case basis. The EIS also states that federal rules and the Wetland Mitigation Banking Technical Guideline set a mitigation goal to "compensate wetland loss as near as practicable to the area where the loss occurs, recognizing important factors such as land acquisition availability, resource sensitivity, project schedules, and the linear nature and length of WisDOT projects that may cross multiple watersheds." We encourage WisDOT to find compensatory wetland mitigation sites as close as practicable to the project area, which would best comply with federal mitigation goals.

We are also concerned about 13 stream crossings planned as part of this project. Construction poses a major risk to streams as these bridge pilings and structures are being removed and as bridges and culverts are being constructed. Heavy armoring of bridge pilings often results in "dead zones" under bridges, with areas of poor water quality. This heavy rip rap also makes river access challenging for paddlers and fishermen, and can often result in filled areas of streams, especially on small streams like Ulao, Indian, and Fish Creeks, which pose as obstructions for fish passage. We'd encourage WisDOT to continue to work with Ozaukee County and local groups to ensure that the bridge and culvert work is not creating fish passage issues or creating conditions that will pose challenges to water quality. Ideally, WisDOT could fund similar restoration of the lower half of Ulao Creek, similar to work that has already been completed upstream, especially given severe impacts that this project poses to this creek. This project proposes to increase watershed imperviousness by over 9%, and there have been many studies that watersheds with more than 10% imperviousness total can permanently lose many ecological functions, which cannot be recovered. In that context, and given existing challenges with the creek, this project could cause severe harm to this creek in my opinion.

Purpose and Need/Other

Our understanding is that traffic hasn't significantly increased on this route from 2014 to 2019. While there certainly are backups during peak traffic hours, the amount of vehicles using I43 in its current configuration still fall within what is considered "acceptable". We question whether highway expansion is really needed at this time to accommodate 2040 projections, and would prefer a scaled back project focusing on safety improvements. Have similar traffic increase projections for other local highways actually occurred? In addition, expanding this highway without regard to providing a transportation corridor for future public transit purposes seems very short sighted. Our reliance on continuing to push improvements for single family vehicles versus providing mass transit also has a discriminatory effect on the most poor and disadvantaged members of our community.

Thank you for your consideration of these comments.

Best,

Cheryl Nenn