Tier 1 Record of Decision

Tier 1 Record of Decision

The Record of Decision is a new document. It includes no yellow highlights to signify any updates since the June 2020 Tier 1 Draft Environmental Impact Statement.

1.1 Decision

Brown County, the Wisconsin Department of Transportation (WisDOT), and the Federal Highway Administration (FHWA) (Lead Agencies) identified Corridor Alternative 2 as the Selected Alternative for addressing the Purpose of and Need for the South Bridge Connector project, a 6-mile corridor between the intersection of County F and Williams Grant Drive/Packerland Drive on the west and County GV and X on the east in Brown County. The study area generally comprises the area between I-41 and I-43, within the City of De Pere and the Towns of Rockland, Lawrence, and Ledgeview, as shown in Figure ROD.1-1.

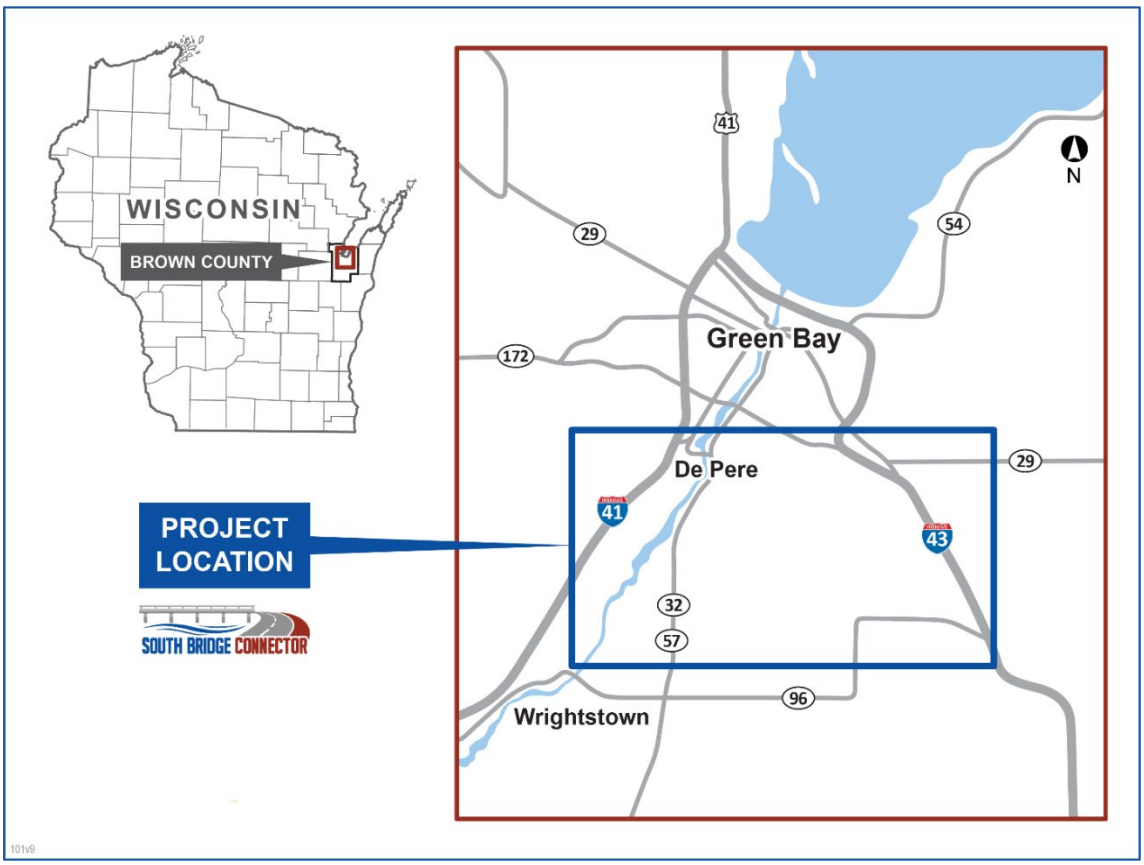

Figure ROD.1-1

The purpose of the project is to identify the most appropriate improvements for addressing existing east-west transportation demand and demand that will be generated by the planned development in the southern portion of the Green Bay metropolitan area. Project needs include:

- Addressing congestion in the vicinity of the existing Fox River bridges.
- Accommodating existing and planned land use and future travel demand generated by planned development.

- Reducing travel time by improving east-west connectivity.
- Addressing higher-than-average crash rates and safety issues in the vicinity of the existing Fox River bridges.

Section 1.2.4 of this document summarizes the Selected Alternative; see Section 2 of the Tier 1 Final Environmental Impact Statement (EIS) for detailed information. The Selected Alternative identified in this Tier 1 Record of Decision (ROD) is the same as the Preferred Alternative identified in the Tier 1 Draft and Final EIS.

This Tier 1 ROD is prepared in accordance with 23 *Code of Federal Regulations* (CFR) 771.124 and 40 CFR 1505.2. A signature on this Tier 1 Final EIS/ROD represents approval of the Selected Alternative.

The selection was based on analyses conducted as part of the project study, and public, tribal, agency, and local government comments received as part of the process outlined in the National Environmental Policy Act (NEPA) and the Wisconsin Environmental Policy Act (WEPA). The Lead Agencies conducted planning, agency coordination, public involvement, and impact evaluation for the project in accordance with NEPA, as well as the Clean Water Act, Executive Orders (EOs) regarding wetland and floodplain protection, the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, the EO on Environmental Justice 12898, the National Historic Preservation Act of 1966, and other state and federal laws, regulations, policies, and procedures for environmental impact analyses and preparation of environmental documents.

The Lead Agencies considered beneficial and adverse impacts of the project, including indirect and cumulative effects. They evaluated direct impacts to the following: land use, residential and business properties, community resources, environmental justice, transportation, agriculture, water resources, protected species, traffic noise, air quality, cultural resources (both historic and archaeologic), and Section 4(f) and 6(f) resources including parks, aesthetics, and hazardous materials.

1.2 Alternatives Considered

The following subsections summarize the process, the screening steps and evaluation criteria, and the rationale for retaining and eliminating alternatives. The alternatives development process involved input from the public, tribes, communities, and various state and federal agencies. It considered various transportation modes (roadway vs non-roadway), facility type (freeway vs arterial), and corridor locations. The Lead Agencies considered a number of alternatives that were screened using criteria related to the project's purpose and need. The alternatives remaining after the screening process formed the range of reasonable alternatives that were retained for additional evaluation and consideration in the Tier 1 Draft EIS.

1.2.1 Alternatives Development

This section summarizes the range of alternatives presented in the Tier 1 Final EIS. Initially, the Lead Agencies developed 15 alternatives: a No Build Alternative, two transportation management alternatives (Transportation Demand Management and Transportation System Management), and 12 build alternatives (1 involved improving existing roads and bridges, and 11 were new route alternatives). During the evaluation process, the Lead Agencies added two new route build alternatives, bringing the number of new route alternatives considered to 13. See Figure ROD.1-2.

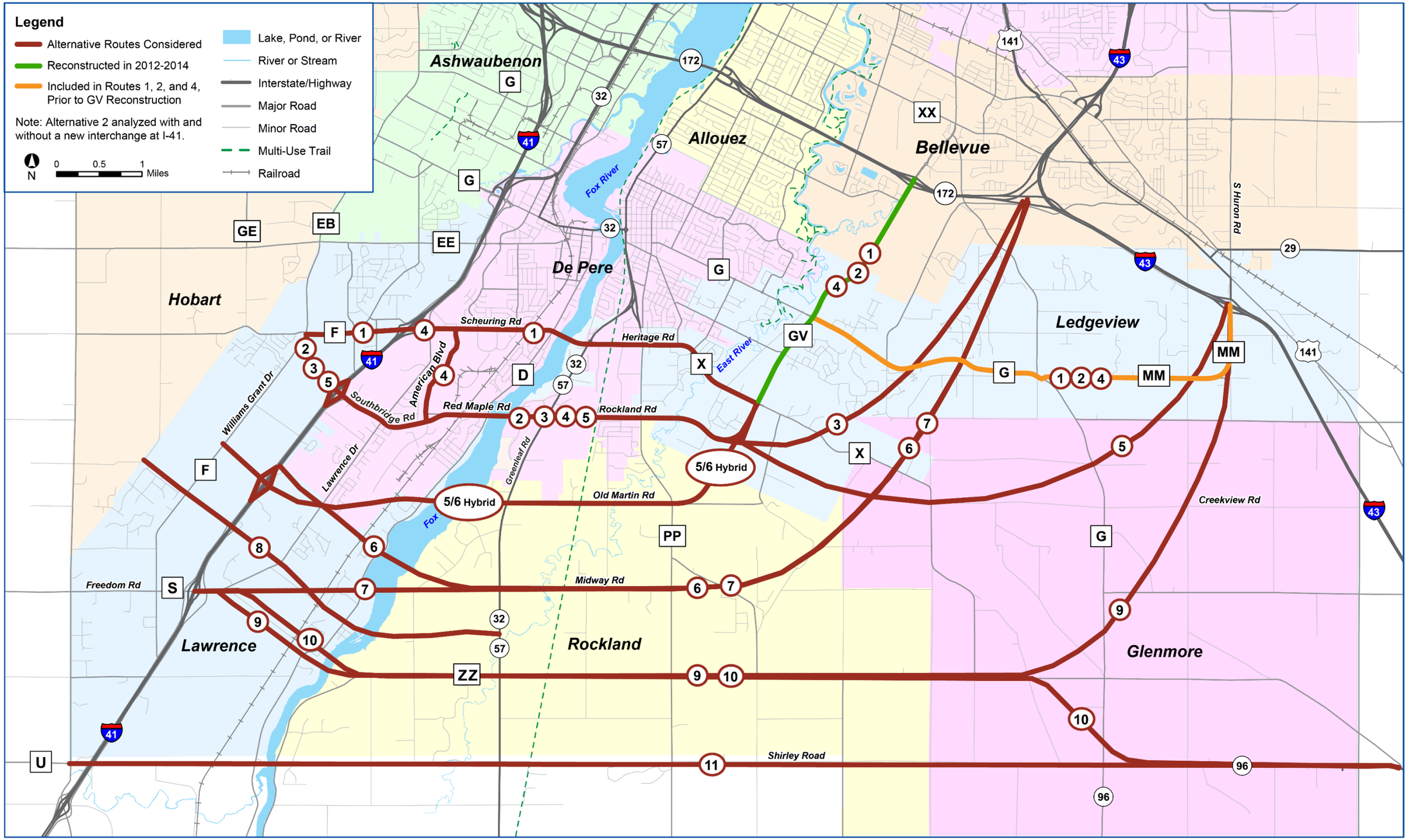

Figure ROD.1-2

For each route alternative, the Lead Agencies considered whether to build it as a freeway or an arterial. Given the purpose of and need for the project, the Lead Agencies concluded that constructing the South Bridge Connector as a freeway would not be consistent with Brown County's transportation plan or any of the community comprehensive plans in the study area and would not meet the need to accommodate existing and planned land use. The public also did not support building the South Bridge Connector as a freeway. Based on the increased cost, land use impacts, and lack of local government or public support, the Lead Agencies determined that the South Bridge Connector, regardless of which route (if any) would be identified as the preferred corridor, should be an arterial and not a freeway.

Table 1 summarizes the three-step screening process and Alternatives Considered. See Section 2 of the Tier 1 Final EIS for more detailed information.

Table 1. Screening Process and Alternatives Considered

Screening Criteria	Alternatives Eliminated	Alternatives Remaining at the end of this Screening Step
Screening Step 1		
Purpose and need: • Address congestion in the vicinity of the existing Fox River bridges. • Accommodate existing and planned land use and future travel demand generated by planned development. • Reduce travel time by improving east-west connectivity. • Address higher-than-average crash rates and safety issues in the vicinity of the existing Fox River bridges.	**Transportation Demand Management (TDM).** Despite TDM measures that have been implemented or are under consideration, the vast majority of travel is likely to continue to be by car, and traffic forecasts show deteriorating levels of service on the existing bridges due to the gaps in east-west system resulting from the limited number of river crossings. TDM, as a standalone alternative, would not address the project's purpose and need; therefore, it was eliminated from consideration as a standalone alternative. **Transportation System Management (TSM).** Various measures have been implemented to maximize the efficiency and capacity of roadways, including roundabouts, dynamic message signs, and two-way left-turn lanes. Where possible, driveways and access points have been minimized to improve roadway efficiency. Even with TSM elements to make the roadway and intersections as efficient as possible, congestion is still expected to reach level of service E on the existing bridges in the design year 2040. Therefore, TSM was eliminated as a standalone alternative. **Improve Existing Roads.** This alternative would widen the existing Claude Allouez and WIS 172 bridges and roadway approaches. While congestion could be addressed by adding travel lanes to the existing bridges and their approaches, these improvements would impact properties adjacent to these roadways; would not accommodate existing and planned land use and future travel demand, as it would not solve the 10-mile gap between the Claude Allouez Bridge and the next bridge to the south (WIS 96 bridge); would not improve east-west connectivity; and therefore would not reduce travel time or alleviate travel indirection. Because it would not fully address the project's purpose and need, this alternative was eliminated from consideration.	**No Build Alternative** **Build New Route Alternatives (11 Arterial Routes)**

Table 1. Screening Process and Alternatives Considered

Screening Criteria	Alternatives Eliminated	Alternatives Remaining at the end of this Screening Step
Screening Step 2		
• Improve the transportation system's ability to handle travel demand generated by existing and planned development to level of service D or greater within the study area. • Maintain the study area's contiguous growth pattern and emphasize methods of addressing travel demand that complement the land uses planned for the study area. • Enhance the study area's ability to retain and attract businesses and industries. • Upgrade the study area's motorized and non-motorized transportation linkages to efficiently move the increasing number of residents, employees, visitors, and goods throughout the metropolitan area and region. • Maximize mobility, multimodal accessibility, and capacity on the study area's existing and planned transportation system. • Maximize safety on the study area's transportation system by minimizing traffic congestion and conflicts. • Ensure that the project considers the land use, transportation, and other recommendations in comprehensive plans and studies that have been approved by Brown County and the communities within the study area. • Lessen environmental impacts, including minimizing vehicle emissions, impacts on the Niagara Escarpment and other environmentally sensitive areas, and other negative environmental effects of traffic congestion within the study area. • Efficiently link transportation systems and communities in the southern portion of the metropolitan area.	**Alternative Route 3: Rockland-Red Maple-WIS 172.** Route would not be consistent with locally planned land uses, would require reconstruction of the WIS 172/I-43 freeway-to-freeway interchange, would result in land use impacts, and would introduce a new crossing of the Niagara Escarpment. This route was eliminated from further consideration. **Alternative Route 4: Rockland-Red Maple-American-Scheuring Roads**. This is not the route that communities included in their land use plans to accommodate existing and planned land uses. Combining County F traffic with South Bridge Connector traffic routed on to County F could increase crash rates on County F. This route was eliminated from further consideration. **Alternative Route 5: Creekview Road-Rockland-Red Maple**. The portion of this route on new alignment east of County GV would not be consistent with locally planned land uses; forecasted traffic volumes suggest that new roadway is not needed east of County GV. This route is significantly longer than other routes, which would result in greater environmental impacts and cost. This route was eliminated from further consideration. **Alternative Route 6: I-41-Midway-WIS 172.** This route may not divert as much traffic from existing bridges as routes further north. It is not consistent with local and county plans that call for most new commercial development to occur north of Midway Road and therefore will not serve travel demand generated by planned development. It would require longer driving distances causing greater exposure to crashes because it is farther away from existing river crossings and planned development. No communities expressed support for an alternative south of Rockland Road, and there was little public support for alternatives south of Rockland Road at public meetings in 2008-2010. This route was eliminated from further consideration. **Alternative Route 7: Freedom-Midway-WIS 172.** This alternative would not divert as much traffic from existing bridges as routes farther north. Generally, it is too far south to effectively serve existing and planned development and future travel demand, is a significantly longer alignment, would not reduce travel time or improve east-west connectivity, and would therefore require longer driving distances to access. It would also potentially increase exposure to crashes and offer less safety benefit. This route was eliminated from further consideration.	**No Build Alternative** **Alternative Route 1** **Alternative Route 2 with I-41 Interchange** **Alternative Route 2 without I-41 Interchange** **Alternative Route 5/6 Hybrid**

Table 1. Screening Process and Alternatives Considered

Screening Criteria	Alternatives Eliminated	Alternatives Remaining at the end of this Screening Step
	Alternative Route 8: Williams Grant-WIS 57; Alternative Route 9: Freedom-County ZZ-County MM; **Alternative Route 10: Freedom-County ZZ-WIS 96; Alternative Route 11: I-41 to I-43.** These alternatives would not meet the identified project need factors/screening criteria: a new crossing in these locations is expected to carry less than 12,000 trips per day and would only reduce traffic on the Claude Allouez Bridge by 7 percent. These routes are not consistent with local and county plans that call for most new commercial development to occur north of Midway Road. The routes are too far south to effectively serve existing and planned development and future travel demand. The routes would not reduce travel time by improving east-west connectivity because it is far from existing river crossings and planned development and would require longer driving distances. Because it would require longer driving distances, these routes would potentially increase exposure to crashes and offer less safety benefit. These routes were eliminated from further consideration.	
Screening Step 3		
• Is the route consistent with local and county plan updates, and do local governments support it? • Does the route contribute to problems on nearby existing roads and interchanges? What is the extent of land acquisition needed for the route? • Does the route minimize effects on environmentally sensitive areas?	**Alternative Route 2: Rockland-Red Maple Road without interchange.** Would require extensive capacity expansion to the existing County F/I-41 interchange in order for both the interchange and I-41 to operate acceptably; would have similar impacts to those for Alternative 2 with an interchange (other than the interchange footprint itself) but without the benefit of a direct connection to I-41, and would add 2 miles to each trip for travelers using the South Bridge Connector to access I-41; and local governments and the public favor Alternative 2 with an interchange, as documented in local government resolutions that were passed throughout the study process. This route was eliminated from further consideration. **Alternative Route 5/6 Hybrid.** Would require acquisition of more land, including farmland; and it lacked public support as expressed by feedback during public meetings in 2010 and 2019, and lacked support from the towns of Lawrence and Rockland because it was incompatible with local plans. This route was eliminated from further consideration.	**No Build Alternative** **Alternative Route 1** **Alternative Route 2 with I-41 Interchange**

Following Step 3 of the alternative identification, screening, and evaluation process, the Lead Agencies retained the No Build Alternative and two route alternatives—Corridor Alternative 1 and Corridor Alternative 2 with I-41 interchange—for detailed study and evaluation in the EIS. To estimate potential impacts, the Lead Agencies developed a working alignment within each alternative corridor to estimate representative impacts. The working alignment was based on an anticipated roadway cross-section of

125 to 150 feet and expanded at crossroads and rail corridors to account for a larger intersection footprint. See Section 2.3.1 of the Tier 1 Final EIS for more information on the working alignment. (Note that this is conceptual and subject to change based on Tier 2 analyses.)

Table 2 summarizes the criteria used for evaluating and identifying a preferred alternative.

Table 2. Alternatives Retained for Detailed Study

Criteria	Alternatives Retained for Detailed Study
• Reduce Travel Time. How well does the route reduce travel time by improving east-west connectivity? • Address Congestion. How well does the route improve the transportation system's ability to handle travel demand generated by existing and planned development at level of service D or greater within the study area? • Maximize Safety. How well does the route maximize safety on the study area's transportation system by reducing traffic congestion and conflicts? • Land Use Compatibility. To what extent is the route consistent with local and county plan updates and supported by local governments? • Socioeconomic Impacts. What is the extent of land acquisition needed for the route? • Impacts to Natural Environment. How well does the route minimize effects on environmentally sensitive areas?	**Corridor Alternative 1: Scheuring–Heritage Road.** This alternative was eliminated for the following reasons: this corridor would increase congestion at the County F/I-41 interchange to a greater extent than Corridor Alternative 2, requiring modification and reconstruction of the interchange and nearby crossroads; the corridor is fully developed and has a greater number of access points along it, which would make it a less safe corridor; the corridor is less compatible with existing and planned land uses as articulated in community plans; and land uses and the high number of access points along the corridor are inconsistent with a proposed arterial intended to carry longer and higher-speed trips.
	Corridor Alternative 2: Rockland–Red Maple Road with interchange. ***(Selected Alternative)*** This alternative would provide the best solution for addressing long-term mobility needs and safety concerns while most effectively serving existing and planned development and balancing impacts to socioeconomic and environmental resources. It would relieve traffic on the Claude Allouez Bridge, require fewer vehicle hours of travel (provides more direct travel), provide better safety performance, cause less disruption to neighborhoods, and be more consistent with surrounding land uses. Providing a new interchange with I-41 would mean that less-intensive improvements would be required at the I-41/County F interchange. Further, the corridor is strongly favored by the public and has been endorsed by all of the adjacent communities because it provides a river crossing in an area aligned with the future growth patterns of the communities.
	No Build Alternative. Does not include any new roads or bridges, safety or capacity improvements. The existing transportation system would continue to be maintained, and only maintenance and minor improvements would be performed. The No Build Alternative would not address the project's purpose and need. This alternative serves as a baseline of comparison to the build alternatives.

1.2.2 Environmentally Preferred Alternative

The Council on Environmental Quality regulations for implementing NEPA require that the ROD specify "the alternative or alternatives which were considered to be environmentally preferable" [40 CFR §1505.2(b)]. The environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources. The environmentally preferred alternative does not need to be the same as the Selected Alternative. Designating the environmentally preferred alternative typically involves judgment and balancing some environmental values against others. The public and other agencies reviewing a Draft EIS can assist the lead agency to develop and determine environmentally preferred alternatives by providing their views in comments on the Draft EIS (Council on Environmental Quality 1981, question 6).

To identify the environmentally preferred alternative, as well as capture the views of the public and other agencies, the Lead Agencies assessed the environmental impacts of Corridor Alternative 1 and Corridor Alternative 2 (with and without a collector-distributor [C-D] road system). See Sections 2 and 3 in the Tier 1 Final EIS for more detail on the impacts to each resource.

Table 3. Estimated Key Impacts

Resource	Corridor Alternative 1	Corridor Alternative 2 without C-D Option	Corridor Alternative 2 with C-D Option
Residential Property Acquisition	45-75	16-25	16-25
Residential Relocations	4-6	10-16	10-16
Agricultural Land (acres)	13-23	47-78	47-78
Cultural Resources (archaeological/historic)	2/0	5/1	5/1
Parks (number/acres)	1/0.2-0.3	2/0.9-1.5	2/4.9-9.5
Sensitive Noise Receptors	300	250	250
Water Crossings (number [existing/new])	6 (5/1)	8(3/5)	10 (5/5)
Wetland Impacts (number/acres)	18/5-8	24/12-20	25/13-21
Floodplain Crossings	4	3	5
Protected Species	One federally listed species, the northern long-eared bat, may be affected. Two state-listed threatened species may be affected. One state-listed special concern species may be affected during construction.		

Because it is partially on new alignment, Corridor Alternative 2 would likely require more land acquisition than Corridor Alternative 1. The portion of roadway on new alignment would occur on land currently in agricultural use, so Corridor Alternative 2 would likely impact more agricultural land than Corridor Alternative 1. However, based on future land use plans, most of the land adjacent to Corridor Alternative 2 is planned for conversion from agricultural to developed uses. Specific comments and input the Lead Agencies received through the study process stated that some of the agricultural land adjacent to Corridor Alternative 2 is being held by developers who are waiting for a decision on the South Bridge Connector.

Corridor Alternative 2 would also likely relocate more residences than Corridor Alternative 1, although Corridor Alternative 1 would likely require land from strip right of way acquisitions from residential properties. The change to these properties, combined with the highly developed nature of County F (Scheuring Road) and County X (Heritage Road) number of access points, and impacts to parking and other features, translates to greater potential to change the character of existing uses adjacent to Corridor Alternative 1.

Corridor Alternative 2 has a potentially higher impact to natural resources including parks, wetlands, and stream crossings than Corridor Alternative 1 but would potentially impact fewer noise-sensitive receptors. Corridor Alternative 2 could also potentially adversely affect more cultural resource sites than Corridor Alternative 1. There are FHWA requirements to avoid, minimize, and compensate for impacts to parks, recreational resources, refuges, and historic/cultural properties. Because this Tier 1 document is approving a corridor rather than a specific alignment, potential exists to further avoid and minimize impacts to these resources within the corridor during Tier 2 design and environmental analysis. Further, because Corridor Alternative 2 is less densely developed, there is more flexibility to avoid and minimize impacts to resources than for Corridor Alternative 1.

After evaluating the differences in impacts between the two alternatives, the Lead Agencies determined that Corridor Alternative 1 is the environmentally preferred alternative.

1.2.3 Basis for Identifying Corridor Alternative 2 as the Selected Alternative

After evaluating project purpose and need factors, potential impacts to the human/natural environment, and public and agency comments received throughout the NEPA process and on the Tier 1 Draft EIS, the Lead Agencies identified Corridor Alternative 2 as the Selected Alternative. The Selected Alternative provides a corridor location that best addresses long-term mobility needs and safety concerns and minimizes impacts to the existing built environment and natural resources to the maximum extent practicable. Reasons for this selection include:

- Travel time savings equate to approximately 1,800 hours per day (a 3.5 percent travel-time savings over No Build), versus 1,000 hours per day under Corridor Alternative 1 (a 2.0 percent travel-time savings over No Build).
- Corridor Alternative 2 offers greater safety benefits because it will have fewer access points, and fewer access points would likely result in a lower crash rate. Because much of Corridor Alternative 2 would be on new alignment, it could be designed for maximum safety instead of trying to retrofit safety measures into an already built-up corridor with many access points.
- Corridor Alternative 2 is compatible with local land use plans and supports both the County's and communities' historic and planned development patterns.
- Corridor Alternative 2 is supported by local governments. Every community in the study area has officially endorsed this route as its preferred alternative and has passed resolutions indicating support (Table 4).

Table 4. Community Resolutions and Letters of Support for Corridor Alternative 2

Community	Date
Ashwaubenon	2016 and 2019
Bellevue	2016
De Pere	2011, 2016, and 2020
Hobart	2016
Lawrence	2010 and 2016
Ledgeview	2010, 2016, and 2020
Oneida Nation	2020
Rockland	2020

- The public has expressed greater support for Corridor Alternative 2 throughout the study process.
- The Lead Agencies considered potential environmental impacts and, for most resources, they are greater for Corridor Alternative 2 than Corridor Alternative 1. Additional impacts that could occur from Corridor Alternative 2 are justified by better operations, greater safety, and lower number of acquisitions from residential properties.

On balance, the Lead Agencies concluded that the benefits of Corridor Alternative 2 outweigh the potential for decreased environmental impact from Corridor Alternative 1.

1.2.4 Selected Alternative Description

> **"Selected Alternative" versus "Preferred Alternative"**
>
> In the Draft and Final EIS, the alternative that best met the screening criteria was referred to as the "Preferred Alternative" as an indication that it was the desired option. However, as part of the Record of Decision, the Preferred Alternative is formally adopted and, from here forward, it is referred to as the "Selected Alternative."

The Selected Alternative is a 500-foot-wide corridor throughout the project's 6-mile length. This is the area within which the future roadway is expected to be built. The corridor width is more than three times the width of the working alignment, which allows enough area for engineering design flexibility and potentially shifting the roadway alignment to avoid impacts during Tier 2 studies.

The Selected Alternative would begin at County EB (Packerland Drive) in the Town of Lawrence and continue along a new alignment to connect to a new full-access interchange on I-41. The route would continue east on Southbridge Road and Red Maple Road, cross the Fox River, and continue along Rockland Road. At the intersection of Rockland Road and County PP (South Broadway), the route would continue northeast along a new alignment and end at the intersection of County X and County GV (Monroe Road) in the Town of Ledgeview.

Proposed improvements included in the Selected Alternative provide a four-lane divided arterial on a combination of new and existing alignment with shared-use path or sidewalk, with a new interchange at I-41 and a new bridge over the Fox River. The proposed improvements strive to avoid and minimize impacts to the natural, cultural, and built environment to the extent feasible and practicable. The improvements described are conceptual and will be refined during Tier 2 studies, which will include the opportunity for additional mitigation of impacts.

In addition, the County F interchange with I-41 may need to be reconstructed to accommodate additional traffic. An additional one to two travel lanes (five lanes total) would likely be needed on County F between Lawrence Drive and Mid Valley Drive. The bridge over I-41 was designed to accommodate additional lanes of traffic when it was built in 2011, so it would not need to be widened. An additional approach leg would likely be needed at Lawrence Drive and at the eastbound approach to the southbound ramp terminal intersection (even under the No Build Alternative, additional capacity would likely be needed at this interchange). All details regarding the final roadway alignment would be determined during a Tier 2 study.

A C-D road may be built along I-41 between the proposed I-41 interchange and the existing County F interchange 1 mile north as an option for Corridor Alternative 2. A C-D road is a limited-access road carrying traffic from local roads to freeways. The purpose of a C-D road is to reduce the number of exit and entrance points on the freeway between two relatively close freeway interchanges. This reduces freeway merging/diverging (weaving) intensity, thereby improving traffic flow and safety. The Selected Alternative does not include a decision about whether the C-D roads will be built; this will be evaluated in a Tier 2 study (potentially in the I-41 Project study mentioned in Section 1.1.2 of the Tier 1 Final EIS).

1.3 Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966, 49 United States Code §303, is a federal law that protects publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned.

The Selected Alternative could impact the following Section 4(f) resources:

- Preserve Park
- Kiwanis Park
- Five known archaeological resources
- One architectural/historic site

Section 4(f) would apply to the archaeological sites and architectural/historic site if they are determined to be eligible for listing in the National Register of Historic Places and warrant preservation in place. Section 3.14 [Section 4(f) and 6(f)] of the Tier 1 Final EIS describes the level of detail and information needed to demonstrate avoidance and minimization of impacts to land and properties that are subject to Section 4(f) protection.

Since this ROD only selects the corridor alignment for the South Bridge Connector, specific impacts of the project to Section 4(f) properties are not known at this time. During Tier 2 studies, the Lead Agencies will conduct additional design, further evaluate likely impacts to Section 4(f) properties, coordinate with the public and Officials with Jurisdiction over 4(f) properties, as applicable, and consider mitigation measures consistent with FHWA requirements.

1.4 Wetland and Floodplain Findings

Consistent with FHWA regulations implementing EO 11990, Protection of Wetlands, it is determined that there is no practicable alternative that fully addresses the project's purpose and need and fulfills WisDOT's statutory mission and responsibilities, while avoiding wetland impacts.

Section 3.9 (Water Resources) of the Tier 1 Final EIS describes potential impacts and the level of detail and information needed to demonstrate avoidance and minimization of impacts to wetlands and floodplains. Within the 500-foot corridor selected at this Tier 1 stage, there is ability to design an alignment that avoids or minimizes many of these potential impacts.

At the time Tier 2 studies are prepared, the Lead Agencies will conduct additional design, further evaluate likely impacts to wetlands and floodplains, assess the quality of environmental resources, coordinate with the public and state and federal resource agencies, as applicable, and consider measures consistent with applicable requirements. During Tier 2 studies, the Lead Agencies will coordinate with the Corps of Engineers and other resource agencies and assist in identifying the Least Environmentally Damaging Practicable Alternative. The Lead Agencies will also update and finalize the required wetland and floodplain findings.

1.5 Measures to Minimize Harm and Mitigation Commitments

Section 3 of the Tier 1 Final EIS describes all practicable measures developed to minimize environmental harm [Council on Environmental Quality, 40 CFR §1505.2(c)]. Because the actual roadway footprint will not be identified until Tier 2 studies, this South Bridge Connector Tier 1 Final EIS analysis cannot identify effects to specific resources or develop specific mitigation actions. Tier 2 studies will identify specific resources impacted and specific mitigation actions to be taken to ensure all practicable measures to minimize harm are implemented. Table 5 lists mitigation strategies for each resource that will occur during Tier 2 studies.

Table 5. Mitigation Strategies during Tier 2 Studies

Property Acquisition/Relocations	The Lead Agencies will minimize residential and business acquisitions and relocations to the extent practicable. Where it will not be possible to avoid properties, acquisitions and relocations would be completed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Tier 2 designs will include commitments to address access and traffic impacts during construction.
Environmental Justice Populations	The Lead Agencies will review Census data, update project impacts, and conduct further public outreach to determine if the proposed action will have a disproportionately high and adverse impact on low-income or minority populations. The Lead Agencies will avoid, minimize, or compensate for any disproportionately high and adverse impacts that are identified.
Transportation	The Lead Agencies will coordinate with Canadian National Railway to maintain access and minimize disruptions to rail service during construction. The Lead Agencies will ensure that effects to Green Bay Metro bus routes are minimized during construction and access to the local road system is maintained. The potential for grade-separated crossing at the Fox River State Trail will be fully evaluated during Tier 2 studies.
Agriculture	Detailed agricultural impacts will be determined during Tier 2 studies. The Lead Agencies will coordinate with the Department of Agriculture, Trade, and Consumer Protection and, if appropriate, a Farmland Conversion Impact Rating Form (form NRCS CPA-106) will be prepared and coordinated with the Natural Resources Conservation Service. During Tier 2 studies, the Lead Agencies will coordinate with the public and agencies to evaluate measures to mitigate agricultural impacts.
Surface Water	The Lead Agencies will design the proposed improvements to minimize impacts to surface water to the greatest extent practicable. In areas with proposed bridges, the number of piers will be minimized to reduce impacts to fish habitat and, in the case of the Fox River, recreational boating traffic and rowers. Bridges and culverts may be sized to accommodate wildlife crossings, where possible and applicable. Tier 2 environmental and design documents will include a commitment to implement and maintain erosion-control measures during construction to limit sedimentation and stormwater runoff from entering surface waters. To minimize potential impacts to fish species during the spawning period, in-stream construction in the Fox River, Ashwaubenon Creek, and the East River, and their tributaries will be restricted between March 1 and June 15.
Wetlands	The Lead Agencies will determine wetland impacts in Tier 2 studies, and will incorporate avoidance and minimization measures into the design to the greatest extent practicable. Permitting and mitigation requirements will be determined where impacts cannot be avoided. During Tier 2, the Lead Agencies will work with the Corps of Engineers to identify the Least Environmentally Damaging Practicable Alternative.
Floodplains	The Lead Agencies will design the proposed improvements to minimize floodplain impacts to the greatest extent practicable. The Lead Agencies will conduct a hydraulic analysis to determine the anticipated changes to the regional flood profile.
Stormwater	Stormwater management features will be incorporated into the design, and adverse impacts to existing stormwater detention facilities will be minimized to the greatest extent possible.
Protected Species	If it is determined that impacts to protected species are likely to occur, the Lead Agencies will evaluate measures to mitigate impacts and incorporate them into the design where possible. Where applicable, the NEPA document will include commitments for implementation during the construction phase to avoid or minimize impacts to protected species. If necessary, the Lead Agencies will obtain the appropriate permits from the Department of Natural Resources and/or the U.S. Fish and Wildlife Service.

Table 5. Mitigation Strategies during Tier 2 Studies

Traffic Noise	The Lead Agencies will conduct traffic noise modeling to determine existing and future traffic noise conditions. Where traffic noise impacts are predicted to occur, traffic noise abatement strategies will be considered. The Lead Agencies will evaluate measures to mitigate construction noise and implement them where feasible.
Air Quality	The Lead Agencies will revisit the National Ambient Air Quality Standards (NAAQS) attainment status of the study area to determine if it is still in attainment for all NAAQS. If it has become a maintenance or nonattainment area, conformity with the State Implementation Plan will be demonstrated. Additionally, the Lead Agencies will conduct the appropriate level of Mobile Source Air Toxics analysis based on FHWA guidance. The Lead Agencies will evaluate measures to mitigate impacts to air quality during design and construction and implement them where feasible.
Cultural Resources	The Lead Agencies will initiate formal consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officers, and other consulting parties to identify National Register-eligible sites, determine project effects, and develop appropriate mitigation to resolve any adverse effects. Should evidence of unrecorded cultural resources be discovered during construction activities, all work in that portion of the construction site will temporarily stop. Should archaeological materials be uncovered during excavation, in accordance with Wisconsin Statute 157.70 and the Native American Graves and Repatriation Act, as required, a Secretary of the Interior Qualified Archaeologist will assist in the identification and preliminary assessment of the materials.
Section 4(f) and 6(f)	The Lead Agencies will avoid and minimize impacts to all Section 4(f) (parks, recreational properties, refuges, and historic sites) and Section 6(f) properties, to the greatest extent practicable. Where impacts are unavoidable, the Lead Agencies will coordinate with the Officials with Jurisdiction and the public, as necessary, and identify appropriate mitigation measures. Additional federal and state funding programs will be reviewed for all impacted public recreational lands. The Lead Agencies will coordinate with the appropriate agencies regarding potential limitations and mitigation requirements resulting from use of these funds for recreation improvements.
Aesthetics	The Lead Agencies will develop simulations showing how the bridge and roadway would look to provide a more accurate depiction of what viewers of the roadway would experience. During Tier 2 studies, the Lead Agencies will coordinate with the public and agencies to evaluate measures to mitigate visual impacts. The Lead Agencies will hold meetings in the design phase with the local communities to discuss potential aesthetic treatments for the Fox River bridge.
Hazardous Materials	During Tier 2, the Lead Agencies will conduct additional site screening, a Phase I analysis, and more advanced site characterization studies as needed. Fox River bridge pier placement and construction will require special considerations related to the caps placed in the river as remediation for the Fox River Natural Resource Damage Assessment/Polychlorinated Biphenyl Releases Superfund Site. These special considerations are detailed in Section 3 (Existing Conditions, Impacts, and Next Steps – Hazardous Materials) of the Tier 1 Final EIS.

1.6 Monitoring and Enforcement

Due to the nature of this Tier 1 study, there is not enough information available at this time to determine actual construction impacts; develop specific avoidance, minimization, or compensation measures for those impacts; or obtain any necessary regulatory or permitting approvals for those impacts; therefore, there are no formal monitoring or enforcement procedures identified for the South Bridge Connector Tier 1 FEIS/ROD. Tier 2 studies will include monitoring or enforcement programs, as needed.

1.7 Comments

1.7.1 Public / Agency Involvement During the Project

The Lead Agencies involved the public, tribes, local officials, and regulatory agencies throughout the study, which occurred over three time periods: 2006-2012, the original EIS study period; 2013-2019, the interim period; and 2019-2020, the current Tier 1 EIS study period. The following paragraphs present a high-level overview of public and agency involvement during the three time periods. Section 4 (Community Involvement and Agency Coordination) and Appendixes F and I of the Tier 1 Final EIS provide detailed information on the public involvement and agency coordination process.

Between 2006-2012, the Lead Agencies established a stakeholder committee and held 2 stakeholder committee meetings, 3 public involvement meetings, 11 individual meetings with local officials and organizations, and 2 meetings with business organizations. Cooperating and Participating Agency coordination occurred with federal, state, and local officials and tribes with jurisdiction by law, special expertise, or direct interest in the project on various aspects of the study.

Between 2013-2019, the Lead Agencies held 17 meetings with local officials and community organizations. There were no public involvement meetings, nor was there formal coordination with the Participating/Cooperating Agencies or tribes during this period.

Between 2019-2020, the Lead Agencies held an agency scoping meeting, an in-person public involvement meeting, a virtual public involvement event, a virtual public hearing and in-person public hearing, three Local Officials Meetings, five individual meetings with federal and state agencies, and one meeting with residents of the Fox River Condominiums. The Lead Agencies coordinated with Cooperating and Participating Agencies.

1.7.2 Comments on the Draft EIS

The Draft EIS was made available for agency and public review on June 19, 2020. The Notice of Availability was published in the *Federal Register* on June 19, 2020, and the comment period closed on August 3, 2020. The Lead Agencies held a virtual online public hearing on July 7, 2020, and an in-person public hearing on July 8, 2020, at the Brown County Fairgrounds. Section 4 of the Tier 1 Final EIS contains a complete list of comments received from the public and agencies on the Tier 1 Draft EIS and responses to the comments. The comment letters are in Appendix I of the Tier 1 Final EIS.

Five agencies, one municipality, and the Oneida Nation commented on the Tier 1 Draft EIS. Three Cooperating Agencies concurred with the preferred Corridor Alternative (U.S. EPA, Corps of Engineers, and U.S. Coast Guard), while the Department of Natural Resources, also a Cooperating Agency, did not concur but stated that it did not oppose the preferred Corridor Alternative. The Wisconsin Department of Agriculture, Trade, and Consumer Protection, a Participating Agency, stated a preference for Corridor Alternative 1. The City of De Pere concurred with the Preferred Alternative, and the Oneida Nation did not have any concerns but wished to remain a consulting party on the project; both are Participating Agencies.

At the end of the comment period, 33 public comments were received. The following summary provides the number of comments received related to support or opposition to the project or an alternative:

- 24 support Corridor Alternative 2 (Selected Corridor Alternative)
- 2 support a Southern Alternative near Little Rapids
- 2 support the project but would like the roadway to connect directly to I-43 to act as a bypass
- 2 support the project but did not indicate a preference for an alternative
- 2 support Corridor Alternative 1
- 2 do not support the project

Table 6 summarizes specific issues or concerns about the project raised in the public comments. Many individuals discussed several issues in addition to stating support or opposition to the project, so the total number of occurrences in Table 6 does not equal the total number of comments received (33).

Table 6. Public Comments Received During Tier 1 Draft EIS Comment Period

Comment	Number of Occurrences
Concerns for impacts to environmental resources from Corridor Alternative 2 (amount of impacts to properties, well/pumping station, and Ashwaubenon Creek/floodplain)	5
Specific property impact concerns	3
Concerns about traffic noise	4
Concerns with impacts to Old Plank Road	3
Cost concerns/request for cost analysis	3
Current congestion and decreased traffic volumes from COVID-19 do not justify a new bridge	3
Questions on high-speed freeway versus arterial	2
Does not support the new alignment location from I-41 to Packerland Drive for Corridor Alternative 2	2
Request for grade-separated Fox River State Trail	2
Appreciated public involvement efforts	2
Questions about alternatives that were eliminated earlier in the evaluation process	1
Would like Corridor Alternative 1 built after Corridor Alternative 2	1
Specific design and access questions	1
Request for bike path along project	1
Concern for impacts to recreational activities along the Fox River	1

1.8 Record of Decision Approval

Based on the analysis and evaluation documented in this Tier 1 Final EIS/ROD, and after careful consideration of all social, economic, and environmental factors, including comments received during the environmental impact study process, it is FHWA's decision to adopt the Selected Alternative described in this ROD (Corridor Alternative 2: Rockland – Red Maple Road with interchange) as the proposed action for the project.