

PUBLIC WORKS DEPARTMENT



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PAUL A. FONTECCHIO, P.E.
DIRECTOR

June 9, 2020

Mr. Aaron Kramer
Hobart Village Administrator
2990 South Pine Tree Road
Hobart, WI 54155
(Sent Via Email)

Board of Supervisors
(Sent Via Email)

Troy Streckenbach
County Executive
(Sent Via Email)

RE: CTH VV & STH 29 Interchange Project – Broadband Extension

Dear Mr. Kramer, County Board, and Executive Streckenbach:

This letter is in response to the questions raised by the letter from Hobart dated June 4, 2020.

1. “How much less desirable is the new route is in terms of public safety and the rural broadband initiatives?”

The secondary route being utilized by the project meets the project criteria in terms of public safety and broadband initiatives. According to Kevin Raye, this route “meets all the goals and objectives from my point of view representing Brown County interests and **has added future possible opportunities** for Hobart, Howard, and the State.” (Emphasis in original email I received from him dated June 8, 2020).

2. “What are the ‘environmental concerns’ referenced by the Highway Commissioner?”

The Oneida Tribal Historic Preservation Officer (THPO) identified historical/cultural resources along the original route, specifically along Trout Creek Road. Because the project is Federally funded, the National Environmental Policy Act (NEPA) process must be followed (more on this in question #4 and #5).

3. “Could those concerns have been addressed in a way that preserved the original route?”

The identified concerns could not have been addressed in a way that preserved the original route in the needed time frame to keep the project on schedule. A delay due to the broadband route approval would have jeopardized the \$20 million Build Grant and killed the project. Very early on in the project development, an alternative route was identified in case there were environmental or historical issues with the primary route. The STH 29 corridor was chosen for the secondary route because that corridor has already been cleared environmentally from prior projects.

4. "Why was the Oneida Nation's approval needed in the first place?"

Under the 'Required Approvals' section of the Build Grant Application, the very first approval noted was the National Environmental Policy Act (NEPA). The Wisconsin DOT's Facility Development Manual states that for projects located on Tribal Lands, "The appropriate Federal Agency, THPO (or Designated Tribal Representative), interested Tribes, and other interested parties must be consulted." The Oneida Nation is a Federally recognized tribe and must be coordinated with on a project like this. Brown County acknowledges the contentious relationship between the Village of Hobart and the Oneida Nation, and the differing opinions on the Oneida Nation's status as a tribe in the eyes of the Village; however, a protracted argument of that nature would have likely killed the project due to the required schedule dictated by the Build Grant.

5. "If it was required, why was the route they originally agreed to suddenly problematic?"

As the email from Matthew Ternes dated August 2, 2019 notes, the original indication from the THPO was verbal in nature. As stated, there was also a change of personal during that time frame. The new THPO indicated they had identified historic/cultural areas along the primary route but would provide written clearance on the secondary route. Without that written clearance, the project could not proceed. The choice for the project team was to spend time the project schedule did not have trying to get approval for the primary route or proceed with the secondary route. To keep the project on schedule and not jeopardize the Build Grant, the secondary route was utilized.

6. "Why would the County agree to incur for itself, as well as the other paying partners for the Project at least \$432,216 in additional costs for an inferior system?"

Much of the cost increase associated with the fiber was due to installation type (boring versus open trench). Utilizing boring technology, while more expensive, helped the project avoid environmental resources such as wetlands. In cases where there are potential environmental and/or historical/cultural areas of concerns, the procedure is to avoid, minimize, and mitigate resources in that order. For this project, by using boring technology and changing the route location we were able to avoid these identified environmental and historical/cultural resources. The secondary route, as noted by Kevin Raye is not an inferior system, in fact in his opinion, it is "**has added future possible opportunities** for Hobart, Howard, and the State." (Emphasis in original email).

The Village of Hobart's Resolution 2018-11 that was included in the Build Grant application stated the following:

"NOW, THEREFORE, BE IT RESOLVED that we the members of the Board of Trustees of the Village of Hobart, Brown County, Wisconsin, and the Village of Howard, Brown County, Wisconsin, do hereby express our willingness to commit our financial resources, in a cooperative manner, to certain components of the construction of the County VV interchange, including, but not limited to, the purchase of right-of-way needed for the construction, design and engineering."

The Village's letter dated June 4, 2020, is unmistakably NOT COOPERATIVE – calling for the County Board to initiate an investigation of the broadband portion of the project. All the Village needed to do was call me or the Wisconsin DOT for clarification and the project team could have answered the questions raised. Thus far, the biggest threat to the project's success has

been the Village of Hobart's continued adversarial tactics with the Oneida Nation and Brown County.

The secondary broadband fiber route is a good route, meeting all the project commitments and avoids environmental and historical/cultural resources. The project is currently estimated to be slightly under budget overall. Any project of this magnitude is going to have some items go over budget (such as the fiber in this case) and some items that will come in under budget (such as the right-of-way for this project because of the agreement reached between the County and the Oneida Nation, who in their generosity, donated over 11 acres of land needed for CTH TS).

The final plans, estimates, and specifications for the project were sent to Madison DOT for approval on May 1, 2020 and the project is scheduled to be let through the DOT system in early September 2020. The Villages' call to reestablish the original fiber route would end the project – there is no time to get that route cleared environmentally (not likely to be successful even if attempted) and redesign the plans. The Village's call to utilize the original fiber route would result in the Build Grant money going back to the federal government and the interchange not being constructed.

The Wisconsin DOT's project management team and Brown County staff have met the fast-tracked schedule this project had set for it by the Build Grant and have successfully navigated the project challenges that arose that threatened the project scope, cost, and funding. The project is under budget and set to start construction in 2021 as planned.

Sincerely,



Paul Fontecchio, P.E.
Public Works Director / Highway Commissioner

Copy: Mr. Rich Heidel, Village of Hobart President
Mr. Dave Dillenburg, Village of Hobart Trustee
Ms. Debbie Schumacher, Village of Hobart Trustee
Mr. Tim Carpenter, Village of Hobart Trustee
Mr. Ed Kazik, Village of Hobart Trustee
Ben Rogers, Press Times