**PROGRAMMATIC CATEGORICAL EXCLUSION**

**FOR STATE AND FEDERALLY FUNDED ACTIONS**

Wisconsin Department of Transportation

Revised July 2015

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| WisDOT Design and Construction IDs | | | Federal Project IDs (if available) | | | | | Legal Description (Township, Range, Section) | | | | County | |
| Project Name | | | | | | | | Project Termini/ Location | | | | | |
| Name of Route or Facility to be Improved | | | | Facility Classification | | | | | | Improvement Type | | | |
| Estimated Project Cost in Year of Expenditure $ (include R/W Cost) | | | | | | | | Funding Source(s) (check all that apply) | | | | | |
|  | | | | | | | | State | | Federal | | | Local |
| 23 CFR 771.117(d) Project Type Number and Text (see Table 1 below) | | | | | | | | | | | | | |
| Section 4(f)  None | *De Minimis* | | Bikeway/ Walkway | | | Minor Park/ Rec | | | Minor Historic | | Net Benefit | | Exception |
| Right of Way Acquisition | | | | | | | | | | | | | |
| Total Acres | | Fee Simple Acres | | | Permanent Easement Acres | | | | | | Temporary Easement Acres | | |
| Number of Buildings Acquired | | | | | | | | | | | | | |
| None | | Vacant Buildings | | | Occupied Buildings | | | | | |  | | |
| Name of Individual/ Firm Preparing this Form | | | | | | | CE Preparation Date | | | | Project Start Date | | |

|  |  |  |
| --- | --- | --- |
| **WisDOT Region Environmental Coordinator or**  **Local Program Management Consultant** |  | **WisDOT Region, Central Office, or Local Program**  **Project Manager** |
| I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Agreement. I further certify that I have reviewed this document, and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b), and will not result in significant environmental impacts. I recommend this CE for approval. |  | I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. I approve this CE. |
|  |  |  |
|  |  |  |
| (Signature) |  | (Signature) |
|  |  |  |
| (Print Name) |  | (Print Name) |
|  |  |  |
| (Date) |  | (Date) |

**Section One: Introduction & Regulatory Requirements**

## 1.1 Purpose and Eligibility

The FHWA – WisDOT Categorical Exclusion Programmatic Agreement (Agreement) allows WisDOT to make categorical exclusion (CE) determinations on FHWA’s behalf for certain projects listed in 23 CFR 771.117(d) when the projects do not exceed the environmental impact criteria specified in the Agreement. The Programmatic Categorical Exclusion (PCE) is the acceptable form of documentation for these projects. While the PCE is based on the Agreement with FHWA, it may also be used to document certain projects that require only state and/or local funding and approvals.

The actions described in Table 1 are eligible for PCE consideration if (1) they meet the definitions of an action, (2) they do not include significant impacts, (3) they do not include unusual circumstances that warrant the preparation of an Environmental Report (ER), Environmental Assessment (EA), or Environmental Impact Statement (EIS), and (4) they do not exceed the environmental impact thresholds specified in the Agreement. Any project that does not meet these criteria or that has been determined to have substantial controversy based on environmental grounds is not eligible for PCE consideration.

A determination that this project satisfies the criteria for a PCE does not relieve the applicant of the requirement to comply with other laws and regulations including, but not limited to, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act. Coordination to comply with these other laws may require FHWA involvement. Furthermore, designation of this project as a PCE does not relieve the requirement for WisDOT to coordinate with WDNR under the Cooperative Agreement. Any correspondence or documentation used to comply with federal, state, or local laws or regulations should be maintained in the project file and provided with this checklist upon request.

23 CFR 771.117(d)(13) allows the actions described in 23 CFR 771.117(c)(26-28) to be processed as (d)-list actions if they do not meet the criteria in 23 CFR 771.117(e). An action that does not meet the criteria in paragraph (e) may be documented with a PCE *unless* it is disqualified by the environmental impact criteria of Section VII.A. of the Agreement, which are reflected on this PCE form. If an action fails to meet both sets of criteria, it must be documented with an ER, EA, or EIS, as applicable.

**Table 1: Eligible Categorical Exclusion Project Types**

|  |
| --- |
| **23 CFR 771.117(d)**  (1-3) Reserved  (4) Transportation corridor fringe parking facilities.  (5) Construction of new truck weigh stations or rest areas.  (6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.  (7) Approvals for changes in access control.  (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.  (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.  (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.  (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.  [Note: 23 CFR 771.117(d)(12) “Acquisition for hardship or protective purposes” may not be processed with a PCE]  (13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.\*  *\*23 CFR 771.117(c)(26-28) appear below. If processing a project of this type with the PCE, use number (d)(13) and the appropriate CE type description where necessary.*  (26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).  (27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.  (28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings. |

**1.2 Project is a Complete FHWA Action**

Check all boxes that apply to the proposed project. To process your project with this checklist, you must be able to check all boxes.

23 CFR 771.111(f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated shall:

|  |  |  |
| --- | --- | --- |
|  |  | (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope |
|  |  | (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made |
|  |  | (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements |

**1.3 Unusual Circumstances**

Check all boxes that apply to the proposed project. If any boxes in this section are checked, evaluate the scope of the project and coordinate with FHWA regarding the completion of more detailed environmental documentation.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

|  |  |  |
| --- | --- | --- |
|  |  | (1) Significant environmental impacts |
|  |  | (2) Substantial controversy on environmental grounds – project is ineligible for PCE |
|  |  | (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act |
|  |  | (4) Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action |
|  |  | Other unusual circumstances not listed in FHWA regulations (describe below)  (*In Wisconsin, auxiliary lane and capacity expansion projects that are proposed for processing with this checklist are examples of unique or unusual circumstances and will require consultation with FHWA before proceeding with the project*.) |

Describe any unique or unusual circumstances and subsequent coordination with FHWA:

**1.4 Tribal Lands**

For projects, regardless of project type, located partially or entirely on Tribal lands in trust, allotted, or reservation status, WisDOT Region and Local Program staff shall consult with WisDOT Central Office Environmental Staff prior to preparing PCE documentation. In certain cases, the involvement of Tribal land may warrant preparing higher level environmental documentation (e.g. ER instead of PCE) than what is normally required by the FHWA – WisDOT CE Agreement. WisDOT Central Office Environmental Staff will ensure adequate Tribal consultation by WisDOT and engage FHWA in consultation when necessary.

Describe any Tribal coordination:

**1.5 Preparing the Programmatic Categorical Exclusion**

Once eligibility has been determined for a project, the PCE and associated documentation can be assembled. Each PCE document must include the following:

* Project Map (with title, cardinal directions, legend, scale, and state locator)
  + Aerial photograph (preferred)
  + Project boundaries/limits
  + Identify any public lands, waterways, and water bodies within or adjacent to the project boundary
  + Identify existing and new conditions if the project includes additional right of way (ROW)
  + Additional maps as needed to demonstrate project eligibility
* Appendices
  + Studies
  + Reports
  + *De Minimis* or Programmatic Section 4(f) documentation
  + Agency coordination/documentation
* Other documentation as necessary

**Section Two: Description of the Project and Alternatives**

**2.1 Project Description**

Provide a brief description of the proposed action. Include a discussion of the purpose and need (e.g. system linkage(s), transportation demand, legislation, social demands or economic development, modal interrelationships, safety, and roadway deficiencies as applicable).

**2.2 Improvement Type**

Identify the number and text of the 23 CFR 771.117 (d)-List project type (see Table 1) and provide a brief description of how the project fits this CE.

## 2.3 Alternatives

Provide a brief description of any alternatives considered for this project, if multiple alternatives were considered.

## 2.4 Agency/Local Unit of Government Coordination and Public Involvement

Provide a brief description of coordination conducted with agencies and local unit(s) of government. Describe any unresolved issues and how they will be resolved. Attach evidence of agency and local unit of government coordination as applicable.

Provide a brief discussion of public involvement efforts. Describe any concerns expressed, how those concerns were resolved and how any unresolved concerns will be resolved.

**Section Three: WisDOT Programmatic Categorical Exclusion Criteria**

**3.1 Right~~-~~of~~-~~Way Acquisition**

Right of way (ROW) for the proposed action may be acquired by fee simple purchase, permanent or temporary easement, right of entry, gift, or other means.

Will additional ROW be acquired?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

If yes, provide the number of ROW acres to be acquired below and identify the acquisition(s) on the project map.

|  |  |  |
| --- | --- | --- |
|  |  | Fee simple purchase -       acres |
|  |  | Permanent easement -       acres |
|  |  | Temporary easement -       acres |
|  |  | Right of Entry -       acres |
|  |  | Gift -       acres |
|  |  | Other, additional description: |

**3.2 Displacement or Relocation**

A project is ineligible to use the PCE if any displacements or relocations occur as a result of the project. Vacant buildings that are not significant historic resources may be acquired.

Does the project require any displacements?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE unless building is vacant |

**3.3 Burial Sites**

A project is ineligible to use the PCE if it adversely affects burial sites.

Does the project adversely affect a burial site?

|  |  |  |
| --- | --- | --- |
|  |  | No burial sites are affected by proposed actions. |
|  |  | Proposed actions occur within a burial site without adverse effects. Wisconsin Statute 157.70 burial authorization is required prior to commencing proposed project actions. |
|  |  | Proposed actions adversely affect a burial site – project is ineligible for PCE |

**3.4 Historic Properties (cultural resources) [Note: For projects with no federal participation, complete this section. For projects with federal participation, skip this section and complete Section 4.5 of this form.]**

The state register of historic places includes districts, sites, buildings, structures, and objects which are significant in national, state, or local history, architecture, archaeology, engineering, and culture. A project is ineligible to use the PCE if it will affect a property listed on the state register.

Does the project affect any historic properties on the state register?

|  |  |  |
| --- | --- | --- |
|  |  | There is, or will be, federal participation in this proposed project and this section does not apply. Section 4.5 will be completed. |
|  |  | WisDOT has determined the proposed action will not affect a property that is listed on the state register or on the list of locally designated historic places under Wisconsin Statute~~s~~ 44.45. |
|  |  | WisDOT has determined its proposed action will affect a historic property – project is ineligible for PCE. |

**3.5 Wetlands, Streams, Lakes and other Water Bodies**

When a project results in placement of fill into a wetland, stream, lake, or other water of the United States below the ordinary high water mark (OHWM), a permit is required from the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. The USACE may issue a General Permit if specific criteria are met.

Will fill be added to the waters of the United States, including below the OHWM?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

If yes, begin WDNR and USACE coordination and indicate type of permit under consideration for the action.

|  |  |  |
| --- | --- | --- |
|  |  | General Permit |
|  |  | Individual Permit – project is ineligible for PCE |

If a Section 404 permit is required, include the WDNR letter with the specified Section 401 action and status of Section 401 Water Quality Certification in the appendix.

|  |  |  |
| --- | --- | --- |
|  |  | Waived |
|  |  | Section 401 Action pending final plan and/or erosion control plan |
|  |  | Granted |
|  |  | Granted with conditions – include a copy of the permit with the PCE |
|  |  | Denied – project is ineligible for PCE |

**3.6 Agriculture**

The Department of Agriculture, Trade and Consumer Protection (DATCP) should be notified of any project which may involve the acquisition of land from a farm operation (see FDM 20-45-35).

Do land acquisitions from farm operations require preparation of an Agricultural Impact Statement (AIS)?

|  |  |  |
| --- | --- | --- |
|  |  | Does not apply – no acquisitions from farm operations |
|  |  | No – DATCP has been notified of non-significant farmland acquisitions |
|  |  | No – Form DT1999, Agricultural Impact Notice has been sent to DATCP and DATCP has determined an AIS WILL NOT be prepared. |
|  |  | Yes – Form DT1999 has been sent to DATCP and DATCP has determined an AIS WILL be prepared – project is ineligible for PCE |

**3.7 Air Quality**

Projects must be consistent with the State Implementation Plan (SIP) for air quality. This criterion is met for projects in counties designated as attainment for all criteria pollutants if the project is included in the State Transportation Improvement Program (STIP).

Regional conformity is required for counties designated as nonattainment or maintenance for ozone or PM2.5. If the project occurs in a nonattainment county, check the appropriate box and include appropriate documentation in the appendix (if needed).

|  |  |  |
| --- | --- | --- |
|  |  | The project is included in the approved Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) endorsed by the region’s Metropolitan Planning Organization (MPO). The TIP was determined to conform by the Federal Highway Administration and the Federal Transit Administration.  Provide RTP name, TIP name, MPO name and TIP number: |
|  |  | The project is located outside of a Metropolitan Planning Organization’s boundaries and has received conformity determination per the rural conformity section of the WisDOT/WDNR Memorandum of Agreement.  Provide conformity finding date(s): |
|  |  | The project is exempt per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. |
|  |  | The project has been determined to be Not Regionally Significant per 40 CFR 93.101. |
|  |  | The project is non-conforming – project is ineligible for PCE |

WisDOT and FHWA have also determined that the project types included in this Programmatic Categorical Exclusion agreement , as defined under 23 CFR 771.117(d), would not meet or exceed the criteria that would require a qualitative or quantitative hot-spot analysis for mobile source air toxics or fine particulate matter (PM2.5). This determination must be made in consultation with FHWA for auxiliary lane construction and new or expanded bus and rail terminals and transfer points.

Is the proposed action an auxiliary lane or new or expanded bus/rail terminal or transfer point project?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – Consultation with FHWA has resulted in a determination that the action IS NOT a project of local air quality concern |
|  |  | Yes – Consultation with FHWA has resulted in a determination that the action IS a project of local air quality concern – project is ineligible for PCE |

**3.8 Noise**

Is this a Type I project (see FDM 23-10-1.1) for noise, thus requiring a noise analysis?

|  |  |  |
| --- | --- | --- |
|  |  | No – the project does not meet the Type I project criteria |
|  |  | Yes – a noise analysis has been performed and no impacts have been identified (attach Factor Sheet D-3, Traffic Noise Evaluation) |
|  |  | Yes – a noise analysis has been performed and impacts will occur – project is ineligible for PCE |

Sections 107.8 (6) and 108.7.1 of the WisDOT Standard Specifications for Highway and Structure Construction provide standard specifications for construction noise including hours of operation and equipment requirements. Will any Special Provisions, not including changes to the hours of operation, be required for mitigating construction noise impacts?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

**3.9 Contaminated Sites**

Acquisition of contaminated sites with hazardous materials or waste is the responsibility of the acquiring agency.

Will properties with hazardous materials or wastes be acquired for this project? If yes, contact the regional environmental coordinator for guidance on how to proceed.

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

Will a utility or other infrastructure be installed in, or adjacent to a contaminated property?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

Are there conflicts with project construction according to the Utility Accommodation Policy (UAP)?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

If yes, describe how conflicts with the UAP be managed.

Will the project include rehabilitation, reconstruction, or replacement of an existing bridge structure?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

Is asbestos present? If yes, include any required special provisions in the appendix.

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes |

Include any special provisions in the appendix to address contamination that may be encountered within the right of way during construction, e.g., contaminated soil disposal, installation of contaminant migration barriers, or management of contaminated groundwater during construction dewatering.

**3.10 Threatened and Endangered Species**

Threatened and endangered species and their critical habitat are protected by both state and federal laws. The Wisconsin Department of Natural Resources (WDNR) can provide information on these species. Include a copy of the WDNR coordination in the appendix. The United States Fish and Wildlife Service (USFWS) is responsible for federally listed threatened and endangered species. Include any coordination with USFWS in the appendix.

Will the project result in a determination of “may affect, likely to adversely affect” for any threatened or endangered species or critical habitat?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

Describe species considered and coordination with WDNR and USFWS:

**3.11 Bald and Golden Eagle Protection Act (BGEPA)**

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. WisDOT will coordinate with WDNR to identify known eagle nesting areas near the project prior to commencing construction. More information can be found at <http://www.fws.gov/midwest/midwestbird/eaglepermits/bagepa.html>

Has eagle habitat and a nesting site(s) been identified in the project area?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – Coordination with WDNR and USFWS has indicated their concurrence that the proposed project **WILL NOT** result in a take or disturbance of the habitat or nest(s) |
|  |  | Yes – Coordination with WDNR and USFWS has indicated their concurrence that the proposed project **WILL** result in a take or disturbance of the habitat or nest(s) – project is ineligible for PCE |

**3.12 Access Control**

Access controls are used to maintain traffic operations, facilitate orderly development, and promote safety along a highway system. Under the PCE, minor adjustments in access for individual parcels are acceptable, but may require additional consultation prior to proceeding with the PCE.

Does the project include any access modifications?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – check all boxes that apply and provide a brief description of the access changes below. Attach an aerial photograph of the project clearly showing access modifications. |

|  |  |  |
| --- | --- | --- |
|  |  | Existing access will be changed through minor regrading or minor longitudinal shifts along the same alignment. The number of access points will not change. |
|  |  | Existing access points will be consolidated or relocated to a different road, but access to all parcels will be provided. Requires consultation with FHWA before proceeding with PCE if the project is federally-funded and the access modification is controversial (document below). |
|  |  | New access will be provided where none currently exists. Requires consultation with FHWA before proceeding with PCE if the project is federally-funded or with the REC, LPMC or EPDS liaison is the project is state-funded only (document below). |
|  |  | The access modification will occur on the Interstate Highway System – project is ineligible for PCE. |
|  |  | All access to a parcel will be removed and will not be replaced – project is ineligible for PCE. |

Describe project access changes and required consultation:

**3.13 Consistency with Existing Plans**

Projects must be included in and consistent with the most recent version of Statewide Transportation Improvement Program (STIP), and the Transportation Improvement Program (TIP) if the project is located within the boundaries of one of Wisconsin’s fourteen Metropolitan Planning Organizations (MPO). Projects must also be compatible with other plans approved at the region, county and local level.

Describe the applicable plans (e.g. State Transportation Improvement Program, Regional Transportation Plan, Transportation Improvement Program (TIP), local land use plan, bike/ walkway plan, etc.) for the area in which the action is proposed. Include the plan name, approval date(s), TIP number and other plan information as applicable. Identify whether or not the proposed action is consistent with the identified plan. If the proposed action is not consistent with an identified plan, the project is ineligible for PCE.

**3.14 Coastal Zone**

The Coastal Zone Management Plan guides development in the counties that have coastline on Lake Michigan or Lake Superior. Consistency with the Coastal Zone Management Plan requires project coordination and agreement from WDNR.

Is the proposed action consistent with the goals of the Coastal Zone Management Program?

|  |  |  |
| --- | --- | --- |
|  |  | Yes |
|  |  | No – project is ineligible for PCE |

**3.15 Flood Plains**

Projects that require work encroaching on a regulatory floodway or any work affecting the base floodplain (100-year flood) elevations of a water course or lake are ineligible to use the PCE.

Will the proposed action cause changes to the floodplain?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

**3.16 Public Lands**

Special protections exist for public lands, including, parks, fishing access areas, and wildlife management areas purchased or improved using federal funding sources under Section 6(f) of the Land and Water Conservation Act of 1965 (LAWCON or LWCF), Dingle/Johnson funds (Federal Aid in Fish Restoration Act), or Pittman/Robertson funds (Federal Aid in Wildlife Restoration Act). Special protections may also apply to other uniquely-funded lands such as those purchased under the Knowles-Nelson Stewardship Program, Wetland Reserve Program and the North American Wetlands Conservation Act. The Regional WDNR Liaison can determine if these funding sources were used to acquire the property. Projects that acquire property from Pittman/Robertson, Dingle/Johnson, LWCF or other uniquely-funded lands are not eligible for a PCE.

Will the project acquire any lands purchased or improved with LWCF, Dingle/Johnson, or Pittman/Robertson funds or other uniquely-funded lands?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

**3.17 Groundwater, Wells, and Springs**

Is there potential for the project to have an impact on groundwater (including dewatering), springs, or wells (including groundwater monitoring wells from remediation projects) located in the project area?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – Contact the region environmental coordinator, local program management consultant, or EPDS liaison to determine if the level of impact results in the project being ineligible for PCE. |

Description of impacts:

**3.18 Environmental Justice**

The President’s Executive Order 12898 on Environmental Justice requires each Federal agency, to the greatest extent practicable and permitted by law, to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects or economic effects, of its programs, policies, and activities on minority populations and low-income populations.

Will this project result in a disproportionately high adverse effect to a low-income population or a minority population?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

Describe steps taken to identify minority and low-income populations:

**Section Four: Federal-Aid Criteria**

**4.1 Federal-Aid Criteria**

Projects that receive funding or require an approval from FHWA must meet additional federal-aid criteria. In certain circumstances, projects with no FHWA funding or approvals, may still need to meet selected criteria below depending on whether another federal agency is involved and the scope of its involvement.

Will the project require funding and/or an approval from FHWA?

|  |  |  |
| --- | --- | --- |
|  |  | No – checklist is complete |
|  |  | Yes – proceed with Section 4 |

**4.2 Section 4(f)**

Section 4(f) of the US DOT Act of 1966 protects significant historic sites, parks and recreation areas, and waterfowl and wildlife refuges. Section 4(f) prohibits the “use” of these resources by a transportation project unless there is no feasible and prudent avoidance alternative and the action includes all possible planning to minimize harm, or FHWA determines that the use will have a *de minimis* (minor) impact. Use of Section 4(f) property occurs when: (1) land is permanently incorporated into a transportation facility; (2) there is a temporary occupancy that is adverse; or (3) there is a constructive use of the Section 4(f) property. Projects may include a use of Section 4(f) property only if it is *de minimis* or meets the criteria of one of the Section 4(f) programmatic evaluations (except the Programmatic Evaluation for Historic Bridges).

Does this project result in a use of Section 4(f) property?

|  |  |  |
| --- | --- | --- |
|  |  | No – Section 4(f) resources are not present in the project area. |
|  |  | No – Section 4(f) resources are present, but the project does not result in use of Section 4(f) resources. |
|  |  | No – a Section 4(f) exception applies (see 23 CFR 774.13). Provide a description of the exception below. |
|  |  | Yes – type of Section 4(f) documentation is indicated below. |

Description of Section 4(f) exception:

If a Section 4(f) use will occur, indicate the type of Section 4(f) evaluation or determination that applies. Include the Section 4(f) documentation in the appendix. The Section 4(f) evaluation or determination will require review and approval by FHWA prior to the WisDOT approval of the PCE. A draft of the PCE should be sent to FHWA as supporting documentation for their Section 4(f) review.

|  |  |  |
| --- | --- | --- |
|  |  | *De Minimis* impact determination |
|  |  | Programmatic for Independent Walkway and Bikeway Construction Projects |
|  |  | Programmatic for Minor Involvement with Historic Sites |
|  |  | Programmatic for Minor Involvement with Parks, Recreation Areas, and Waterfowl and Wildlife Refuges |
|  |  | Programmatic for Net Benefits to a Section 4(f) Property |
|  |  | An Individual Section 4(f) Evaluation is required – project is ineligible for PCE |

**4.3 FHWA Statewide Wetland Finding**

The FHWA Statewide Wetland Finding applies to bridge replacement or highway reconstruction projects which meet the following standards:

(1) on existing location (i.e. within 0.3 mi of the existing),

(2) affect a total of less than 7.4 acres of wetlands, and

(3) have been coordinated with WDNR and WDNR has expressed no significant concerns over the proposed use of the wetlands.

Does the project meet the above standards for FHWA Statewide Wetland Finding? If no, include the FHWA wetland finding in the appendix.

|  |  |  |
| --- | --- | --- |
|  |  | Does Not Apply – no wetlands impacted |
|  |  | Yes |
|  |  | No – FHWA individual wetland finding required – project is ineligible for PCE |

**4.4 Farmland**

The U.S. Farmland Protection Policy Act requires coordination with the U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS) whenever a project receives a score 60 or more points in Part VI of form AD‑1006, Farmland Conversion Impact Rating or form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects. If additional coordination with NRCS and final completion of either form results in a score of more than 160 points, there is potential for adverse impacts to farmland

Does the completion of either NRCS form identified above result in a score greater than 160 points?

|  |  |  |
| --- | --- | --- |
|  |  | Does not apply – the project does not impact farmland |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

**4.5 Historic Properties (cultural resources)**

Historic properties (cultural resources) are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places maintained by the National Park Service.

Does the project affect any historic properties?

|  |  |  |
| --- | --- | --- |
|  |  | There are no historic properties in the area of potential effect (APE). |
|  |  | A determination of “no potential to effect historic properties” or “no adverse effects to historic properties” has been reached. Documentation may include WisDOT form DT1635 or a “screening list” decision and commitments. |
|  |  | The proposed project will have adverse effects to historic properties – project is ineligible for PCE. |

**4.6 Wild and Scenic Rivers**

Lands and waters of rivers designated as Wild and Scenic Rivers by the U.S. Government have special protections.

Does the project require construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/ U.S. Department of Agriculture?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

**4.7 U.S. Coast Guard Permits**

Under Section 9 of the Rivers and Harbors Act of 1899, the United States Coast Guard requires permits be obtained for bridge projects over navigable waters which are generally tributary to the Great Lakes or the Mississippi River. See Procedure 20-50-1.3 and 20-50-1.4 of the WisDOT Facilities Development Manual for a list of waters covered by Section 9.

Will the project require a permit from the United States Coast Guard (USCG)?

|  |  |  |
| --- | --- | --- |
|  |  | No |
|  |  | Yes – project is ineligible for PCE |

**Section Five: Environmental Commitments**

List any environmental mitigation measures or commitments that will be incorporated into the project. Any items listed below must be incorporated into the project plans and contract documents. *Attach a copy of this page to the design study report (DSR) and the plans, specifications, and estimate (PS&E) submittal package.*

|  |  |
| --- | --- |
| **Environmental Factor** | Commitment (If none, include ‘No special or supplemental commitments required.’) |
| General Economics |  |
| Business |  |
| Agriculture |  |
| Community or Residential |  |
| Indirect Effects |  |
| Cumulative Effects |  |
| Environmental Justice |  |
| Historic Resources |  |
| Archaeological/Burial Sites |  |
| Tribal Coordination/Consultation |  |
| Section 4(f) and 6(f) or Other Unique Areas |  |
| Aesthetics |  |
| Wetlands |  |
| Rivers, Streams and Floodplains |  |
| Lakes or other Open Water |  |
| Groundwater, Wells and Springs |  |
| Upland Wildlife and Habitat |  |
| Coastal Zones |  |
| Threatened and Endangered Species |  |
| Air Quality |  |
| Construction Stage Sound Quality |  |
| Traffic Noise |  |
| Hazardous Substances or Contamination |  |
| Storm Water |  |
| Erosion Control |  |
| Other |  |