

Wisconsin Department of Transportation
PROGRAMMATIC ENVIRONMENTAL REPORT (Type III) CRITERIA CHECK LIST
 (HIGHWAYS)

Project I.D.		Funding Source <input type="checkbox"/> State Only <input type="checkbox"/> Federal	
Project Termini		Estimated Project Cost (Include R/W Acquisition)	
		\$	
Highway	Project Length (miles) []	Functional Classification	
County	Number of Lanes <input type="checkbox"/> Existing <input type="checkbox"/> Proposed		
R/W to be Acquired	IDENTIFY TYPE EASEMENT		Proposed Construction
<u> </u> Total Acres <u> </u> Fee Simple Acres <u> </u> Easement Acres	<input type="checkbox"/> Permanent <input type="checkbox"/> Temporary		<input type="checkbox"/> Rural <input type="checkbox"/> Urban
Number of Buildings Acquired:			
<input type="checkbox"/> None <input type="checkbox"/> Vacant Buildings Identify:			
Level of Improvement:		<input type="checkbox"/> Bridge	
<input type="checkbox"/> Resurfacing <input type="checkbox"/> Major Reconditioning <input type="checkbox"/> Minor Reconditioning		Sufficiency Rating <u>Rating~</u>	
		Existing Bridge I.D. Bridge I.D.~	

1. Description of Proposed Action (Attach project location map and other appropriate exhibits).

I have checked and completed the following Programmatic Criteria Check List based on the contents of the Criteria for the Programmatic Environmental Report as set forth in the Wisconsin Department of Transportation, Facilities Development Manual Procedure 21-5-1 Figure 2 and this project's environmental impacts are within the limits placed by those criteria.

I certify that this project meets the requirements for a Programmatic (Type III) Environmental Report.

Signature: _____ Date:

Title:

1. **Right-of-Way Acquisition** - Right-of-Way may be acquired by fee simple purchase, permanent or temporary easement, right of entry, gift or other device. Right-of-Way acquisition is limited and is limited to:

a. For major reconditioning, minor reconditioning, or resurfacing projects (3R projects):

Will the project acquire no more than one acre for any one mile?

Yes - meets criterion **No - criterion not met**

Criterion does Not Apply - Bridge project

b. For bridge rehabilitation (including full deck replacement) or minor bridge replacement projects:

Will the project acquire no more than one half (0.5) acre per project?

Yes - meets criterion **No - criterion not met**

Criterion Does Not Apply - 3R project

2. **Displacements** - A displacement is the removal of persons ,businesses or industries from a residence, commercial building, or industrial building as a direct result of a project.

Will the project displace persons , businesses, or industries?

Yes - criterion not met **No - meets criterion**

NOTE: Vacant buildings which are not significant cultural resources (See Item 3) may be acquired.

3. **Significant Cultural Resource** - Cultural Resources are considered significant if they are on or eligible for the National Register of Historic Places. Properties on the National Register of Historic Places may be prehistoric or historic buildings, structures, or sites. Local sites must be evaluated to determine whether they are eligible for the National Register. See Chapter 26 of the FDM.

The project cannot have an adverse effect to a significant cultural resource. Check one of the following to show how the project meets this criterion.

Exempt under FDM Procedure 26-5-1

See procedure for type list categories

On Screening List - Confirm acreage disturbance (one of following must apply)

Less than one-half acre

Strips less than 5 feet wide, if total acreage higher than one-half acre

Not on Screening List - Complete Section 106 Review Form

Provide date of approval and type of determination

4. **Protected Lands (6f)** - Public lands (i.e., parks; fishing access areas; and wildlife management areas) purchased or improved using the following federal funding sources are protected: Land and Water Conservation Act of 1965 (LAWCON or LWFC); Dingle/Johnson funds (Federal Aid in Fish Restoration Act); or Pittman/Robertson funds (Federal Aid in Wildlife Restoration Act) The Department of Natural Resources should be contacted to determine whether a property utilized these funds. See procedure 21-25-5 in the FDM.

Will the project acquire any lands purchased or improved with LAWCON, Dingle/Johnson, or Pittman/Robertson funds

- Yes - criterion not met **No - meets criterion**
- Criterion Does Not Apply - no land acquisition

5. **Nationwide Section 404 Permit** Fill placed into a wetland, stream, lake or other "waters of the United States" (below the Ordinary High Water Mark - OHWM) requires a permit from the US Army Corps of Engineers under section 404 of the Clean Water Act. If the fill meets certain conditions (i.e., it does not create a significant adverse effect), the Corps may issue a Nationwide or General Section 404 Permit for a fill into a wetland, stream, lake, or other water of the United States. See FDM Procedure 21-30-1.

Will there be any fill into waters of the United States, including fill below the OHWM?

- Yes - criterion not met **No - meets criterion (go to question 6)**

If yes, will it be covered by a Nationwide or General Section 404 Permit?

- Yes - meets criterion** No - Individual permit required, criterion not met
- Criterion Does Not Apply - no fill into "waters of the United States"

If there is a 404 permit, has 401 Water Quality Certification been issued by the Wisconsin DNR?

- Granted Granted with Conditions Waived
- 401 Action pending final plan and/or erosion control plan
- Denied - criterion not met

Date of DNR letter with 401 action

6. **Farm Operations** - State law (s. 32.035, Wis. Stats.) provides that an Agricultural Impact Statement must be prepared for all acquisitions from economic units called farm operations. The WisDOT/DATCP Cooperative Agreement defines non-significant acquisitions. See FDM Procedure 20-30-1 for a copy of the Agreement and 21-25-30 for details on who and how to inform DATCP.

Are all acquisitions from farm operations non-significant (less than one acre and not affecting any important buildings or features)?

- Yes - meets criterion** No - criterion not met
- Criterion Does Not Apply - no farm acquisitions

7. **Air Quality** - The two components of air pollution affecting Wisconsin are carbon monoxide and ozone.

- a. **Carbon Monoxide** - One component of air pollution affecting Wisconsin is carbon monoxide. While all counties are currently in attainment of the National Ambient Air Quality Standards for carbon monoxide, hot spot analysis may be required. This analysis may result in the need to obtain an Indirect Source Construction Permit. Exemptions from screening analysis requirements

and the need to obtain an Indirect Source Construction Permit are detailed in Wisconsin Administrative Code - Chapter NR 411.

Is an air quality Indirect Source Construction Permit required for this project?

Yes - criterion not met No - meets criterion

- b. **Ozone** - The Clean Air Act Amendments of 1990 mandate that all transportation projects be consistent with the State Implementation Plan (SIP) for air quality. Additional mandates are also placed on counties designated non-attainment or maintenance for ozone. Several Wisconsin counties are currently designated as such. Depending on project location, projects in these counties must meet other criteria.

For all projects, the proposed action must be consistent with the State Implementation Plan (SIP) for air quality and included in the State Transportation Improvement Program (STIP).

Is the project consistent with the SIP and the STIP?

Yes - meets criterion No - criterion not met

For projects in counties designated non-attainment or maintenance for ozone, one of the following criteria must also apply. Check as appropriate.

- The project is included in the approved regional Transportation Plan and Transportation Improvement Program (TIP) which has received a positive conformity determination from the Federal Highway Administration and the Federal Transit Administration. (Provide TIP name and project number)**
- The project is located outside of a Metropolitan Planning Organization's boundaries and has received a positive conformity determination per the rural conformity section of the WisDOT/WDNR Memorandum of Agreement regarding determination of conformity.**
- The project is exempt per 40 CFR Part 93 Determining Conformity of Federal Actions to State or Federal Implementation Plans, Section 134.**
- None of the above - Criterion not met**

8. **Noise** - Noise is defined as unwanted sound. When noise receptors are located in the project area, a noise analysis is required if the project meets any of the following criteria; **a)** the project is on a new location, **b)** the horizontal or vertical alignment is shifted substantially, **c)** there will be a substantial diversion of traffic to a new route, or, **d)** the number of through lanes is increased. Wisconsin Administrative Code - Chapter TRANS 405 defines a noise impact as occurring when the design year sound levels create a 15 decibel or greater increase over existing levels or design year sound levels approach or exceed the Noise Abatement Criteria (NAC). WisDOT has defined "approach" to mean 1 decibel less than the NAC. Construction noise may also be an issue and may be controlled through the use of Standard Specifications.

a. The project will not generate a noise impact. One of the following criteria must apply, check as appropriate.

A noise analysis is not required [does not meet a), b), c), or d) above].

Both of the following must be checked to meet this criterion. Also provide method of determination (i.e., STAMINA, nomograph, etc...)

The Project does not approach or exceed the NAC in the design year.

The Project will not increase sound levels (at design year) 15 dB or more over existing levels.

None of the above - criterion not met

b. Sections 107.8 and 108.5.1.1 of the WisDOT Standard Specifications for Highway and Structure Construction will apply. Will any Special Provisions be required for mitigating construction noise impacts?

Yes - criterion not met

No - meets criterion

9. **Contaminated Sites** - Sites contaminated with hazardous materials or wastes acquired for this project become the responsibility of the acquiring agency.

Will any properties with hazardous materials or wastes be acquired for this project?

Yes - criterion not met

No - meets criterion

Will the special provisions address any contamination that may, potentially, be encountered within the R-O-W during construction?

Yes

No

10. **Endangered Species** - Endangered species and their critical habitat are protected by both state and federal laws. The Wisconsin DNR has lists of species protected by both state and federal laws and can provide information on endangered species. Provide the date of the DNR final concurrence letter.

Will any endangered species or their habitat be affected by this project?

Yes - criterion not met

No - meets criterion

11. **Access Control** - Access controls are used to control the number of access points along a length of highway to maintain the traffic flow conditions. Minor access adjustments for individual parcels are acceptable, e.g., access moved off the road to be improved to a side road.

Will existing access will be maintained (with the exception of minor adjustments) along the length of the project?

Yes - meets criterion

No - criterion not met

12. **Consistency with existing plans** - Endorsed transportation, air quality, and land use plans reflect the goals and objectives of the area and a proposed action must be consistent with them.

Is the proposed action consistent with the locally endorsed transportation, air quality, and land use plans of the area? Provide the project number from the Transportation Improvement Program and the year of the plan

Yes - meets criterion

No - criterion not met

13. **Coastal Zone** - The Coastal Zone Management Plan guides development in the counties of Wisconsin which have coastline on either Lake Michigan or Lake Superior.

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

Yes - meets criterion

No - criterion not met

Criterion Does Not Apply - project not in coastal zone

NOTE: Consistency with the Coastal Zone Management Plan is considered to be achieved when a project is coordinated with DNR and they have noted no objections.

14. **Flood Plains** - No significant encroachment into a flood plain pursuant to Governor's Executive Order 79 or Presidential Executive Order 11988 is allowable. See FDM 21-25-25.

Will the project have a significant encroachment into a flood plain?

Yes - criterion not met

No - meets criterion

IN ADDITION TO THOSE CRITERIA SHOWN ABOVE, FEDERAL-AID PROJECTS ALSO HAVE THE FOLLOWING CRITERIA

Note: The following criteria need only be addressed if the project is federally funded (federal funds used in any aspect of the project would make the project a federal-aid project).

- A. **Section 4(f)** - Federal highway law provides protection to Section 4(f) lands, i.e., recreation areas, parks, significant historic sites, wildlife and waterfowl refuges. No use of lands or other properties under the purview of Section 4(f) is allowed unless a programmatic 4(f) determination has already been approved by FHWA showing there is no feasible and prudent alternative and all possible planning to minimize harm has been done.

Does the project use any lands or other properties under the purview of Section 4(f).

Yes - see below **No - meets criterion**

If yes, has a Programmatic 4(f) determination already been approved by FHWA? Provide the date of the approval.

Yes - meets criterion No - criterion not met

- B. **FHWA Statewide Wetland Finding** - The FHWA Statewide Wetland Finding (FDM 21-25-20) applies to either bridge replacement or highway reconstruction projects which meet the following standards:

- I On existing location (i.e. within 0.5 km or 0.3 mi of the existing)
- II Affect a total of less than 3 hectares (7.4 acres) of wetlands
- III Have been coordinated with WDNR and WDNR has expressed no significant concerns over the proposed use of the wetlands.

Does the project meet the standards for the FHWA Statewide Wetland Finding?

Yes - meets criterion No - criterion not met
 Criterion Does Not Apply - no wetlands impacted

- C. **Flood plains** - No significant encroachments are allowed into a flood plain pursuant to Presidential Executive Order 11988. Executive order 11988 is essentially the same as Governor's executive order 79 addressed in item 15 above. If the criterion for number 14 above have been met, then this criterion is also met. See FDM Procedure 21-25-25.

Will the project have a significant encroachment into a flood plain?

Yes - criterion not met **No - meets criterion**
 Criterion Does Not Apply - no floodplains impacted

- D. **Farmland** - The U.S. Farmland Protection Policy Act requires coordination with the U.S. Natural Resources Conservation Service whenever a project receives a score 60 or more points in Part VI of form AD-1006, Farmland Conversion Impact Rating. See FDM Procedure 21-25-35

Is the farmland acquired rated below 60 points in Part VI of USDA form AD-1006?

Yes - meets criterion No - criterion not met
 Criterion Does Not Apply - no farmland acquisition

- E. **Wild and Scenic Rivers** - Lands and waters of rivers designated as Wild/Scenic Rivers by the U.S. Government are protected. See FDM Procedure 20-5-10

Does the project use any lands or waters of rivers designated as Wild/Scenic Rivers by the U.S. Government?

Yes - criterion not met **No - meets criterion**

- F. **U.S. Coast Guard Permits** - The United States Coast Guard requires that "Section 9" permits be obtained for bridge projects over navigable waters which are generally tributary to the Great Lakes or the Mississippi River. See FDM Procedure 21-30-1 for a list of waters covered by Section 9.

Does the project require a permit from the United States Coast Guard?

Yes - criterion not met

No - meets criterion

- G. **Environmental Justice** -The President's Executive Order 12898 on Environmental Justice required 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 the project cause disproportionately high and adverse human health or environmental effects or economic effects on minority populations and low-income populations?.

Yes - criterion not met

No - meets criterion

Name of Individual Filling out this form is _____

Date _____