

DATE: March 31, 2020

TO: DNR Transportation Liaison Staff
DOT Region Environmental Coordinators
DOT Storm Water Erosion Control Engineers
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FROM: DNR Transportation Management Team (TMT)
Scott Lawry, Director - WisDOT Bureau of Technical Services

SUBJECT: Interim Approach to Address DNR Field Work for DOT Projects During the COVID-19 National Emergency.

The Department of Natural Resources, applying Governor Evers "Safer at Home" Executive Order #12 and all previous orders related to the COVID-19 National Emergency, is suspending all business travel for DNR Transportation Liaisons and requiring staff to work from home.

The Department of Transportation, also under the Governors Orders, is requiring non-essential staff to work from home; however, critical infrastructure projects, including construction, reconstruction, and maintenance will continue, and essential staff can travel.

Our two teams agree that in most situations, the potential for construction impacts associated with existing and future proposed DOT projects have been and will continue to be avoided and minimized to the extent practicable. We also agree this avoidance and minimization does not reduce the need to ensure natural resources are protected.

Given these business travel restrictions, the TMT met with WisDOT's Environmental Management Team on March 24, 2020 resulting in the following interim approach to addressing DNR field work for DOT projects to ensure project design and construction continue to move forward.

Finally, our two teams emphasize communication and cooperation between the TL, REC, SWECE and other DOT staff is the key to making the following processes work.

Desktop Reviews

TLs should utilize existing resources such as DNR's Surface Water Data Viewer, Google Earth, Google Maps, and other available technical resources to review data sources to perform desktop reviews. Communication and coordination will occur using existing technologies such as e-mail, cell phones and Skype amongst other suitable virtual methods.

TLs should look to the DOT RECs and SWECEs as a vital link for obtaining needed site information, site photos /videos, etc. Consultant services are available under DOT master contracts for site visits in those limited situations where agreed upon needs are identified.

Erosion Control Implementation Plan (ECIP) Review

TLs will continue to review ECIP plans per established procedures. This work may be primarily completed by desktop review, coordination with DNR experts, and comparing this information with the ECIP submittal. The DNR uses this information to provide comments, recommendations and questions to DOT for consideration prior to DOT approval or revision.

Frequent, on-going, clear communication and coordination with DOT will be key to making the ECIP review process run smoothly while following the Governor's Orders.

- DOT will remind the contractor community about the importance of reviewing a proposed non-commercial site for the presence of natural resources constraints prior to submitting a select site request which could assist in expedited site review turnaround time by our agencies during this time of travel constraints
- The TMT will be working with the DOT to find platforms for information to be easily shared (i.e. Box.com).

Non-Commercial Select Sites

TLs should continue to perform desktop reviews for select sites to evaluate occurrences of mapped wetlands, hydric soils, wetland indicators, or threatened/endangered resources, navigable waterways, or other environmental issues.

If the site is not able to be cleared of these environmental aspects, the TL will communicate with the DOT Field Engineer and SWECE to seek additional methods of data collection (i.e. photos or video from onsite personnel, etc.) in order to provide direction on site support. For example, if a TL believes a portion of a select site is wetland, they may request the DOT Field Engineer and/or SWECE to provide some photos or videos of the vegetation, soils, etc. for review to determine if the site can be supported. If still inconclusive, the TL may request a wetland delineation be provided or other method of addressing the issue.

Transportation Construction General Permit (TCGP) Erosion Control Inspections

Upon DNR request, DOT will provide the weekly and 0.5 inch or more rainfall event erosion control inspection reports to enable further TL desktop reviews and coordination.

For requested projects, DOT will also send orders for changes in erosion control best management practices (BMPs) to address deficiencies and construction staging (i.e.-bridge construction to grading) to the TL.

A TL may request a DOT Field Engineer and/or SWECE provide DNR with photos/videos of erosion control BMPs. The purpose of a request should be clearly stated in order to generate meaningful photo/video responses and covers topics such as depiction of initial BMP installation, BMP maintenance after 0.5 inch or greater rain events, changes in BMPs to address construction stages, resolution of BMP deficiencies found during inspections.

Discharge to the Natural Resources

DOT will continue to follow the same notification process for site releases per established procedures and early coordination with DNR is key to protecting the resource. Once DNR has been notified, the TL, Field Engineer, and SWECE will meet by phone or virtually using the most appropriate agreed upon technology. The meeting should include why the release occurred, how it was documented, the extent of environmental damage, corrective actions, and how the corrective actions taken will be documented and reported to DNR in order to resolve the matter. In events where further field information is needed, the TL may seek the counsel of their supervisor to explore alternative options. If the release is a threat to public health and safety, please consult your supervisor.

Initial Review Letters and Final Concurrences

While not directly related to construction, TLs will continue to provide Initial Review (IRL) and Final Concurrence (FC) letters to the best of their ability at this time using the desktop review process outlined above.

If TLs believe more information is needed than what can be provided through a desktop review, the TL should contact the REC to determine if the REC can provide the needed site information through existing site photos/videos or through consultant services under DOT master contracts for site visits.

Another option would be for the TL to issue an IRL or FC indicating additional field review is necessary, who is expected to complete the field work (DNR, DOT, or joint review), any known time constraints and additional design considerations will be communicated as soon as possible. For example, a TL or other DNR resource staff may need to conduct a field review of a road-stream crossing for fisheries issues, threatened/endangered resource issues or mussels. Their letter would indicate what the issues are and include a condition that the TL or others will complete a field review once they are able to conduct business travel in order to provide design recommendations to DOT that may address the issue.

As always, communication in all these situations is key to successfully addressing environmental protection while enabling DOT projects to move forward. Please consult with your supervisor if you are unsure how to handle a situation in which a field visit is typically conducted, and you are unsure how to proceed.