

# **REC Emergency Project Procedures**

**7-9-2019**

## **Purpose of Procedures:**

- Guidance for Region Environmental Coordinators (REC) when emergency projects occur.
- Discuss emergency response procedures with region staff so everyone at the region is aware and knows how things work.
- The REC should proactively insert themselves into the emergency process at the Region before an emergency occurs. This will assist in identifying who at the Region you need to coordinate with and let them know to contact you immediately when an emergency occurs.

## **Projects Eligible for FHWA Emergency Relief (ER) Funds: <https://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/highway/er-summary.pdf>**

- The governor must declare a state of emergency
- The highways covered include US, WIS, County Highways and City streets classified as major collectors and above
- The work must occur within the existing right-of-way and in a manner, that substantially conforms to the preexisting design, function, and location as the original (FHWA must approve improvements beyond replacement in kind, must be documented for the Environmental Document)
- Projects may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changes since original construction. This will need to be justified (such as a hydrologic analysis for a culvert size increase) and must be cleared with FHWA ahead of the construction (and documented in the Environmental Document).
- If projects are in locations that have previously been impacted, upgrades may be warranted. This will need to be justified (such as a hydrologic analysis for a culvert size increase) and must be cleared with FHWA ahead of the construction (and documented in the Environmental Document).

## **Emergency Projects:**

- An emergency involving immediate threats to public health or safety, or immediate threats to property, repairs can start as soon as possible with the environmental documentation occurring afterward. Be aware that the environmental documentation is not coordination. Coordination should begin as soon as possible. The documentation involves writing up the decision-making process.
- All other repairs (permanent improvements) require the completion of the environmental documentation prior to the permanent repair work starting.
- Be proactive and be sure to insert yourself in the process, first duty officer phone call if possible.
- Inform DNR and USACE contacts of emergency incident and that follow-up coordination will be occurring.
- Inform people in charge of gathering information to take photos (dated), description and location. This will be used when coordinating with all agencies.
- The Emergency Relief check list is required to be completed by lead maintenance staff, the REC can use this Emergency Relief check list to track coordination, document type, etc. by adding their own columns: <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/relief.aspx>
- Coordinate with staff gathering information on the emergency incidents to prepare information for agency coordination and completion of the environmental document. The REC is usually responsible for completing the environmental document as well as facilitating coordination with other agencies. The information should contain:
  - A list of work that needs to be completed immediately (usually within the first 2-3 weeks)
  - A list of work that will be completed later with permanent repairs (within 180 days can receive 100% FHWA ER funds, unless an extension is granted)

- Site locations loaded into ArcGIS or other mapping software by assigned staff to share with other agencies (REC or someone else)
  - Photos (dated), before, during and after with description
  - Location maps
  - Description
  - Proposed fix
    - When did it happen or when will it happen?
    - How will it be implemented?
    - What is going to be the proposed fix, will it be more than replace-in-kind?
- Projects will be approved by the agency that is providing the funding (FHWA)
  - FHWA – restoration or replacement- in- kind unless FHWA has provided authorization for betterments. Needs to be a good reason for upgrades beyond DNR recommendation. Have conditions changed, are there assets that have been repaired before? If so may be eligible for upgrade.
  - DSSR (Damage Survey Summary Report) – required from WisDOT Maintenance for FHWA funding, excellent resource for coordination and completing Environmental Documents.
  - Emergency I.D.s will be provided to approved sites by FHWA. Region may provide a project ID later.

## Coordination

Coordination requirements with agencies may vary depending on the incident or situation. Always do initial coordination right away to identify potential impacts that may occur during construction.

### **State Historical Society and Tribes for Cultural Resources (through the Cultural Resources Team (CRT), CO - Lynn Cloud)**

- Repairs to locations where there are immediate threats to public health, safety or immediate threats to property (first 180 days):
  - REC or other staff must provide location and description to CRT as soon as possible (before repairs if possible)
  - Place information on SharePoint for Section 106 review; see site for required information: <https://wigov.sharepoint.com/sites/dot-dtsd/bts/epd/cr/Lists/eprojects/AllItems.aspx>
  - Coordination will be completed via SharePoint
  - CRT will complete coordination with tribes and supply REC with documentation
- Projects that will be completed later with permanent fixes
  - Follow standard process for Section 106 and tribal coordination

## DNR

- Reach out to DNR ASAP to notify and start the coordination process. All coordination with DNR should be documented.
- DNR staff should be invited on initial field reviews, if possible, to discuss scope of immediate and long-term repairs.
- For those locations that require immediate repairs, provide information, including time line.
  - While in the field with DNR staff, be sure to get their input/concurrence on decisions concerning structures, wetland impacts and erosion control for immediate repairs. Discuss and decide on appropriate erosion control on site. A full-blown ECIP is not needed but something needs to be communicated to contractors or county doing the repairs.
  - Request some type of correspondence (likely email) back and discussions and decisions made in the field and concurrence on the repairs. This could be a blanket note where they agree with several repairs.
  - You do not need Final Concurrence, you just need to start coordination and receive comments.

- You will need a Transportation Construction Permit from the DNR if it is over 1 acre of disturbance.
- For bridges or other structures, consult with the DNR Asbestos Inspector to verify emergency status for inspection and notification.  
<https://dnr.wi.gov/topic/Demo/documents/AsbestosInspectorMap.pdf>
- If underground storage tanks or suspected contaminated soil are encountered during emergency reconstruction, follow the construction emergency guidelines, stop work and call so we can get a trained contractor out there to handle the contamination. (Contact BTS -ESS Bob Pearson or Shar TeBeest immediately).
- Repairs that need to be completed later, prepare a Project Review Request Packet (as for all let projects).
  - Follow the standard process of coordination.

## **FWS**

Send an email to FWS on projects that will need immediate fixes, with the following template and modify as necessary. In this situation, information was placed on the FTP site and access information was included to Mr. Horton (or current contact):

Mr. Horton,

In response to the State Emergency Declaration in (insert location) from the (date of event) flood (or other) event, WisDOT is submitting the following information to fulfil Section 7(a)(2) responsibilities under the ESA pertaining to potential impacts to the species listed in (list of counties impacted) counties in Wisconsin.

This email serves as after the fact Section 7 consultation (emergency consultation) due to the widespread damage and emergency road repairs required. There are (list of) T/E species listed within the counties; however, it is not expected that any of the road and culverts repairs likely had or will have any impacts on the listed species since the initial widespread destruction caused by the (storm and subsequent flooding or other event) impacted a larger area than the roadway repair corridor. Generally, the repairs of the road and culverts are of “in-kind” repairs with (minimal extensions and end walls updates/upgrades or other changes). The repairs are all completed or underway, except for two sites, which are awaiting permanent repairs through a letting process.

On WisDOT’s FTP site (or other method), I have posted a .kmz map (or other map), a spreadsheet containing corresponding site ID’s and information on the scope of repair, a list of Threatened and Endangered Species by county, and a summary report that lists each repair site individually. The report includes information on the damage that was done by the event, the scope of repairs completed, and photos of the site. The links to those files are below, and are valid for 30 days

Repairs that need to be completed later should follow the regular Section 7 coordination process.

## **Environmental Document Preparation**

- A valid National Environmental Policy Act (NEPA) document is required along with all other environmental processing required for similar Federal-aid projects.
- Use the CEC (23 CFR 771.117(c) 9) - if repairs are immediate, all within existing right-of-way, no major upgrades and no extraordinary circumstances that indicate the use of the CE is not appropriate (CEQ Emergencies and the National Environmental Policy Act: [https://ceq.doe.gov/docs/nepa-practice/Emergencies\\_and\\_NEPA.pdf](https://ceq.doe.gov/docs/nepa-practice/Emergencies_and_NEPA.pdf)) . Also see: <https://www.fhwa.dot.gov/reports/erm/er.pdf>
  - Always use the newest template and blue language: <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>
  - Some sites (FHWA I.D.’s) may be combined if they are on the same facility and within the same scope and location. Make sure all appropriate I.D.’s are listed on the title sheet.

- Approve the document and provide to the appropriate WISDOT person for signature, filing and sharing with FHWA.
- The Region should strive to complete the Environmental Document within a year or less of the emergency.
- Depending on upgrade and timing of repairs other document types may be appropriate. In most cases this will follow the same path as all other Project Development projects.
  - If questions talk to your BTS-EPDS liaison or emergency specialist