

PROGRAMMATIC AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, WISCONSIN DIVISION
AND THE WISCONSIN DEPARTMENT OF TRANSPORTATION
REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS
CATEGORICAL EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS

WITNESSETH:

Whereas, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4370h (2014), and the Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508) direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (EA) or environmental impact statement (EIS) unless a particular action is categorically excluded;

Whereas, the Federal Highway Administration's (FHWA) distribution and spending of Federal funds under the Federal-aid Highway Program and approval of actions pursuant to Title 23 of the U.S. Code are major Federal actions subject to NEPA;

Whereas, the Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA's primary responsibilities (49 CFR 1.81(a)(5));

Whereas, the FHWA's NEPA implementing procedures (23 CFR 771) list a number of categorical exclusions¹ (CEs) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and therefore do not require the preparation of an EA or EIS;

Whereas, the Wisconsin Department of Transportation (WisDOT) is a State agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and must assist FHWA in fulfilling its obligations under NEPA for WisDOT projects (23 CFR 771.109);

Whereas, the majority of the transportation projects proposed by WisDOT for Federal-aid funding typically qualify as CEs and WisDOT seeks to assist in reducing the paperwork and processing time for certain Federal actions that do not have significant impacts on the human and natural environment pursuant to 40 CFR 1500.5(k) and 23 CFR 771.117;

Whereas, Wisconsin Administrative Code TRANS 400 *Wisconsin Environmental Policy Act Procedures for Department Actions* defines a list of State CE actions which are substantially similar to the FHWA list of CE actions in 23 CFR 771.117, and specifies standard documentation and nomenclature for these actions;

¹ In this Agreement, "CE" refers to all categorically excluded actions, as specified in Federal regulations, not just those meeting the requirements of 23 CFR 771.117(c).

Whereas, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

Whereas, the FHWA developed regulations implementing the authorities in section 1318(d), effective November 6, 2014;

Now, therefore, the FHWA and WisDOT enter into this Programmatic Agreement (Agreement) for the processing of categorical exclusions, subject to the following terms and conditions:

I. PARTIES

The Parties to this Agreement are the Federal Highway Administration, Wisconsin Division (FHWA), and the Wisconsin Department of Transportation (WisDOT).

II. PURPOSE

The purpose of this Agreement is to authorize WisDOT to determine on behalf of FHWA whether a project qualifies for a CE specifically listed in 23 CFR 771.117 (included in Appendix A of this Agreement). This Agreement also authorizes WisDOT to certify to FHWA that an action not specifically listed in 23 CFR 771.117, but meeting the CE criteria in 40 CFR 1508.4 and 23 CFR 771.117(a), qualifies for a CE as long as there are no unusual circumstances present that would require the preparation of either an environmental assessment (EA) or an environmental impact statement (EIS).

III. AUTHORITIES

This agreement is entered into pursuant to the following authorities:

- A. National Environmental Policy Act, 42 U.S.C. 4321 – 4370
- B. Moving Ahead for Progress in the 21st Century Act (MAP-21), P.L. 112-141, 126 Stat. 405, 1318(d)
- C. 40 CFR 1500 – 1508
- D. DOT Order 5610.1C
- E. 23 CFR 771.117

IV. DEFINITION OF ACTIONS THAT DO NOT HAVE SIGNIFICANT IMPACTS ON THE HUMAN AND NATURAL ENVIRONMENT

- A. Projects processed under this Agreement shall be actions that meet the definition of an action (as applicable) in 23 CFR 771.111(f), the definitions of a categorical exclusion in 40 CFR 1508.4 and 23 CFR 771.117(a), and are actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an EIS is required. Projects that meet FHWA's requirements in 23 CFR 771.117(a):
1. Do not induce significant impacts to planned growth or land use for the area;
 2. Do not require the relocation of significant numbers of people;
 3. Do not have a significant impact on any natural, cultural, recreational, historic, or other resource;
 4. Do not involve significant air, noise or water quality impacts;
 5. Do not have significant impacts on travel patterns; and
 6. Do not otherwise, either individually or cumulatively, have any significant environmental impacts.
- B. For a proposed action that WisDOT concludes qualifies for a CE, WisDOT shall document through a certification that the action will not result in significant environmental impacts.
- C. For a proposed action that WisDOT concludes does not meet the definition of a CE due to significant environmental impacts, WisDOT shall prepare either an EA or an EIS. FHWA will review WisDOT's class of action proposal in its process initiation letter for an EA or EIS.

V. CONSIDERATION OF UNUSUAL CIRCUMSTANCES

- A. For each project processed under this Agreement, WisDOT shall consider whether a normally categorically excluded action may include unusual circumstances that would require additional environmental study to determine whether a CE classification is proper. 23 CFR 771.117(b) contains a non-exhaustive list of unusual circumstances including:
1. Significant environmental impacts;
 2. Substantial controversy on environmental grounds;
 3. Significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or
 4. Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.
 5. Wisconsin-specific examples of unusual circumstances include auxiliary lane and capacity expansion projects.

- B. For a proposed action that WisDOT concludes qualifies for a CE, WisDOT shall document through a certification that the action does not include unusual circumstances that warrant the preparation of an EA or EIS.
- C. Any action that includes unusual circumstances will require WisDOT to consult with FHWA to determine the appropriate class of action for environmental analysis and documentation. Unusual circumstances may require additional studies to be performed prior to making a CE determination, or the preparation of an EA or EIS.

VI. ACCEPTABLE DOCUMENTATION FOR CATEGORICALLY EXCLUDED ACTIONS

- A. WisDOT has developed environmental analysis procedures and documentation for different types of categorically excluded actions. These procedures and documentation meet State requirements for environmental analysis and have been developed in consultation with FHWA to also satisfy FHWA environmental documentation requirements. Lists of FHWA CEs and a diagram that summarizes the relationship between FHWA CE project types and WisDOT CE documentation are included in Appendix A. Subject to the terms of this Agreement, FHWA will accept the following types of WisDOT environmental documentation for FHWA CE actions:
 - 1. For actions listed in 23 CFR 771.117(c) that meet the requirements in Sections IV and V of this Agreement, WisDOT shall complete the *Categorical Exclusion Checklist for 23 CFR 771.117(c) Actions* (CEC) which is included as Appendix B of this Agreement. In WisDOT's environmental nomenclature, these types of projects have previously been referred to as "CEs" or "Cat-Exes," but under this Agreement, and in subsequent WisDOT policies, they will be referred to as "CECs." The most current version of the CEC can be found on WisDOT's website at: <http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrce/environment/default.aspx>.
 - 2. For actions listed in 23 CFR 771.117(d) that meet the requirements in Sections IV and V and are not disqualified by the criteria in Section VII of this Agreement, WisDOT shall complete *Programmatic Categorical Exclusion* (PCE) documentation which is included as Appendix C of this Agreement. In WisDOT's environmental nomenclature, these types of projects have previously been referred to as *Programmatic Environmental Reports* or "PERs," but under this Agreement, and in subsequent WisDOT policies, they will be referred to as "PCEs." The most current version of PCE documentation can be found on WisDOT's website at: <http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrce/environment/default.aspx>.
 - 3. For actions listed in 23 CFR 771.117(d) that meet the requirements in Sections IV and V, but are excluded by the criteria in Section VII of this Agreement, and any actions not specifically listed in 23 CFR 771.117, but that meet the requirements in Section IV and V, WisDOT shall complete *Environmental Report* (ER) documentation. The Environmental Report basic sheets are attached as Appendix D of this Agreement. In WisDOT's environmental nomenclature, these types of

projects have typically been referred to as “ERs.” The most current versions of the basic and factor sheets can be found on WisDOT’s website at: <http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/default.aspx>.

- B. 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 CE documentation. In certain cases, the involvement of Tribal land may warrant preparing higher level environmental documentation (e.g. PCE instead of CEC) than what is defined in Section VI.A of this Agreement. WisDOT Central Office Environmental Staff will ensure adequate Tribal consultation by WisDOT and engage FHWA in consultation when necessary.
- C. In certain cases, WisDOT may wish to prepare a higher level of environmental documentation (e.g. PCE instead of CEC) than what is defined in Section VI.A of this Agreement to better evaluate and disclose project impacts, or to provide project documentation to comply with requirements of other laws (e.g. Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, etc.). WisDOT shall consult with FHWA in these cases before proceeding to prepare higher level environmental documentation. If these cases include unusual circumstances, FHWA may determine that a different type of CE documentation, an EA, or an EIS is required.
- D. All projects, regardless of the CE type specified in Section VI.A of this Agreement, must meet the following requirements for conformity with certain plans required by FHWA regulations and other State and Federal agencies:
 - 1. Projects must conform to the State Implementation Plan which is approved or promulgated by the U.S. Environmental Protection Agency in air quality non-attainment areas.
 - 2. Projects must be included in and consistent with the Statewide Transportation Improvement Program (STIP), and in applicable urbanized areas, the Transportation Improvement Program (TIP).
 - 3. Projects located in counties in Wisconsin’s coastal zone must be consistent with the Wisconsin Coastal Zone Management Plan.
- E. Due to changes in FHWA regulations resulting from the transportation authorization bill MAP-21 (P.L. 112-141), actions described in 23 CFR 771.117(c)(26-28) may be documented with a CEC, PCE, or ER, depending on the specific environmental impacts of the project. If an action of the aforementioned types meets the criteria in 23 CFR 771.117(e), it may be documented with a CEC. If an action fails to meet the 23 CFR 771.117(e) criteria, but is not disqualified by the criteria in Section VII of this Agreement, then it may be documented with a PCE. If an action fails to meet both sets of criteria, it must be documented with an ER, EA, or EIS, as applicable. Appendix A of this Agreement contains copies of the CE lists from FHWA regulations

and the 23 CFR 771.117(e) criteria. FHWA and WisDOT have established certain state-specific definitions for 23 CFR 771.117(e) criteria, including:

1. 23 CFR 771.117(e)(1) – A minor amount of right-of-way is defined as fee or permanent limited easement taking of less than or equal to one (1) acre per mile on average for (c)(26) actions, and less than or equal to one half (0.5) acre total for (c)(27)&(28) actions.
2. 23 CFR 771.117(e)(4) – Projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.
3. 23 CFR 771.117(e)(5) – Changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using the CEC.

F. Notwithstanding any other provision of this Agreement, any action that does not satisfy the requirements for a CE described in Sections IV-VI of this Agreement is disqualified from processing under this Agreement and will require preparation of an EA or EIS. Disqualification may occur at any time during the environmental process if WisDOT or FHWA determines that the project fails to meet the CE criteria.

VII. CONDITIONS OR DETERMINATIONS THAT DISQUALIFY ACTIONS FROM PROGRAMMATIC CATEGORICAL EXCLUSION DOCUMENTATION

- A. Projects listed in 23 CFR 771.117 (d) will be disqualified from processing with PCE documentation if they include the following conditions:
1. Projects with any acquisitions that require relocations.
 2. Projects resulting in capacity expansion of a roadway by the addition of through lanes.
 3. Projects that result in a determination of adverse effect pursuant to the National Historic Preservation Act, Section 106.
 4. Projects that require the use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) that cannot be documented with an FHWA *de minimis* determination or a programmatic Section 4(f) evaluation, except for the programmatic evaluation for the use of historic bridges.
 5. Projects that require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property. Projects with temporary limited easements on these types of properties may use the PCE only if documentation of successful coordination with the agency with authority over the property is included with the PCE and in the project file.
 6. Projects that require a U.S. Army Corps of Engineers Section 404 permit other than a General Permit issued for use in Wisconsin.
 7. Projects that require a U.S. Coast Guard construction permit.

8. 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, pursuant to Executive Order 11988 and 23 CFR 650A.
 9. Projects that 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.
 10. Projects defined as a Type I project per 23 CFR 772.5 and FDM 23-10 for purposes of a noise analysis, where analysis indicates that a noise impact will occur.
 11. Projects with a finding of “may affect, likely to adversely affect” Federally listed or candidate threatened or endangered species, or proposed or designated critical habitat under the Endangered Species Act, or projects with impacts subject to the conditions of the Bald and Golden Eagle Protection Act.
 12. Projects including acquisition of land for hardship or protective purposes, when WisDOT intends to seek subsequent Federal reimbursement or use Federal funds up-front in the early acquisition (23 CFR 771.117(d)(12) projects).
- B. Projects listed in 23 CFR 771.117(d) that do not meet the requirements above will be processed with ER documentation unless environmental impacts or unusual circumstances warrant the preparation of an EA or EIS.

VIII. NEPA APPROVALS

- A. FHWA and WisDOT will base their approval of CE actions on the project documentation and certifications prepared by WisDOT under this Agreement.
- B. WisDOT shall ensure that the certifications and documentation for each project specified in Section VI of this Agreement will be made available prior to or at the time FHWA contemplates its approval of the next major project phase following preliminary design/ NEPA.
 1. Projects processed with CEC documentation under Section VI.A.1 of this Agreement will not require individual review and approval by FHWA prior to WisDOT’s request to proceed with final design, acquisition of right-of-way, or construction. FHWA will rely on the certifications and approvals made by WisDOT as the basis for the CE determination and for the approval of subsequent project phases.
 2. Projects processed with PCE documentation under Section VI.A.2 of this Agreement will not require individual review and approval by FHWA prior to WisDOT’s request to proceed with final design, acquisition of right-of-way, or construction. FHWA will rely on the certifications and approvals made by WisDOT as the basis for the CE determination and for the approval of subsequent project phases.

3. Projects processed with ER documentation under Section VI.A.3 of this Agreement will require review and approval by FHWA prior to WisDOT's request to proceed with final design, acquisition of right-of-way, or construction.
 4. WisDOT may not internally approve actions not specifically listed as CEs in 23 CFR 771.117, but that meet the requirements of a CE described in Sections IV and V of this Agreement. Instead, WisDOT shall prepare ER documentation subject to Section VI.A.3 of this Agreement. This documentation will require review and approval by FHWA prior to WisDOT's request to proceed with final design, acquisition of right-of-way, or construction.
 5. For any CE (all projects under Section VI.A of this Agreement), if the project includes a Section 4(f) *de minimis* determination or programmatic evaluation, the WisDOT Region shall submit the 4(f) documentation for review by WisDOT Central Office and review and approval by FHWA prior to approving the CE documentation and requesting to proceed with subsequent project phases. The draft CE documentation shall be submitted as supporting documentation to the 4(f) evaluation in these cases.
- C. In accordance with 23 CFR 771.129, WisDOT shall re-evaluate its documentation and certifications for projects, consult with FHWA, and as necessary, prepare additional documentation to ensure that determinations are still valid under the following circumstances:
1. At each subsequent approval or grant action, including proceeding with final design, purchasing right-of-way, and proceeding to construction.
 2. When there is a change in the scope or location of the project such that new impacts or a change in impacts may occur that were not previously considered.
 3. When there is a change in the environmental conditions in the vicinity of the project such that new impacts or a change in impacts may occur that were not previously considered.
 4. When there is a change in the environmental mitigation measures or commitments contained in the approved environmental document.
 5. When 3 or more years have passed since the date the CE was approved and the next major project phase has not yet been authorized (i.e. final design or right-of-way acquisition for ER projects or the construction phase for CEC and PCE projects). In this case, WisDOT's re-evaluation must be in writing and shall be included in the project record.

IX. PERFORMANCE, QUALIFICATIONS, QUALITY CONTROL, REPORTING, AND RECORDKEEPING REQUIREMENTS

- A. Required Resources, Qualifications, Standards, and Training
1. WisDOT must maintain adequate organizational and staff capability to effectively carry out the provisions of this Agreement. This includes, without limitation:
 - a. Using appropriate technical and managerial expertise to perform the functions set forth under this Agreement; and

- b. Devoting adequate financial and staff resources to carry out the certification, documentation, and approval of projects under this Agreement.
2. WisDOT may procure through consultant services some or all of the environmental and other technical expertise needed to prepare environmental documentation under this Agreement. However, consultants may not recommend for approval or approve CE documentation, with the exception of Local Program Management Consultants recommending approval of Local Program projects.
3. WisDOT will maintain a list of qualified staff who internally review and recommend CE documentation for approval. The list will be updated annually and provided to FHWA with the report required under Section IX.C.2 of this Agreement. At a minimum, all WisDOT and Local Program staff shall meet the following requirements:
 - a. Hold a position as Region Environmental Coordinator, Local Program Management Consultant, or as a staff member in the WisDOT Central Office Bureau of Technical Services, Environmental Services Section or Environmental Process and Documentation Section.
 - b. Have completed one of the following trainings in addition to the WisDOT internal NEPA training:
 - i. *Introduction to NEPA and Transportation Decisionmaking – WEB-BASED* (FHWA-NHI-142052)
 - ii. *NEPA and Transportation Decisionmaking* (FHWA-NHI-142005)
 - iii. Other training approved by FHWA.
 - c. Have at least 1 year of experience preparing and reviewing NEPA documents for transportation projects.
4. CEC and PCE documentation shall only be approved by WisDOT Region or Central Office Project Managers and Local Program Project Managers (for Local Program projects).
5. All individuals participating in the preparation, certification, and approval of project documentation under this Agreement shall be familiar with and follow State laws, State regulations, WisDOT environmental policy in the FDM, and applicable FHWA regulations, policy, and guidance.

B. WisDOT Quality Control

1. WisDOT and its consultants shall prepare CE documentation and supporting environmental documentation with a high level of quality, consistency, and accuracy.
2. WisDOT agrees to carry out regular quality control activities to ensure that its CE certifications and approvals are made in accordance with applicable laws and this Agreement.
3. WisDOT shall monitor its processes relating to project approvals, certifications, environmental analysis, and project file documentation, and check for errors and omissions. WisDOT shall take corrective action as needed. WisDOT shall document its quality control activities and any needed corrective actions taken.
4. WisDOT shall regularly provide internal and external trainings to maintain an adequate pool of qualified staff.

5. If WisDOT implements training to meet the capability requirements of this Agreement, or as a corrective action, WisDOT shall be responsible for the training. WisDOT shall provide notice of the training to FHWA. FHWA will determine whether the training satisfies the criteria for document reviewer and recommender qualification under Section IX.A.3.b.iii of this Agreement.

C. WisDOT Performance Monitoring and Reporting

1. FHWA and WisDOT shall cooperate in monitoring performance under this Agreement and each party shall modify its practices to assure quality performance.
2. WisDOT shall submit to FHWA (electronically and in hard copy) a report summarizing its performance under this Agreement. The report will be submitted annually, beginning on the effective date of this Agreement. The report will identify any areas where improvement is needed and what measures WisDOT is taking to implement those improvements. The report will include a description of actions taken by WisDOT as part of its quality control efforts under Section IX.B.

D. Project Documentation and Recordkeeping.

1. At the beginning of and 6 months into each Federal fiscal year (October 1 and April 1), WisDOT shall provide to FHWA a list of all CE approvals in the preceding 6 months. The information will be provided to FHWA within 15 business days after the beginning and middle of each fiscal year. At a minimum, the list shall include:
 - a. The WisDOT project identification number,
 - b. The Federal project number (if one exists),
 - c. A descriptive project name,
 - d. The project improvement type,
 - e. The route or facility name where the project will occur,
 - f. The type of documentation used (CEC, PCE, or ER),
 - g. The number of the applicable CE from 23 CFR 771.117(c) or (d) and a brief text description of that CE,
 - h. The type of 4(f) evaluation or determination used (e.g. individual, *de minimis*, or type of programmatic), if applicable,
 - i. The environmental process start date,
 - j. The name of the document approver (WisDOT Project Manager or FHWA staff), and
 - k. The date of WisDOT's or FHWA's final CE approval.
2. WisDOT will create a project record for each action it certifies under the terms of this Agreement. This project record shall be available to FHWA for review upon request. This record shall include at a minimum:
 - a. The appropriate environmental documentation specified by Sections IV-VI of this Agreement.
 - b. Any checklists, forms, documents, and exhibits that summarize the consideration of project effects and unusual circumstances.
 - c. A public involvement plan complying with the requirements of FDM Chapter 6 (WisDOT's FHWA-approved public involvement policy).

- d. Any stakeholder communication, correspondence, consultation, or public meeting documentation.
 - e. Any project documentation to comply with requirements of other applicable laws (e.g. Section 106 of the National Historic Preservation Act, Section 4(f) of the US DOT Act, Section 404 of the Clean Water Act, etc.).
 - f. For cases involving re-evaluations, any documented re-evaluation (when required) or a statement that a re-evaluation was completed for the project (when documentation is not necessary).
3. WisDOT shall maintain electronic or paper project records and records pertaining to its administration of the certification and approval process for individual projects. WisDOT shall provide FHWA with copies of any project records FHWA may request. WisDOT shall retain those records, including all letters and comments received from governmental agencies, the public, and others for a period of no less than three (3) years after completion of project construction. This 3-year retention provision does not relieve WisDOT of its project or program recordkeeping responsibilities under 2 CFR 200.333 or any other applicable laws, regulations, or policies.
 4. WisDOT shall ensure that project records are available to the public consistent with the Wisconsin Public Records Law (Wis. Stat. 19.31-19.39) and, as applicable, the requirements for Federal agencies under 5 U.S.C. 552 (the Freedom of Information Act, as amended), NEPA, and FHWA regulation, policy, and guidance.

E. FHWA Oversight.

1. Monitoring by FHWA will include consideration of the technical competency and organizational capacity of WisDOT, as well as WisDOT's performance of its CE processing functions. Performance considerations will include, without limitation: the quality and consistency of WisDOT's project certifications and approvals, the adequacy and capability of WisDOT staff and consultants, and the effectiveness of WisDOT's administration of its internal CE approvals.
2. At a minimum, FHWA will conduct one program review as part of its oversight activities during the term of this Agreement. The results of that review shall be considered along with WisDOT's annual performance reports at the time this Agreement is considered for renewal. WisDOT will implement corrective actions to address any findings or observations identified in the FHWA review.
3. Nothing in this Agreement shall prevent FHWA from undertaking other monitoring or oversight actions, including audits, with respect to WisDOT's performance under this Agreement. FHWA may require WisDOT to perform other quality assurance activities, including other types of monitoring, that may be reasonably required to ensure compliance with applicable Federal laws and regulations.
4. WisDOT agrees to cooperate with FHWA in all oversight and quality assurance activities.

X. AMENDMENTS AND ADMINISTRATIVE MODIFICATIONS

- A. Either party to this Agreement may request that it be amended or administratively modified, whereupon the parties shall consult to consider such an amendment.
- B. If the parties agree to amend this Agreement, then FHWA and WisDOT may execute an amendment with new signatures and dates of the signatures. The term of the Agreement shall remain unchanged unless otherwise expressly stated in the amended Agreement.
- C. Minor updates to the content and format of the WisDOT CE documentation described in Section VI will not require a formal amendment to this Agreement. However, when changes in Federal or State laws, regulations, or policies dictate substantial updates to CE designations or processes, WisDOT will consult FHWA to determine whether an amendment to the Agreement will be required prior to implementing changes in the CE documentation or approval process.

XI. TERM, RENEWAL, AND TERMINATION

- A. This Agreement shall have a term of 5 years, effective on the date of the last signature.
- B. To comply with 23 CFR 771.117(g)(4), WisDOT shall make this agreement available to the public once it has been executed by posting and maintaining it on the WisDOT public website in such a way that it may be easily found by a member of the public.
- C. This Agreement is renewable for additional terms of 5 years if WisDOT requests renewal and FHWA determines that WisDOT has satisfactorily carried out the provisions of this Agreement. In considering any renewal of this Agreement, FHWA will evaluate the effectiveness of the Agreement and its overall impact on the environmental review process.
- D. At least 6 months prior to the end of each 5 year term, WisDOT and FHWA shall meet to discuss the results under the Agreement and consider amendments to this Agreement.
- E. If the parties do not renew the Agreement, then it shall expire at the end of the term then in effect.
- F. Either party may terminate this Agreement at any time by giving at least 30 days written notice to the other party.
- G. If this Agreement expires or is terminated, WisDOT shall no longer make any CE approvals on FHWA's behalf, and processing and approval of CE actions will revert to the process and standards specified in 23 CFR 771.117.

XII. SIGNATURES

Execution of this Agreement and implementation of its terms by both parties provides evidence that both parties have reviewed this Agreement and agree to the terms and conditions for its implementation. This Agreement is effective upon the date of the last signature below.

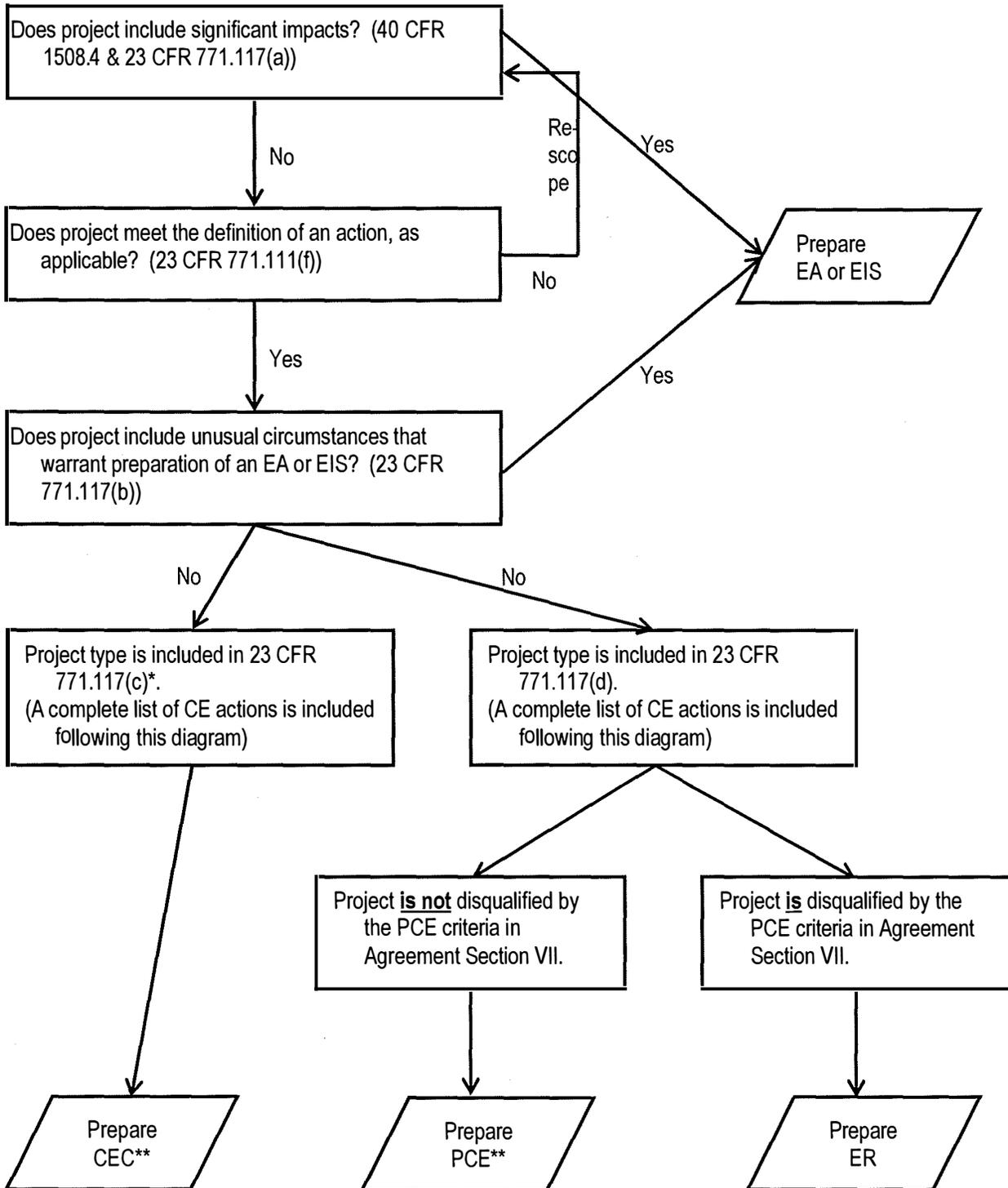
Wisconsin Department of Transportation

Mark Gottlieb 8-7-15
Mark Gottlieb, Secretary Date

Federal Highway Administration – Wisconsin Division

R. Kirk Fredrichs 07/30/15
R. Kirk Fredrichs, Acting Division Administrator Date

Appendix A – Graphical Summary of CE Process & CE Lists from FHWA Regulations



*Actions listed in (c)(26-28) may be documented with the CEC, PCE, or ER, depending on whether the project meets the conditions of 23 CFR 771.177(e) or the conditions of Section VII of the PCE Agreement.
 **Use of more detailed documentation than the required minimum may be appropriate in some cases, but is subject to consultation with FHWA

23 CFR 771.117(c) Actions

(c) The following actions meet the criteria for CEs in the CEQ regulations (40 CFR 1508.4) and 771.117(a) and normally do not require any further NEPA approvals by the FHWA:

(1) Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.

(2) Approval of utility installations along or across a transportation facility.

(3) Construction of bicycle and pedestrian lanes, paths, and facilities.

(4) Activities included in the State's highway safety plan under 23 U.S.C. 402.

(5) Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.

(6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

(7) Landscaping.

(8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

(9) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 23 U.S.C. 125; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

(10) Acquisition of scenic easements.

- (11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (20) Promulgation of rules, regulations, and directives.
- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or

that are not maintained for transportation purposes are not in the existing operational right-of-way.

(23) Federally-funded projects:

- (i) That receive less than \$5,000,000 of Federal funds; or
- (ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

(24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 USC 1341; 1342)) carried out to address water pollution or environmental degradation.

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.

(29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.

(30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

23 CFR 771.117(e) – Conditions for (c)(26-28)

(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

- (1) An acquisition of more than a minor amount of right-of-way* or that would result in any residential or non-residential displacements;
- (2) An action that needs a bridge permit from the US Coast Guard, or an action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;
- (3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 USC 138 or 49 USC 303 (section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act;
- (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions**;
- (5) Changes in access control***;
- (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

The Following Wisconsin-specific definitions apply under this agreement:

**23 CFR 771.117(e)(1) – A minor amount of right-of-way is defined as fee or permanent limited easement taking of less than or equal to one (1) acre per mile on average for (c)(26) actions and less than or equal to one half (0.5) acre total for (c)(27)&(28) actions.*

***23 CFR 771.117(e)(4) – Projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.*

****23 CFR 771.117(e)(5) – Changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using the CEC.*

23 CFR 771.117(d) Actions

(d) Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after the Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(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.

(12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can

document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(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.

Appendix B – Categorical Exclusion Checklist for 23 CFR 771.117(c) Actions (CEC)

CATEGORICAL EXCLUSION CHECK LIST

FOR 23 CFR 771.117(c) ACTIONS
 Wisconsin Department of Transportation
 [Form Number] 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) <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Local	
23 CFR 771.117(c) Project Type Number and Text			
Section 4(f) <input type="checkbox"/> None <input type="checkbox"/> <i>De Minimis</i> <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Historic Bridge <input type="checkbox"/> Net Benefit <input type="checkbox"/> Exception			
Right of Way Acquisition			
Total Acres	Fee Simple Acres	Permanent Easement Acres	Temporary Easement Acres
Number of Buildings Acquired			
<input type="checkbox"/> None Vacant Buildings		Occupied Buildings	
Name of Individual/ Firm Preparing this Form		CE Preparation Date	Environmental Process Start Date

**WisDOT Region Environmental Coordinator or
 Local Program Management Consultant**

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.

**WisDOT Region, Central Office, or Local Program
 Project Manager**

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)

 (Print Name)

 (Date)

 (Signature)

 (Print Name)

 (Date)

A determination that this project satisfies the criteria for an FHWA (c)-listed Categorical Exclusion (CE) 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 (c)-listed CE 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.

I. Proposed (c)-list Categorical Exclusion – Insert the number and text of the applicable FHWA (c)-list CE from 23 CFR 771.117(c). Updated copies of the FHWA CE regulations are available on the [US Government Printing Office Website](#).

Project is not being processed as a (c)(26), (c)(27), or (c)(28) project

Projects proposed for approval as (c)(26), (c)(27), or (c)(28) actions must not include any of the conditions specified in 23 CFR 771.117(e). Check all boxes that apply to the proposed project. If any boxes are checked, the project cannot be documented with this checklist. Instead, process it with a PCE if it meets the criteria in Section VII of the FHWA – WisDOT CE Agreement. If the action is disqualified by the Section VII criteria, prepare an ER, EA, or EIS, as applicable.

23 CFR 771.117(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

- (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements
**In Wisconsin, a minor amount of right-of-way is defined as fee or PLE acquisition ≤ 1 acre/ mile on average for (c)(26) actions and ≤ 0.5 acre total for (c)(27)&(28) actions.*
- (2) An action that needs a bridge permit from the US Coast Guard
- (2) An action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899
- (3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act
- (3) The use of a resource protected under 23 USC 138 or 49 USC 303 (Section 4(f)) except for actions resulting in *de minimis* impacts
**If a project includes a 4(f) de minimis determination or programmatic evaluation, the 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE.*
- (3) A finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act
- (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
**In Wisconsin, projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.*
- (5) Changes in access control
**In Wisconsin, changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using this checklist.*
- (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

II. Description of Proposed Action – Provide a concise project description below, including the project purpose and need and scope of work. Attach a project location map and other appropriate exhibits (existing and proposed typical sections, etc.). The description must be consistent with the specific CE listed in Section I, above.

III. 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 either boxes (1-3) or the last box. If this is not possible, adjust the scope of the project to meet the criteria.

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
- Project is not an action resulting in construction and does not require compliance with (1-3) above

IV. Categorical Exclusion Definition - Check all boxes that apply to the proposed project. If you are unable to check a box in this section, evaluate the scope of the project and prepare more detailed environmental documentation.

23 CFR 771.117(a) Categorical exclusions (CEs) are actions which, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- Do not induce significant impacts to planned growth or land use for the area
- Do not require the relocation of significant numbers of people
- Do not have a significant impact on any natural, cultural, recreational, historic or other resource
- Do not involve significant air, noise, or water quality impacts
- Do not have significant impacts on travel patterns
- Do not otherwise, either individually or cumulatively, have any significant environmental impacts

V. 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
- (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:

VI. Supporting Documentation – List any additional discussion, agency correspondence, or supporting documentation used in this CE determination. Attach this documentation to the checklist and maintain a copy in the project file. Projects with 4(f) *de minimis* determinations or programmatic evaluations will require review by WisDOT Central Office and review and approval by FHWA prior to the approval of this CE.

VII. Mitigation & 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	

Appendix C – WisDOT Programmatic Categorical Exclusion (PCE)

PROGRAMMATIC CATEGORICAL EXCLUSION

FOR STATE AND FEDERALLY FUNDED ACTIONS

Wisconsin Department of Transportation

DT2261 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)	
		<input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Local	
23 CFR 771.117(d) Project Type Number and Text (see Table 1 below)			
Section 4(f)			
<input type="checkbox"/> None <input type="checkbox"/> <i>De Minimis</i> <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Net Benefit <input type="checkbox"/> Exception			
Right of Way Acquisition			
Total Acres	Fee Simple Acres	Permanent Easement Acres	Temporary Easement Acres
Number of Buildings Acquired			
<input type="checkbox"/> 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

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.

WisDOT Region, Central Office, or Local Program Project Manager

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 Statutes 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 PM_{2.5}. 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 (PM_{2.5}). 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 if 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	

Appendix D – WisDOT Environmental Report Basic Sheets (ER)

BASIC SHEET 2 – TABLE OF CONTENTS, ABBREVIATIONS/ACRONYMS, DOCUMENT DESCRIPTION

1. Table of Contents

2. Abbreviations and Acronyms

3. Environmental Document Statement

This environmental document is an essential component of the National Environmental Policy Act (NEPA) and Wisconsin Environmental Policy Act (WEPA) project development process, which supports and complements public involvement and interagency coordination.

The environmental document is a full-disclosure document which provides a description of the purpose and need for the proposed project, the existing environment, analysis of the anticipated beneficial or adverse environmental effects resulting from the proposed action and potential mitigation measures to address identified effects. This document also allows others the opportunity to provide input and comment on the proposed action, alternatives and environmental impacts. Finally, it provides the decision maker with appropriate information to make a reasoned choice when identifying a preferred alternative.

This environmental document must be read entirely so the reader understands the reasons that one alternative is selected as the preferred alternative over other alternatives considered.

BASIC SHEET 3 – PURPOSE AND NEED

1. Purpose and Need

2. Summary of Alternatives

3. Description of Proposed Action

4. Construction and Operational Energy Requirements

5. Land Use Adjoining the Project and Surrounding Area

6. Planning and Zoning

7. Indirect Effects and Cumulative Effects

If any of the following boxes are checked, the Pre-Screening Worksheet for EA and ER Projects For Determining the Need to Conduct a Detailed Indirect Effects Analysis found in Appendix A of the WisDOT report titled *Guidance for Conducting an Indirect Effects Analysis* must be completed and attached to this environmental document.

An alternative being carried forward for detailed consideration includes;

- Economic development as a purpose and need element of the proposed project.
- Construction of one or more new or additional through lanes.
- Construction of a new interchange or elimination of an existing interchange.
- Construction of one or more additional ramps or relocation of a ramp lane to a new quadrant on an existing interchange.
- Changing an at-grade intersection to a grade-separation with no access or a grade-separation to an at-grade intersection.
- Construction of one or more additional intersections along the mainline created by a new side road access.
- One or more new access points along a side road within 500' of the mainline.

- None of the above boxes have been checked, it has therefore been concluded that the proposed action will not result in indirect effects or cumulative effects.
- The proposed action may result in indirect effects or cumulative effects. The Pre-Screening Worksheet for EA and ER Projects For Determining the Need to Conduct a Detailed Indirect Effects Analysis attached as _____ indicates a detailed indirect effects and cumulative effects analysis is not required.
- The proposed action may result in indirect effects or cumulative effects. It has been determined that a detailed indirect effects and cumulative effects analysis is required. See _____ for the detailed analysis.

8. Environmental Justice

How was information obtained about the presence of populations covered by EO 12898? (check all that apply)	
<input type="checkbox"/> US Census Data	<input type="checkbox"/> Survey Questionnaire
<input type="checkbox"/> Real Estate Company	<input type="checkbox"/> WisDOT Real Estate
<input type="checkbox"/> Public Involvement Meeting	<input type="checkbox"/> Local Government
<input type="checkbox"/> Official Plan	<input type="checkbox"/> Windshield Survey*
<input type="checkbox"/> Human Resources Agency Identify agency: Identify plan, approval authority and date of approval:	
<input type="checkbox"/> Other – Identify:	

*Conducting only a windshield survey is not sufficient to make a determination regarding whether or not populations are present.

Based on data obtained from the methods above, are populations covered by EO 12898 present in the project area?

- a. No
- b. Yes – Factor Sheet B-4 must be completed.

9. Title VI of the 1964 Civil Rights Act, the Americans with Disabilities Act or the Age Discrimination Act
 Indicate whether or not issues have been identified or concerns have been expressed related to Title VI of the 1964 Civil Rights Act, the Americans with Disabilities Act or the Age Discrimination Act.

- a. No – Issues related to the above laws were not identified and concerns were not expressed.
- b. Yes – Issues related to the above laws were identified and/or concerns were expressed. Explain:

10. Public Involvement

A. Public Meetings

Date (m/d/yyyy)	Meeting Sponsor (WisDOT, RPC, MPO, etc.)	Type of Meeting (PIM, Public Hearings, etc.)	Location	Approx. Number of Attendees

- B. Other methods such as those identified in the Public Involvement Plan and Environmental Justice Plan (if applicable):
- C. Identify groups that participated in the public involvement process. Include any organizations and special interest groups including but not limited to:
- D. Indicate plans for additional public involvement, if applicable:

11. Briefly summarize the results of public involvement.

- A. Describe the issues, if any, identified by individuals or groups during the public involvement process:
- B. Briefly describe how the issues identified above were addressed:

12. Local/regional/tribal/federal government coordination

A. Identify units of government contacted and provide the date coordination was initiated.

Unit of Government (MPO, RPC, City, County, Village, Town, Tribal, Federal, etc.)	Coordination Correspondence Attached (Yes/No)	Coordination Initiation Date (m/d/yyyy)	Coordination Completion Date (m/d/yyyy)	Comments

- B. Describe the issues, if any, identified by units of government during the public involvement process:
- C. Briefly describe how the issues identified above were addressed:
- D. Indicate any unresolved issues or ongoing discussions:

13. Public Hearing Requirement

- This document is an Environmental Assessment.
 - A Notice of Opportunity to Request a Public Hearing **will be** published, or,
 - A Public Hearing **will be** held.
- This document is a Type 2c Categorical Exclusion / Environmental Report.
 - A substantial amount of right-of-way **will** be acquired.
 - The proposed action **will** substantially change the layout or functions of connecting roadways or of the facility being improved.
 - The proposed action **will** have a substantial adverse impact on abutting property.
 - The proposed action **will** have other substantial social, economic, environmental effects.
 - The department has made a determination that a public hearing is in the public interest.
 - None of the above boxes have been checked, it has therefore been concluded that a Notice of Opportunity to Request a Public Hearing **will not** be published and a Public Hearing **is not** required, or,
 - A Notice of Opportunity to Request a Public Hearing **will be** published, or,
 - A Public Hearing **will be** held.

Note: For federally-funded projects, FHWA signature of this environmental document indicates concurrence with the department’s Public Hearing requirement determination.

BASIC SHEET 4 – TRAFFIC SUMMARY MATRIX

	ALTERNATIVES/SECTIONS					
	No Build					
TRAFFIC VOLUMES						
Base Yr. AADT Yr.						
Const. Yr. AADT Yr.						
Const. Plus 10 Yr. AADT Yr.						
Design Yr. AADT Yr.						
DHV Yr.						
TRAFFIC FACTORS						
K [<input type="checkbox"/> 30 / <input type="checkbox"/> 100/ <input type="checkbox"/> 250] (%)	%	%	%	%	%	%
D (%)	%	%	%	%	%	%
Design Year T (% of AADT)	%	%	%	%	%	%
T (% of DHV)	%	%	%	%	%	%
Level of Service						
SPEEDS						
Existing Posted						
Future Posted						
Design Year Project Design Speed						
OTHER (specify)						
P (% of AADT)	%	%	%	%	%	%
K ₈ (% OF AADT)	%	%	%	%	%	%
Other						

AADT = Annual Average Daily Traffic

K [_{30/100/200}] : K₃₀ = Interstate, K₁₀₀ = Rural, K₂₅₀ = Urban, % = AADT in DHV

T = Trucks

K₈ = % AADT occurring in the average of the 8 highest consecutive hours of traffic on an average day (required only if CO analysis is required).

DHV = Design Hourly Volume

D = % DHV in predominate direction of travel

P = % AADT in peak hour

1. Identify the agency that generated the data included in the Traffic Summary Matrix.
2. Identify the date (month/year) that the traffic forecast data included in the Traffic Summary Matrix was developed.
3. Identify the methodology and/or computer program(s) used to develop the data included in the Traffic Summary Matrix.
4. If a metric other than Annual Average Daily Traffic (AADT) is used for describing traffic volumes such as Average Annual Weekday Traffic (AWDT), explain why a different metric was used and how it compares to AADT.

BASIC SHEET 5 – AGENCY AND TRIBAL COORDINATION

Agency	Coordination Required?	Correspondence Attached?	Comments
WisDOT			
Region Real Estate Section	<input type="checkbox"/> No	N/A	Coordination is not required because there will be no Fee, PLE or TLE acquisitions.
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No	Coordination has been completed. Project effects and relocation assistance have been addressed. A Conceptual Stage Relocation Plan is attached as . Evidence of coordination is not required when no inhabited houses or active businesses will be acquired.
Bureau of Aeronautics	<input type="checkbox"/> No	N/A	Coordination is not required. The project is not located within 5 miles of a public or military use airport.
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No	Coordination has been completed and project effects have been addressed. Explain:
Railroads and Harbors Section	<input type="checkbox"/> No	N/A	Coordination is not required because no railways or harbors are in or planned for the project area.
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No	Coordination has been completed and project effects have been addressed. Explain:
STATE AGENCY			
Natural Resources (DNR)	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No	
State Historic Preservation Office (SHPO)	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Agriculture (DATCP)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other (identify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
FEDERAL AGENCY			
U.S. Army Corps of Engineers (USACE)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
U.S. Fish and Wildlife Service (USFWS)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources Conservation Service (NRCS)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
U.S. National Park Service (NPS)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
U.S. Coast Guard (USCG)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
U.S. Environmental Protection Agency (EPA)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Advisory Council on Historic Preservation (ACHP)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other (identify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
SOVEREIGN NATIONS			
American Indian Tribes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	

BASIC SHEET 6 – ALTERNATIVES COMPARISON MATRIX

All estimates including costs are based on conditions described in this document at the time of preparation in the year of expenditure (YOE). Additional agency or public involvement may change these estimates in the future.

PROJECT PARAMETERS	Unit of Measure	Alternatives/Sections					
		No Build ¹					
Project Length	Miles						
PRELIMINARY COST ESTIMATE (YOE)							
Construction	Million \$						
Real Estate	Million \$						
TOTAL	Million \$						
LAND CONVERSIONS							
Total Area Converted to ROW	Acres						
REAL ESTATE							
Number of Farms Affected	Number						
Total Area Required From Farm Operations	Acres						
AIS Required		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Farmland Rating	Score						
Total Buildings Required	Number						
Housing Units Required	Number						
Commercial Units Required	Number						
Other Buildings or Structures Required	Number & Type						
ENVIRONMENTAL FACTORS							
Indirect Effects		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Cumulative Effects		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Environmental Justice Populations		<input type="checkbox"/> Yes <input type="checkbox"/> No					
National Register Eligible Historic Structures in the Area of Potential Effect	Number						
National Register Eligible Archeological Sites in the Area of Potential Effect	Number						
Burial Site Protection (authorization required)		<input type="checkbox"/> Yes <input type="checkbox"/> No					
106 MOA Required		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Section 4(f) Evaluation Required		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Section 6(f) Land Conversion Required		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Flood Plain		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Unique Upland Habitat Identified		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Total Wetlands Filled	Acres						
Stream Crossings	Number						
Threatened/Endangered Species		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Noise Analysis Required		<input type="checkbox"/> Yes <input type="checkbox"/> No					
Receptors Impacted	Number						
Contaminated Sites	Number						

¹The estimated cost of routine maintenance through the design year should be included in the "Construction" box for the No Build alternative.

BASIC SHEET 7 – EIS SIGNIFICANCE CRITERIA

In determining whether a proposed action is a “major action significantly affecting the quality of the human environment,” the proposed action must be assessed in light of the following criteria (1) if significant impact(s) will result, the preparation of an environmental impact statement (EIS) should commence immediately. Indicate whether the issue listed below is a concern for the proposed action or alternative and (2) if the issue is a concern, explain how it is to be addressed or where it is addressed in the environmental document.

1. Will the proposed action stimulate substantial indirect environmental effects?
 No
 Yes – Explain or indicate where addressed.

2. Will the proposed action contribute to cumulative effects of repeated actions?
 No
 Yes – Explain or indicate where addressed.

3. Will the creation of a new environmental effect result from this proposed action?
 No
 Yes – Explain or indicate where addressed.

4. Will the proposed action impact geographically scarce resources?
 No
 Yes – Explain or indicate where addressed.

5. Will the proposed action have a precedent-setting nature?
 No
 Yes – Explain or indicate where addressed.

6. Is the degree of controversy associated with the proposed action high?
 No
 Yes – Explain or indicate where addressed.

7. Will the proposed action be in conflict with official agency plans or local, state, tribal, or national policies, including conflicts resulting from potential effects of transportation on land use and transportation demand?
 No
 Yes – Explain or indicate where addressed.

BASIC SHEET 8 – ENVIRONMENTAL COMMITMENTS

Attach a copy of this page to the design study report and the PS&E submittal package.

Factor Sheet	Commitment (If none, include "No special or supplemental commitments required.")
A-1 General Economics	
A-2 Business	
A-3 Agriculture	
B-1 Community or Residential	
B-2 Indirect Effects	
B-3 Cumulative Effects	
B-4 Environmental Justice	
B-5 Historic Resources	
B-6 Archaeological/Burial Sites	
B-7 Tribal Coordination/Consultation	
B-8 Section 4(f) and 6(f) or Other Unique Areas	
B-9 Aesthetics	
C-1 Wetlands	
C-2 Rivers, Streams and Floodplains	
C-3 Lakes or other Open Water	
C-4 Groundwater, Wells and Springs	
C-5 Upland Wildlife and Habitat	
C-6 Coastal Zones	
C-7 Threatened and Endangered Species	
D-1 Air Quality	
D-2 Construction Stage Sound Quality	
D-3 Traffic Noise	
D-4 Hazardous Substances or Contamination	
D-5 Storm Water	
D-6 Erosion Control	
E- Other	

BASIC SHEET 9 – ENVIRONMENTAL FACTORS MATRIX (check all that apply)

Factors	Adverse	Benefit	None Identified	Factor Sheet Attached	Effects
Note: If the effects on the environmental factor can't be adequately summarized in several sentences, the Factor Sheet for the environmental factor must be included.					
A. ECONOMIC FACTORS <i>Factor Sheet A-1, General Economics, must be included if Factor Sheet A-2 or A-3 is completed.</i>					
A-1 General Economics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
A-2 Business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
A-3 Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. SOCIAL/CULTURAL FACTORS					
B-1 Community or Residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-2 Indirect Effects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-3 Cumulative Effects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-4 Environmental Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>For B-5 through B-8, if any of these resources are present on the project, involve the REC early because of possible project schedule implications.</i>					
B-5 Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-6 Archaeological/Burial Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-7 Tribal Coordination /Consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-8 Section 4(f) and 6(f) or Other Unique Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B-9 Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C. NATURAL RESOURCE FACTORS					
C-1 Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C-2 Rivers, Streams and Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C-3 Lakes or Other Open Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C-4 Groundwater, Wells, and Springs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C-5 Upland Wildlife and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C-6 Coastal Zones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C-7 Threatened and Endangered Species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. PHYSICAL FACTORS					
D-1 Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D-2 Construction Stage Sound Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D-3 Traffic Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D-4 Hazardous Substances or Contamination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D-5 Stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D-6 Erosion Control and Sediment Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. OTHER FACTORS					
E-1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E-2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	