

PROGRAMMATIC CATEGORICAL EXCLUSION

FOR STATE AND FEDERALLY FUNDED ACTIONS

Wisconsin Department of Transportation

Revised July 2019

Guidance – April 2019

Red language included in this PCE template is intended to be guidance for completion of a PCE for the sale of an excess parcel. This guidance includes specific items that should apply to most if not all PCE's prepared for excess parcel sales and guidance that cannot be prescriptive due unique factors that could be present on a parcel being sold.

When preparing a PCE for an excess parcel sale keep in mind the PCE is documenting the sale of the parcel not what may or may not occur with the parcel following the sale.

If document preparers have questions about this guidance or if questions arise during PCE preparation for an excess parcel sale, work with the appropriate Region Environmental Coordinator (REC).

WisDOT Design and Construction IDs Complete if available	Federal Project IDs (if available) Not Applicable	Legal Description (Township, Range, Section) Complete	County Complete
Project Name Excess Parcel Sale		Project Termini/ Location Include parcel number here	
Name of Route or Facility to be Improved Not Applicable	Facility Classification Not Applicable	Improvement Type Excess Parcel Sale	
Estimated Project Cost in Year of Expenditure \$ (include R/W Cost) 0.00		Funding Source(s) (check all that apply) Not Applicable – leave blank <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) 23 CFR 771.117(d)(6) – should apply			
Section 4(f) <input checked="" 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 Not Applicable			
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			Project Start Date

WisDOT Region Environmental Coordinator or BTS-EPDS Liaison

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.

(Signature)

(Print Name)

(Date)

WisDOT Region or Central Office Project Manager **Real Estate Staff should sign here**

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)

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

<p>23 CFR 771.117(d)</p> <p>(1-3) Reserved</p> <p>(4) Transportation corridor fringe parking facilities.</p> <p>(5) Construction of new truck weigh stations or rest areas.</p> <p>(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.</p> <p>(7) Approvals for changes in access control.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>[Note: 23 CFR 771.117(d)(12) "Acquisition for hardship or protective purposes" may not be processed with a PCE]</p> <p>(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.*</p>

*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. **None of the boxes in this question should be checked since the project is not an action resulting in construction and does not require compliance with the checkboxes below.**

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: **None of these boxes should be checked.**

- (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 staff shall consult with BTS-EPDS 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 BTS-EPDS staff will ensure adequate Tribal consultation by WisDOT and engage FHWA in consultation when necessary.

Describe any Tribal coordination:

If project involves tribal lands coordinate with the Region Tribal Liaison and the REC.

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:

- ✓ Factor Sheets (as needed)
- ✓ 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).

Project's purpose and need is sale of excess real estate. No additional information should be required beyond a location map.

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.

23 CFR 771.117 (d)(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 should be included here.

2.3 Alternatives

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

List sale of the excess parcel here.

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.

Limit any discussion here to coordination tied to the Excess Parcel, such as discussions with a local unit of government and their desire to purchase the parcel.

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.

Public involvement likely will be limited for excess parcel sales. Discuss requirements with your REC.

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 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 adversely affect a property listed on the state register.

Either the first or second box below should be checked. Work with your REC to determine which is appropriate for your excess parcel sale.

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

- 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 in consultation with the SHPO has determined the proposed action will not adversely affect a property that is listed on the state register or on the list of locally designated historic places under Wisconsin Statutes 44.45 (see attached documentation).
- WisDOT has determined its proposed action will have an adverse effect a historic property – project is ineligible for PCE.

3.4 Wetlands, and Surface Waters

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 (include appropriate Factor Sheet(s))

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

- USACE 404 General Permit
- USACE 404 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

3.5 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

3.6 Air Quality

Nothing should be checked for this question. Excess parcel sales are not subject to air quality conformity requirements.

Projects must be consistent with the State Implementation Plan (SIP) for air quality. Projects in air quality nonattainment and maintenance areas must be demonstrated to conform to the SIP. Check the appropriate box and proceed accordingly.

- The project is in an area designated as attainment for all transportation-related criteria air pollutants. The project is not subject to transportation conformity requirements. No further analysis is required.
- The project is in an area designated as nonattainment or maintenance for one or more transportation-related criteria air pollutants. Proceed with the following analyses for regional and project level transportation conformity.

Regional Conformity

Regional conformity is required for projects in counties designated as nonattainment or maintenance for ozone or PM_{2.5}. If the project occurs in a nonattainment/maintenance county or area, check the appropriate box and include appropriate documentation in the appendix (if needed).

- The project is exempt from conformity per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. No further analysis is needed.
- The project is exempt from regional emissions analysis requirements per 40 CFR 93.127.
- The project is located within a Metropolitan Planning Area and included in the current approved Metropolitan Planning Organization (MPO) Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). The RTP and TIP were determined to conform by FHWA and FTA. Provide the MPO name, RTP name, TIP name and TIP number. The MPO name, RTP name, TIP name and TIP number should be provided in the box below and must be included if this box is checked:
- The project is located outside of a Metropolitan Planning Organization's boundaries and has received a conformity determination by FHWA per the rural conformity section of the WisDOT/WDNR Memorandum of Agreement. Provide conformity finding dates:
- The project is non-conforming – project is ineligible for a PCE.

Project Level Conformity

Projects in fine particulate matter (PM_{2.5}) nonattainment and maintenance areas are also subject to PM_{2.5} project hot spot conformity requirements. A PM_{2.5} hot spot analysis is required to support a project level conformity determination for projects of local air quality concern. A determination of local air quality concern is made by the Wisconsin Transportation Conformity Working Group (WTCWG).

- The project is not located in a PM_{2.5} nonattainment or maintenance area. No further analysis is required.
- The project is exempt from conformity per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. No further analysis is needed.
- The project has been screened in accordance with the WisDOT Project Level Conformity PM_{2.5} Screening Checklist and (check one of the following as applicable):
 - Determined not to be a project of local air quality concern. Include the screening checklist in the appendix.
 - Referred to interagency consultation with the WTCWG resulting in a determination that the action **is not** a project of local air quality concern. Include the project analysis and WTCWG determination in the appendix.
 - Referred to interagency consultation with the WTCWG resulting in a determination that the action **is** a project of local air quality concern – project is ineligible for a PCE.

3.7 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 Traffic Noise Factor Sheet)
- 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 sound including hours of operation and equipment requirements. Will any Special Provisions, not including changes to the hours of operation, be required for mitigating construction sound impacts?

- No
- Yes – project is ineligible for PCE

3.8 Contaminated Sites

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

If the parcel being sold is a contaminated site work with your REC or the BTS-ESS specialist to appropriately include language on the environmental commitments page related to deed restrictions that would transfer to the new property owner.

Will properties with hazardous materials or wastes be acquired for this project? If yes, contact the REC or the BTS-ESS specialist 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.

Leave blank

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.

3.9 Threatened, Endangered and Protected Resources

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. Complete the Threatened, Endangered and Protected Resources Factor Sheet to document coordination and determination finding.

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

3.10 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 <https://www.fws.gov/midwest/eagle/protect/laws.html>

Nothing should be checked for this question. This is not researched or coordinated with for excess parcel sales because the FHWA action being documented is the sale of a parcel. Any changes or modifications to the parcel following the sale is the responsibility of the future property owner.

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

3.11 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 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:

3.12 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.

Include the following text: Excess Parcel sales are not transportation projects and do not need to be included in the TIP or STIP.

3.13 Floodplains

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

3.14 Section 6(f) or Other Unique Properties

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

3.15 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 REC or BTS-EPDS liaison to determine if the level of impact results in the project being ineligible for PCE.

Description of impacts:

3.16 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?

Either the first box or second box should be checked, work with your REC if you have questions specific to the excess parcel sale being documented.

- 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. Complete the Section 4(f) Factor Sheet and 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 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

4.4 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? **Either the first box or second box should be checked, work with your REC to determine what is appropriate specific to your project.**

- 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 a Documentation of No Adverse Effects, a WisDOT form DT1635 or a “screening list” decision and commitments (add to Section 5 Commitments).

The proposed project will have adverse effects to historic properties – project is ineligible for PCE.

4.5 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

4.76 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

Identify and describe any avoidance, minimization or compensation measures (commitments) in detail. Be specific on what needs to happen and specifically where on the project. Indicate when the commitment should be implemented and who in WisDOT is responsible for fulfilling each commitment (Project Manager, Environmental Coordinator, etc.). Please note if the commitment will be indicated on the final plan, recorded in the Plans, Specifications and Estimates (PS&E), under special provisions in the final plan set, in construction notes, or some other written format. Attach a copy of this completed matrix to the design study report and the PS&E submittal package. Be sure to capture all commitments for each factor listed below and update it if further commitments are made after the Environmental Document is signed.

Environmental commitments go beyond contractor requirements found in the WisDOT Standard Specifications for Highway and Bridge Construction. It is the project manager’s responsibility to ensure completion and documentation for the environmental file.

The commitments list is a stand-alone sheet that goes to the project site. Make sure the commitments are written clearly and described fully. Do not use the commitments list to refer to other parts of the document where commitments are written.

When it comes to environmental commitments, think of the who, what, when, and where for the life of the project and make sure this information is recorded in the commitments section. Indicate when the commitment should be implemented and who at WisDOT is responsible for fulfilling each commitment (PM, REC, etc.). If you have questions talk to the REC or BTS-EPDS liaison as appropriate.

It is also possible that additional commitments will not be necessary.

Factor	Commitment (If none, include N/A)
Business and Economics	
Community	
Aesthetics	
Agriculture	
Relocations	
Indirect Impacts	
Cumulative Impacts	
Environmental Justice	
Historic Properties	Commitments may be required if deed restrictions are present on the property related to identified historic properties or there are continuing obligations. Work with your Region Environmental Coordinator and the BTS-EPDS Cultural Resources Team for assistance.
Burial Sites	
Tribal Lands	
Section 4(f)	
Section 6(f) or Other Specially Funded Lands	
Wetlands	
Surface Water Resources	
Floodplains	

Groundwater, Wells and Springs	
Coastal Zones	
Unique Wildlife and Habitat Concerns	
Threatened and/or Endangered Species	
Air Quality	
Construction Sound	
Traffic Noise	
Hazardous Substances, Contamination and Asbestos	Commitments may be required if deed restrictions are present on the property related to identified hazardous material or there are long term continuing obligations: This property has been reviewed and deed restrictions or continuing obligations for hazardous materials management exist on the subject parcel(s). The DNR must be notified of the sale of this property.
Stormwater	
Erosion Control	
Other:	
Other:	

Factor Sheets Attached (in order of reference within the document):

Other Attachments (in order of reference within the document):