

Appendix 2-D: Environmental Agency Consultation Summary

Introduction

In the absence of Federal Railroad Administration state rail plan development guidelines, the Wisconsin Department of Transportation (WisDOT) followed the public participation requirements identified under the Passenger Rail Investment and Improvement Act of 2008 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

SAFETEA-LU required states to develop their long-range statewide transportation plans in consultation with state, tribal and local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation. The consultation process included a comparison of the draft plan to state and tribal conservation plans or maps, if available, and to inventories of natural and historic resources, if available.

As part of the environmental consultation activities, WisDOT conducted environmental consultation with federal and state agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation.

As part of the rail plan development effort, two environmental consultation meetings were held. WisDOT and the Wisconsin Department of Natural Resources (WisDNR) met on March 1, 2010. The second, all-agency, meeting was held on June 3, 2010 with state and federal environmental agencies. The feedback received during these meetings helped to shape and refine the content and focus of the long-range plan.

Meeting Summary

WisDNR- March 1, 2010

1. Welcome and Introductions

Aileen Switzer, WisDOT Bureau of Planning and Economic Development, opened the meeting by welcoming attendees and providing a broad overview of the purpose and intent of consultation as part of the *Wisconsin Rail Plan 2030* planning process.

The group discussed how the proposed Clean Energy Jobs Act fits into this effort. Any requirements of the proposed law would be followed by the department; however, the time noted in legislation would presumably come after the rail plan process.

Development of *Wisconsin Rail Plan 2030* followed a comprehensive process that included a public involvement component (detailed in *Wisconsin Rail Plan 2030* Chapter 2), as well as considerable feedback received during previous and other current efforts. These include *Connections 2030* outreach, work and analysis conducted as part of the Midwest Regional Rail Initiative and early rail plan outreach conducted between 2001 and 2004.

2. System-plan Environmental Evaluation

Jennifer Murray, WisDOT Bureau of Planning and Economic Development, described the System-plan Environmental Evaluation (SEE) framework, participant roles, plan comparison efforts and SEE requirements defined in Trans 400.

3. Environmental Topics for Rail Planning

Staff representatives from WisDOT and WisDNR discussed current issues regarding rail planning. Topics included incorporating the *Strategic Energy Assessment (Public Service Commission)*; invasive species; prairie remnants on rail right-of-way; trails-to-rails; biomass production; air quality; greenhouse gases; wetlands; storm water management and brown fields.

4. Facilitated, Open Discussion

WisDOT and WisDNR discussed broad, planning level issues that might be covered in the SEE. Discussion touched on the proposed impacts related to construction, reiterating what was said in *Connections 2030* and educating the public on rail issues.

5. Decisions and Wrap-up

Aileen closed the meeting. It was noted that WisDOT will hold one consultation meeting with all identified environmental agencies. This was supported by WisDNR.

Meeting summary

All agency - June 3, 2010

1. Introduction, Purpose and Overview

Jennifer Murray, WisDOT Bureau of Planning and Economic Development, opened the meeting by welcoming attendees and providing a broad overview of the purpose and intent of the consultation meeting. During introductions, each participant commented on an environmental or health-related issue related to freight, passenger or commuter rail that their agency is currently concerned or interested. Copies of the rail plan overview and the PowerPoint presentation are provided in this Appendix.

Comments and questions raised as part of this discussion included: What are the things that can help improve drainage? How do we address issues in the SEWRPC plan, like the Hank Aaron Trail? What are some of the future sensitivities related to trails-to-rails? How do we address people's health? What about rail yards? How do we address agricultural impacts? How do we address changing right-of-way needs and the new requirements of the high-speed rail system? Many of these questions were discussed in general terms to ensure all participants were informed.

2. Agency and Rail Relationships

As part of the discussion, each agency was asked to discuss its relationship with railroads operating in Wisconsin.

WisDOT

Supports the range of rail activities in Wisconsin through loans and grant programs that help to preserve current service as well as possible future service, preservation activities, loan programs, supports *Hiawatha Service*, plans activities with the Midwest Regional Rail Initiative. Work with Office of the Commissioner of Railroads, Department of Revenue and others.

Wisconsin Department of Natural Resources (WisDNR)

WisDNR works with WisDOT railroad issues - Interactions are program-based, generally centered on freight. The department oversees regulatory programs, facilitates the trails group, and works on Brownfield re-development. WisDNR works through HAZMAT issues with Wisconsin Emergency Management. WisDNR has a role in NEPA/WEPA process as a cooperating and commenting agency and work on conformity analysis for projects.

Wisconsin Department of Human Services (WisDHS)

No direct relationship with railroads – WisDHS develops policies for better health in communities and health improvement. WisDHS is interested in alternative transportation besides the single-occupant vehicle, transport issues, whistle ban issues. The agency is also concerned with air quality, noise, water quality and Brownfield redevelopment.

US Army Corp of Engineers

The Corps' relationship is exclusive to regulatory programs (permitting process); Section 10 of the Rails and Harbors Act and Waterways. The Corps regulates discharge/fill into US waterways. They are cooperating agency in NEPA process. The Corps' uses a watershed approach to compensatory mitigation; their focus is on mitigation efforts applied over an area, not to a single point.

Wisconsin Department of Administration (WisDOA) – Coastal Management Program

WisDOA interacts with the Corp of Engineers and WisDNR on railroad permits and abandonments. Ensures environmental goals are met.

Wisconsin Public Service Commission (WisPSC)

WisPSC interacts with railroads during construction and review. Coal transported by rail is regulated by the WisPSC. Water, gas and electric corridors can cross rail corridors for a fee per administrative rule.

Wisconsin Department of Agriculture, Trade and Consumer Protection (WisDATCP)

WisDATCP interacts with the railroads regarding the Agriculture Chemical Cleanup Program – with the agency getting involved if pesticides are spilled in the corridor. The agency does not have any specific policies. WisDATCP is administers licenses for pesticide applicators.

United States Environmental Protection Agency (US EPA)

EPA is concerned with waters, wetlands and air. The EPA is also reviewing potential concerns with breaking and noise requirements, size and shape of ballast. In addition, smart growth and sustainability

are issues of interest. Another area of interest is the protection of watersheds to address runoff. The EPA regulates the transport of HAZMAT, provides guidance regarding spills and response techniques.

3. Initial Plan Comparison

WisDOT staff presented an overview of the plans and policies available (at the time) from each of the participating agencies. Additional plans or policy actions were noted by the participating agencies. In some instances, the agency may not have had a specific plan to point to, but identified policies that could influence the development of the rail plan.

WisDNR

- Cooperative agreement with WisDOT
- Maximize existing infrastructure
- Sustainability focus
 - Environmental
 - Economic

WisDHS

- Rail-related emphasis on health-related issues
- Rails-to-Trails; Potential loss of alternative use
- *Healthy Wisconsin 2010 Plan* (soon to be updated) – includes health indicators/priorities; air quality, environmental justice
- Work on all-hazards mitigation and cleanup plans (efforts include working with communities, Wisconsin Emergency Management and the Department of Military Affairs)

US Army Corps of Engineers

- Primary related interest: permitting
- NEPA Phase II (Tier 1 and Tier 2 project level)
- Look for least impacts on aquatic resource impacts with understanding of no other negative effects on other resources
- Works with WisDNR

WisDOA – Coastal Management Program

- Wisconsin Coastal Management Program

WisPSC

- No additional plans
- Can request additional information regarding air quality when reviewing projects but no authority
- Energy conservation work with utilities

WisDATCP

- Working Lands Initiative
- Agriculture Chemical Clean-up Program

US EPA

- Not specific to railroads – all adaptive
- PM2.5 (fine particulate matter) may become an issue in the future (at the time of writing, the EPA was evaluating possible air quality concerns and determining if guidance would be distributed)

4. Discussion on Initial Mitigation Strategies

At the consultation meeting environmental agency representatives discussed possible mitigation actions regarding rail related activities. To help facilitate the discussion, a handout was provided with the agenda with a list of possible mitigation activities for each participant to consider. Using this as a starting point, the following summary identifies other actions identified during the discussion.

Energy Efficiency

The group noted that at this time, there are no fuel efficiency standards for rail, however, emissions standards do apply. Participants suggested that Wisconsin should encourage plantings around rail corridors and stations to reduce greenhouse gas emissions.

Congestion

One participant asked why the department could not put passenger rail lines down the middle of the highways. “If maximum speed 125 mph, why not higher speeds if looking long-term?” Due to costs and right of way constraints this is not a viable option for future passenger rail. The group agreed that education was necessary to explain why we can’t/haven’t established dedicated lines. In addition, participants suggested that WisDOT work with carriers to define infrastructure needs.

Air Quality

Participants raised concerns about air quality due to idling engines (vehicle and train) and increased PM2.5 readings at rail yards as train speeds increase. The use of grade separations, particularly in urban areas and potential for a positive impact to air quality was discussed. Several suggested that WisDOT encourage the use of available programs – such as WisDNR’s retrofit program to address air quality concerns around yards and stations. Consideration should be given to draft recommendations for communities to consider when siting buildings (especially serving sensitive populations - EPA noted that they just released their hot spot analysis for transportation guidance. Participants also suggested that the department encourage multimodal connections at stations (e.g., bike racks at stations, bikes on trains). In addition, participants agreed that stations must provide adequate parking.

Economic Growth

Some participants recommended continued efforts to optimize existing infrastructure. WisDOT should review community plans to look for opportunities and provide feedback to communities, as well as use

programs to help increase economic development. Finally, participants agreed that WisDOT should hire local people to work on construction projects.

Communities and Cultural Resources

WisDOT should provide alternative crossing locations. Avoid creating more barriers and look for opportunities to address those that exist. Efforts should encourage revitalization of Brownfields and revitalization of “main streets.”

Environmental Effects

Transportation projects should use invasive species best practices. Department efforts should include cooperating on state-owned property. As projects are implemented, the department should identify opportunities to address impacts that may have occurred previously. Finally, participants agreed that protecting species and prairie remnants was important.

Land Use

Use emergency management plans for flood-prone areas. Work to improve damaged waterways whenever possible. Implement activities that can help to mitigate or avoid climate change.

Other areas

Communicate on spill issues. Study and communicate with affected communities during actions on trails-to-rails or rails-to-trails. Communicate with utilities when moving power lines. Follow utility guidelines for utility corridors across tracks. Communicate with railroads on issues.

5. Consultation Meeting Wrap-Up

The afternoon concluded with a summary of the next steps of the rail plan process, including an outline of the public involvement activities that are on-going.

Summary of Consultation and Next Steps

Incorporation of consultation feedback

Information from this environmental consultation was used to refine and inform the development of *Wisconsin Rail Plan 2030*. Comments and suggestions were reviewed by the WisDOT project team to identify issues that should be included in the plan.

Next steps

The Environmental Consultation efforts are part of the public outreach efforts regarding *Wisconsin Rail Plan 2030*. The release of the draft plan will be followed by a public comment period and a public hearing to gather feedback from Wisconsin residents. After the public outreach efforts have concluded,

comments will be incorporated and the plan will be submitted to the WisDOT Secretary for approval and adoption.

Meeting Attendees - March 1, 2010

Attendees:

- Sandy Beaupré, Bureau Director, WisDOT
- Aileen Switzer, Statewide Planning Chief, WisDOT
- Ron Adams, Rails & Harbors Chief, WisDOT
- Pat Trainer, Environmental Policy and Community Impacts Chief, WisDOT
- Dan Scudder, Environmental Services Chief, WisDOT
- Cameron Bump, WisDNR
- Dave Siebert, WisDNR
- Bobbi Retzlaff, WisDOT
- Jennifer Murray, WisDOT

Invited Attendees - June 3, 2010

Federal Emergency Management Agency:

Amanda Ratliff
Environment and Historic Preservation

Federal Highway Administration:

Dave Jolicoeur
Community Planner

Federal Railroad Administration:

Wendy Messenger
Environmental Protection Specialist

Ramon Munos-Raskin
Community Planner

Federal Transit Administration:

Stewart McKenzie (attended workshop 5/26)
Community Planner

William Wheeler (attended workshop 5/26)
Community Planner

National Park Service:

Thomas Gilbert
Superintendent

Public Service Commission of Wisconsin:

Kathy Zuelsdorff
Environmental Review Coordinator

Marilyn Weiss (attended consultation 6/3)
Environmental Analysis

U.S. Army Corps of Engineers:

Tamara Cameron
Chief of Regulatory Branch

Rebecca Graser (attended consultation 6/3)

Wisconsin Lead Project Manager

Simone Kolb (attended consultation 6/3)
Project Manager

U.S. Coast Guard – Eighth Coast Guard District:

Mark Redford

William Knutson

Dave Orzechowski

Eric Washburn
Chief of Bridge Branch

U.S. Coast Guard – Ninth Coast Guard District:

Robert Bloom, Jr.

Scot Striffler
Bridge Program Manager

U.S. Department of Agriculture:

Patricia Leavenworth
State Conservationist

U.S. Environmental Protection Agency:

Sherry Kamke
Environmental Mgmt – Transportation

Norm West (attended consultation 6/3)
NEPA Review

U.S. Fish and Wildlife Service:

Louise Clemency
Field Supervisor

U.S. Department of Agriculture, Forest Service:

Charles Lapicola
Regional Transportation Engineer

Wisconsin Department of Administration:

Michael Friis
Wisconsin Coastal Management Program

Kate Angel (attended consultation 6/3)
Coastal Management

Peter Herreid
Resource Policy Team

Wisconsin Department of Agriculture, Trade and Consumer Protection:

Peter Nauth
Agriculture Impact Statement

Alice Halpin (attended consultation 6/3)
Agriculture Impact Statement

Wisconsin Department of Health Services:

Jennifer Boyce

Marjory Givens (attended consultation 6/3)
UW Population Health Institute Fellow

Jonathon Morgan (attended consultation 6/3)

Wisconsin Department of Natural Resources:

Mike Thompson (attended consultation 6/3)
Environmental Analysis & Review
Team Supervisor

Wisconsin State Historical Society

Kimberly Cook

Michael Stevens
State Historic Preservation Officer

Amy Wyatt
Historic Preservation Specialist

**Agenda and Materials for June 3, 2010
Environmental Consultation Meeting**

Agency Consultation Meeting

June 3, 2010, 10 a.m. to 3 p.m.

Wisconsin Department of Transportation – Southwest Region Office
Columbia and Dane Rooms
2101 Wright Street, Madison WI 53704

<u>Agenda Item</u>	<u>Schedule</u>	<u>Participation</u>
1. Introductions	10:00-10:15	All
2. Purpose of meeting and Overview of Rail Plan	10:15-11:00	WisDOT
3. Identification of Agency and Rail Relationships	11:00-11:45	All
<ul style="list-style-type: none">• How does your organization interact with railroads in Wisconsin?• Are there concerns that your organization has at a policy level that might inform later rail related project or operations decisions?• Does your organization gear any specific mitigation or policy measures toward rail?		
4. Lunch Break	11:45-12:45	All
5. Initial plan comparison	12:45-1:30	All
<ul style="list-style-type: none">• Agency plans and policies with issues concerning rail• Areas of disagreement		
6. Break	1:30-1:45	All
7. Initial mitigation strategies	1:45-2:45	All
<ul style="list-style-type: none">• Policies in <i>Connections 2030</i>• Strategies identified elsewhere• Other discussion		
8. Wrap Up	2:45-3:00	WisDOT
<ul style="list-style-type: none">a. Follow up on plan comparison and mitigation strategiesb. Chapter comments and review processc. Draft plan schedule		

Overview of Wisconsin Rail Plan 2030

The *Wisconsin Rail Plan 2030* is Wisconsin's statewide long-range rail plan. The plan focuses on freight rail, intercity passenger rail and commuter rail activities.

Timeline for *Wisconsin Rail Plan 2030*

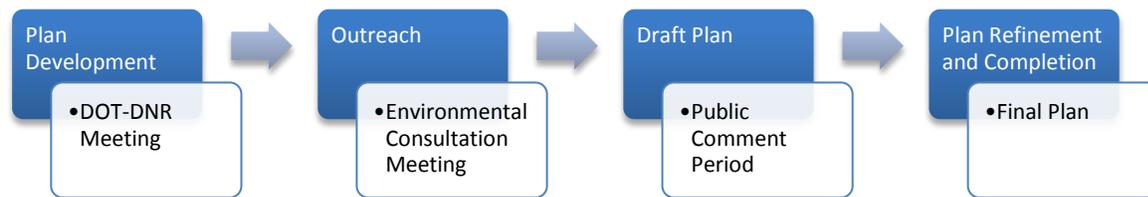


Figure 1: *Wisconsin Rail Plan 2030* Timeline.

Plan Purpose

- ✓ Provide a vision for rail transportation in Wisconsin
- ✓ Identify issues and needs for the state's rail network
- ✓ Establish an investment policy for funding future rail needs
- ✓ Meet federal and state rail planning requirements

Relationship to Other Efforts

Several other rail-related environmental reviews are occurring during the *Wisconsin Rail Plan 2030* timeframe. These are separate and distinct from the *Wisconsin Rail Plan 2030*. These include:

- **Tier 1 Environmental Assessment (Service Level NEPA)**
 - Chicago-Milwaukee corridor (A Wisconsin DOT sponsored project)
- **Tier 1 Environmental Impact Statement (Service Level NEPA)**
 - Milwaukee-Twin Cities corridor (A Minnesota DOT project)

System-Plan Environmental Evaluation Primer

What is the SEE?

The **System-Plan Environmental Evaluation (SEE)** is a requirement of WisDOT’s long-range planning process and is unique compared to other states. The SEE is a conceptual, qualitative and general document and is prepared as part of the *Wisconsin Rail Plan 2030*. Trans 400 requires that the SEE examine the range of potential *system impacts* related to:

- Congestion
- Energy consumption
- Air quality impacts
- Land use
- Economic development
- Communities
- Environmental effects
- Qualitative costs and expected benefits

The SEE will identify cumulative and indirect impacts and mitigation actions. The mitigation actions may offset the effects of the impacts in the plan.

The *Wisconsin Rail Plan 2030* SEE will **not** provide the kind of quantitative detail found in project-level environmental reports (e.g., environmental assessments, environmental impact statements), nor does it replace those reviews. Figure 2 is an illustration of intercity passenger rail planning and environmental reviews. Freight rail and commuter rail follow a slightly different process.

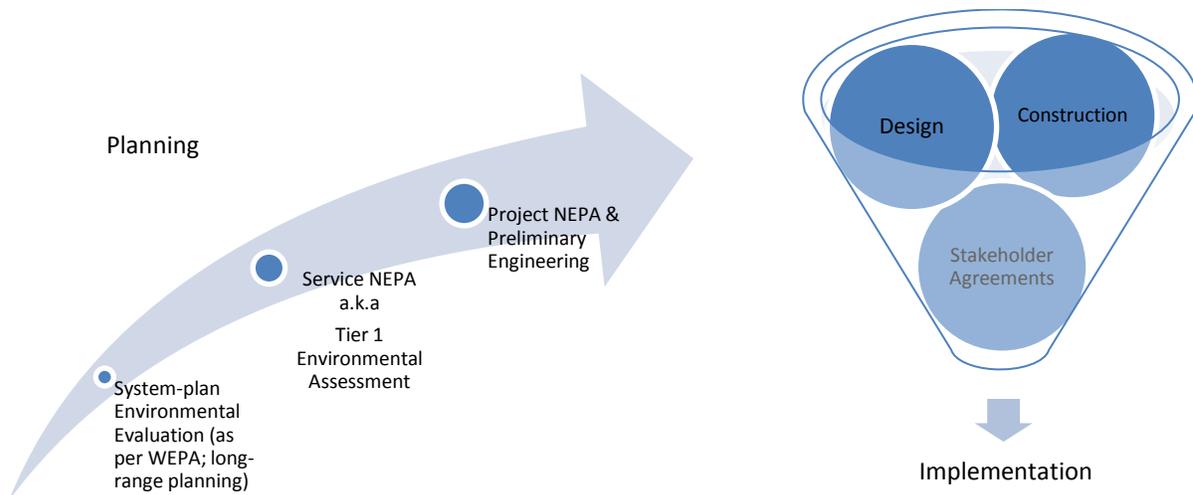


Figure 2: Federal Railroad Administration (FRA) environmental review process as it relates to planning, design and construction for intercity passenger rail.

Mitigation Actions for the *Wisconsin Rail Plan 2030*



At the consultation meeting on June 3, environmental agencies will discuss and agree on mitigation actions. The agencies should come prepared with ideas about the kinds of mitigation strategies appropriate for the *Wisconsin Rail Plan 2030*.

In general – A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

Consultation – The discussion shall be developed in consultation with federal, state, and tribal wildlife, land management and regulatory agencies.

-Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2008

Connections 2030 long-range plan actions help define the actions that are further refined in the *Wisconsin Rail Plan 2030*. The following actions present a starting point (taken from *Connections 2030*) as related to plan implementation. Note that WisDOT's role is limited in rail mitigation actionsⁱ and standard practices toward mitigation would be followed on any transportation project, as required.

Congestion

- Preserve corridors (through acquisition of abandonments)
- Conduct diversion and other types of congestion-related studies
- Improve coordination among transportation modes
- Cooperate with other entities to monitor effectiveness of communication systems with regard to quick clear and accurate dissemination of information to all involved parties during and after rail incidents
- Support research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines

ⁱWisDOT has a limited role with respect to rail in Wisconsin. The SEE helps guide transportation decision-making through a presentation of the environmental impacts at the planning level. It is a broad, over-arching approach that does not take the place of future environmental reviews typically done for projects. WisDOT actions and cumulative actions related to plan implementation may not quantify every action by entities like private railroads, shippers, communities or other agencies.

Energy Efficiency

- Partner with consumers and businesses to increase transportation sustainability
- Track changes and analyze responses to transportation energy use and costs
- Continue to strive toward goals outlined in the Midwest Governors Greenhouse Gas Reduction Accord, the State Office of Energy Independence and the Governor's Task Force on Global Warming to reduce fuel dependency

Air Quality

- Comply with existing policies and regulations for improving air quality
- Continue to support and monitor emerging air quality issues
- Support increasing access to alternative modes of transportation besides the single occupant vehicle
- Participate in air quality improvement programs
- Support actions that support freight rail over hauling freight by truck

Economic Growth and Development

- Upgrade public rail infrastructure, where needed, to accommodate heavier, faster trains
- Continue to invest in programs that improve railroad tracks, roadbeds and crossings on state-owned rail corridors
- Monitor and implement improvements to state highway locations where crossings are unsafe
- Provide funds for intermodal facilities, including working with local communities and the private sector to identify opportunities for intermodal stations
- Continue community sensitive solutions to discuss project impacts early
- Preserve the viability of modes through infrastructure preservation

Communities and Cultural Resources

- Recognize the importance of archeological sites and historic properties through compliance with State Statute 44.40 and Section 106 of the National Historic Preservation Act of 1966
- Avoid and minimize impacts to sensitive natural areas, historical and archeological sites and mitigate unavoidable impacts
- Improve emergency response efforts
- Cooperate with local and federal agencies
- Continue to work with the Office of Commissioner of Railroads to ensure proper safety upgrades at rail crossings of state highways
- Improve crossings and accelerate a program to upgrade intercity passenger rail corridor crossings
- Continue to integrate approaches to transportation and environmental issues
- Preserve and enhance positive land use and transportation relationships
- Incorporate environmental justice in all transportation decisions
- Seek public involvement early and throughout transportation processes
- Coordinate community sensitive solutions

- Encourage projects that minimize negative impacts while supporting and preserving local character
- Consider local comprehensive plans in developing cooperative approaches among partners

Environmental Effects

- Identify sensitive resources early in the planning process and avoid or minimize impacts
- Develop guidance and procedures to discourage transportation development activities from intensifying the spread of invasive plants
- Provide assistance to and follow the governor’s policies on climate change and other state and national initiatives and continue to track ways to reduce transportation related carbon emissions
- Control erosion at transportation construction sites and adhere to “no net loss” wetland strategies
- Identify feasible, cost-effective solutions that avoid, minimize or mitigate impacts

Land Use

- Preserve and enhance a positive land use and transportation relationship
- Continue to work with the Department of Agriculture, Trade and Consumer Protection to assess impacts of rural projects on agricultural lands
- Work with and coordinate with the Natural Resource Conservation Service
- Consider the importance of agriculture lands when making project level decisions and continue to focus efforts on minimizing the negative impacts on agriculture
- Address the direct land use effects of transportation
- Evaluate and address indirect, cumulative and community land use effects of transportation projects
- Integrate land use and transportation through coordinated planning at all levels of government