

# FACILITIES DEVELOPMENT MANUAL

Wisconsin Department of Transportation

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## FDM 5-1-1 Overview

December 11, 2014

### 1.1 Originator

The Chief of the Environmental Process and Documentation Section is the originator of this chapter.

### 1.2 General

Chapter 5 provides an overall perspective of the agencies with which the WisDOT most frequently coordinates during project development.

In general, the following information is given for each agency:

1. The basis for coordination
2. The coordination processes
3. Specific results intended as a result of coordination.

Throughout this chapter, when appropriate, references are made to subsequent chapters and procedures of the Manual for more detailed information. (See Chapter 3 for a discussion of the overall Facilities Development Process.)

[Attachment 1.1](#) lists most agencies described in the procedures of this chapter and the areas(s) of interest of each. The attachment is not all-inclusive, but it does represent the agencies contacted most often and their involvement.

It is essential that the district or consultant project manager coordinate with each agency having a potential interest in or jurisdiction over the project to ensure its timely completion and ultimate success. Scoping is an early process of communication and coordination required by CEQ and FHWA regulations. The purpose of scoping is to identify significant issues to be addressed during environmental analyses very early in the process.

Scoping is required for all actions for which a decision to prepare an Environmental Impact Statement has been made, is encouraged for Environmental Assessments, and is not necessary for Environmental Reports. However, because scoping is a good source of early information and is a useful coordination tool, it is recommended for all action types.

Agency coordination is part of the overall communication plan for a project. Please refer to [FDM 2-20-5.8](#) - Communication Management (and other references in FDM 2-20) for a discussion of communication from a project management perspective.

## LIST OF ATTACHMENTS

[Attachment 1.1](#) Agency Coordination

## FDM 5-1-5 Federal Grants & Development Process (E.O. 12372)

September 3, 2004

### 5.1 Background

Presidential Executive Order 12372 calls for procedures to be established by the states for local and state governments to review and aid in the coordination of proposed federal grants and direct federal development. In 1983, the state of Wisconsin established a Wisconsin Federal Grants and Development Review Process.

This process includes programs that are administered by 19 federal agencies. The single point of contact designated to implement the review process is the Wisconsin Department of Administration. They have been further directed to designate a system of Regional Clearinghouses to provide for decentralization of the review process. The Regional Planning Commissions, formed under Sec. 66.945 of Wisconsin Statutes are the designated Regional Clearinghouses for designated areas of jurisdiction. These areas of jurisdiction are shown in [Attachment 5.1](#). [Attachment 5.2](#) provides a list of Regional Clearinghouses.

### 5.2 Programs Included

There are two ways that federally financed highway projects are included in the Federal Grants and Development Review Process.

1. Projects that are included in an annual Transportation Improvement Program (TIP) for urbanized areas of over 50,000 population will be reviewed as part of this program submittal.
2. In geographic areas not covered by a TIP, individual project review will be made of all projects in the EIS or EA Action Categories (see [FDM 20-15](#)). This includes all projects classified as either Major Highway Construction or Highway Reconstruction.

### 5.3 Coordination Procedure

1. In Urbanized Areas - All urbanized areas over 50,000 population are required to have an urban transportation planning process that supports all federal investment projects. This requirement involves the annual development of an area wide TIP by the Metropolitan Planning Organization (MPO) in consultation with the WisDOT district office (see [Attachment 5.3](#)). In the areas with separate MPO and Regional Clearinghouses, this submittal will be forwarded for review from the MPO to the Regional Clearinghouse to fulfill the requirements for the Federal Grants and Development Review Process. If sufficient detail is not included in the TIP submittal for a specific project, additional information may be requested by either organization from the agency responsible for carrying out the proposed improvement. Written documentation of the TIP submittal, including any projects identified as requiring additional information, shall be sent to the appropriate district. Districts will, in turn, forward copies to the Bureau of Highway Development and to the Wisconsin Division Office of the FHWA.
2. All Other Included Projects Outside Designated Urban Areas - For all projects outside the designated urbanized areas that are categorized as EIS or EA environmental actions, the district will submit a completed form DT1916 to the Regional Clearinghouse to fulfill the requirements of the Federal Grant and Development Review Process. Projects classified as Categorical Exclusion-type environmental actions are exempt. For projects in the counties shaded in [Attachment 5.1](#), this submittal will be to the Wisconsin State Clearinghouse. All written documentation sent to the district office by the Clearinghouse for each project will also be forwarded to the Bureau of Highway Development and to the Wisconsin Division Office of the FHWA.

### LIST OF ATTACHMENTS

<a href="#">Attachment 5.1</a>	Regional Clearinghouse Jurisdictions
<a href="#">Attachment 5.2</a>	Wisconsin Clearinghouse System
<a href="#">Attachment 5.3</a>	Metropolitan planning Organization - Mailing List

### **FDM 5-1-10 Review of Environmental Documents Prepared by Other Agencies**

*September 5, 1991*

The responsibility for reviewing and responding to environmental documents submitted to WisDOT by other agencies rests with the WisDOT Bureau of Technical Services (BTS).

Preparation of the response is coordinated by BTS. Copies of the report are provided to appropriate Transportation District(s) for comments. A single response is then consolidated by BTS and signed by the BTS Director.

Copies of the environmental documents are retained in BTS and each of the appropriate Transportation Districts for reference.

### **FDM 5-1-15 Scoping Process**

*February 15, 1988*

Scoping is an early process of communication and coordination required by the Council on Environmental Quality (CEQ) and Federal Highway Administration (FHWA) regulations and is used to identify significant issues to be addressed during environmental analyses very early in the process. Scoping (also discussed in [FDM 20-20](#), [25](#) and [30](#)) is not limited to a single meeting, but can be accomplished through meetings, field interviews, telephone conversations, and written communication. The participants are responsible for voicing their concerns early to ensure that real problems are identified early and properly studied; that issues that are of no concern do not consume time and effort; that the draft statement when first made public is balanced and thorough; and that the delays occasioned by redoing an inadequate draft are avoided. During the scoping process, related environmental requirements, such as Section 404 permits, Section 4(f) evaluations, Section 6(f) determinations, etc., shall be identified so that required analyses and studies can be undertaken concurrently and integrated into the environmental document.

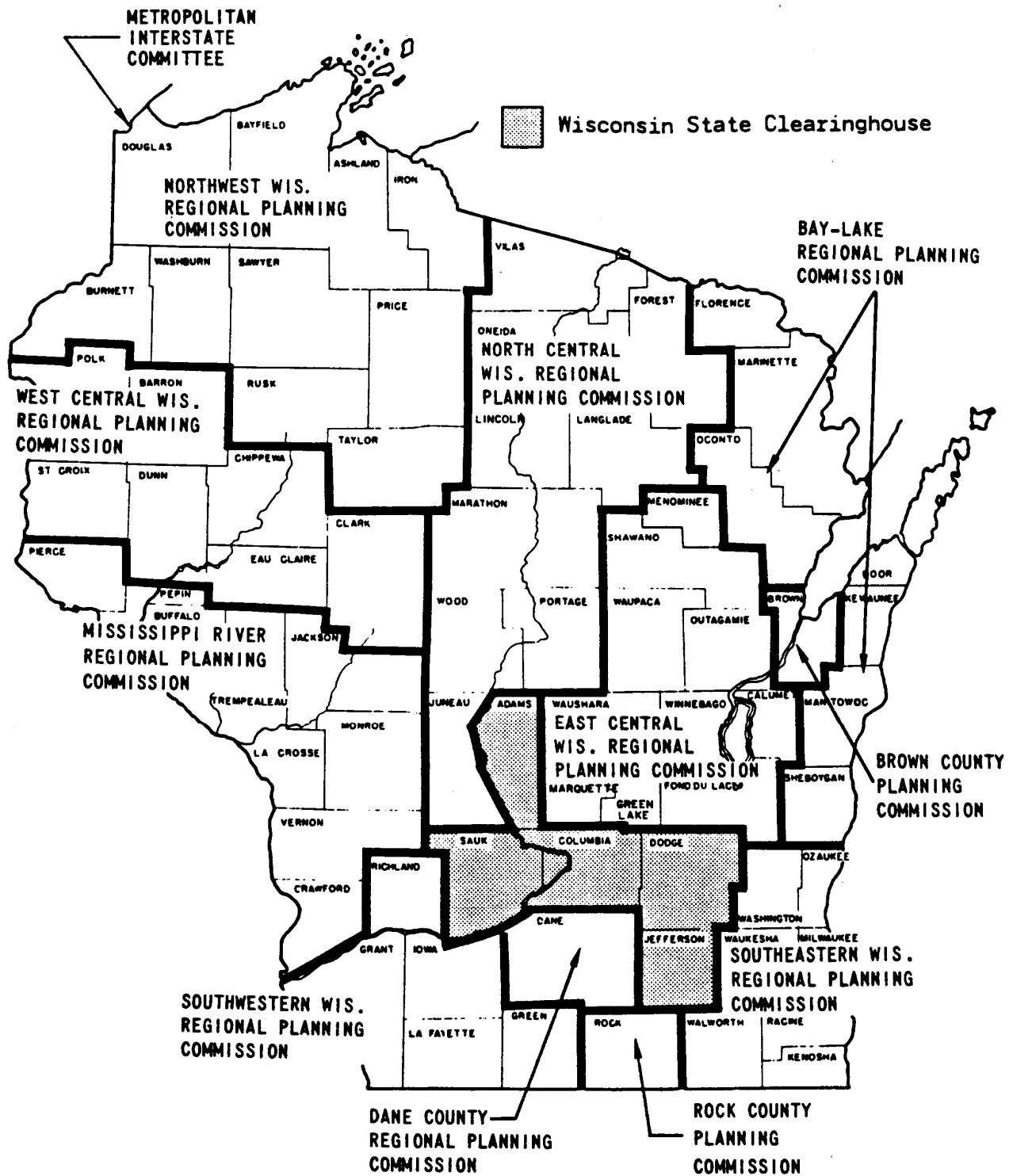
When clearly identified as such, a scoping meeting could be combined with, but not substituted for, other early

planning meetings since many of the participants are often the same. In most cases, however, separate scoping meetings are more beneficial in identifying issues early in the process and dismissing those that are not considered significant.

<b>Agency Coordination</b> <b>When Projects Involves:</b>															
Coordinate with	FDM Procedure Number	Federal Funding	Waterways					4f Park	Forest Lands	Agri. Land	Indian Land	Hist. & Archeo. 106 Entities	R.R.	Airport	Util.
			404 Permit	N.R. 116	Comm. Navigable Waters	Wet-land	Coastal Zone Consistency								
<b>General</b>															
Local Review Coordinator	<a href="#">FDM 5-1-5</a>	λ													
<b>Federal Agencies</b>															
Forest Service	<a href="#">FDM 5-5-5</a>							λ	λ						
Nat. Resources Cons. Service	<a href="#">FDM 5-5-5</a>									λ					
Bureau of Indian Affairs	<a href="#">FDM 5-5-10</a>										λ				
Fish & Wildlife Service	<a href="#">FDM 5-5-10</a>		λ		λ	λ		λ							
National Park Services	<a href="#">FDM 5-5-10</a>							λ				λ			
U. S. Coast Guard	<a href="#">FDM 5-5-15</a>				λ										
FAA	<a href="#">FDM 5-2-5</a>													λ	
Army Corps. of Engineers	<a href="#">FDM 5-5-20</a>		λ		λ	λ									
Adv. C on His. Preservation	<a href="#">FDM 5-5-25</a>											λ			

Agency Coordination															
When Projects Involves:															
Coordinate with	FDM Procedure Number	Federal Funding	Waterways					4f Park	Forest Lands	Agri. Land	Indian Land	Hist. & Archeao. 106 Entities	R.R.	Airport	Util.
			404 Permit	N.R. 116	Comm. Navigable Waters	Wet-land	Coastal Zone Consistency								
State Agencies															
DNR	<a href="#">FDM 5-10-1</a>		λ	λ	λ	λ		λ	λ						
DOA	<a href="#">FDM 5-10-35</a>						λ								
State Hist. Society	<a href="#">FDM 5-10-5</a>							λ				λ			
Public Service Commission	<a href="#">FDM 5-10-15</a>														λ
Ofc. of Comm. of R. R.	<a href="#">FDM 5-10-20</a>												λ		
Bureau Aeronautics	<a href="#">FDM 5-10-25</a>													λ	
Dept. of Agr., Trade, & Cons. Prot.	<a href="#">FDM 5-10-30</a>									λ					
Local Agencies															
Floodplain Zoning Authority	<a href="#">FDM 5-15-5</a>			λ	λ										
Indian Tribal Governments	<a href="#">FDM 5-15-10</a>										λ				

Note: In all cases, refer to appropriate procedure in this manual for detailed information concerning application.



**REGIONAL CLEARINGHOUSE JURISDICTIONS**



## **WISCONSIN CLEARINGHOUSE SYSTEM**

### **Wisconsin State Clearinghouse**

1. Name/Address: Division of Energy and Intergovernmental Relations  
Department of Administration, 6th Floor  
P.O. Box 7868  
Madison, Wisconsin 53707  
(608) 266-0267  
Jurisdiction: Statewide Impact and the Counties of Adams, Columbia,  
Dodge, Jefferson and Sauk

### **Regional Clearinghouses**

1. Name/Address: Bay-Lake Regional Planning Commission  
Old Fort Square, Suite 211  
211 North Broadway  
Green Bay, Wisconsin 54303  
(920) 448-2820 FAX: (920) 448-2823  
Jurisdiction: The counties of Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto, and Sheboygan
2. Name/Address: Brown County Planning Commission  
City Hall, Room 608  
100 North Jefferson Street  
Green Bay, Wisconsin 54301  
(920) 448-3400 FAX: (920) 448-3426  
Jurisdiction: Brown County
3. Name/Address: Dane County Regional Planning Commission  
217 S. Hamilton, #403  
Madison, Wisconsin 53703-3238  
(608) 266-4137 FAX: (608) 267-1533  
Jurisdiction: Dane County
4. Name/Address: East Central Wisconsin Regional Planning Commission  
132 Main Street  
Menasha, Wisconsin 54952  
(920) 751-4770 FAX: (920) 751-4771  
Jurisdiction: The counties of Calumet, Fond du Lac, Green Lake, Marquette, Menominee, Outagamie, Shawano, Waupaca, Waushara, and Winnebago
5. Name/Address: Mississippi River Regional Planning Commission  
1707 Main Street, Suite 240  
LaCrosse, Wisconsin 54601  
(608) 785-9396 FAX: (608) 785-9394  
Jurisdiction: The counties of Buffalo, Crawford, LaCrosse, Jackson, Monroe, Pepin, Pierce, Trempealeau, and Vernon

**For Projects in the LaCrosse Urbanized Area:**

LaCrosse Planning Committee  
City Hall  
LaCrosse, Wisconsin 54601  
(608) 789-7512 FAX: (608) 789-7318

6. Name/Address: North Central Wisconsin Regional Planning Commission

City Hall  
210 McClellan St., Suite 210  
Wausau, Wisconsin 54403  
(715) 849-5510 FAX: (715) 849-5510

Jurisdiction: The counties of Forest, Juneau, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas, and Wood

**For Projects in the Wausau Urbanized Area:**

Marathon County Planning Commission  
210 River Drive  
Wausau, Wisconsin 54403-5449  
(715) 847-5227 FAX: (715) 847-5188

7. Name/Address: Northwest Wisconsin Regional Planning Commission

1400 S. River Street  
Spooner, Wisconsin 54801  
(715) 635-2197 FAX: (715) 635-7262

Jurisdiction: The counties of Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor, and Washburn

**For Projects in the Superior Urbanized Area:**

Metropolitan Interstate Committee  
330 Canal Park Drive  
Duluth, Minnesota 55802  
(218) 722-5545 FAX: (218) 722-2335

8. Name/Address: Rock County Planning Commission

51 S. Main Street  
Janesville, Wisconsin 53545  
(608) 757-5587 FAX: (608) 757-5586

Jurisdiction: Rock County

**For Projects in the Beloit Urbanized Area:**

City of Beloit  
100 State Street  
Beloit, Wisconsin 53511  
(608) 364-6606 FAX: (608) 364-6609

**For Projects in the Janesville Urbanized Area:**

City Planning Department  
18 N. Jackson Street  
Janesville, Wisconsin 53547-5005

(608) 755-3084

FAX: (608) 755-3196

9. Name/Address: Southeastern Wisconsin Regional Planning Commission  
916 North East Ave.  
P.O. Box 1607, Old Courthouse  
Waukesha, Wisconsin 53187  
(262) /547-6721 FAX: (262) 547-1103  
Jurisdiction: The counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha
10. Name/Address: Southwestern Wisconsin Regional Planning Commission  
426 Karrman Library  
1 University Plaza  
University of Wisconsin-Platteville  
Platteville, Wisconsin 53818  
(608) 342-1214 FAX: (608) 342-1220  
Jurisdiction: The counties of Grant, Green, Iowa, Lafayette, and Richland
11. Name/Address: West Central Wisconsin Regional Planning Commission  
800 Wisconsin Street, Mail Box 9  
Eau Claire, Wisconsin 54703-3606  
(715) 836-2918 FAX: (715) 836-2886  
Jurisdiction: The counties of Barron, Chippewa, Clark, Dunn, Eau Claire, Polk, and St. Croix

### Metropolitan Planning Organization - Mailing List

Urbanized Area	Planning Organization	Primary Contract & Mailing Address
Milwaukee Racine Kenosha	Southeastern Wisconsin Regional Planning Commission	Philip C. Evenson - Executive Director Southeastern Wisconsin Regional Planning Commission P.O. Box 1607 Old Courthouse Waukesha, Wis. 53187 (262) 547 – 6721
Madison	Dane County Regional Planning Commission	Thomas Favour - Executive Director Dane Co. Regional Planning Comm. Room 523 City County Building Madison, Wis. 53709 (608) 266 – 4137
Appleton Oshkosh	East Central Wisconsin Regional Planning Commission	Harlan P. Kiesow - Executive Director East Central Wisconsin Regional Planning Commission 132 Main Street Menasha, Wis. 54952 (920) 751 - 4770
Green Bay	Brown County Planning Commission	Chuck Lamine - Executive Director Brown County Planning Commission Room 608, City Hall 100 North Jefferson Street Green Bay, Wisconsin 54301 (920) 448 - 3400
La Crosse La Cresent, MN	La Crosse Planning Committee	Larry Kirch - Director City Planning Department La Crosse, Wis. 54601 (608) 789 – 7512
Duluth, MN Superior WI	Metropolitan Interstate Committee	Gary Tonkin - Metropolitan Program Manager Metropolitan Interstate Committee 330 Canal Park Drive Duluth, MN 55802 (218) 722 – 5545
Wausau	Marathon County Planning Commission	Ed Hammer, Director Marathon County Planning Department 210 River Drive Wausau, Wis. 54403-5449 (715) 261-6040

### Metropolitan Planning Organization - Mailing List (Continued)

Urbanized Area	Planning Organization	Primary Contract & Mailing Address
Janesville	Janesville Urbanized Area	Michelle Coacher - MPO Coordinator City Planning Department 18 North Jackson Street Janesville, Wis. 53545 (608) 755 – 3095
Sheboygan	Bay - Lake Regional Planning Commission	Martin Holden – Director Bay-Lake Regional Planning Commission Old Fort Square, Suite 211 211 N. Broadway Green Bay, Wis. 54303 (920) 448 - 2820
Eau Claire	Chippewa Eau Claire MPO	Jerry Chasteen - Director West Central Wisconsin Regional Planning Commission 800 Wisconsin Street, Mail Box 9 Eau Claire, Wis. 54703-3606 (715) 836 - 2918
Beloit, Wis. South Beloit, IL	State Line Area Transportation Study (SLATS)	Boyd Lawrence - MPO Coordinator Engineering Division City Hall, 100 State Street Beloit, Wis. 53511 (608) 364 - 6690



## FDM 5-2-1 Department of Transportation

March 16, 2018

### 1.1 FHWA-Administration and Oversight

Procedures for administering federally funded highway improvement and highway related projects are contained in the agreement(s) between the State of Wisconsin and the Federal Highway Administration (FHWA).

[Exhibit 1.1](#) is the "FHWA and WisDOT Stewardship & Oversight of Projects through Implementation of a Risk-Based Approach". This Agreement details how FHWA and WisDOT stewardship and oversight of federal-aid projects will be carried out. Project level stewardship and oversight will use a risk-based approach that incorporates results from the FHWA Wisconsin Division's Risk Management Process. This risk-based approach is meant to maximize the use of limited resources and time.

This risk-based approach to project stewardship and oversight will be carried out through four major elements:

1. Project Selection Process for Projects of Corporate Interest (PoCI) and Projects of Division Interest (PoDI),
2. Approval Action and Monitoring Responsibilities for PoCIs, PoDIs and Delegated Projects,
3. Project-Specific Agreements for Mega (FHWA Major) Projects, and
4. Compliance Assessment Program (CAP) Reviews.

### 1.2 Forest Highway Statewide Agreement

[Exhibit 1.2](#) of this procedure is a copy of the Forest Highway Statewide Agreement between WisDOT, FHWA, and the USDA Forest Service. This three-party agreement, supersedes a previous two-party (WisDOT/FHWA) agreement dated March 21, 1977 and complies with current federal legislation. The agreement sets forth mutually acceptable procedures for the planning, programming, development, construction, and maintenance of designated Forest Highways in Wisconsin which utilize Forest Highway funding.

Note that this agreement for the Forest Highway Program is different from the Memorandum of Understanding ([FDM 5-5 Attachment 5.1](#)) which relates to the use and occupancy of National Forest lands for state highways and projects with federal aid.

### LIST OF EXHIBITS

<a href="#">Exhibit 1.1</a>	FHWA and WisDOT Stewardship & Oversight of Projects through Implementation of a Risk-Based Approach
<a href="#">Exhibit 1.2</a>	Forest Highway Statewide Agreement

## FDM 5-2-5 Federal Aviation Administration

June 19, 2013

### 5.1 Federal Aviation Administration (FAA)

#### 5.1.1 Basis for Coordination

Subpart A of 23 CFR 620 outlines the coordination that must take place between the Federal Highway Administration (FHWA) and the Federal Aviation Administration (FAA) on all federal aid highway projects in the vicinity of airports to ensure that airway-highway clearances are adequate for the safe movement of air and highway traffic. Moreover, Section 114.134 of the Wisconsin Statutes implies coordination with the Bureau of Aeronautics and the FAA for all highways, public roads, or "other traverse ways" within the state (irrespective of federal aid) to ensure such clearances.

#### 5.1.2 Coordination Process

Coordination with the FAA takes place when there is a potential for substandard airway-highway clearances between: 1) a proposed highway project and an existing airport, or 2) a proposed airport project (new facility or improvement to existing one) and an existing highway. In either instance, the purpose of coordination is to prevent substandard clearances from occurring.

Designers do not correspond directly with the FAA. Instead, coordination is made through the FHWA or the

Bureau of Aeronautics.

When any federal aid highway project is within two miles of a public use or military airport, the project details should be documented and the FHWA notified. The FHWA shall also be notified of any federal aid project that proposes to change the horizontal or vertical alignment of a highway within five miles of a public use or military airport.

Designers need to coordinate with FHWA and/or the Bureau of Aeronautics on other matters besides highway alignment. Sign bridges, light poles and even tall construction equipment can all infringe on airway - highway clearance and so, adversely affect airport operations and endanger the flying public.

The FHWA Division Administrator will determine if there is a need for notification per FAR's 77.9, 77.13 and further coordination with the FAA. To determine if a notice of proposed construction is required, use the "Notice Criteria Tool" on the FAA's Obstruction Evaluation website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>). If deemed appropriate, the FHWA will notify the FAA with supporting data supplied by the transportation region. Documentation of coordination with the FHWA (and the FAA) should appear in the environmental document, meaning that coordination must take place in the early stages of project development.

For proposed airport projects, Section 114.134, Wisconsin Statutes, places the burden of complying with applicable federal standards on the airport owner/operator. Such person(s) must obtain a certificate of approval from the Wisconsin Secretary of Transportation for the location of the proposed airport. Coordination is then from the Bureau of Aeronautics to the appropriate transportation region for an actual clearance determination, forming the basis on which the certificate of approval is issued or denied.

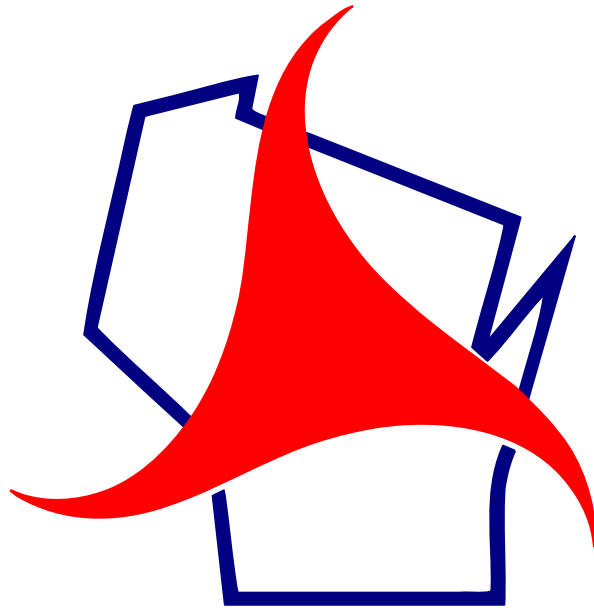
### **5.1.3 Specific Results Intended**

For proposed highway projects, it is essential to document the fact that coordination has taken place. Documentation would normally consist of exhibits in the environmental document of correspondence between the agencies involved.

### **5.1.4 References**

Criteria for determining applicable airway-highway clearances are found in "Federal Aviation Regulations (FAR), Part 77 - Objects Affecting Navigable Airspace."

# FDM 5-2 Exhibit 1.1 - FHWA and WisDOT Stewardship & Oversight of Projects through Implementation of a Risk-Based Approach



**Document Effective Date: November 1, 2017**  
**FDM Publication/Update Date:** March 16, 2018

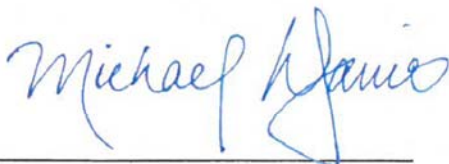


**Federal Highway Administration (FHWA) Wisconsin Division and  
Wisconsin Department of Transportation (WisDOT)**

**Supplement to the Current Stewardship & Oversight  
Agreement**

**FHWA and WisDOT  
Stewardship & Oversight of  
Projects through  
Implementation of a Risk-  
Based Approach**

*This Risk-Based Stewardship and Oversight Agreement supplements the current version of the FHWA and WisDOT Stewardship Agreement and outlines the FHWA Wisconsin Division Office's approach to carrying out stewardship and oversight responsibilities for Projects of Division Interest (PoDI). This supplement also includes approval authority for Delegated/Assumed Projects as reflected in the current version of the FHWA/WisDOT Stewardship Agreement. This document is updated annually based on assessment of current risks and is effective on November 1, 2017.*



**Michael Davies, P.E.  
Division Administrator  
Federal Highway Administration, WI Division**

Date: 12/4/2017



**Joe Nestler, P.E.  
Administrator, DTSD  
Wisconsin Department of Transportation**

Date: 12/1/2017

## **Risk-Based Project Stewardship & Oversight Agreement – November 1, 2017**

This Risk-Based Stewardship and Oversight Agreement outlines the Federal Highway Administration (FHWA) Wisconsin Division Office's approach to carrying out stewardship and oversight responsibilities for Projects of Division Interest (PoDI). This Agreement also includes approval authority for Delegated/Assumed Projects as reflected in the current version of the FHWA/WisDOT Stewardship Agreement. This Agreement is considered a supplement to the current version of the FHWA/WisDOT Stewardship Agreement and is effective November 1, 2017.

Through this Risk-Based Stewardship and Oversight Agreement, the FHWA Wisconsin Division Office is delegating, and the WisDOT is accepting responsibility for, identified PoDI project monitoring and approval actions. This delegation represents a more systematic stewardship and oversight approach for FHWA to fulfill its responsibilities in the delivery of the Federal-aid Highway Program. This approach is intended to be more risk-based and driven by objective data.

This risk-based approach is the result of flexibilities in the responsibilities shared between FHWA and its State partners as provided by the Fixing America's Surface Transportation (FAST) Act and previous transportation legislation. It provides a means to better ensure greater consistency from state to state and to improve FHWA's ability to add value to projects and programs. FHWA's involvement in project and program delivery will be strategic and based on level of risk (threats and opportunities) and will focus FHWA resources to better assure an appropriate level of compliance as well as meet the goals of WisDOT in efficiently advancing projects.

This Agreement details how FHWA and WisDOT stewardship and oversight of PoDI projects will be carried out. PoDI project-level stewardship and oversight will use a risk-based approach that incorporates results from the FHWA Wisconsin Division's Risk Management Process, including the annual Project Risk Assessment. This risk-based approach is meant to maximize the use of limited resources and time.

This risk-based approach to PoDI project stewardship and oversight will be carried out through five major elements:

- 1) Project Risk Assessment to assess current and potential Projects of Division Interest (PoDI),
- 2) Project Selection Process for PoDIs,
- 3) Approval Action and Monitoring Responsibilities for PoDIs,
- 4) Project-Specific Plan/Agreements for Mega (FHWA Major) Projects, and
- 5) Compliance Assessment Program (CAP) Reviews

The annual Division Risk Assessment results will be integrated into this process to address risk in a comprehensive manner. The elements are interdependent in their use of office resources and in addressing office risk areas.

This approach modified the former process of selecting and designating "oversight" projects. Projects, as defined by the environmental document and/or master group, will be designated as Projects of Division Interest (PoDI) or Delegated/Assumed. Specific project identification numbers (IDs) or construction contracts within a master group will be designated as elevated risk (for construction contracts), major design IDs (for design projects) or assumed/delegated. This determination and documentation of designating IDs within a PoDI project occurs through the current process of FHWA

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completing quarterly reviews and sending a letter with updates. If a master ID is designated as assumed/delegated, then all IDs within that master ID are assumed/delegated.

The terms elevated risk (for construction contracts) and major design IDs (for design projects) are synonymous with the previous term of “oversight”. Designation of projects will be based on the following:

### **Projects of Division Interest (PoDIs)**

PoDIs are projects identified by Divisions as having an elevated level of risk (threat or opportunity) to the Division’s successful delivery of the federal-aid program. A specific focus on PoDIs allows the Division to concentrate resources on project phases or areas that add the most value on important projects to the Division. Project-Specific PoDIs are identified based on annual outreach to the WisDOT Regions followed by a Project Risk Assessment of current and potential PoDIs. The Project Risk Assessment will include consideration of corporate goals as well as risks (including opportunities) identified through program health indicators. Programmatic PoDIs are identified based on an annual broad-based Risk Assessment of FHWA programs and program elements.

PoDIs will include the following:

1) **Mega (FHWA Major) projects,**

Mega (FHWA Major) projects are defined as specified in 23 USC §106 (h) and include all projects meeting the following criteria:

- a) Federally-funded projects with a total estimated cost of \$500 million or more. Total estimated cost includes all costs for design, real estate, utilities and construction in year-of-expenditure dollars.
- b) All projects using Transportation Infrastructure Finance and Innovation Act (TIFIA) loan funding.
- c) Other federally-funded projects, as determined by FHWA, that are appropriate for mega project designation. This may include projects that require a substantial portion of the State Transportation Agency (STA)'s program resources; have a high level of public or congressional interest; are unusually complex; have extraordinary implications for the national transportation system; or are likely to exceed \$500 million in total cost.

2) **Projects being developed under an Environmental Impact Statement (EIS),**

Projects being developed under an EIS, will be defined as PoDIs during the environmental phases. Following completion of the environmental phase, the project will be assessed to determine future identification as a PoDI.

3) **Transportation Investment Generating Economic Recovery (TIGER) discretionary grant projects,**

TIGER Projects administered by WisDOT will always be identified as PoDIs since Congress has directed an increased involvement in these projects and the administration of these projects has been delegated to FHWA by the Secretary of Transportation.

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### **4) NHS projects with retained FHWA project approval; 23 USC §106(c)(1),**

NHS projects where FHWA has retained responsibility for one or more of the project approval actions that could be assumed by WisDOT will always be defined as PoDIs. The project approval actions are those listed in 23 USC §106(c) and include such actions as design approvals, PS&E approvals, contract awards and inspections. The identification of these types of PoDIs will be consistent with the FHWA/WisDOT Stewardship and Oversight Agreement and reflect the risk-based need for FHWA to retain responsibilities for certain project approval actions, either on a programmatic basis or project-level basis. Identification of Programmatic PoDIs will reflect the risk-based need for FHWA to retain responsibilities for certain project approval actions on a program-wide basis.

### **5) Non-NHS projects with retained FHWA project approval; 23 USC §106(c)(2),**

Non-NHS projects where WisDOT has requested FHWA to retain responsibility for one or more of the project approval actions listed in 23 USC §106(c) will always be defined as PoDIs. For projects off the NHS, 23 USC §106(c)(2) requires the State to assume project actions unless the State determines it is inappropriate and asks FHWA to retain the action. Identification of a project as a PoDI does not supersede 23 USC §106 (c)(2). On non-NHS PoDI projects, the State DOT will continue to do approvals assumed by it under the Stewardship & Oversight Agreement unless it requests FHWA to re-assume the approval for the specific project.

### **6) Other complex or unique projects that are considered to have an elevated level of risk (threat or opportunity).**

Other complex or unique projects that are considered to have an elevated level of risk (threat or opportunity) will be selected as PoDIs as determined by the FHWA Wisconsin Division, with input from WisDOT. The final determination of PoDIs will be based on consideration of criteria listed in this Agreement. Consideration of the criteria will be reflective of identified risk areas as well as resource capacity.

## **Delegated/Assumed Projects**

All projects not specifically identified as PoDIs will be Delegated/Assumed Projects. Approval authority for Delegated/Assumed Projects is provided in the current version of the FHWA/WisDOT Stewardship Agreement. However, Attachment 2, Project Approval Responsibilities List, also includes a listing of these authorities to allow for the authorities for all types of projects to be shown in a single table.

## **Risk-Based Process for Stewardship and Oversight of PoDI Projects:**

The specific steps for carrying out the risk-based approach to PoDI project stewardship and oversight are described below.

### **1) Project Risk Assessment to Assess Current and Potential Projects of Division Interest (PoDI)**

The Project Risk Assessment includes an annual evaluation of all potential PoDI projects by the FHWA Division, with input from Wisconsin DOT as agreed to. This will generally be done in April or May, and

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begin with the FHWA Division compiling a list of potential PoDI Projects. The Division will then meet with each of the WisDOT Regions to determine whether there are additional projects that should be evaluated as part of the project risk assessment process. The FHWA Division will also seek input from WisDOT Central Office Management on the final list of projects that will be assessed for risk.

The overall level of risk for each project will be determined based on consideration of specified screening criteria. The following projects will be identified as potential PoDI projects and evaluated using the Division Office Project Risk Assessment Tool (and/or other HQ-directed tool) to select PoDIs for each federal performance year (PY).

- All current PoDIs
- All projects that were assessed the previous PY, are still active, and have only been assessed one previous year
- All newly-initiated EA projects (*Note: EIS projects are automatically identified as PoDIs*)
- Any project that the Division is aware of that has the potential for a higher level of risk based on the following screening criteria:
  - o Project cost and complexity
  - o Project schedule and project urgency
  - o Level of controversy and political interest
  - o Environmental considerations/stakeholders
  - o FHWA Division resource capacity
  - o Project type/scope of work (e.g., reconstruction, bridge, safety, etc.)
  - o Geographic location and/or highway system (e.g., region, urban/rural, Interstate, NHS, etc.)
  - o State or regional significance
  - o Administrative responsibility (e.g., State, local)
  - o Funding sources or constraints, including use of non-traditional revenue sources (e.g., tolling, public private partnerships, etc.)
  - o Use of alternative contracting methods or other innovative or pilot practices or processes
  - o FHWA corporate actions
  - o Complex bridges
  - o Use of innovative or experimental materials or construction methods
  - o Complex Traffic/Transportation Management Plan (TMP) issues

*Note that the screening criteria is not in any particular order and should be considered in its entirety, within the Division Risk Assessment Tool, to reach an overall determination of risk on the project.*

For all non-Mega (FHWA Major) projects, the risk assessment will only be applicable to the current phase of the projects. Mega (FHWA Major) projects will be considered PoDIs during all phases of the project.

The Division will also meet with each Region to determine whether there are any active or upcoming projects, which the Division is not aware of, that should also be evaluated for risk. The evaluation of risk on these projects will allow for the projects to be considered as potential PoDIs and also allow for identification of projects that may otherwise require some level of FHWA project input or approval. This Region visit is generally done in the April/May timeframe so that PoDI and other projects for FHWA involvement can be identified prior to the beginning of each PY. The Program and Project Delivery Director and Projects Team Leader will work with other WI DO project engineers and specialists to



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determine the schedule for visits. Specifically, the Division will ask the Regions to identify any projects that include the following:

- o An EA for which the PIL has not yet been transmitted to FHWA
- o Complex 106 issues
- o IAJR approval(s)
- o Extensive ROW acquisition and/or relocations
- o High total project costs (Interstate > \$15 Million or Other NHS >\$30 Million)
- o Local program projects with reconstruction, pavement replacement or reconditioning of an NHS route
- o Large or unusual structures
- o Individual Corps permits
- o USCG permits
- o Non-highway use of ROW
- o Unusual access control
- o Special federal funding (discretionary)
- o Complex traffic control
- o High level of controversy/political interest
- o Other unique factors

### **2) Project Selection Process for Projects of Division Interest (PoDI)**

Upon completion of the evaluation of all potential PoDI projects, a proposed list of PoDI projects will be completed by the FHWA Division, with input from Wisconsin DOT. The list will include all Mega projects, all EIS projects in the environmental phase, all TIGER projects, all NHS projects where FHWA has retained approval responsibility for actions that are, or could be, delegated, any non-NHS projects where WisDOT has requested FHWA to retain responsibility for one or more approval actions, and any other projects that have an overall high level of risk.

PoDIs can be categorized into two types: (1) those based on an assessment of each individual project and its specific risks (Project-Specific PoDIs) and (2) those based on an identification of risks that apply program-wide or categorically to a large subgroup of projects, so that the Division wishes to handle approval actions for all projects that share that identified element of risk (Programmatic PoDIs). Programmatic PoDIs are treated differently than Project Specific PoDIs because it is not practical to administer and report on the potentially large number of projects affected by programmatic PoDIs (often unknown at the start of the year) using individual project-specific risk plans. To date, the FHWA Division has not identified the need for any Programmatic PoDIs.

The Division shares a list of PoDIs with the FHWA Directors of Field Service and justify selections that exceed criteria set forth by the agency. The final selection of PoDIs will be made by the FHWA WI Division Project Team Leader(s) with input from WisDOT. For Mega (FHWA Major), EIS projects, and TIGER projects, selection as a PoDI will generally be made at the scoping phase of the project. For all other projects, PoDI designation will be based on the risks associated with that particular phase of the project. Since the selection is done on an annual basis, some projects may be more advanced prior to selection as a PoDI and some projects may be removed from consideration as PoDIs when risks have been adequately reduced. There will not be a specified number of PoDIs.

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With the execution of this Agreement, FHWA has updated the current list of PoDIs (Attachment 1). These PoDIs include projects in various phases of development and reflect current consideration of risk and prior/ongoing FHWA involvement.

PoDI designation and tracking will continue to be done using a process similar to that previously used for Oversight Project designation and tracking. FHWA will send periodic updates to WisDOT, via formal letter, to formally document those projects that have been designated as PoDIs and indicate the specific project IDs that will be subject to FHWA involvement (oversight). WisDOT will document this designation in their financial and project management systems and generate periodic reports that will be reviewed by FHWA for accuracy.

### **3) Approval Action and Monitoring Responsibilities for PoDIs**

Following designation of all federal-aid projects as PoDIs or as Delegated/Assumed Projects, federal approval actions and project monitoring responsibilities will be carried out in accordance with the “Project Approval Responsibilities List” (Attachment 2). As part of the risk-based approach for Delegated/Assumed Projects, FHWA has delegated all approval actions that can be assumed by WisDOT, as provided in the current version of the FHWA/WisDOT Stewardship Agreement. For all Mega Project PoDIs, an individual project Stewardship and Oversight Plan/Agreement will be developed, as explained in the next section of this Agreement. For all other PoDIs (PoDIs that are not Mega projects), FHWA has delegated all actions except those that cannot be delegated and those that are currently determined to be of a higher risk from either a program or project perspective. The delegated approval actions for the non-Mega PoDIs will be adjusted as risk areas change and will be based on the annual Project Risk Assessment.

It is important to emphasize that WisDOT accepts responsibility for delegated/assumed PoDI project approval actions in accordance with Section 106 of Title 23, United States Code (USC), and is accepting this responsibility on behalf of FHWA. For every delegated action, WisDOT will have a designated action that takes the place of an FHWA action that is required by law, regulation or policy. These actions may not be further delegated to non-WisDOT personnel (locals, consultants, contractors, etc.) without formal agreement by FHWA.

In carrying out these delegated/assumed actions, WisDOT is responsible for administering the Federal-aid Highway Program in a manner that ensures efficient and effective use of federal-aid funds and compliance with the FAST Act (or subsequent transportation laws), 23 USC and other applicable federal laws, 23 CFR and other applicable federal regulations, FHWA policies, and standard business practices. The FHWA retains overall responsibility for the Federal-aid Highway Program and the use of this risk-based stewardship and oversight approach for PoDI projects does not preclude the FHWA from accessing or reviewing any Federal-aid project for program reviews, process reviews, audits or other review and monitoring activities.

### **4) Project-Specific Plan/Agreements for Mega Project PoDIs**

FHWA has determined that individual project stewardship and oversight plan/agreements should be developed for all PoDIs. However, since Wisconsin has a large number of complex and unique projects, resulting in a fairly large number of PoDIs, the FHWA Division Office wants to limit the number of project-specific stewardship and oversight plan/agreements. As such, all non-Mega (FHWA Major) Project PoDI approval and monitoring responsibilities will be carried out in the same manner, in

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accordance with the “Project Approval Responsibilities List” (Attachment 2). However, for each Mega (FHWA Major) Project PoDI, the responsibility for project approval actions will be determined on a project-by-project basis and documented in a project-specific stewardship and oversight plan/agreement (Mega Project Plan/Agreement). Project-specific stewardship and oversight plan/agreements may be developed for non-Mega (FHWA Major) PoDI projects if specific risk factors identify definitive needs that vary from those shown in the “Project Approval Responsibilities List”.

The “Project Approval Responsibilities List” shows specific Mega (FHWA Major) Project PoDI approval actions that have been retained by FHWA, actions that have been delegated to/assumed by WisDOT, and actions that will be as specified in the Mega Project Plan/Agreements. Those actions that have not been specifically assigned to FHWA or WisDOT must be fully detailed in the Mega Project Plan/Agreements and include the specific variations for the many different types of project IDs that comprise the overall Mega (FHWA Major) project.

Specific variations in the Mega Project Plan/Agreements will be based on the Project Risk Assessment, project history, and FHWA Division Office capacity. For all projects that are identified as PoDI projects, additional analysis as part of the Project Risk Assessment must be completed in order to determine appropriateness of approval actions in the “Project Approval Responsibilities List” and/or to evaluate considerations for the variations within the project-specific plan/agreements. This additional assessment will look at the level of risk for specific phases of the project and will include the following factors:

1. NEPA Phase
  - a. Environmental Document Type
  - b. Anticipated Level of Public, Interest Group and Resource Agency Controversy
  - c. Extent and Sensitivity of Resources Impacted
  - d. Extent and Complexity of Mitigation Measures
  - e. Precedent-Setting Potential
  - f. Requires Detailed Consideration of Indirect and Cumulative Impacts
  - g. Other Unique Factors
  - h. Project Schedule for NEPA Completion
2. Design Phase
  - a. Extent of Use of Specialized Materials (Innovative, Proprietary, State or Locally Furnished, Salvaged, etc.)
  - b. Use of Experimental Products or Processes
  - c. Complex or Extensive Exceptions to Standards
  - d. Complex or Extensive Interstate Access Additions or Modifications
  - e. Potential PS&E Issues, Including Potential for Exceptions
  - f. Complex Structures
  - g. Other Unique Factors
  - h. Project Schedule for Design Completion
3. Construction Phase
  - a. Change Order History/Type/Status
  - b. Materials Quality History/Testing History/Status
  - c. Experience of Project Management and Staff with Type of Project
  - d. Complex Construction Staging, Sequencing and Contract Relationship



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- e. Complexity of Contract(s) / Type of Contract
- f. Partnering Efforts / Project Communications
- g. History of Traffic, Safety or Crash Issues

The results of this additional assessment, along with consideration of project history and FHWA Division Office capacity, will be used to determine variations in project-level responsibilities, where appropriate. The “Project Approval Responsibilities List” (Attachment 2) shows which actions must be retained by FHWA, which actions must be delegated to WisDOT, and which actions may vary by project. A Mega Project Plan/Agreement template is provided as Attachment 3.

The Mega Project Plan/Agreement will be developed just before final approval of the environmental document and will be negotiated with the WisDOT Mega Project Team. The Plan/Agreements will be signed and dated by both agencies. The Plan/Agreement should also include project goals, FHWA focus areas and a summary of expected FHWA project involvement, including participation in project meetings, project inspections, etc. The Plan/Agreement should be incorporated into, or referenced in, the project’s PMP.

### **5) Compliance Assessment Program (CAP) Reviews**

The FHWA Wisconsin Division, in accordance with national requirements, will be conducting Compliance Assessment Program (CAP) reviews on federally-funded construction projects (PoDIs and Delegated/Assumed projects). The CAP process is carried out as described in the current version of the FHWA/WisDOT Stewardship Agreement and annual CAP Project Reviews and Inspections Guidance.

PoDI projects are subject to CAP reviews. Projects to be reviewed through the CAP will be selected by FHWA’s Headquarters’ Office, and will be a statistically-based random sample of projects authorized for construction during a one-year period.

### **FHWA Division Method for Managing this Risk-Based Stewardship & Oversight Process**

The Division Office will assign project responsibilities for PoDIs on a project-by-project basis to current staff including the Oversight Manager, Project Oversight Manager, Field Operation Engineers, Major Project Environmental Program Manager, Environmental Program Manager, Division Bridge Engineer, Construction Program Manager, Projects Team Leader or the Program and Project Delivery Director. Different FHWA personnel may be assigned lead responsibilities for different phases of the project. Attachment 1, which shows the current list of PoDIs, also shows Division responsibilities for each project.

This method of assigning project responsibilities means that WisDOT Regions do not have a single Field Operations Engineer assigned to their Region. The Division will make every effort to assign most projects within a given Region to one or two specific individuals, but due to the varying number of PoDIs in each Region, this may not always be possible.

All projects that are currently in early stages of development, and new projects that are initiated will be assigned as the need arises. The assignment of responsibility may occur upon project scoping or upon

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submittal of the first action requiring an FHWA response or action. Regions and appropriate Statewide Bureau staff will be notified of FHWA project assignments as they are made. If the Regions or Statewide Bureaus have project inquiries or approval actions (including environmental documents) associated with projects that have not been assigned, they should be submitted to the Division's Project Mailbox ([wi.fhwa.projects@dot.gov](mailto:wi.fhwa.projects@dot.gov)) for project assignment and action. The Division's Projects Team Leader and Program and Project Delivery Director should be copied when submitting inquiries and project approval actions. Program-related questions and approval actions should still be directed to the FHWA Division program specialists.

The project-specific documents, approval actions and inquiries will be assigned to staff in the office with consideration given to current workloads. When documents and approval actions come into the Division, confirmation will be sent to the Region and/or Statewide Bureaus to notify them of who has been assigned the responsibility for processing. This process improves the timeliness and consistency of service to WisDOT and improves the Division's ability to manage available resources.

**WisDOT employees can check for updated list of PoCIs and PoDIs in Program Management Manual (PMM) 5-10-20 Appendix A.**

**PoDI List including FHWA Responsibilities (FPY 2018)**

**Projects of Division Interest (PoDIs)**

Project	Reg.	Total Cost	Current Phase	Primary FHWA Project Lead	Project Team Lead	Comments
<b>Zoo Interchange; Milwaukee County,</b> Master ID 1060-33-00	SE	\$1.56 B	Construction	D. Platz	Blankenship <sup>1</sup>	<i>Bacher-Gresock – Legal/NEPA Lead</i>
<b>St. Croix River Crossing; Wisconsin Approaches; St. Croix County,</b> Master ID 1550-00-02	NW	\$0.65 B	Construction	Garcia	Holt <sup>2</sup>	<i>Blankenship – Management Oversight</i>
<b>I-94 North-South, Milwaukee to IL SL, Milwaukee; Racine &amp; Kenosha Counties,</b> Master ID 1030-20-00	SE	\$1.68 B	Construction	D. Platz Chidister (NEPA Lead)	Blankenship	
<b>I-39/90; Madison – Illinois SL; Dane &amp; Rock Counties<sup>3</sup>,</b> Master ID 1001-10-01	SW	\$1.31 B	Final Design & Construction	Varney	Blankenship	<i>Bacher-Gresock – NEPA Assistance</i>
<b>US 10/Wis 441; County CB –Oneida; Winnebago County,</b> Master ID 1517-07-04	NE	\$0.41 B	Construction	Newhouse	Holt <sup>2</sup>	<i>Blankenship – Management Oversight</i>
<b>Beltline Interchange (I-39/90 and US 12/18); Madison; Dane Co.<sup>3</sup>,</b> Master ID 1001-10-01	SW	TBD	NEPA	Varney	Blankenship & Holt	<i>Chidister – NEPA Assistance</i>
<b>US 51; Stoughton Road, Madison – Windsor; Dane County,</b> Master ID 5410-05-00 & 5411-02-03	SW	TBD	NEPA	Holt (Temporary)	Blankenship & Holt <sup>2</sup>	<i>Bacher-Gresock – NEPA Assistance</i>
<b>US 18; Verona Rd; PD – US 12 Beltline; Madison; Dane Co.,</b> Master ID 1206-07-09 & 1206-07-03	SW	\$0.4 B	Final Design & Construction	Garcia	Holt	
<b>I-90 Reconstruction, MN State Line – Wis 16; La Crosse County,</b> Master ID 1071-06-08 & 1071-1610	SW	\$59 M	Construction	Garcia	Holt	
<b>Wis 23, Fond du Lac – Plymouth; Fond du Lac &amp; Sheboygan Counties,</b> Master ID 1440-13-00	NE	\$0.1 B	NEPA	Varney	Holt	<i>Bacher-Gresock and Blankenship– NEPA Assistance</i>
<b>West Waukesha Bypass; County TT, I-94 to Wis 59, Waukesha County,</b> Master ID 2788-01-00	SE	TBD	Post-NEPA Legal Claim, & Construction	Newhouse	Holt	<i>Chidister – NEPA Assistance &amp; Legal Lead</i>
<b>TIGER Project – Regional Truck Parking and Information Management System (Multi-State)</b>	CO	\$25 M	Design & Construction	Holt	Holt	
<b>I-39/90/94 Wisconsin River Bridge, Columbia County,</b> Master ID	SW	\$TBD	NEPA	Bacher-Gresock (NEPA Lead) Balice (Design & Construction)	Holt	
<b>County M / South Pleasant View Road; Cross County Rd – Prairie Hill Rd - City of Madison; Dane County,</b> ID 5992-09-81	SW	\$47	Final Design and Construction	Martindale	Holt	<i>Garcia – Back-Up Assistance</i>

As of April 17, 2018

***As of April 17, 2018***

<sup>1</sup> Oversight Manager (D. Platz) has direct management responsibilities for assigned projects. Team Lead engaged on controversial/elevated issues.

<sup>2</sup> Team Leader and Oversight Manager (D. Platz) have lead responsibility for major project management activities/requirements (PMP, FP and CER).

<sup>3</sup> Projects considered as one project from a State perspective.



**Risk-Based Project Stewardship & Oversight Agreement – Originally Implemented October 1, 2013**  
**Updated 11/01/2017**

**ATTACHMENT 2: PROJECT APPROVAL RESPONSIBILITIES LIST**

*Overview*

The Project Responsibility List identifies the responsible agency for project-level approval actions. It is organized by columns listed as Mega (FHWA-Major) PoDI Projects, Non-Mega PoDI Projects and Delegated/Assumed Projects. Note that Mega (FHWA-Major) PoDI approval actions will be determined on a project-by-project basis, as documented in project-specific Mega Project Plan/Agreements. However, they are shown here in this list to provide a summary of what may or may not be delegated within the project-specific Plan/Agreements. Project-specific Plan/Agreements will be developed upon completion of the environmental phase of the project.

The approval authority shown below for all PoDI Projects are subject to change each year based on assessed risks. **Changes over the previous year's version are highlighted in bright yellow.** The approval authority shown for Delegated/Assumed Projects does not change from year to year and is taken from the current version of the FHWA/WisDOT Stewardship Agreement. The approval authority shown below and in the FHWA/WisDOT Stewardship Agreement delegates all of FHWA's Title 23 responsibilities for design, PS&E, contract awards and inspection to WisDOT for all projects off the NHS. The approval authority shown below presumes all PoDIs are on the NHS. If WisDOT requests designation of a non-NHS PoDI, a project-specific agreement will be developed.

Within each column, activities are listed and the appropriate Approval Authority (FHWA or WisDOT) is identified. FHWA has maintained approval authority for activities that cannot be delegated and for NHS PoDI activities that have been identified as higher risk through the Division's Risk Assessment and Management process.

APPROVAL ACTION	APPROVAL AUTHORITY		
	Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/ Assumed Projects NHS/Non-NHS
<b>PROGRAMMING, FINANCIAL MANAGEMENT &amp; ADMINISTRATION</b>			
<b>Programming</b>			
Assurance that Project is in the Statewide Transportation Improvement Program (STIP) / Transportation Improvement Program (TIP) [23 CFR 450]	WisDOT	WisDOT	WisDOT
Identification of Proposed Funding Category	WisDOT (1)	WisDOT (1)	WisDOT (1)
<b>FINANCIAL MANAGEMENT &amp; ADMINISTRATION</b>			
<b>Financial Management</b>			
Federal-aid Project Authorizations/Agreements, Advanced Construction, Modifications, AC Conversions & Close-Outs (All Projects Inc. PE, ROW, UTIL, CON, ITS, HSIP, etc.)	FHWA	FHWA	FHWA
Authorize Current Bill / All Vouchers (Progress Payments and Final)	FHWA	FHWA	FHWA
Funding Eligibility Determinations	FHWA	FHWA	WisDOT (1)
FMIS Data (including FHWA-37) Verification	FHWA	FHWA	WisDOT (1)
Financial Plan and Annual Updates for Mega Projects – Review and Approval [23 USC 106(h)]	FHWA		
Financial Plans for Projects from \$100M to \$499M - Develop (FHWA Receives for Information Only) [23 USC 106(i)]		WisDOT	WisDOT

APPROVAL ACTION	APPROVAL AUTHORITY		
	Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/ Assumed Projects NHS/Non-NHS
<b>Administration</b>			
Section 1.9 Waiver [23 CFR Section 1.9]	FHWA	FHWA	FHWA
Cost Estimate Review for Mega Projects (NEPA Phase & Final Design Phase) [23 USC 106(h)(2) and January 2007 Major Project Cost Estimating Guidance]	FHWA		
<b>PROJECT DEVELOPMENT</b>			
<b>Environment</b>			
All ER, EA/FONSI, EIS/ROD, 4(f), 106 (adverse effects only) and Other Environmental Actions Required by Law	FHWA	FHWA	FHWA
Section 106 (no adverse effect)	WisDOT	WisDOT	WisDOT
<b>Programmatic Environmental Checklist (PEC)</b> Documentation (per current Agreement)	WisDOT	WisDOT	WisDOT
<b>Categorical Exclusion Checklist (CEC)</b> Documentation (per current Agreement for those CE's meeting 23 CFR 771.117 (c) criteria)	WisDOT	WisDOT	WisDOT
<b>Right-of-Way</b>			
ROW Certificate 2 or 3 Exception at PS&E Approval [23 CFR 635.309 (b), 23 CFR 635.309 (c) and 23 CFR 635.309(c)(3)]	FHWA	FHWA	WisDOT or FHWA (2)
Agreement for Use of <u>Interstate</u> Air Rights for Non-Highway Purposes [23 CFR 710.405]	FHWA	FHWA	FHWA
Use of Right-of-Way for Non-Highway Purposes, excluding Interstate [23 CFR 1.23(c) and 710.407]	FHWA or WisDOT (3)	FHWA or WisDOT (3)	FHWA or WisDOT (3)
Functional Replacement of Real Property in Public Ownership [23 CFR 710.509]	FHWA (3)	FHWA (3)	FHWA (3)
Junkyard Control Programming and Authorization [23 CFR 751.25]	FHWA	FHWA	FHWA
Outdoor Advertising Sign Removal Projects [23 CFR 750.307]	FHWA (3)	FHWA (3)	FHWA (3)
Protective Buying and Hardship Acquisition [23 CFR 710.307 and 710.503]	FHWA (3)	FHWA (3)	FHWA (3)
Disposal at Fair Market Value of Federally Funded ROW, Including Disposal of Access Control [23 CFR 710.403, 23 CFR 710.409]	FHWA or WisDOT (4)	FHWA or WisDOT (4)	FHWA or WisDOT (4)
Disposal at Less Than Fair Market Value of Federally Funded ROW, Including Disposal of Access Control [23 USC 156; 23 CFR 710.403(d)]	FHWA	FHWA	FHWA
Relinquishment of a Highway Facility for Continued Highway Purposes [23 CFR 620.201 through 23 CFR 620.203]	FHWA (3)	FHWA (3)	FHWA (3)
Request for Credits for Early Acquisition of ROW [23 CFR 710.501(b)]	FHWA	FHWA	FHWA
Request for Federal Land Transfer [23 CFR 710.601]	FHWA	FHWA	FHWA
Request for Emergency Waiver of Available Replacement Dwelling Requirement [49 CFR 24.204(b)]	FHWA	FHWA	FHWA
Violation of or Non-Compliance with Applicable Law - Withholding of Payments [23 CFR 710.203(c), 23 CFR 1.36]	FHWA	FHWA	FHWA
<b>Preliminary Design</b>			
Consultant Selection for Design and Specialty Contracts [23CFR 172.5]	WisDOT	WisDOT	WisDOT
PIF - Sole Source/Negotiated Consultant Contract Selection for Design [23 CFR 172.5(3)]	FHWA	FHWA	WisDOT
Consultant Agreements and Amendments for Design on non-Mega projects [23 CFR 172.9]	WisDOT	WisDOT	WisDOT
Consultant Agreements and Amendments for Design on Mega Projects [23 CFR 172.9]	WisDOT		
Consultant Agreements and Amendments for the Use of Consultants in a Management Role [23 CFR 172.9]	FHWA	FHWA	FHWA

APPROVAL ACTION	APPROVAL AUTHORITY		
	Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/ Assumed Projects NHS/Non-NHS
<b>Preliminary Design (Continued)</b>			
High Risk <b>NHS</b> ITS Project Development / System Engineering Analysis [23 CFR 940.11]	FHWA	FHWA	FHWA
Low Risk and <b>Non-NHS</b> ITS Project Development / System Engineering Analysis [23 CFR 940.11]	WisDOT	WisDOT	WisDOT
New/Modified <b>Interstate</b> Interchange Access Determination of Engineering and Operations Acceptability (PEOR) – <b>2 Policy Points</b> [23CFR 625.4 & 49 CFR1.48 (b)(1)] - (minor interchange modifications, <b>as agreed to by FHWA</b> , are assigned to WisDOT)	FHWA	FHWA	FHWA
New/Modified <b>Interstate</b> Non-Interchange Access (emergency, maintenance, temporary construction, etc.) [23 USC 111]	FHWA	FHWA	FHWA
PIF – Airspace Clearance FAA [23 CFR 620.104]	FHWA (6)	FHWA (6)	WisDOT
Request for Qualifications [23 CFR 636] Design Build, Public Private Partnerships Statement of Qualifications	FHWA	FHWA	WisDOT
Safety Criteria (Roadside Design Guide & MASH) Assurance	WisDOT	WisDOT	WisDOT
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	WisDOT	WisDOT	WisDOT
Agreement on Bike and Pedestrian Accommodation Exceptions [23 CFR 652]	FHWA	FHWA	WisDOT
Ten-Year Rule Extension Approvals [23 CFR 630.112(c)(2)]	FHWA	FHWA	FHWA
Preventive Maintenance Project Pre-Approval ( <b>Highways</b> or <b>Structures</b> )	N/A	N/A	N/A
<b>Detailed/Final Design</b>			
Design Study Report	WisDOT (7)	WisDOT (7)	WisDOT
Preliminary Plans for Complex and Unusual Structures on the <b>Interstate</b> System [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	FHWA
Preliminary Plans for Major and Unusual Structures on the <b>NHS</b> [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	FHWA
Mega Project PMP (Project Management Plan) [23 USC 106(h)]	FHWA		
Design Exceptions – NHS Only ( <b>10 Controlling Criteria for High-Speed NHS, 2 Controlling Criteria for Other NHS</b> ) [23 CFR 625.3]	FHWA	FHWA	WisDOT
Use of Experimental Products or Processes (Pilot and Demo) 23 CFR 635.411	Per Agrmt.	WisDOT	WisDOT
New/Modified <b>Interstate</b> Access Control Change - Final Approval – <b>2 Policy Points</b> [23 USC 111]	FHWA	FHWA	FHWA
PIF – Proprietary products and processes [23 CFR 635.411]. <b>If statewide, FHWA approval.</b> Excludes those certified by WisDOT.	Per Agrmt.	FHWA	WisDOT
PIF - Publicly furnished materials or equipment [23 CFR 635.407 and 635.106]. <b>If statewide, FHWA approval.</b>	Per Agrmt.	WisDOT	WisDOT
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401]	WisDOT (8)	WisDOT (8)	WisDOT (8)
CEF - Use of Force Account / LFA Agreement (over \$25,000) [23 CFR 635.204, 205]	Per Agrmt.	WisDOT	WisDOT
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA	FHWA	WisDOT
Salvage Value – Review of Salvage Value, Transportation Cost, and Use on Future Eligible Projects to Determine Applicability and Amount of Salvage Credit	Per Agrmt.	WisDOT	WisDOT
Incentive/Disincentive Amount Justification [23 CFR 635.127]	Per Agrmt.	WisDOT	WisDOT
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	Per Agrmt.	WisDOT	WisDOT
Innovative and Public-Private Partnership Projects in accordance with SEP-14 and SEP-15 [SEP 14 & 15]	Per Agrmt.	FHWA	FHWA
Warranties [23 CFR 635.413]	FHWA	FHWA	WisDOT
Compensable Utility Relocation [23 CFR 645 subparts A and B]	WisDOT	WisDOT	WisDOT



APPROVAL ACTION	APPROVAL AUTHORITY		
	Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/ Assumed Projects NHS/Non-NHS
<b>Detailed/Final Design (Continued)</b>			
Use of Consultants by Utility Companies for Compensable Relocation [23 CFR 645.109(b)]	WisDOT	WisDOT	WisDOT
Utility Agreement Execution and Utility Status Report Completion [23 CFR 645.113, 119]	WisDOT	WisDOT	WisDOT
Railroad Agreement Execution [23 CFR 646.216 (3)(d)]	WisDOT	WisDOT	WisDOT
Utility or Railroad Force Account Work Agreement [23 CFR 645.113 & 646.216]	WisDOT	WisDOT	WisDOT
Maximum Railroad Protective Insurance Limits Exceptions [23 CFR 646.111]	WisDOT	WisDOT	WisDOT
Safety Hardware Acceptability / Eligibility – <b>NHS Only</b>	FHWA	FHWA	WisDOT
Transportation Management Plan (TMP) – Acceptance [23 CFR 630.1012(b)]	Per Agrmt.	FHWA	WisDOT
Extended Bridge Approach Length (Off-System) – Federal Eligibility Determination	FHWA	FHWA	WisDOT
<b>PS&amp;E and Advertising</b>			
Utility Certificate Exception at PS&E Approval [23 CFR 635.309 (b)]	FHWA	FHWA	WisDOT (2)
Railroad <b>Certificate</b> Exception at PS&E Approval [23 CFR 635.309 (b)]	FHWA	FHWA	WisDOT (2)
Clearance for Advertising for Bids (through PS&E Trak) [23 CFR 635.112]	Per Agrmt.	FHWA	WisDOT
Final Request for Proposal [23 CFR 636] Design Build and Public Private Partnerships.	FHWA	FHWA	WisDOT
Bid Analysis (Engineer Estimate Validation)	WisDOT	WisDOT	WisDOT
Coast Guard Permit Requirement Exemption [23 CFR 650.805]	FHWA	FHWA	FHWA
PIF - Advertising Period Less than Three Weeks [23 CFR 635.112]	WisDOT	WisDOT	WisDOT
PIF - Use of Contracting Method Other than Competitive Bidding [23 CFR 635.104 & 204]	FHWA	FHWA	WisDOT
Owner Controlled Insurance Program (OCIP)	WisDOT	WisDOT	WisDOT
PS&E Approval [23 CFR 630.205]	Per Agrmt.	FHWA (9)	WisDOT
<b>Contract Award and Construction</b>			
Contract Addenda (Except Addenda that Changes the Scope of Work) [23 CFR 635.112(c)]	Per Agrmt.	WisDOT or FHWA (10)	WisDOT
Contract Addenda that Changes the Scope of Work [23 CFR 635.112(c)]	FHWA	FHWA	WisDOT
Design-Build Requests-for-Proposal (RFP) Addenda [23 CFR 635.112]	FHWA	FHWA	WisDOT
Buy America Waiver [23 CFR 635.410].	FHWA	FHWA	FHWA
Concurrence in Award of Construction Contracts [23 CFR 635.114]	WisDOT (7)	WisDOT (7)	WisDOT
Rejection of All Bids Concurrence [23 CFR 635.114]	FHWA	FHWA	WisDOT
Contract Claims Concurrence of Settlement [23 CFR 635.124]	FHWA	FHWA	WisDOT
Termination of Contract Concurrence [23 CFR 635.125]	FHWA	FHWA	WisDOT (7)
Consultant Selection for Construction Engineering [23 CFR 172.5]	WisDOT	WisDOT	WisDOT
PIF - Sole Source/Negotiated Consultant Contract Selection for Construction Engineering [23 CFR 172.5(3)]	FHWA	FHWA	WisDOT
Consultant Agreements and Amendments for Construction Engineering on non-Mega projects [23 CFR 172.9]	WisDOT	WisDOT	WisDOT
Consultant Agreements and Amendments for Construction Engineering on Mega Projects [23 CFR 172.9]	WisDOT		
Construction Engineering by Local Agency [23 CFR 635.105]	Per Agrmt.	WisDOT (7)	WisDOT
Contract Time Extension Change Orders [23 CFR 635.120 & 121]	Per Agrmt.	FHWA	WisDOT
Errors and Omissions FHWA Participation Determination	FHWA	FHWA	WisDOT
FHWA Project Inspections	FHWA	FHWA	WisDOT (11)
FHWA Final Inspection/Acceptance of Completed Work [23 USC 114(a)]	FHWA	FHWA	WisDOT



APPROVAL ACTION	APPROVAL AUTHORITY		
	Mega PoDI Projects	Non-Mega PoDI Projects	Delegated/ Assumed Projects NHS/Non-NHS
<b>Contract Award and Construction (Continued)</b>			
Administrative Contract Modifications (Change Orders)	FHWA	FHWA	WisDOT
Major Contract Modification Prior Approval (CMJ as Specified in CMM or Project-Specific Plan/Agreement) [23 CFR 635.120]	FHWA	FHWA	WisDOT
Contract Modifications (All Change Orders) [23 CFR 635.120]	Per Agrmt.	FHWA	WisDOT
Materials Certification Acceptance [23 CFR 637.207]	FHWA	FHWA	WisDOT
<b>CIVIL RIGHTS</b>			
<b>Civil Rights</b>			
DBE Contract Goal Approvals [49 CFR 26.51(e)(3)]	WisDOT	WisDOT	WisDOT
Good Faith Waiver Acceptance [49 CFR 26.53]	WisDOT	WisDOT	WisDOT
EEO Contract Compliance Review Approval	WisDOT	WisDOT	WisDOT
Training Special Provision – Approval of Project Goal (Training Hours or Slots) [23 CFR 230, Subpart A]	WisDOT	WisDOT	WisDOT
Training Special Provision – Approval of New Project Training Programs [23 CFR 230.111(d), (e)]	FHWA	FHWA	FHWA

- (1) WisDOT has responsibility for ensuring that all individual elements of a project are eligible. Prior to authorizing funds, FHWA will check overall project eligibility by verifying that the scope of the project, as described in the submitted project agreement, is eligible for the category of funding sought. WisDOT has responsibility for ensuring the accuracy of the data in FMIS. FHWA will verify eligibility of individual elements and accuracy of FMIS data through scheduled authorization, FIRE and/or other reviews. FHWA retains all final determinations of eligibility and participation.
- (2) Interstate projects require FHWA approval. Others approvals are delegated to WisDOT.
- (3) Only if federal funds are or have been used for right-of-way acquisition.
- (4) FHWA approval required on Interstate only. WisDOT approval required on other NHS. For off-NHS project, approvals, if any, will be those required by State laws, regulations, policies and procedures. However, this does not relieve WisDOT from responsibility for these areas, or from non-Title 23 federal requirements which may remain applicable. WisDOT's processes and modifications to, or variations in process, require FHWA approval.
- (5) [Reserved]
- (6) Applies to approval of PIFs for exceptions to clearances and standards. WisDOT has responsibility for airport and FAA coordination, assurance that clearances are adequate and assurance that the expenditure of public funds for airport and highway improvements in the vicinity of airports is in the public interest.
- (7) FHWA should receive informational copy.
- (8) FHWA approval is required for revocable occupancy permits for non-conforming outdoor advertising signs on the NHS.
- (9) Requires WisDOT submittal of completed PS&E checklist.
- (10) Addenda approval to be completed by FHWA for all FHWA-approved PS&Es, approval by WisDOT for all others.
- (11) Project site visits may be done by FHWA as part of CAP reviews and process/program reviews.

**Federal Highway Administration (FHWA) Wisconsin Division  
and Wisconsin Department of Transportation (WisDOT)**

Project-Specific, Risk-Based

**Stewardship & Oversight Plan and  
Agreement *for***

**Project Name**

**Master ID 0000-00-00**

*This Agreement has been developed in response to FHWA's 2013 national initiative to implement a more risk-based approach to the stewardship and oversight of Federal-aid highway projects. This version of the Agreement was developed by the FHWA Wisconsin Division Office and the WisDOT Mega Project Team. This Agreement is considered a supplement to the November 1, 2017 FHWA and WisDOT Risk-Based Project Stewardship & Oversight Agreement, with the components of this Agreement superseding equivalent components of the 2017 Agreement. The effective date of this Agreement is [insert date].*

\_\_\_\_\_  
**Tracey Blankenship, P.E.**  
**Project and Program Delivery Director**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Name of WisDOT Project Team Chief**  
**Title**

Date: \_\_\_\_\_

MAJOR

**Project Name, Master ID 0000-00-00****(MEGA) PROJECT AGREEMENT for**

<b>Project Goals</b>	<b>Measures and/or Outcomes and Expectations</b>
Apply Risk-Based Stewardship & Oversight (RBS&O) strategies	Project-specific Stewardship & Oversight Agreement is implemented and evaluated
Complete the project in a manner in which public trust, support and confidence are maintained	Public feedback and media coverage is generally positive
Complete project with the highest degree of quality	Materials and construction processes meet or exceed quality metrics, materials testing requirements routinely met, project meets expectations of stakeholders
Complete project on time (within established schedule)	Project completed by
Complete project within budget	Project completed within \$xx budget
Comply with federal & state requirements	Compliance with requirements, with remediation plans developed for any non-compliance issues
Document all required approval actions (whether delegated to WisDOT or retained by FHWA)	Project files contain copies of all required approval actions as listed in this agreement
<b>FPY 2018 Focus Areas (Based on Risk)</b>	<b>Measures and/or Outcomes and Expectations</b>

<b>FHWA Involvement</b>	<b>Measures and/or Outcomes and Expectations</b>
Complete required approval actions	Approval actions completed in accordance with this agreement
Perform routine construction inspections on elevated risk construction contracts	Minimum of 2-3 inspections per construction season completed by FHWA on elevated risk construction contracts
Participation in project management and oversight meetings	Routine FHWA attendance and participation in the following meetings: <ul style="list-style-type: none"> <li>• Issue – Risk Meetings</li> <li>• Change Management Meetings</li> <li>• Program Meetings</li> <li>• Progress Meetings (as available and applicable)</li> <li>• TMP and Traffic Meetings (as available and applicable)</li> <li>• Structures Coordination Meetings (as available and applicable)</li> <li>• Construction Project Meetings (as available and applicable)</li> <li>• Pre-Construction Meetings (as available and applicable)</li> <li>• WisDOT Statewide Bureaus/FHWA Monthly Design Standards Meeting</li> <li>• Oversight Committee Meetings</li> <li>• WisDOT Mega/Major Project Meetings</li> <li>• WisDOT Major Program Peer Committee</li> <li>• Other Special Meetings as appropriate or as needed</li> </ul>
Technical and program assistance as requested	Timely assistance, that meets WisDOT expectations, provided
Additional reviews and evaluations	Inclusion of {Project Name} projects as part of FHWA program, major project, CAP, OIG, GAO and/or other reviews
Input in resolution of project issues	Effective input provided

**MAJOR (MEGA) PROJECT AGREEMENT for**  
**Project Name, Master ID 0000-00-00**

Although all PoDI Mega projects have been selected to be of elevated risk (threat and opportunity), this does not mean that each of the project's construction contracts will be considered to have that same elevated risk. As such, some of the construction contracts will be handled similar to Delegated projects, with any specific variances listed within this Mega Project Agreement. For each PoDI Mega project, the FHWA Project Oversight Manager (POM) will work with the Mega Project Team to define all construction contracts as **Elevated Risk** or **Assumed/Delegated**. This will be done based on contract packages and may be modified periodically as contract packages change. This effort will allow WisDOT to code and track projects in FIIPS. The following outlines how construction contracts will be defined for this specific mega project:

CONSTRUCTION CONTRACT TYPE	DEFINED CONTRACT TYPES for this MEGA PROJECT (List)
<b><u>Elevated Risk</u></b> Construction Contracts	<p>(Example: All Mainline Contracts, All Interchange Projects, Major Crossroad Projects, Bridge/Structure Projects, etc.)</p> <p>Note: This designation as elevated risk only applies if the contracts are federally-funded. If any ID within the contract package is federally-funded, the contract is federally-funded. Any contracts packages that are fully State and/or locally funded are fully delegated to WisDOT and will not include FHWA approvals or oversight during construction.</p>
<b><u>Assumed/Delegated Construction</u></b> Contracts	<p>(Example: All Other Contracts Not Listed as High Risk, Non-Major Crossroad Projects, Utility Projects, ITS Projects, TMP Projects, Landscaping Projects, Alternate Route Projects, etc.)</p> <p>Note: For any contract packages where there is uncertainty, FHWA should be consulted. Initial assignment as elevated or delegated is based on current plans for contract packages. If contract packages change, this agreement may be updated to reflect changes in assignment of contracts as Elevated or Delegated.</p>
Other Construction Contracts	<p>(Use This Only if a Third Classification of Contracts is Needed to More Easily Define Approval Action Responsibilities)</p>



**DETAILED PROJECT APPROVAL ACTION RESPONSIBILITIES**

Note: Gray- Shaded areas indicate pre-established responsibility where the action has already been delegated to WisDOT or the action is required to be retained by FHWA.

Yellow highlights indicate a change in the approval authority or the addition of a new item from what was previously in place in the prior agreement. This is to be used as an aid in assessing the revised approval authority with the Major Project Agreement in place.

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs <sup>^</sup>	Other Minor Design Project IDs <sup>^</sup>	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
<b>PROGRAMMING, FINANCIAL MANAGEMENT &amp; ADMINISTRATION</b>						
<b>Programming</b>						
Assurance that Project is in the Statewide Transportation Improvement Program (STIP) / Transportation Improvement Program (TIP)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Identification of Proposed Funding Category	WisDOT (1)	WisDOT (1)	WisDOT (1)	WisDOT (1)	WisDOT (1)	
<b>FINANCIAL MANAGEMENT &amp; ADMINISTRATION</b>						
<b>Financial Management</b>						
Federal-aid Project Authorizations/Agreements, Advanced Construction, Modifications, AC Conversions & Close-Outs (All Projects Inc. PE, ROW, UTIL, CON, ITS, HSIP, etc.)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	
Authorize Current Bill / All Vouchers (Progress Payments and Final)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	FHWA (2)	
Funding Eligibility Determinations	FHWA	WisDOT (1)	FHWA	WisDOT (1)	WisDOT (1)	
FMIS Data (including FHWA-37) Verification	FHWA	WisDOT (1)	FHWA	WisDOT (1)	WisDOT (1)	
Financial Plan and Annual Updates for Mega Projects – Review and Approval [23 USC 106(h)]	FHWA					Generally one Financial Plan for entire Mega Project. Updated annually; updated Financial Plan requires FHWA formal approval.

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs^	Other Minor Design Project IDs^	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variances
<b>Administration</b>						
Cost Estimate Review for Mega Projects (NEPA Phase & Final Design Phase) [23 USC 106(h)(2) and January 2007 Major Project Cost Estimating Guidance]	FHWA					CER for entire Mega Project. Initial CER required in late NEPA stage and second CER required in final design prior to development of the Initial Financial Plan.
<b>PROJECT DEVELOPMENT</b>						
<b>Environment</b>						
All ER, EA/FONSI, EIS/ROD, 4(f), 106 (adverse effects only) and Other Environmental Actions Required by Law	FHWA	FHWA	FHWA	FHWA	FHWA	Generally one NEPA document for entire Mega Project.
Section 106 (no adverse effect)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Programmatic Environmental Checklist (PEC) Documentation (per current Agreement)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
Categorical Exclusion Checklist (CEC) Documentation (per current Agreement for those CEs meeting 23 CFR 771.117 (c) criteria)	WisDOT	WisDOT	WisDOT	WisDOT	WisDOT	
<b>Right-of-Way</b>						
ROW Certificate 2 or 3 Exception at PS&E Approval [23 CFR 635.309 (b), 23 CFR 635.309 (c) and 23 CFR 635.309(c)(3)]	N/A	N/A	FHWA	FHWA (3)	FHWA (3)	
Agreement for Use of Interstate Air Rights for Non-Highway Purposes [23 CFR 710.405]	FHWA	FHWA	FHWA	FHWA	FHWA	
<b>Preliminary Design</b>						
Consultant Selection for Design and Specialty Contracts [23 CFR 172.5]	WisDOT	WisDOT	N/A	N/A	N/A	
PIF - Sole Source/Negotiated Consultant Contract Selection for Design [23 CFR 172.5(3)]	FHWA	WisDOT	N/A	N/A	N/A	
Consultant Agreements and Amendments for Design on Mega Projects [23 CFR 172.9]	WisDOT	WisDOT	N/A	N/A	N/A	
Consultant Agreements and Amendments for the Use of Consultants in a Management Role [23 CFR 172.9]	FHWA	FHWA	N/A	N/A	N/A	

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs <sup>a</sup>	Other Minor Design Project IDs <sup>a</sup>	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variances
<b>Preliminary Design (Continued)</b>						
New/Modified <b>Interstate</b> Interchange Access Determination of Engineering and Operations Acceptability (PEOR) – <b>2 Policy Points</b> [23CFR 625.4 & 49 CFR1.48 (b)(1)] - (minor interchange modifications, as agreed to by FHWA, are assigned to WisDOT)	FHWA	FHWA	N/A	N/A	N/A	
New/Modified <b>Interstate</b> Non-Interchange Access (emergency, maintenance, temporary construction, etc.) [23 USC 111]	FHWA	FHWA	N/A	N/A	N/A	
PIF – Airspace Clearance FAA [23 CFR 620.104]	FHWA (5)	WisDOT	N/A	N/A	N/A	
Request for Qualifications [23 CFR 636] Design Build, Public Private Partnerships Statement of Qualifications	FHWA	FHWA	N/A	N/A	N/A	
Safety Criteria (Roadside Design Guide & MASH) Assurance	WisDOT	WisDOT	N/A	N/A	N/A	
Value Engineering [23 CFR 627, SAFETEA-LU 1904]	WisDOT	WisDOT	N/A	N/A	N/A	
Agreement on Bike and Pedestrian Accommodation Exemptions [23 CFR 652]	FHWA	WisDOT	N/A	N/A	N/A	
Ten-Year Rule Extension Approvals [23 CFR 630.112(c)(2)]	FHWA	FHWA	N/A	N/A	N/A	
Preventive Maintenance Project Pre-Approval (Applies to <b>Highways</b> and <b>Structures</b> )	N/A	N/A	N/A	N/A	N/A	
<b>Detailed/Final Design</b>						
Design Study Report	WisDOT (6)	WisDOT	N/A	N/A	N/A	
Preliminary Plans for Complex and Unusual Structures on the <b>Interstate</b> System [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	N/A	N/A	N/A	
Preliminary Plans for Major and Unusual Structures on the <b>NHS</b> [23 USC 109(a) and FHWA Policy]	FHWA	FHWA	N/A	N/A	N/A	



APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs <sup>^</sup>	Other Minor Design Project IDs <sup>^</sup>	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variances
<b>Detailed/Final Design (Continued)</b>						
Mega Project PMP (Project Management Plan) [23 USC 106(h)]	FHWA					Generally one PMP for entire Mega Project. Approval required within 90 days of final environmental determination.
Design Exceptions – NHS Only ( <b>10 Controlling Criteria for High-Speed NHS, 2 Controlling Criteria for Other NHS</b> ) [23 CFR 625.3]	FHWA	WisDOT	N/A	N/A	N/A	Only includes approvals that are on the NHS <u>regardless of funding source</u> .
Use of Experimental Products or Processes (Pilot and Demo) 23 CFR 635.411	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
New/Modified <b>Interstate</b> Access Control Change - Final Approval – <b>2 Policy Points</b> [23 USC 111]	FHWA	FHWA	N/A	N/A	N/A	
PIF – Proprietary products and processes [23 CFR 635.411]. If statewide, FHWA approval. Excludes those certified by WisDOT.	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. If delegated to WisDOT, must follow FDM process and include WisDOT Bureau of Project Development approval. Informational copies of the approved PIFs must be provided to FHWA prior to PS&E submittal.
PIF - Publicly furnished materials or equipment [23 CFR 635.407 and 635.106]. If statewide, FHWA approval.	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. If delegated to WisDOT, must follow FDM process and include WisDOT Bureau of Project Development approval. Informational copies of the approved PIFs must be provided to FHWA prior to PS&E submittal.
ROW encroachments - Use and occupancy of acquired ROW [23 CFR 710.401]	WisDOT (7)	WisDOT (7)	WisDOT (7)	WisDOT (7)	WisDOT (7)	
PIF - Use of Mandatory Borrow/Disposal Sites [23 CFR 635.407]	FHWA	WisDOT	N/A	N/A	N/A	

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs <sup>^</sup>	Other Minor Design Project IDs <sup>^</sup>	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variances
<b>Detailed/Final Design (Continued)</b>						
Salvage Value – Review of Salvage Value, Transportation Cost, and Use on Future Eligible Projects to Determine Applicability and Amount of Salvage Credit	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. Must follow FDM and CMM process and include complete documentation in project files. FHWA will review periodically.
Incentive/Disincentive Amount Justification [23 CFR 635.127]	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. Must follow standard practice and FDM guidance. FHWA may periodically review.
Liquidated Damages (rates subject to FHWA approval) [23 CFR 635.127]	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. FHWA program-level approval required on rates approved as part of Standard Spec 108.11. If delegated, project-level approval on any rates that are an exception to the Standard Specification rates is approved by WisDOT. Informational copies of the approved Liquidated Damages must be provided to FHWA prior to PS&E submittal. Include complete documentation in project files. FHWA may periodically review.
Innovative and Public-Private Partnership Projects in accordance with SEP-14 and SEP-15 [SEP 14 & 15]	FHWA or WisDOT	WisDOT	FHWA or WisDOT	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
Warranties [23 CFR 635.413]	FHWA	WisDOT	N/A	N/A	N/A	
Compensable Utility Relocation [23 CFR 645 subparts A and B]	WisDOT	WisDOT	N/A	N/A	N/A	
Use of Consultants by Utility Companies for Compensable Relocation [23 CFR 645.109(b)]	WisDOT	WisDOT	N/A	N/A	N/A	
Utility Agreement Execution and Utility Status Report Completion [23 CFR 645.113, 119]	WisDOT	WisDOT	N/A	N/A	N/A	

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs <sup>^</sup>	Other Minor Design Project IDs <sup>^</sup>	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variances
<b>Detailed/Final Design (Continued)</b>						
Railroad Agreement Execution [23 CFR 646.216 (3)(d)]	WisDOT	WisDOT	N/A	N/A	N/A	
Utility or Railroad Force Account Work Agreement [23 CFR 645.113 & 646.216]	WisDOT	WisDOT	N/A	N/A	N/A	
Maximum Railroad Protective Insurance Limits Exceptions [23 CFR 646.111]	WisDOT	WisDOT	N/A	N/A	N/A	
Safety Hardware Acceptability / Eligibility – <b>NHS Only</b>	FHWA	WisDOT	N/A	N/A	N/A	
Transportation Management Plan (TMP) – Acceptance [23 CFR 630.1012(b)]	WisDOT or FHWA	WisDOT	WisDOT or FHWA	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility. FHWA approval required on overall project TMP and any TMP associated with projects identified as elevated risk. All others to be approved by WisDOT. FHWA may periodically review.
Extended Bridge Approach Length (Off-System) – Federal Eligibility Determination (Only if bridge is on a roadway classified as local)	FHWA	WisDOT	N/A	N/A	N/A	
<b>PS&amp;E and Advertising</b>						
Utility Certificate Exception at PS&E Approval	N/A	N/A	FHWA	WisDOT	WisDOT	
Railroad <b>Certificate</b> Exception at PS&E Approval [23 CFR 635.309 (b)]	N/A	N/A	FHWA	WisDOT	WisDOT	
Clearance for Advertising for Bids (through PS&E Trak) [23 CFR 635.112]	N/A	N/A	FHWA	WisDOT	WisDOT	
Final Request for Proposal [23 CFR 636] Design Build and Public Private Partnerships.	N/A	N/A	FHWA	FHWA	FHWA	
Bid Analysis (Engineer Estimate Validation)	N/A	N/A	WisDOT	WisDOT	WisDOT	
Coast Guard Permit Requirement Exemption [23 CFR 650.805]	N/A	N/A	FHWA	FHWA	FHWA	
PIF - Advertising Period Less than Three Weeks [23 CFR 635.112]	N/A	N/A	WisDOT	WisDOT	WisDOT	

APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs <sup>^</sup>	Other Minor Design Project IDs <sup>^</sup>	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variances
<b>PS&amp;E and Advertising (Continued)</b>						
PIF - Use of Contracting Method Other than Competitive Bidding [23 CFR 635.104 & 204]	N/A	N/A	FHWA	FHWA	FHWA	
Owner Controlled Insurance Program (OCIP)	N/A	N/A	WisDOT	WisDOT	WisDOT	
PS&E [23 CFR 630.205]	N/A *	N/A *	WisDOT or FHWA	WisDOT	WisDOT	Include language necessary to clearly explain assigned responsibility.
<b>Contract Award and Construction</b>						
Contract Addenda [23 CFR 635.112(c)]	N/A	N/A	FHWA	WisDOT	WisDOT	Contract addenda approval is only required if the construction contract is designated as Elevated Risk.
Design-Build Requests-for-Proposal (RFP) Addenda [23 CFR 635.112]	N/A	N/A	FHWA	WisDOT	WisDOT	
Buy America Waiver [23 CFR 635.410].	N/A	N/A	FHWA	FHWA	FHWA	
Award of Contract Concurrence [23 CFR 635.114]	N/A	N/A	WisDOT (6)	WisDOT	WisDOT	
Rejection of All Bids Concurrence [23 CFR 635.114]	N/A	N/A	FHWA	WisDOT	WisDOT	
Contract Claims Concurrence of Settlement [23 CFR 635.124]	N/A	N/A	FHWA	WisDOT	WisDOT	
Termination of Contract Concurrence [23 CFR 635.125]	N/A	N/A	FHWA	WisDOT (6)	WisDOT (6)	
Consultant Selection for Construction Engineering [23CFR 172.5]	N/A	N/A	WisDOT	WisDOT	WisDOT	
PIF - Sole Source/Negotiated Consultant Contract Selection for Construction Engineering [23 CFR 172.5(3)]	N/A	N/A	FHWA	WisDOT	WisDOT	
Consultant Agreements and Amendments for Construction Engineering on Mega Projects [23 CFR 172.9]	N/A	N/A	WisDOT	WisDOT	WisDOT	
Construction Engineering by Local Agency [23 CFR 635.105]	N/A	N/A	FHWA	WisDOT	WisDOT	
Errors and Omissions FHWA Participation Determination	N/A	N/A	FHWA	WisDOT	WisDOT	



APPROVAL ACTION	APPROVAL AUTHORITY					
	Main Design Project IDs^	Other Minor Design Project IDs^	Elevated Risk Construction Contracts	Delegated Construction Contracts	Other Construction Contracts	Additional Details/Variations
<b>Contract Award and Construction (Continued)</b>						
FHWA Project Inspections	N/A	N/A	FHWA	FHWA (10)	FHWA (10)	
FHWA Final Inspection/Acceptance of Completed Work [23 USC 114(a)]	N/A	N/A	FHWA	WisDOT	WisDOT	
Administrative Contract Modifications (Change Orders)	N/A	N/A	FHWA	WisDOT	WisDOT	
Major Contract Modification Prior Approval (CMJ as Specified in CMM or Project-Specific Plan/Agreement) [23 CFR 635.120]	N/A	N/A	FHWA	WisDOT	WisDOT	FHWA to receive copies of all CMJs. Only those requiring prior approval will be signed/approved and returned.
Contract Modifications (All Change Orders) [23 CFR 635.120]	N/A	N/A	FHWA	WisDOT	WisDOT	All change orders on elevated risk construction projects must be approved by FHWA.
Contract Time Extension Change Orders [23 CFR 635.120 & 121]	N/A	N/A	FHWA	WisDOT	WisDOT	
Materials Certification Acceptance [23 CFR 637.207]	N/A	N/A	FHWA	WisDOT	WisDOT	
<b>CIVIL RIGHTS</b>						
<b>Civil Rights</b>						
DBE Contract Goal Approvals [49 CFR 26.51(e)(3)]	N/A	N/A	WisDOT	WisDOT	WisDOT	
Good Faith Waiver Acceptance [49 CFR 26.53]	N/A	N/A	WisDOT	WisDOT	WisDOT	
EEO Contract Compliance Review Approval	N/A	N/A	WisDOT	WisDOT	WisDOT	
Training Special Provision – Approval of Project Goal (Training Hours or Slots) [23 CFR 230, Subpart A]	N/A	N/A	WisDOT	WisDOT	WisDOT	
Training Special Provision – Approval of New Project Training Programs [23 CFR 230.111(d), (e)]	N/A	N/A	FHWA	FHWA	FHWA	

- (1) WisDOT has responsibility for ensuring that all individual elements of a project are eligible. Prior to authorizing funds, FHWA will check overall project eligibility by verifying that the scope of the project, as described in the submitted project agreement, is eligible for the category of funding sought. WisDOT has responsibility for ensuring the accuracy of the data in FMIS. FHWA will verify

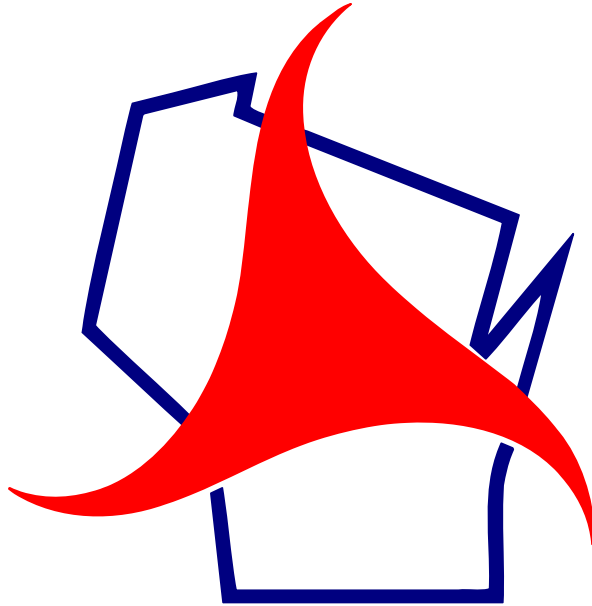
eligibility of individual elements and accuracy of FMIS data through scheduled authorization, FIRE and/or other reviews. FHWA retains all final determinations of eligibility and participation.

- (2) Only applies to Federally-funded projects/project IDs
- (3) Interstate projects require FHWA approval. Others approvals are delegated to WisDOT.
- (4) [Reserved]
- (5) Applies to approval of PIFs for exceptions to clearances and standards. WisDOT has responsibility for airport and FAA coordination, assurance that clearances are adequate and assurance that the expenditure of public funds for airport and highway improvements in the vicinity of airports is in the public interest.
- (6) FHWA should receive informational copy.
- (7) FHWA approval is required for revocable occupancy permits for non-conforming outdoor advertising signs on the NHS.
- (8) Requires WisDOT submittal of completed PS&E checklist.
- (9) Addenda approval to be completed by FHWA for all FHWA-approved PS&Es, approval by WisDOT for all others.
- (10) Project site visits may be done by FHWA as part of CAP reviews and process/program reviews.

<sup>^</sup> Main Design Project IDs are the IDs covering general PE work, either in the preliminary design or final design stage, and comprise the overall design of the project. *For the XXXX Project this includes the following IDs: 0000-00-00, 0000-00-00, 0000-00-00, and 0000-00-00. Minor Design Project IDs are those small design projects that cover very small components of the overall design. For the XXXX Project this includes all other Project Design IDs not listed as Main Design Project IDs.*

<sup>^</sup> For other types of federally-funded, stand-alone, minor projects (Right-of-Way Projects, Utility Projects, LFA or SFA Projects, Railroad Crossing Projects and ITS Projects); refer to the Risk-Based Project Stewardship & Oversight Agreement – Updated November 1, 2017 for guidance on approval authority. Specifically, see **ATTACHMENT 2: PROJECT APPROVAL RESPONSIBILITIES LIST**; Approval Authority falls under the Delegated/Assumed Projects NHS/Non-NHS column.

## FDM 5-2 Exhibit 1.2 - Forest Highway Statewide Agreement



**Effective Date of Agreement: July 15, 1997**  
**FDM Publication/Update Date:** December 3, 2008

April 14, 1997

Agreement No. DTFH71-97-X-00038

Forest Highway Statewide Agreement

among

WISCONSIN DEPARTMENT OF TRANSPORTATION

and

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

and

U.S. DEPARTMENT OF AGRICULTURE

FOREST SERVICE

for the

Administration of the Forest Highway Program

in the State of Wisconsin

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#### Parties to Agreement:

Eastern Federal Lands Highway Division, Federal Highway Administration, U.S. Department of Transportation, hereinafter call the FHWA unless otherwise noted; the Forest Service, U.S. Department of Agriculture, hereinafter called the FS; and the Wisconsin Department of Transportation, State of Wisconsin, hereinafter called the WisDOT.

#### Purpose:

The purpose of this Forest Highway Statewide Agreement (Agreement) is to set forth the general Statewide procedures, mutually acceptable to the parties hereto, for the cooperative planning, programming, survey, design, construction, and maintenance of Forest Highways (FH) in the State of Wisconsin, pursuant to the provisions of 23 U.S.C. Sections 202, 203 and 204, and the regulations issued thereunder jointly by the Secretary of Transportation and the Secretary of Agriculture. The Agreement also incorporates the public involvement/public hearing requirements of 23 C.F.R. Section 771.111 and 40 C.F.R. Parts 1500 through 1508, other associated environmental review procedures under Section 771, and applicable FS requirements.

Under the Federal Lands Highway Program, Congress has authorized funds for FH that are within, or provide access to the National Forest System (NFS). Recognizing that substantial benefits will accrue to the State and to the Nation from the construction and maintenance of such FH and that the FH are under the jurisdiction of, a public road authority, and further that the WisDOT has systems planning, maintenance, right-of-way acquisition, and interdisciplinary facilities available to assist in the accomplishment of the work, it is deemed fitting and desirable to the parties hereto to express by this instrument of general terms of their cooperation in that regard to achieve maximum benefits in the public interest.

The design and construction of Forest Highway projects may be administered by either the FHWA or the WisDOT. A determination regarding project development responsibilities will be made at the program conference for development of the Forest Highway Obligation Plan and documented in the minutes, and further agreed in the Federal-aid Project Agreement (PR-2). If the design and/or construction is to be administered by any agency other than the WisDOT or the FHWA, a specific project Memorandum of Agreement/Understanding will be prepared and executed for that project.

It is recognized that a separate Memorandum of Understanding (MOU) related to highways over National Forest lands is in effect between the FS and the WisDOT.

#### Forest Highway Routes:

Forest Highways in Wisconsin are, for the most part, routed over previously established Town Roads, County Trunk Highways or State Trunk Highways under appropriate local State jurisdiction. This Agreement shall cover the FH routes, previously approved for inclusion in the designated FH network and any approved amendments. The FHWA shall maintain the inventory of the approved designated FH network. The list of such approved routes may be varied from time to time by agreement among the WisDOT and the FS, in consultation with the governmental unit having jurisdiction over the road, with the approval of the FHWA either by adding routes or removing routes or by altering the description of any route to give it proper identity. The WisDOT will handle all coordination with local agencies having jurisdiction over the subject roads. Each such action shall be indicated by a revised list showing the effective date of the revision.

#### Transportation Planning/Management Systems:

It is recognized that FHs are an integral part of the road network in any State. Transportation planning is then a function that will be performed by the WisDOT who will work with the FS and the FHWA on long-range planning activities of mutual concern. The end product of this long range planning by WisDOT, the FS, and the FHWA will be the approved Forest Highway obligation plan, of which both the WisDOT and the FS will have consented to, and the FHWA approved. The WisDOT agrees that it will adhere, in performing these functions, to the environmental review/public involvement/public hearing procedures required under the guidelines of 23 C. F. R. 771; to the statewide and metropolitan planning requirements of 23 C. F. R. 450. The WisDOT agrees to incorporate the approved Forest Highway obligation plan in the development of the State's long range transportation plan. The WisDOT agrees to share information on FH routes in its bridge, pavement, and safety management systems.

#### Program of Projects:

A program conference will be held biennially or more frequently if deemed necessary including the WisDOT, the FHWA and the FS in accordance with 23 C. F. R. 660.109(a). After agreement has been reached on the program of projects, the FHWA will prepare the approved, updated program and forward copies to the WisDOT and the FS.

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The FHWA will provide the FH project data to the WisDOT prior to the WisDOT's public involvement process on the proposed Statewide Transportation Improvement Program (STIP). After the conclusion of the public involvement process, the WisDOT will incorporate the program of projects into its STIP. If applicable, the WisDOT will also forward a copy of the program to the appropriate Metropolitan Planning Organization (MPO) for incorporation into its Transportation Improvement Program (TIP).

#### Development of Projects:

As stated previously, either the FHWA or the WisDOT will be the agency administering the design and construction of FH projects. If it is determined to be in the public interest to have an agency other than the FHWA or the WisDOT be responsible for the administration of the FH project, a specific project agreement will be prepared. Regardless of which agency is administering the project, once projects are included in an approved FH program, the agency administering the project shall proceed promptly, and projects shall be carried forth through completion in accordance with the approved program. Design standards for the FH projects shall be appropriate to the use of the road, scope of the project and in consideration of the natural and cultural environment. The design standards used for the development of Forest Highways in Wisconsin shall be appropriate to the class (arterial, collector, local) and system (STH-NHS, STH, CTH, Town Road) as contained in WisDOT Facilities Development Manual Chapter 11. Any exceptions to these standards will be mutually agreed upon by the WisDOT, the FS the FHWA and the local agency with jurisdiction for the road.

It is the intent of the project development process to keep all agencies informed of progress, to request the WisDOT, FS and FHWA attendance at the scheduled plan reviews, and to obtain written concurrence of the plans, specifications, and estimate (PS&E) and FHWA approval prior to advertisement. If it becomes evident during the development of the project, that the scope of the project or the anticipated construction cost needs to be changed, the agency administering the project should initiate coordination with the other parties to obtain WisDOT/FS concurrence and FHWA approval of the change in the project.

Specifically, if the FHWA is administering the project, the FHWA will coordinate all plan reviews with the WisDOT and the FS and obtain written concurrence in the PS&E prior to advertisement of the project for construction. The FHWA will follow established Federal Lands Highway Program procedures for the development of the project, taking established WisDOT practices into consideration where appropriate.

When the WisDOT administers the project the following may occur concurrently. The WisDOT will coordinate with the FS during the development of the project, obtain written concurrence of the PS&E from the FS, and submit the advertisement PS&E package with evidence of the FS concurrence to the FHWA for FHWA project authorization. Upon FHWA approval that the project was developed in accordance with the approved program, FHWA will obligate funds and authorize the WisDOT to proceed with the advertisement and construction of the project. Except as stated previously for the coordination with the FS and FHWA approval and funding authorization, the WisDOT will follow approved Federal-aid procedures in the administration of the project.

#### Compliance with Environmental Review/Public Involvement/Public Hearing Requirements in Project Development:

The FHWA and WisDOT will adhere to the environmental review/public involvement/public hearing procedures required under the guidelines of 23 C.F.R. 771 and appropriate agency implementing procedures and policies. These procedures include providing early and continuing opportunities during the project development process for the public to be involved in the identification of social, economic and environmental impacts. When FHWA is administering the project, consideration will be given to following the WisDOT public involvement procedures. When the WisDOT is administering the project, the FHWA Federal-Aid Division office will take all formal approval action on the environmental document in accordance with Federal-Aid Procedures.

The National Environmental Policy Act requires all Federal Agencies and their agents to evaluate and disclose environmental impacts of their actions. This environmental evaluation process often involves several agencies. It is the intent under the Council of Environmental Quality regulations for a project to be evaluated one time comprehensively by a designated lead agency. Because highways are a charged responsibility of the Federal Highway Administration and its companion Departments of Transportation, it is reasonable to expect (1) that the Federal Highway Administration will be the designated lead agency and (2) to expect the Federal Highway Administration to coordinate and complete the environmental process consistent with all State and Federal Council of Environmental Quality regulations.

The role and level of involvement of the FS will vary depending upon the scope of the proposed action. Many projects will be confined within the limits of existing road rights of way and easements. This work will have minimal off-site impact and minor influence on the management program of the FS. Coordination for this type of project will ensure conformance with the approved FH program of projects and minimal level of environmental resource coordination.

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Projects that encroach on National Forest System lands need a greater level of FS review of project area resources and potential project impacts, and more detailed documentation by both the agency administering the project and the FS. Because the highway project is the proposed action triggering the environmental review process, the FS is to be a Cooperating Agency. When encroachment on National Forest System lands is anticipated, the agency administering the project and the FS should meet and agree upon the specific scope of the resource surveys, the classification of the NEPA action, the type and frequency of public involvement actions to be used in the development of the project, and the time frame for the FS to complete its decision process for the appropriation of the lands. These procedures will allow both the agency administering the project and the FS to fulfill their obligations yet complete the coordinated process in a single NEPA document consistent with CEQ guidelines. In coordinating the environmental process and the anticipated Federal land transfer, the intent is to coordinate the issuance with the FS Decision Notice for the pending Federal land transfer and the NEPA public involvement process to achieve one joint public involvement process. It is understood that this may require advancing some design activities in order to provide more detailed right-of-way information at the NEPA public involvement stage of the project.

#### Construction of Projects:

Minor changes in grade, alignment, surface course, or structures made necessary by unforeseen contingencies or deemed desirable by conditions developing during the progress of work may be made by the agency administering the construction project without the prior or separate approval of the other parties to this Agreement. It is contingent upon the agency administering the project to ensure that any such changes are not in conflict with any of the environmental and/or design considerations agreed to in the development of the project.

All construction is to be performed by contract entered into by competitive bids unless some other method is deemed to be more advantageous and in the public interest.

Following the award of the construction contract, the agency administering the project will notify the other parties in writing of the award of the construction contract, and invite their attendance to a preconstruction conference. Such meetings will provide an opportunity for all interested parties to discuss their mutual concerns regarding project construction. During construction, the FS (and the WisDOT will consult if FHWA is administering the project) will consult with the Project Engineer on matters pertaining to project construction and environmental and resource coordination required in the stipulation of special use permits such as clean up, borrow pit seeding, etc.

The FS (and the WisDOT if FHWA is administering the project) will be invited to participate in the final inspection. FS and WisDOT participation is to ensure that the project was constructed in accordance with the approved FH program.

FHWA will administer projects in accordance with established Federal Lands Highway Program procedures, and in accordance with the applicable Federal acquisition regulations and procedures. The WisDOT will administer projects in accordance with approved Federal-aid procedures.

#### Funding

When any proposed construction is to be administered by the WisDOT and financed in whole or in part with Federal funds, such circumstances will be set forth in the Project Agreement (PR-2) together with a statement of the amount of Federal funds obligated for that project. The Project Agreement (PR-2) shall include all funds including Federal funds from programs other than the Federal Lands Highway Program. The expenditure of Federal funds shall not exceed the amount shown on the PR-2. If it appears that the project cost may exceed the estimate and additional Federal funds may be needed, no obligation on the part of FHWA shall occur until the WisDOT request and receives an approved Modification of Federal Aid Project Agreement (PR-2A).

As the work progresses, the WisDOT will bill the FHWA for payment of its share of the expenses via the FHWA current bill procedures.

When the FHWA is administering projects funded entirely with FH funding or other funding provided directly to the Eastern Federal Land Highway Division, all project transactions will be processed in the Eastern Federal Lands Highway Division, Federal Highway Administration, 21400 Ridgetop Circle, Sterling, Virginia 20166.

If State, local, other Federal-aid funds or FS funds are made available on projects, the cost responsibilities and procedures to transfer these funds or to reimburse either the WisDOT or the FHWA for eligible project costs shall be covered by a specific project Memorandum of Agreement. Any unused balance of these funds will be returned to the provider after closure of the financial records. The amount of cooperative funds as set forth in the specific project Memorandum of Agreement shall be the maximum commitment to the project, unless a modification of the specific project Memorandum of Agreement is executed.

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When cooperative and/or FS funds are involved, the agency administering the project shall furnish to the other parties to the FH program a summary statement of the cost of the project. The FHWA will provide a statement of the FH portion of the project cost as reported in periodic FH financial reports. All financial information will be available at any time to the parties to this agreement upon request.

#### Rights-of-Way:

Rights-of-way or other interests in property are to be acquired by and in the name of the WisDOT in accordance with Federal-aid procedures. This includes preparing highway easement deeds for Federal Land transfers and furnishing copies to the FHWA Division and Regional Offices to execute the transfers. The cost of such rights-of-way or other interests in property acquired by the WisDOT are to be at the WisDOT's expense unless otherwise provided in a specific project Memorandum of Agreement.

The agency administering the project will be responsible for the preparation of all documentation necessary for WisDOT to proceed with right-of-way acquisition.

Access across National Forest Lands needed for such uses as access to gravel or fill sources and temporary use of lands (such as material source sites, stockpile sites, disposal sites, minor sloping, etc.) outside of the right-of-way required for the construction and maintenance of the highway facility, will be authorized by the FS issuance of an appropriate special use permit.

#### Claims:

The agency administering the project is responsible for resolution of any claim that arises as a result of any project design or construction contract. For WisDOT administered projects, reimbursement of the settlement will be made in accordance with established Federal-aid procedures for that State.

#### Maintenance

The WisDOT will maintain the FH project, or, by formal agreement with appropriate officials of a county, municipal government, or other public road authority, cause it to be maintained.

Prior to final construction acceptance by the contracting authority, the project shall be inspected by the cooperator, the FS and the FHWA to identify and resolve any mutual concerns.

In the event it is determined that conditions on a project under maintenance require extraordinary repairs, removal or unusually extensive slides, or similar work outside the scope of ordinary highway maintenance, the performance thereof may be accomplished as a Forest Highway project, subject to regular Forest Highway program procedures. The cost of such work shall be eligible for payment from Federal funds and if the work is to be performed by the WisDOT it shall be covered by a project agreement.

#### Amendments to FS Statewide Agreements:

This Agreement together with the environmental review/public involvement/public hearing procedures may be modified by advance notice of 60 days from any of the three parties to the other two.

This Agreement shall be effective as of the 15 th day of July, 19 97, and shall supersede all prior existing cooperative agreements for the same routes entered into pursuant to 23 U. S. C. Sections 202, 203, and 204, "Federal Lands Highway Program" except those involving commitment of funds or arrangement for the performance of construction work on projects underway but not yet completed and final settlement made.

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Wisconsin  
Department of Transportation

By: James D. Grunbler  
Title: Administrator, Division of Transportation  
Infrastructure Development  
Date: 5-15-97

Department of Agriculture  
Forest Service  
Region 9

By: Maup Beth Holtz  
Title: Regional Forester  
Date: 6/24/97

Department of Transportation  
Federal Highway Administration  
Eastern Federal Lands Highway Division

By: Greg M. Chumbley  
Title: Division Engineer  
Date: 7/14/97



## FDM 5-5-1 Public Land Management Entities

February 15, 1988

### 1.1 Definitions

#### 1.1.1 Federal Land Management Entity

Among the agencies listed under the heading "Public Land Management" in Appendix II of the Council on Environmental Quality (CEQ) Guidelines for the Preparation of Environmental Impact Statements (40 CFR Part 1500) are the following that are most often involved:

- Department of Agriculture
  - U.S. Forest Service (Forests) ([FDM 5-5-5](#))
  - Soil Conservation Service
- Department of the Army
  - Army Corps of Engineers
- Department of Defense
  - (Military Reservations)
- Department of the Interior
  - Bureau of Land Management (Federal Minerals and Lands) ([FDM 5-5-10](#))
  - Bureau of Indian Affairs (Indian Lands) ([FDM 5-5-10](#))
  - Fish and Wildlife Service (Wildlife Refuges) ([FDM 5-5-10](#))
  - National Park Service (NPS Units) ([FDM 5-5-10](#))
- Federal Power Commission (Project Lands)
- General Services Administration

Coordination with these and other agencies should be considered for all environmental documents.

### 1.2 Basic for Coordination

Section 102(2)(D)(IV) of the National Environmental Policy Act and 23 CFR 771.111(e) state that early notification of federal land management entities and other states that may be significantly affected by the proposed action shall be provided on federal aid highway projects (see [FDM 5-20-1](#) for discussion of other states).

### 1.3 Coordination Process

When, in the early stages of federal aid highway project development, it has been determined that a Public Land Management entity may be affected, the WisDOT shall provide early notification to the appropriate agency soliciting its views. Early notification means prior to writing the environmental document, as the results are to be included in the draft document. Initiation of consultation should proceed with the first scoping meeting (see [FDM Chapter 20](#)). Coordination shall continue throughout the process.

Each notification shall indicate that it is being made pursuant to Section 102(2)(D)(IV) of the National Environmental Policy Act of 1969, as amended.

Notification of Federal Land Management entities is to be handled in accordance with instructions from, or agreements with, such agencies. See [FDM 5-5-5](#) and [FDM 5-5-10](#) for detailed information concerning specific agencies.

### 1.4 Specific Results Intended

The desired response is a letter from the agency containing its comments on the project.

The WisDOT, or its consultant, in consultation with the Federal Highway Administration (FHWA) Division Administrator, shall review any comments received from this early notification, and identify and evaluate alternative measures to mitigate anticipated adverse impacts. The FHWA shall prepare a written evaluation of issues identified during the early coordination effort that indicates a significant disagreement with a position taken by the WisDOT, or its consultant, and the FHWA with respect to an impact of the proposed action or any of the alternatives. This evaluation is to be furnished to the WisDOT, or its consultant, for incorporation into the



draft environmental document.

### 1.5 Follow-Up Action Required

The WisDOT, or its consultant, shall furnish copies of the draft environmental document to Federal Land Management entities that may be significantly impacted by the proposed action or its alternatives, with a request that such "entity" advise the FHWA Division Administrator, in writing, of any disagreement with the evaluation of impacts in the statement.

The FHWA Division Administrator shall review the comments received and forward them to the WisDOT, or its consultant, along with a written assessment of the disagreements for incorporation into the final environmental document.

## FDM 5-5-5 U. S. Department of Agriculture (USDA)

June 14, 2012

### 5.1 Introduction

The WisDOT coordinates with two agencies of the Department of Agriculture (USDA), depending on the land use(s) affected by a particular project. These are: 1) the Forest Service when National Forest lands are involved, and 2) the Natural Resources Conservation Service (NRCS) when agricultural land is impacted.

Early coordination should be made with the Forest Service and the NRCS, as their input can be useful in determining project alternatives.

### 5.2 Forest Service

#### 5.2.1 Basis for Coordination

The underlying basis for coordination is Section 102(2)(D)(IV) of the National Environmental Policy Act and 23 CFR 771.111(e). However, a Memorandum of Understanding between the WisDOT and the Forest Service outlines what will be done to coordinate matters relating to the use and occupancy of national forest lands for state highways and projects involving federal aid (see [Attachment 5.1](#)).

The Federal Highway Administration (FHWA) has worked out a system for coordinating 4(f) matters with the Forest Service, referred to as "Emergency Directive No. 4". Based on this directive, a statement is required from the Forest Service as to whether or not Section 4(f) criteria are applicable in a given situation involving a state highway project on national forest lands. A third agreement involving the Forest Service is called the "Forest Highway Statewide Agreement" (see [FDM 5-2 Exhibit 1.2](#)). This agreement is between the FHWA the Forest Service and the WisDOT, and deals with projects financed under the provisions of 23 USC 202, 203 and 204. Forest highways are those state or local routes within, adjoining, or adjacent to the national forest that have been designated as part of the Forest Highway System.

#### 5.2.2 Coordination Process

When national forest lands are affected by or taken for highway use, the Memorandum of Understanding (see [Attachment 5.1](#)) lists specific actions to be followed throughout all phases of project development (highway location) and post-project development (construction, maintenance, signing, and access control).

Early coordination by Transportation District personnel with the Forest Supervisor should include a request for a determination of the applicability of Section 4(f) criteria prior to developing the environmental document for projects potentially requiring Forest Service lands. The Forest Supervisor can make the required statement for the Forest Service, which is submitted directly to the FHWA.

The two national forests in Wisconsin have been combined and are now known as the Chequamegon-Nicolet National Forest. Coordination with the Forest Supervisor should be directed to:

Forest Supervisor  
Chequamegon-Nicolet National Forest  
1170 Fourth Avenue South  
Park Falls, WI 54552  
Tel: (715)762-2461  
Fax: (715) 762-5179

#### 5.2.3 Specific Results Intended

The Memorandum of Understanding in [Attachment 5.1](#) details the results that are expected from coordination with the Forest Service for each phase of project and post-project development.

A decision that Section 4(f) does not apply must document that: 1) the Forest Service land in question has not been designated as 4(f) land; 2) it is not actually used as such; and 3) there is not a definite formulated plan for

such use. Since these points are not all covered under the Forest Service statement, the FHWA Division Administrator must make an independent judgment before accepting the statement as a determination. Documentation supporting this determination should be presented in the environmental document.

### 5.3 Natural Resources Conservation Service (NRCS)

#### 5.3.1 Basis for Coordination

The Farmland Protection Policy Act (FPPA) of 1981 (P.L. 97-98) authorized the U.S. Department of Agriculture (USDA) to develop criteria for identifying the effects of federal programs on the conversion of farmland to nonagricultural uses. The guidelines developed by the USDA became effective August 6, 1984, and apply to federal activities or responsibilities that involve undertaking, financing, or assisting construction or improvement projects or acquiring, managing, or disposing of federal lands and facilities. Categorically excluded actions that acquire right-of-way will still require coordination under the FPPA.

#### 5.3.2 Coordination Process

If the proposed project involves acquisition of farmland which will be converted to nonagricultural use, it must be determined whether any of that land is protected by the FPPA. This is accomplished by completing the Farmland Conversion Impact Rating (FCIR), also known as USDA Form AD 1006. Copies of this form are available from the NRCS at the following internet site: <ftp://ftp-fc.sc.egov.usda.gov/WI/Soil/ad1006wi.pdf>

Farmland protected by the FPPA is either: 1) prime farmland which is not already committed to urban development or water storage; 2) unique farmland; or 3) farmland which is of statewide or local importance, as determined by the appropriate state or local government agency. During the early planning stages it may be possible to determine that the Act is or is not applicable.

The FPPA is not applicable and no formal coordination with the NRCS is required if any of the conditions below apply.

1. The land was purchased prior to August 6, 1984, for purposes of being converted.
2. Acquisition does not directly or indirectly convert farmland. Indirect conversion includes any use of land or operation of the facility which would prohibit the land from being farmed. Farmland which is proposed to be kept in farm use in the short-term but is planned to be converted within the foreseeable future constitutes an indirect conversion.
3. The land is clearly not farmland (too rocky to be useable, for instance).
4. The land already in, or committed to, urban use or water storage.
5. A final environmental document was approved prior to August 6, 1984.

Additionally, in the interest of reducing unnecessary paperwork, the FHWA has issued supplemental guidance which advises that the NRCS will not require the submittal of Form AD 1006 to the SCS in cases where the site assessment criteria score (Part VI of the form) is less than 60 points for each project alternative. This would happen most frequently in urban or urbanizing areas, or on projects where improvements are contained largely within the existing right-of-way. The rationale is based on NRCS regulation [7 CFR 658.4(c)(2)] which provides that "Sites receiving a total score (Parts V and VI) of less than 160 points be given a minimal level of consideration for protection and no additional sites be evaluated." The maximum score that can be assigned to the land evaluation (Part V) is 100 points. Therefore, where the site assessment (Part VI) is less than 60 points, the total score Parts V and VI) would always be less than 160 points. To provide the documentation required by the NRCS regulation, the WisDOT need only complete Parts I, III, V (assign 100 points), and VI and place the completed form in the project's environmental document. The project environmental document should summarize the steps taken to identify and evaluate farmland impacts and comply with the FPPA (see [FDM 20-45-30](#)). Therefore, Form AD 1006 must be submitted to the NRCS only when the value for Part VI exceeds 59.

If Part VI is 60 or more points, or if it is determined that the farmland conversion exceeds the minimum level of consideration for protection, formal coordination is required. Contact:

United States Department of Agriculture - NRCS  
Madison State Office  
Natural Resources/Conservation Services Division  
c/o: Wisconsin State Conservationist  
8030 Excelsior Drive, Suite 200  
Madison, Wisconsin 53717-2906  
Telephone: (608) 662-4422

The WisDOT District, or its consultant, is authorized to complete the sections of the form which are required "To be completed by the federal agency." Parts I and III should be filled in and exhibits which show the land affected should be attached. If sponsors are considering several alternatives which involve farmland protected by the FPPA, information on the preferred alternative should be listed under "Site A" in Part III of the form, with Sites B, C and D columns used for any other alternatives which involve the use of farmland protected by the FPPA. The NRCS has 45 days in which to respond on the form. The NRCS will evaluate the land and indicate whether a local (NRCS approved) site assessment system is available (Parts II, IV and V). If the NRCS fails to respond within 45 days and if further delay would interfere with construction activities, the project may proceed as though the site were not farmland protected by the FPPA. The environmental document should reflect the NRCS conclusion.

In determining significance of impact, scoring of the relative value of the site for preservation as farmland will be done first by the NRCS Form AD-1006, Parts IV and V, and subsequently by the WisDOT District or its consultant, using either the local or state site assessment criteria or, if none exists, using the point values contained in 7 CFR 658.5(b) to complete Part VI of AD-1006. The district or consultant shall then score the site under Part VII of Form AD-1006.

1. If the total combined score (Part VII) is less than 160, no further action is required. Form AD-1006, including the site selection information at the bottom of the form, shall be submitted to the Bureau of Environment (BOE) with the project documentation. The project can then proceed.
2. If the total score is above 160, but below 200, there is potential adverse impact. The environmental document must consider the following alternatives, where applicable:
  - Acquiring land that is not farmland protected by the FPPA.
  - Alternate sites that would serve the proposed purpose but convert either fewer acres of farmland or other farmland with a lower relative value.
3. If the score is above 200, it is necessary to give further consideration to factors, such as the percentage of farmland to be converted, the protection provided by state or local government, the effects of conversion on the continued viability of farm support services in the area, and the degree of incompatibility of the proposed project with the remaining surrounding farmland (Form AD-1006, Part IV, C, and Part VI, 4, 11 and 12, or similar state or local site assessment criteria). High scores in these areas indicate a potential significant loss of farmland. Consideration should first be given to an alternative which would avoid this loss. If there is no such reasonable alternative, further analysis is needed in an environmental document.

### 5.3.3 Specific Results Intended

The NRCS is contacted primarily to comply with the Farmland Protection Policy Act.

Evidence of coordination with the NRCS can either be a fully completed Form AD-1006 or a statement indicating that coordination was not conducted because the score in Part VI of the Form AD-1006 was below 60 points.

### 5.3.4 Follow-Up Action Required

The environmental document shall include the completed Form AD-1006 and should address the steps taken to identify and evaluate farmland impacts and comply with the FPPA. If the score in Part VI is 59 or fewer points, a statement in the environmental document should indicate that other alternatives were evaluated, but they did not address the recognized need for the project, or they created unacceptable environmental effects, or they had a greater impact on farmlands protected by the FPPA. The NRCS is sent a copy of the draft EIS for review which includes Form AD-1006.

## **LIST OF ATTACHMENTS**

<a href="#">Attachment 5.1</a>	Memorandum of Understanding on Procedures Related to Highways over national Forest Lands
<a href="#">Attachment 5.2</a>	Farmland Conversion Impact Rating

## **FDM 5-5-10 Department of The Interior (DOI)**

April 27, 2011

### **10.1 Introduction**

There are several agencies within the Department of the Interior (DOI) with which the WisDOT must coordinate, depending upon the land use(s) affected by and/or permit requirements of a particular project.

Coordination with the DOI is discussed first as it applies to the Department as a whole or uniformly with each of

the agencies, followed by unique aspects related to each.

## **10.2 General Coordination**

### **10.2.1 Basis for Coordination**

1. The DOI is included in the list of Public Land Management entities mentioned in [FDM 5-5-1](#).
2. The extensive levels of expertise and jurisdiction of the DOI involves them in the review process of all Environmental Impact Statements (EIS's).
3. Section 4(f) and/or 6(f) evaluations must be coordinated with DOI except when using the programmatic 4(f) process.

### **10.2.2 Coordination Process**

1. Coordination with Public Land Management entities is described in [FDM 5-5-1](#).
2. The DOI is involved in the EIS process through the formal 30 day public comment period for the Draft EIS (DEIS). Documents are sent to the DOI, Office of Environmental Policy & Review, in Washington, D.C. That office coordinates distribution of the document within the DOI and consolidates comments for consideration in the Final EIS (FEIS). Early coordination (scoping) by Transportation Districts with individual agencies of the DOI is encouraged prior to the development of the DEIS for those projects in which their specific interest is anticipated.
3. Formal involvement in all 4(f) determinations for lands under DOI jurisdiction is accomplished by providing the DOI's Washington office with copies of both the Draft and Final 4(f) document (refer to [FDM 20-45-5](#)). The Draft 4(f) document must contain evidence of coordination with the agency having jurisdiction over the 4(f) land. Therefore, for those 4(f)'s involving lands under the jurisdiction of the DOI, early coordination must be accomplished with the agency responsible for the lands involved.

## **10.3 Specific Results Intended**

### **10.3.1 Environmental Documents**

Through the formal environmental review process, comments received from the DOI on the environmental document are included in the FEIS with appropriate disposition of each comment. The results of early coordination should also be included as part of the environmental document. Normally, the DOI agency will provide a letter summarizing the coordination, including their comments and position regarding the project. In the absence of such a letter, or in the event the DOI feels that early coordination is not necessary, a brief narrative should be included in the environmental document describing the coordination and the DOI response.

### **10.3.2 4(f) Evaluations**

Early coordination with the official having jurisdiction over the 4(f) lands in question is primarily intended to establish the relative significance of the lands affected and to discuss potential measures for minimizing the impacts. Evidence of this coordination must be included in the Draft 4(f) evaluation. The DOI agency being dealt with should be encouraged to provide a written response. In the absence of a letter, a narrative should be included in the 4(f) evaluation outlining the coordination that took place. The response will be directed to the two main provisos of 4(f)--feasible and prudent alternatives to the taking of 4(f) lands, and steps taken to minimize harm.

A copy of the DOI response is included in the Final 4(f) evaluation. Although the DOI does not have approval authority on 4(f) determinations, it is certainly advantageous to have a response indicating their concurrence that both provisos have been met. In the event that their response takes issue with either or both provisos by suggesting other alternatives or steps to minimize harm, the FHWA undertakes further coordination with the DOI by providing them with a written disposition of their comments or arranging a meeting or field review to discuss the project further. The objective of this additional coordination is to develop a Final 4(f) evaluation free of any disagreements with the DOI. Should agreement not be possible, the entire coordination process should be documented in the Final 4(f) evaluation (see [FDM 20-45-5](#)).

## **10.4 Bureau of Indian Affairs (BIA)**

### **10.4.1 Definitions**

Indian Lands: A generic term encompassing all the various types of Indian ownership and occupation of lands in existence. Most, if not all, Indian lands fall into one of the following categories:

1. Individually Owned Land: Land or any interest therein held in trust by the United States for the benefit of individual Indians, and land or any interest therein held by individual Indians subject to federal restrictions against alienation or encumbrance (e.g., allotted Indian lands).

2. Tribal Land or Land in Trust: Land or any interest therein, title to which is held by the United States in trust for a tribe (e.g., reservations), or title to which is held by any tribe subject to federal regulations against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes.

There are 11 Indian Reservations in Wisconsin. They are located in the following counties:

Reservation	Counties
Bad River Chippewa	Ashland, Iron
LaCourte Oreilles Chippewa	Sawyer
Lac du Flambeau Chippewa	Iron, Oneida, Vilas
Menominee	Menominee
Sokaogon Chippewa (Mole Lake)	Forest
Oneida	Brown, Outagamie
Potawatomi	Forest, Oconto
Red Cliff Chippewa	Bayfield
St. Croix	Barron, Burnett, Polk
Stockbridge-Munsee	Shawano
Ho-Chunk	Jackson, Juneau, Monroe, Shawano, Sauk, Wood

3. Government Owned Land: Land owned by the United States and under the jurisdiction of the Secretary (DOI) that was acquired or set aside for the use and benefit of Indians and not included in the definitions above.

Tribe: A tribe, band, nation, community, group, or pueblo of Indians.

Allotted Indian Lands: Land that was allotted (given) by law or treaty and for which title has been conveyed to an individual Indian, but not in fee simple (i.e., conveyed without full power of alienation). If the Indian owner has fee simple title, the land is no longer "Indian lands."

#### 10.4.2 Basis for Coordination

Federal Regulations, 25 CFR, Part 169 ([http://www.access.gpo.gov/nara/cfr/waisidx\\_01/25cfr169\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/25cfr169_01.html)), requires permission from the DOI Secretary to survey on Indian lands.

#### 10.4.3 Coordination Process

Requests for early coordination, consultation on projects affecting Indian lands, and for permission to survey on Indian lands, except those of the Menominees, are forwarded to:

Superintendent, Great Lakes Agency  
Bureau of Indian Affairs  
U.S. Department of the Interior  
Ashland, Wisconsin 54806  
Telephone: (715)682-4527

Coordination and consultation for projects on Menominee Indian lands should be developed through the:Minneapolis Area Office

Bureau of Indian Affairs  
15 South Fifth Street  
Minneapolis, Minnesota 55402  
Telephone: (612)349-3631

The BIA will provide names and addresses for the land owners of allotted lands. Permission to survey tribal lands will be forwarded to the applicable tribal council for their approval. The WisDOT notifies each individual owner of allotted lands of its plans to survey through such lands. If the owners consent to the survey, the BIA can act on behalf of the DOI Secretary and issue the required permit. If it is determined that there will be no physical damages, the BIA may issue a permit without approval of the land owners.



#### **10.4.4 Specific Results Intended**

A letter of response from the BIA can serve as the evidence of coordination to be included in the draft environmental document.

Regarding survey requests, a letter from the BIA granting permission to survey is needed prior to entering Indian lands. A copy of this letter should be given to the survey crew chief.

### **10.5 U.S. Fish and Wildlife Service (FWS)**

#### **10.5.1 Basis for Coordination**

The Fish and Wildlife Coordination Act of 1958 authorized the Secretary of the Interior to ". . . provide assistance to, and cooperate with, federal, state, and public or private agencies in the protection . . . of all species of wildlife, resources thereof, and their habitat . . ." Further, the Act requires coordination with the U.S. Fish and Wildlife Service (FWS) whenever federally funded or federally permitted activities affect water resources, including lakes, streams, and wetlands.

The FWS administers special funds to purchase and set aside wildlife and fishery lands for public use. Under the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) and the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson Act), the FWS allocates funds to the DNR for the purchase of lands statewide.

The Land and Water Conservation Act of 1965 [6(f)] created the Land and Water Conservation Fund to match state funds used for outdoor recreation facilities. The FWS acts as a reviewing agency.

The Endangered Species Act of 1973 is administered by the FWS. Consultation, pursuant to Section 7 of the Act, is required whenever a federally funded project could affect a threatened or endangered species or its critical habitat.

The Migratory Bird Treaty Act of 1918 is administered by the FWS. Migratory bird nesting on bridges, in spoil banks, and in borrow pits could have an effect on WisDOT projects.

#### **10.5.2 Coordination Process**

Coordination shall be accomplished for all projects involving 404 permits. In particular, projects involving water and wetland impacts or fish and wildlife aspects could be coordinated with the FWS in order to solicit their comments on ecological value and possible measures to minimize harm. Their function in this instance would be advisory, intended to provide information for environmental document preparation.

Initial requests for project field reviews should be made by the Transportation District by contacting the FWS area office in Green Bay for most WisDOT projects:

U.S. Fish and Wildlife Service  
Division of Ecological Services  
2661 Scott Tower Drive  
New Franken, WI 54229  
Telephone: (920) 866-3650 , FAX (920) 866-1710

or for in-stream projects along the St. Croix and Mississippi River southward to the Minnesota/Iowa State Line:

Area Supervisor  
U.S. Fish and Wildlife Service  
538 Federal Building  
316 North Robert Street  
St. Paul, Minnesota  
55101(612) 725-7131

Timing of coordination should coincide, to the extent possible, with DNR project review. This helps to avoid contradictory opinions from two agencies and will ensure review at an early stage when alternatives are still under consideration. This team review approach has worked well, particularly where 404 permit and other wetland issues are concerned.

Depending upon the type(s) of land use affected by a proposal, the FWS might be the reviewing service for the DOI. If coordination has taken place with the area office and comments received, this should be included in the coordination section of the environmental document.

Coordination under the Endangered Species Act takes place through the FWS regional office in Minneapolis; however, recommendations to conduct surveys will likely originate from the area office during normal project development. This coordination procedure is necessary only if a federally endangered species is present in the project area.

Coordination under the Migratory Bird Treaty Act where depredation of migratory birds may occur is through the



FWS Division of Law Enforcement at:

U.S. Fish & Wildlife Service  
Division of Law Enforcement  
Federal Building, Fort Snelling  
Twin Cities, MN 55111

### **10.5.3 Specific Results Intended**

#### Environmental Documents

Where fish or wildlife resource impacts are involved, the FWS will serve as the primary federal reviewing body for environmental documents.

#### 404 Permits

Following coordination with the FWS, a letter is sent from that office either to the appropriate region or to the Bureau of Technical Services, Environmental Services Section (BTS-ESS), which summarizes FWS concerns and usually recommends measures to minimize harm. In addition, the FWS prepares a response to the Corps of Engineers' public notice for a 404 permit application. That letter generally reiterates their concerns and provides recommendations for consideration by the Corps before a permit is issued. If early coordination has been thorough and outstanding issues have been resolved, a timely recommendation will be received by the Corps of Engineers.

#### Endangered or Threatened Species

Under the mandates of Section 7 of the Endangered Species Act (should endangered or threatened species be present at a project site), and following the completion of a biological assessment by the WisDOT or its consultant, the FWS would issue a Biological Opinion stating whether a particular proposal would adversely affect the species or its critical habitat. Depending upon the opinion, further coordination could be required.

#### Specially Funded Lands

Funds under the Pittman-Robertson and Dingell-Johnson Acts are allocated to the DNR by the FWS for the purchase of wildlife and fishery areas. Coordination for minimizing impacts to these lands and/or their replacement is accomplished between the WisDOT and the DNR. Involvement with the DOI is through the FWS via the Land and Water Conservation Act and the Section 6(f) coordination process (see [FDM 20-45-10](#)).

#### Migratory Bird Treaty Act

For the purpose of DOT bridge and borrow projects, the most likely period for active migratory bird nesting is between May 1 and August 30.

Inactive nests (no eggs or young) should be cleared from any bridge structures or borrow sites, and nesting activity prevented. If a bridge structure is too high or inaccessible to remove inactive nests a depredation permit will be required from the FWS Division of Law Enforcement for the incidental destruction of active migratory bird nests. A permit is not necessary if migratory birds have been prevented from constructing nests on the structure. For more details, see [FDM 20-50-10](#).

### **10.6 National Park Service**

#### **10.6.1 Basis for Coordination**

The National Park Service (NPS) administers an extensive system of national parks and recreational areas. Recreational areas include parkways, reservoirs, lakeshores, and riverways. In Wisconsin, these are: Apostle Island National Lakeshore, St. Croix National Scenic Riverways and Ice Age National Scientific Reserve.

Entities purchased through the NPS generally become Section 4(f) lands and require coordination according to those procedures discussed in [FDM 20-45-5](#). It is also likely that the NPS would participate in the review of an environmental document for a proposal affecting land uses under its jurisdiction.

#### **10.6.2 Coordination Process and Results Intended**

For lands administered by the NPS that are expected to be affected by a proposal, early notification of the project is essential to determine whether the land use is 4(f). Initial contact should be made by letter to the Midwest Regional Office at 1709 Jackson Street, Omaha, Nebraska, 68102-2571. Based on their response, a Section 4(f) evaluation could be required. If so, the 4(f) evaluation would be sent to the DOI through the FHWA, comments received, and forwarded to the WisDOT.

#### **10.6.3 Historic Documentation**

The NPS can become involved in a project, if sites, structures or objects which are eligible for the National

Register of Historic Places are affected. The entire review process, known as the Section 106 process, is described in more detail in Chapter 26 of this manual. Although responsibilities are shared among agencies, the National Register, which determines eligibility, and the Historic American Building Survey (HABS) and the Historic American Engineering Record (HAER), which are clearinghouses for documentation of structures that will be significantly altered or demolished, are all under the auspices of the NPS.

Although contact with the Keeper of the National Register is no longer mandatory for determination of eligibility, the Keeper is still contacted in cases where the SHPO and the FHWA cannot agree (see [Chapter 26](#)).

Contact with HABS and/or HAER is generally limited to those circumstances in which a Memorandum of Agreement has been completed with the Advisory Council on Historic Preservation and documentation of a structure has been required. HABS and/or HAER will oversee and certify the completeness of that documentation.

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**FDM 5-5-15 Department of Transportation***December 3, 2008***15.1 Coast Guard****15.1.1 Basis for Coordination**

The Coast Guard has authority under Section 9 of the Rivers and Harbors Act to issue permits for structures over commercially navigable waterways. The basis for issuing permits is to ensure that navigational clearances will be provided for new structures or retained when replacing existing structures. Coordination with the Coast Guard is essential to determine which rivers are under Coast Guard jurisdiction.

**15.1.2 Coordination Process and Results Intended**

Coordination with the Coast Guard is through its Bridge Section. Refer to [FDM 20-50-5](#).

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**FDM 5-5-20 U.S. Army Corps of Engineers***August 19, 1996***20.1 Basis For Coordination**

The Army Corps of Engineers (COE) issues permits for work in and over commercially navigable waters under Section 10 of the Rivers and Harbors Act. See "Section 10 Permits" [FDM 20-50-5](#) for a definition of activities involved. In addition, the COE administers the permit program under Section 404 of the Clean Water Act for the discharge of fill material into all waters of the United States. In addition, COE issues a type of general permit, the nationwide permits (NWP), which are intended to regulate, with little delay and paperwork, "certain activities having minimal impacts" (FDM 20-50-10).

**20.2 Coordination Process and Results Intended**

Early coordination with the COE on projects involving the discharge of fill or dredge material into waters of the United States including wetlands will assist in expediting the COE project review. Early coordination with the DNR and the U.S. Fish and Wildlife Service maybe sufficient during the planning process. If a 404 permit is required, early coordination with COE and F&WS is advised. Application for the permit should be made well in advance of construction and when there is sufficient design detail. The validated permit must be in-hand prior to construction. Environmental documents should accompany the permit application. Since coordination with the COE is primarily permit related, refer to [Chapter 20](#) for a detailed discussion of appropriate liaison requirements. Specially, see [FDM 20-50-5](#).

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**FDM 5-5-25 Advisory Council on Historic Preservation***February 15, 1988***25.1 Basis for Coordination**

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to take into account the effects of their projects on properties on or eligible to be on the National Register of Historic Places and to provide an opportunity for comments from the Advisory Council on Historic Preservation (ACHP). These procedures and requirements are discussed in Chapter 26, Historic Preservation, and are known as the Section 106 Process.

The Advisory Council on Historic Preservation becomes involved in all projects for which the Federal Highway Administration (FHWA) determines, in consultation with the State Historic Preservation Officer (SHPO), that a property on or eligible to be on the Register will be affected.

**25.2 Coordination Process**

Contact and coordination with the ACHP is usually initiated by the Division Office of the FHWA. As described in

Chapter 26, that coordination can take the form of early coordination following consultation with the SHPO, a request for concurrence in a determination of no adverse effect, or the development of a memorandum of agreement for those projects for which adverse effects will result. Coordination is initiated by submitting the appropriate documentation which describes the project and its effect.

### **25.3 Specific Results Intended**

Specific details of the 106 process are described fully in Chapter 26. The end result of the 106 process is most often a Determination of No Effect or No Adverse Effect. If, on the other hand, adverse effects will result, a memorandum of agreement is usually negotiated. This agreement specifies steps to minimize adverse effects. The memorandum of agreement is usually developed by the WisDOT or the local unit of government in consultation with the FHWA and the SHPO. The results of this process are to be summarized in the environmental document and would be an integral part of any 4(f) evaluation required for the historical involvement.

MEMORANDUM OF UNDERSTANDING ON PROCEDURES  
RELATED TO HIGHWAYS OVER  
NATIONAL FOREST LANDS

Parties to Agreement: The State of Wisconsin, Department of Transportation, hereinafter called the "State", and the Regional Forester of Region 9 (Eastern Region), United States Department of Agriculture, Forest Service, hereinafter called the "Forest Service".

Purpose: The purpose of this agreement is to establish terms and conditions acceptable to the parties hereto, for the cooperative planning, design, construction, maintenance, signing, access, right-of-way acquisition and other matters related to State Highway use and occupancy of National Forest lands.

It is mutually recognized that:

The State is responsible for planning, designing, construction, and perpetuation public highways of the State Highway System for the safety and benefit of the using public, and

The Forest Service is responsible for the protection and multiple use management of National Forest lands and resources for the use and benefit of the people of the United States, and is vitally interested in the development of a public highway system which will integrate with other Forest transportation facilities and provide access for use and enjoyment of the National Forests, and

The Forest Highways are an integral part of the System of roads in the State, and

Forest Service authorization is required to use National Forest lands for highway rights of way, waste areas and material sources for highway construction and maintenance, and

Many National Forest access, development, and administration facilities are appurtenant or adjacent to public highways, and the Forest Service will need to confer with the State before developing physical improvements which may have an effect on highway administration, and

Lack of advance coordination and full understanding can result in differences which are often costly and time consuming to reconcile, and

Avoidance of unnecessary duplication of efforts by the State or Forest Service is in the public interest, and

The Forest Supervisor of the appropriate National Forest is the Forest Service representative and will function as the contact for all coordination and correspondence with the State. The District Director of the appropriate Highway District is the State representative and will function as the State contact for coordination and correspondence.

Nothing in this agreement is to be construed as conflicting with existing laws, regulations, and prescribed responsibilities.

In recognition of the foregoing, the State and the Forest Service mutually agree as follows:

General: The State will meet no less than once each year with the Forest Service to discuss proposed highway work across National Forest lands.

For purposes of convenience the State will serve as the lead agency in developing, constructing, operating and maintaining public highways on the State Highway System. In addition, the State will coordinate development of other highways involving Federal Highway Funding.

Investigation: Based on what is already known about a problem area, the State will submit a one-page document, called the "Concept Definition Report (CDR)", to inform the Forest Service about the project location, the justification for establishing the project and the basic project concepts of what is being proposed within National Forest lands. The State will notify the Forest Service of any coordination meetings for projects potentially affecting Forest Service Land. The Forest Service will respond by:

Acknowledging receipt of the CDR indicating that no further involvement is necessary unless the project concepts change (minor projects);

Acknowledging the CDR with specific comments which will be resolved prior to design approval (non-complex projects); or

Attending the OPM by which the State and the Forest Service will determine a schedule of operations and responsibilities to assure that the needs and requirements of both agencies can be fulfilled (major projects).

For projects entirely within existing highway rights of way and which are considered by the Federal Highway Administration to be categorical environmental exclusions, the exchange of conceptual information will complete coordination between the State and the Forest Service, except that the Forest Service will be invited to the preconstruction conference.

National Environmental Policy Act: The National Environmental Policy Act (NEPA) requires all federal agencies and their agents to evaluate and disclose environmental impacts of their actions. This environmental evaluation process often involves several agencies. It is the intent under the Council of Environmental Quality (CEQ) regulations for a project to be evaluated one time comprehensively by a designated lead agency. Because highways are a charged responsibility of the Federal Highway Administration and their companion state Department of Transportation, it is reasonable to expect the sponsoring agency (Wisconsin DOT) to coordinate and complete the environmental process consistent with all state and federal CEQ regulations.

The role and level of involvement of the Forest service will vary dependent upon the scope of the proposed action. Most projects will be confined within the limits of existing road rights of way and easements. This work will have minimal off-site impact and minor influence on the management program of the Forest Service. A basic coordination level for is required for this type of action.

Projects that entail new work on new right of way or easements for encroachments on Forest Service land need a greater review and more detailed documentation by both the DOT and the Forest Service. Since the highway project is the proposed action triggering the environmental review process, it is reasonable to use the DOT environmental document for NEPA compliance. Because the Forest Service is required to conduct a forest management plan evaluation of the proposed highway action, it is appropriate to document the review process and conclusions independently and attach these to the DOT environmental document by appendices. A key element to be included by the Forest Service is a specific statement of significance in regard to potential Section 4(f) lands. This procedure would allow both agencies to fulfill their obligations in their own documentation formats, yet tie the coordinated reviews in a single NEPA document consistent with CEQ guidelines.

Section 4(f): For a highway project funded with Federal aid, the Federal Highway Administration (FHWA) is required to make a determination, before giving approval, regarding the potential acquisition of recreational and other types of lands (such as wildlife and waterfowl refuges, and historic sites). These lands are collectively referred to as "4(f) lands". Before making its determination, FHWA is required to contact the agency responsible for the 4(f) land for information on the significance of the land for the recreational or other protected [4(f)] and non-protected [non-4(f)] uses. Therefore, the Forest Service will provide a letter to WisDOT (for use by FHWA), which provides a statement on the significance of the 4(f) lands for any 4(f) uses and a detailed description of the kind and amount of uses occurring on this land. FHWA will use the information provided to make a determination on:

The significance of the subject land for recreational or other protected uses, and,

The significance of non-protected uses of the subject land, such as timber management or other resource extraction.

FHWA will also use this information to determine if a situation of multiple use exists. The letter from the Forest Service will also include the following statement: "This determination was made by a responsible Federal official's review of the following documents which are on file in the Office(s) of Forest Service". (List each document reviewed.)

Annual Coordination: To facilitate this coordinated process it is desirable for the two agencies to meet annually to review pending proposed projects and develop mutually acceptable work schedules and document needs. Staff assignments can be developed to meet both agencies' schedules and needs. Coordination of this meeting should be initiated by the DOT. A summary of meeting accomplishments should be prepared and shared between participants.

Conflict Resolution: It is reasonable to expect that from time to time a conflict may arise that is not readily resolved at our local field office level. Either agency may request a higher level review of any issue it warrants appropriate to the next higher responsible office. This should be viewed constructively and not impair the objectivity, mission, or working relationship of either agency.

Determination: The State will furnish the Forest Service with a Study Report, except as state above under Investigation, presenting the major aspects and design components including:

A synopsis of project history, with emphasis upon significant decisions and actions, environmental documentation, reports and approvals that have occurred through the project development.

A description of the alternatives and design features considered.

A summary and analysis of views received.

The proposed essential design elements such as the number of lanes, access control features, right-of-way requirements, and traffic control measures during construction.

An approved design.

If so determined at the OPM, the State will furnish the Forest Service with preliminary plans to permit input into needed points to National Forest lands.

While still in the preliminary design stage, the Forest Service will advise the State of any recommended changes in design. At this time the Forest Service will:

Provide information on probable limits of fire season, inherent fire hazards, fire prevention and control requirements, and request information on possible use of contractor's forces and equipment for fire suppression for inclusion in a Fire Protection Plan.

Mark merchantable right-of-way timber, locate sites for decking logs, designate areas for storage or disposal of clearing and grubbing debris, and designate disposal sites for excess excavation. Provide the State with procedure for disposal of timber and with species, volume, product and price data.

Furnish the State advice and assistance on design matters involving National Forest interests, such as preservation and restoration of fish and game habitat and food sources likely to be affected by construction and subsequent maintenance, and the materials and criteria for establishing and maintaining vegetal cover on disturbed areas.

Provide information on the need for detours for National Forest traffic, maintenance of Forest Service roads used for detours during construction, use of Forest Service roads for work roads and replacement of Forest Service facilities and signs.

Collaborate to minimize dust, objectionable odors, and water supply pollution or contamination associated with construction work.

The pertinent information provided in 1 through 5 shall be made available to all bidders by the State's contract proposal under Special Provisions.

Right of Way:

For roads on the Federal Aid System or that will be constructed in whole or in part with Federal Aid Funds: (23 U.S.C. Secs. 317 and 107(d): (49 U.S.C. 1651)

The State will request the right of way from the FHWA. Following their approval of the request, the FHWA will request the right of way from the Forest Service who will grant right of entry subject to such stipulations as are deemed necessary. The FHWA will in turn grant right of entry to the State and initiate preparation for highway easement deed.

For other public roads administered by the State. (16 U.S.C. 532-538)



This procedure will be used to grant easements to public road agencies for roads that are not part of the Federal Aid System and which are not constructed under the provision of 23 U.S.C.

Procedure in this memorandum apply except that the FHWA is not involved. The easement deed is issued by the Regional Forester and provided to the State as the authorization to proceed with construction.

For Other Uses:

Access roads needed during construction of public roads for such as access to gravel or fill sources and temporary use of lands (such as material source sites, stockpile sites, disposal sites, minor sloping, etc.) outside of those permanent lands required for the construction and maintenance of the highway facility, will be authorized by the issuance of an appropriate use permit.

Construction: At an early date following the award of the highway improvement contract, the Forest Service will be advised in writing of the award of the construction contract and invited to a preconstruction conference between the State, the contractor, representatives of affected utility companies and others affected by the project. Such meetings will provide an opportunity for all interested parties to discuss their mutual concerns regarding project construction. The Forest Service will consult with the area construction supervisor on matters pertaining to project construction. If so requested at the preconstruction conference, the Forest Service will be informed of the date of final inspection so Forest Service personnel can participate. Forest Service participation is not to check for technical adequacy but for environmental and resource coordination required in the stipulation of special use permits such as clean up, borrow pit seeding, etc.

Maintenance: The Forest Service recognizes that state, county and local governments have the responsibility to maintain their highways. Any state, county or local highway that runs through the forest will be treated in the same manner as it enters and/or leaves the forest. Therefore, governmental agencies will have maintenance jurisdiction on their highways through the forest just as they do on the remainder of their system. This includes, but is not limited to, surface maintenance, winter maintenance, drainage maintenance, vegetation management and sight control. This work will be limited to the area as established at the time of construction or the right of way currently in force. Any work outside these areas will be coordinated with the Forest Service.

Signing: (on the State Trunk Highway System within granted right of way)

#### Traffic Control Signing

Regulatory and warning signs are under the jurisdiction of the State and will be furnished, installed and maintained by the State.

Route markers, junction signing, destination and distance-type guide signs for the State Trunk and County Trunk Highways along the route shall be furnished, installed and maintained by the State.

Junction signing for National Forest Roads will be furnished, installed and maintained by the State at the expense of the Forest Service. This will follow the State policy for town road junction signing.

#### Other Signing

Rustic type Forest Service entrance signs and temporary posters shall be furnished, installed and maintained by the Forest Service. Sign type and location shall be approved by the State.

All advance and junction signing for campgrounds will be furnished, installed and maintained by the State. Either advance or junction signs for district and supervisor's office administrative sites will be furnished, installed and maintained by the State.

All advance and junction signs of significant picnic (day use) areas and separate boat landing will be furnished, installed and maintained by the State.

Other permanent signs such as identifying recreation, resort areas, trails, and public service facilities shall be furnished, installed and maintained by the Forest Service. Installation shall be at a location beyond the line where traffic control signs are placed.

Scenic by-way logos and associated signing necessary to identifying National Scenic By-ways shall be furnished, installed and maintained by the Forest Service. The sign type and location will be approved by the State.

General Condition

Signing shall conform to mounting height, location and lateral placement provisions of the Manual on Uniform Traffic Control Devices as modified by the Wisconsin Supplement. All such installations should comply with FHWA policies on the design and placement of sign supports.

For all other signing not covered by the above, the Forest Service and State will work together to comply with the requirements of both the Federal and State sign programs.

Access Control: All approaches to a State or U.S. numbered highway on National Forest land will be approved by the State under a "Permit for Access." The Forest Service will obtain a "Permit for Access" for its permanent and temporary roads which connect within the State right of way with State and U.S. highways. The Forest Service will also stipulate in its permits to contracts to others that approval for road construction over National Forest land within the State highway right of way is contingent upon approval by the State for connections to State and U.S. highways. Approved permanent new approaches to State and U.S. Highways on National Forest land will be at the expense of the Forest Service or its permittee.

Temporary approaches required by the Forest Service during firefighting operations or other emergencies may be constructed as necessary without formal approval by the State. Obliteration of such temporary approaches and restoration measures necessary will be at no expense to the State.

Conclusion: District Transportation Directors and Forest Supervisors are encouraged to consult with each other and to agree on such matters as fall within their areas of responsibility.

This memorandum may be amended or supplemented by mutual agreement between the signers or their successors. This memorandum may be terminated by either party through written notice to the other.

We have read the foregoing and agree and abide by the procedures herein.


STATE DEPARTMENT OF TRANSPORTATION

Date: 1/20/94

By:   
Administrator

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Date: 12/21/83

By:   
Regional Forester-Eastern Region

## U.S. DEPARTMENT OF AGRICULTURE

Form AD-1006

## FARMLAND CONVERSION IMPACT RATING

<b>PART 1 (To be completed by Federal Agency)</b>		1. Date of Land Evaluation Request December 25, 1987		2. Sheet _____ of _____	
3. Name of Project 1234-56-78, F 099 ( ), USH 1, Major Project		4. Federal Agency Involved FHWA			
5. Proposed Land Use Highway		6. County and State Exurban TWP, Any County, Wisconsin		7. Type of Project: Corridor <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS January 1, 1988		2. Person Completing the NRCS parts of this form	
3. Does the site or corridor contain prime, unique, statewide or local important farmland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If no, the FPPA does not apply - Do not complete additional parts of this form)		4. Acres Irrigated None		5. Average Farm Size 147	
6. Major Crop(s) Corn/Alfalfa		7. Farmable Land in Government Jurisdiction Acres: 82,000 \ 75%		8. Amount of Farmland As Defined in FPPA Acres: 82,000 75%	
9. Name of Land Evaluation System Used LESA		10. Name of Local Site Assessment System LESA		11. Date Land Evaluation Returned by NRCS 2/14/88	
<b>PART III (To be completed by Federal Agency)</b>			<b>Alternative Site Rating</b>		
			<b>Site A</b>	<b>Site B</b>	<b>Site C</b>
A. Total Acres To Be Converted Directly			4.13	28.4	
B. Total Acres To Be Converted Indirectly, Or To Receive Services			9.15	3.2	
C. Total Acres in Site			13.28	31.6	
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>					
A. Total Acres Prime and Unique Farmland			2.1	19.7	
B. Total Acres Statewide and Local Important Farmland			2.0	10.9	
C. Percentage of Farmland in County or Local Govt. Unit to be Converted			.005%	.37%	
D. Percentage of Farmland in Govt. Jurisdiction with Same or Higher Relative Value			10%	2%	
<b>PART V (To be completed by NRCS) Land Evaluation Criterion</b>					
<b>Relative Value of Farmland to be Serviced or Converted (Scale of 0 - 100 Points)</b>			40%	77%	
<b>PART VI (To be completed by Federal Agency) Corridor or Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b &amp; c))</b>			<b>Max. Points</b>		
			<b>Corridor</b>		
			<b>Other</b>		
1. Area in Nonurban Use			15 15	12	15
2. Perimeter in Nonurban Use			10 10	8	10
3. Percent of Site Being Farmed			20 20	2	17
4. Protection Provided by State and Local Government			20 20	20	20
5. Distance from Urban Built-up area			0 15	--	--
6. Distance to Urban Support Services			0 15	--	--
7. Size of Present Farm Unit Compared to Average			10 10	0	8
8. Creation of Non-Farmable Farmland			25 10	8	20
9. Availability of Farm Support Services			5 5	5	5
10. On-Farm Investments			20 20	0	10
11. Effects of Conversion on Farm Support Services			25 10	0	0
12. Compatibility with Existing Agricultural Use			10 10	0	0
<b>TOTAL CORRIDOR OR SITE ASSESSMENT POINTS</b>			160	55	105
<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value of Farmland (from Part V above)			100	40	77
Total Corridor or Site Assessment (From Part VI above or a local site assessment)			160	55	105
<b>TOTAL POINTS (Total of above 2 lines)</b>			260	95	182
<b>PART VIII (To be completed by Federal Agency after final alternative is chosen)</b>					
1. Corridor or Site Selected: Site A			2. Date of Selection: February 15, 1988		3. Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Reason For Selection:					

Site A was selected because it would not have as significant effect on farmland covered by the Farmland Protection Policy Act. Site B would have a more significant effect and require the evaluation of other sites that would either not satisfy the requirements of the project or would create other more significant effects to the environment. The proposed conversion of farmland using Site A would therefore be consistent with the spirit and intent of the Farmland Protection Policy Act, the National Environmental Policy Act, and the FHWA's internal policies.

Signature of person completing the Federal Agency parts of this form:

DATE

Wisconsin substitute form AD-1006 6-9-97 Completion instructions: [ht://www.wi.nrcs.usda.gov/soil/prime/prinotes.html](http://www.wi.nrcs.usda.gov/soil/prime/prinotes.html)



## FDM 5-10-1 Department of Natural Resources (DNR)

September 3, 2004

### 1.1 Basis for Coordination

The Department of Natural Resources (DNR) has the legislative responsibility for administering state natural resources laws and several federal environmental laws. Since most WisDOT projects have potential effects on some aspect of the natural environment, coordination with the DNR is always a crucial part of project development.

The applicable natural resources laws with which the WisDOT becomes regularly involved are outlined in [FDM 20-50](#). Federal laws requiring permits, and which are administered by the DNR, are discussed in [FDM 20-50](#) under "Permits."

A formal statement of the liaison objectives of the WisDOT and the DNR is the Cooperative Agreement, which is included in its entirety in [FDM 20-5](#).

The WisDOT relies on the DNR to provide much of the information required for environmental statements regarding descriptions on existing natural resources. Fishery, wildlife, and other ecological information is solicited during the data gathering steps of document preparation. Particularly where water resources are involved, the DNR participates in a field review of almost all of the WisDOT's proposed crossings and provides assistance in wetland assessments.

In accordance with the provisions of the Cooperative Agreement, the DNR should be contacted with regard to any project involving their areas of jurisdiction, namely, land and water resources including state and federal wild and scenic rivers, air quality, noise, and hazardous substances. Evidence of that contact, such as letters or records of telephone conversations, meetings, field reviews, etc. should be included in the draft environmental document. See the DNR internet site for a list of DNR liaison staff:

<http://dnr.wi.gov/topic/sectors/transportation.html>

### 1.2 Coordination Process

More responsibility is being delegated to the DNR district and area offices for environmental protection functions. Initial contacts requesting project review assistance are made by the Transportation District to the DNR district offices. Most issues are resolved at that level. On occasion, it is necessary to hold additional coordination meetings at the central DNR office. There is also a general liaison meeting between the WisDOT and the DNR on a regular basis for the purpose of monitoring and evaluating the success of interagency coordination.

Extensive coordination also takes place between the Bureau of Structures and the DNR Floodplain Zoning Section. WisDOT structure plans and water evaluation data are forwarded to the DNR for review and concurrence in meeting navigational clearance and backwater requirements. See Chapters 20 and 21 for additional information.

Commitments made in the coordination process should be reflected in the environmental document and the special provisions of the contract plans and adhered to in the construction phase. For those projects on which the DNR has expressed specific concerns, they should be given the opportunity to review the preliminary plans. DNR representatives should also be given the opportunity to attend preconstruction conferences.

The review of Environmental Impact Statements (EIS's) is accomplished primarily by the DNR's Central Office Environmental Impact Bureau. If a proposed project affects a resource of particular concern to a district or area office, the statement should be reviewed by that office.

### 1.3 Specific Results Intended

As a result of project level field reviews, the DNR provides the transportation district with a letter or memorandum outlining the potential impacts of the project, suggested alternatives, and recommended measures to minimize harm or enhance the area. This information is incorporated into the environmental document.

During the 404 permit process, the DNR authorizes 401 water quality certification based on a review of the project and of the 404 application. The 401 certification is obtained from the DNR by the Corps prior to issuance of the 404 public notice.

Comments on EIS's are prepared in letter format and sent to the Office of Environmental Analysis from the DNR Central Office. Comments and recommendations on structure design are sent to Central Office Bridge.

See Chapters 20, 21, 22 and 24 for additional information on specific DNR liaison requirements.

## **FDM 5-10-5 State Historical Society of Wisconsin**

October 14, 2003

### **5.1 Basis for Coordination**

The State Historic Preservation Officer (SHPO) is contacted regarding all projects defined as EIS or EA by the Environmental Action Type List, ([FDM 20-15-1](#)) and those ER projects containing previously undisturbed right-of-way or for which right-of-way will be acquired. Initial coordination of these projects for the SHPOs review and clearance is described in Chapter 26.

The purpose of this contact and resultant coordination is to identify historic and archaeological resources, determine effects, and to consider appropriate mitigation measures where necessary. In addition, specific requirements must be met relative to historic and archaeological preservation. These are discussed in [Chapter 26](#) and summarized below.

1. Both the National and Wisconsin Environmental Policy Acts require an analysis and documentation of potential environmental impacts of proposed projects. Results of coordination with the SHPO are to be included in both draft and final environmental documents.
2. For federal aid projects, Section 106 of the National Historic Preservation Act of 1966, along with implementing procedures developed by the Advisory Council on Historic Preservation (ACHP), affords special protection to properties on or eligible to be on the National Register of Historic Places. The ACHP procedures require that cultural resource identification, analysis, impact determination, and report preparation be done in consultation with the SHPO. In Wisconsin, the SHPO is the Administrator of the Historic Preservation Division of the State Historical Society.
3. Section 4(f) of the 1968 Federal Aid Highway Act requires that special consideration be given to certain park lands and conservation areas as well as to National Register or Register eligible historic sites. To make "use" of such lands for highway purposes with federal funds, Section 4(f) approval must be obtained from the Federal Highway Administration (FHWA).

### **5.2 Coordination Process**

Coordination is initiated by a letter to the Chief, Compliance and Archaeology of the Historic Preservation Division of the State Historical Society. This letter transmits sufficient information to convey the scope of the proposal, the nature of the properties affected.

District coordination is initiated with the Museum Division of the State Historical Society who notifies the SHPO of the project and supplies the SHPO with the necessary exhibits.

When the potential exists for archaeological material to be affected, a professional archaeologist must conduct a survey. For state trunk highways, this is done under the terms of the Cooperative Agreement between the WisDOT and the State Historical Society.

The survey of borrow pits is covered by the terms of the Cooperative Agreement. The responsibilities of contractors with regards to borrow pits are spelled out in The Standard Specifications for Road and Bridge Construction.

### **5.3 Specific Results Intended**

Initial contact with and response from the SHPO should be accomplished before completion of the initial environmental document. The letter of response and/or a summary of the results of coordination should normally be contained as part of the draft environmental document. Specific studies may be identified as necessary to resolve conflicts before approval can be given to the environmental document. The process for satisfying the National Historic Preservation Act and Section 4(f) requirements, and necessary input from the SHPO are discussed in [Chapter 26](#).

The Corps of Engineers (COE) sends copies of public notices for all permit applications to the SHPO. The State Historical Society will respond directly to the COE regarding potential impacts and will summarize coordination that has taken place. In most cases, however, the WisDOT will carry out its own coordination with the SHPO, as it would for any non-Corps related project.

Upon receipt of the coordination letter and related exhibits, the SHPO will review the information provided along with records of known sites and previous surveys they may have conducted. Their response will address the historical and archaeological aspects separately. Should significant or potentially significant cultural resources

be involved, more extensive coordination will be required commensurate with the extent of the impact and in accordance with the applicable regulations.

**FDM 5-10-15 Public Service Commission (PSC)**

June 30, 1997

**15.1 Basis for Coordination**

The Public Service Commission (PSC) is, by statute, the regulatory agency for all public utilities in the state. A description of PSC functions and responsibilities is found in [FDM 18-5-20](#) and in [Chapter 196](#) of the Wisconsin Statutes.

On highway projects involving public utilities, the Transportation District works directly and closely with the utilities concerned as well as Central Office Design.

Formal coordination with the PSC is not required for highway projects. Yet, informal coordination can and regularly does take place between Central Office Design and the PSC on a project-by-project basis in such matters as safety and adequate clearances relative to utilities.

**15.2 Coordination Process**

A Transportation District rarely, if ever, coordinates directly with the PSC. If coordination is indicated, it is done informally by or through Central Office Design. A discussion of utility involvement with highway projects is found in [Chapter 18](#).

**15.3 Specific Results Intended**

Information obtained from the PSC is usually informal and is offered in response to a specific utility related query on a particular highway project, usually involving safety and adequate clearances.

**FDM 5-10-20 Office of Commissioner of Railroad (OCR)**

April 19, 2002

**20.1 Basis for Coordination**

The Office of the Commissioner of Railroads (OCR) is, by statute, the state regulatory agency for railroads. The OCR is independent of the WisDOT. See Chapter 17 for a detailed explanation of OCR functions.

Coordination with the OCR relative to highway projects takes place primarily in the category of railroad involvement and specifically railroad-highway crossings. Section 195.28 of the Wisconsin Statutes establishes the WisDOT as an interested party in projects pertaining to railroad-highway crossings, thus implying coordination with the OCR.

**20.2 Coordination Process**

Railroad-highway crossing projects vary in nature and complexity, from maintaining existing crossings to grade separations. They can also be initiated in several different ways, from being part of the planned improvement program to be the result of a citizen petition. Accordingly, the coordination process varies, depending upon the nature and origin of the project. See Chapter 17 for guidance on railroad crossings and OCR involvement.

Most railroad-highway projects, however, involve a petition or request by the WisDOT, or through the WisDOT on behalf of a third party, to the OCR for a Finding, Determination, and Order relative to the project. The Bureau of Railroads & Harbors (BRH) coordinates these activities in virtually all cases and BRH action is required where state or federal aid funds are used on a project. The transportation district compiles background information in support of the project and submits it to BRH prior to going before the OCR.

**20.3 Specific Results Intended**

Each petition or request brought before the OCR is for the purpose of obtaining, in effect, approval of the project involved in the form of an OCR order to proceed, and, if not agreed to in advance, to obtain a determination of project cost apportionment between the state and the railroad based on benefits received.

**FDM 5-10-25 Bureau of Aeronautics**

May 15, 2019

**25.1 Basis for Coordination**

Section 114.134(2), Wisconsin Statutes, reads: "No person shall operate an airport within this state unless all runways and landing strips are so located that approaching and departing aircraft *clear all public roads, highways, railroads, waterways or other traverse ways by a height which complies with applicable federal standards.*" (*Emphasis added.*)



When a proposed highway project that would change the horizontal or vertical alignment of a highway is within five miles of a public use or military airport, the Bureau of Aeronautics shall be notified of the project to ensure that applicable airway-highway clearances will be maintained. In addition, all non-public use airports that may be affected by a highway project shall be contacted by the design project manager or other responsible party. Airport locations, contact information, and airport operations area buffer zones can be found at:

<https://wisconsindot.gov/Pages/doing-bus/aeronautics/resources/aoa.aspx>

Click on the data format links and open the "README.pdf" file for information and direction on downloading software needed to view the data maps. This site contains location and contact information for all public and private-use airports, heliports, seaplane bases and ultra-light airports in the state

Designers need to coordinate with the Bureau of Aeronautics on other matters besides highway alignment. Sign bridges, light poles and even tall construction equipment can all infringe on airway-highway clearance and so, adversely affect airport operations and endanger the flying public. See [FDM 5-2-5](#) for guidance concerning federal aid projects.

## 25.2 Coordination Process and Results Intended

Highway project managers or other responsible parties will follow the following process.

1. Consult the WisDOT airport reference site to see if their project is close to an airport:

<https://wisconsindot.gov/Pages/doing-bus/aeronautics/resources/aoa.aspx>

2. Any non-public use airport that may be affected by a highway project will be contacted the same way any other land owner would be contacted during the design phase of a highway project. While no specific distance exists necessitating contact with non-public use airport, the Wisconsin Bureau of Aeronautics recommends contact if a highway project falls within two miles of a non-public use airport.
3. Check the FAA's Obstruction Evaluation Website <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and use the 'Notice Criteria Tool' to determine if a notice of proposed construction will be required to be filed with the FAA. Contact the Airspace Safety Program Manager at the Bureau of Aeronautics with questions on using the FAA's Obstruction Evaluation Website and the notice of proposed construction filing process.
4. When a highway project comes within 5 miles of a public use airport, the Bureau of Aeronautics and the airport in question shall be contacted.

The Bureau will determine if further coordination with the FAA is necessary. This coordination should be noted in the environmental document. Coordination shall be initiated through the Airspace Safety Program Manager Joshua Cothren, C.M. via email to [joshua.cothren@dot.wi.gov](mailto:joshua.cothren@dot.wi.gov).

## **FDM 5-10-30 Department of Agriculture, Trade and Consumer Protection (DATCP)** *December 10, 1999*

### 30.1 Basis for Coordination

Section 32.035, Wisconsin Statutes, requires notifications to the Department of Agriculture, Trade and Consumer Protection (DATCP) whenever the WisDOT may potentially exercise its powers of eminent domain (condemnation power) in acquiring land or easements from a farm operation. Projects developed under Chapter 81 (Town Roads) of the Wisconsin Statutes are exempt from the requirements of s. 32.035. Since virtually all lands acquired for highway purposes could potentially involve condemnation, the WisDOT developed a Cooperative Agreement with the DATCP to establish a mechanism to address mutual concerns and procedures. See [FDM 20-50](#) for this agreement.

### 30.2 Coordination Process

The district or its consultant coordinates directly with the DATCP on all State Trunk Highway projects which would acquire land from a farm operation. County and local units of government or their agents developing transportation improvement projects administered by the WisDOT must coordinate directly with the Bureau of Land Resources in the DATCP as part of the preliminary engineering phase of their project. Districts send the appropriate information on the [Agricultural Impact Notification forms](#) directly to DATCP.

Interests in farm operations satisfying the criteria of non-significance do not require detailed information but a summary of these interests must be transmitted to the DATCP. An Agricultural Impact Statement (AIS) is not prepared if all interests in farm operations are non-significant.

If all interests are five acres or less, the DATCP may or may not prepare an AIS. An acquisition over five acres from one farm operation, or one that is less than five acres, but which substantially affects a farm operation,

requires the preparation of an AIS. The DATCP makes the determination whether or not to prepare an AIS and notifies the district or their consultant.

The DATCP has 60 days in which to prepare an AIS after the decision to prepare one has been made.

### **30.3 Specific Results Intended**

The WisDOT's coordination with the DATCP results in either an AIS or a decision by the DATCP that an AIS will not be prepared.

## **FDM 5-10-35 Department of Administration (DOA)**

*April 19, 2002*

WisDOT coordinates with the Department of Administration on two issues, plat review and the coastal management program.

### **35.1 Plat Review Coordination**

#### **35.1.1 Basis for Coordination**

The DOA is responsible for administering the state platting regulations of the Wisconsin Statutes. The DOA reviews and approves all plats submitted in the state in accordance with Section 236.13, "Basis for Approval."

As part of their review process, the DOA sends a copy of each plat to the Bureau of Highway Development (BHD) for review with respect to entrances and exits to and from public ways.

#### **35.1.2 Coordination Process**

Upon receipt of a plat for review from the DOA, BHD has 20 days in which to voice an objection or certify that there are none. Failure to respond is considered to be non-objection to the plat. The Secretary of the WisDOT has delegated authority to certify plats [as to Section 236.13(1)(3)] to BHD.

To facilitate review, DOA also forwards plats to the appropriate transportation district for comment. The district is given ten days in which to respond. Once review is completed, BHD sends certification (or objection) to the county or town clerk, as appropriate, and informational copies to all other plat review agencies (including the DOA).

All coordination with the DOA is by or through BHD in Madison. (Refer to [Chapter 7, Section 50](#), for a discussion of plat review).

#### **35.1.3 Specific Results Intended**

Carry out the WisDOT's statutory obligations regarding plat review.

### **35.2 Coastal Management Program**

#### **35.2.1 Basis for Coordination**

This procedure applies to work within the Coastal Zone of Wisconsin or activities likely to have a direct effect on Wisconsin's coastal zone. The Wisconsin Coastal Zone includes the state's areas of Lake Michigan, Lake Superior, Green Bay, and the land areas of the 15 adjacent counties (see [Attachment 35.1](#) and [Attachment 35.2](#)). A Memorandum of Understanding outlines the policy of the WisDOT, addressing the resources of the state's Coastal Zone (see [FDM 20-50](#)). Additionally, it requires intergovernmental coordination to achieve the goal of the Wisconsin Coastal Management Program (WCMP).

#### **35.2.2 Coastal Management Goal**

To preserve, protect, develop and where possible, to restore or enhance, the resources of Wisconsin's coastal area for this and succeeding generations, with governmental coordination and public involvement, giving due consideration to the linkages and impacts to resources of inland areas. Transportation improvements affecting the Coastal Zone should be developed consistent with the above goal.

Resources in the Coastal Zone are defined as certain key geographical areas, called "Special Coastal Areas" (SCAs) [previously known as "Geographical Areas of Management Concern" (GAMCs)]. SCAs are defined as one or more of the following six basic categories of areas:

1. Areas of significant natural, recreational, scientific, or historic value.
2. Areas especially suited for water related economic development.
3. Hazard areas, which are those areas prone to severe erosion and/or flooding that may impose danger to public use or immediate or future public costs.
4. Specific areas identified as future power plant sites in Advance Plans approved by the Public Service

Commission pursuant to the Wisconsin Power Plant Siting Act.

5. Those natural, scientific, historic, and cultural areas whose unique value warrants preservation.

6. Those areas that should be restored to an earlier or improved condition (such as blighted waterfront).

A complete listing of SCAs is not available. [Attachment 35.2](#) contains a generic listing of SCAs and the responsible agencies.

Transportation improvements that are proposed within or near a SCA boundary or will have a tangible effect on a SCA shall involve coordination and consultation with the official(s) responsible for the specific SCA so affected and with WCMP management:

Federal Consistency Coordinator  
Wisconsin Coastal Management Program  
Department of Administration  
P. O. Box 7868  
Madison, Wisconsin 53707-7868  
Phone 608/266-8234

The purpose of this coordination is to attain concurrence in the consistency of the transportation action with the goal of the WCMP.

### **35.2.3 Coordination Process**

WCMP management will routinely receive early notification of major WisDOT projects through the federal clearinghouse review process (E.O. 12372), since most transportation work involves federal funds. Additionally, the following applies for both state and federally funded transportation actions.

Within the coastal zone of the state ([Attachment 35.1](#)) when applying for the Coastal Zone Consistency determination, the 401 water quality certification must first be obtained from the WisDNR. The 401 water quality certification must be an attachment to the application for a Coastal Zone Consistency determination.

#### **35.2.3.1 Environmental Impact Statement (EIS)**

WCMP management will receive and have an opportunity to review and comment on all pertinent Draft Environmental Impact Statements (DEISs) for projects affecting the Coastal Zone. The DEIS should contain a statement of consistency of the transportation action with WCMP goals. This statement of consistency shall include a description of the coordination (if any) with officials responsible for a specific SCA and the degree of concurrence attained between the parties. WCMP management will also receive the Final EIS (FEIS) for those actions for which they commented on the DEIS and for those which are otherwise specifically requested by them.

#### **35.2.3.2 Environmental Assessment (EA)**

If an EA project is within a SCA boundary or will have an impact on a SCA, WisDOT project managers will coordinate with officials responsible for the specific SCA to attain concurrence in the consistency of the transportation action with WCMP goals. A summary of the coordination will be included in the EA. Factor Sheet "L", "Unique Area Impact Evaluation," will be used to evaluate impacts on SCAs. Factor Sheet "L" should include a discussion of the degree of concurrence attained between the WisDOT and the official(s) responsible for a specific SCA as to the WisDOT action being consistent with the WCMP goal.

Note that signed documentation must be contained in the draft screening worksheet indicating the concurrence between the official responsible for the SCA and WisDOT as to the transportation improvement's consistency with the goal of the WCMP.

In the event that concurrence cannot be achieved because of a difference of opinion on the effects of a particular action, or a lack of clarity on the jurisdictional authority of officials within a SCA, or for other reasons unforeseen at this time, the WisDOT will notify WCMP management of such differences before making a final commitment. All EA projects that are not within the boundaries of a SCA or do not tangibly affect a SCA are covered by a "blanket statement of consistency."

#### **35.2.3.3 Categorical Exclusion (CE)**

CE projects, while also covered by the "blanket statement of consistency", cannot reasonably be expected to affect a SCA.

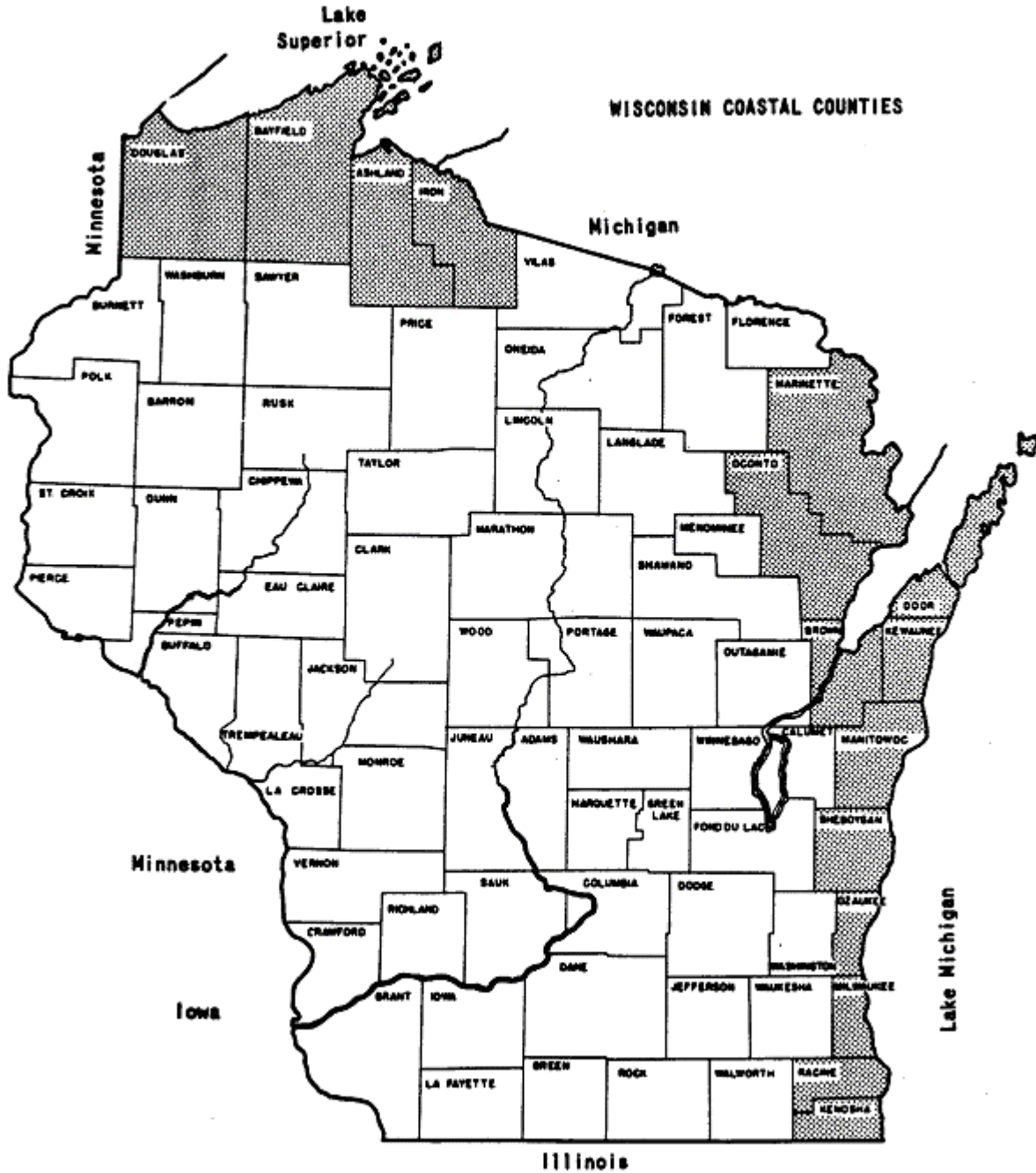
### **35.2.4 Specific Results Intended**

The early coordination indicated in this procedure is intended to result in concurrence on the consistency of a WisDOT action with the goal of the WCMP. Documentation signed by the official(s) responsible for a specific

SCA and the WisDOT indicating the concurrence between them on a statement of such consistency shall be included in the draft environmental documentation for each project not covered by the "blanket statement of consistency." Additionally, the environmental documentation for these projects should include discussion concerning the concurrence between the WisDOT and the official(s) responsible for a specific SCA.

**LIST OF ATTACHMENTS**

- |                                 |                                   |
|---------------------------------|-----------------------------------|
| <a href="#">Attachment 35.1</a> | Wisconsin Coastal County Map      |
| <a href="#">Attachment 35.2</a> | Listings of Special Coastal Areas |



**Special Coastal Areas**

## 1. Areas of significant natural, recreational, scientific, or historic value.

	<u>Responsible Agency</u>
Environmental areas:	
Natural areas (s. 23.092, Wis. Stats.)	DNR
Scientific areas (s. 23.092, Wis. Stats.)	DNR
Wetlands (5+ acres) (s. 23.32, Wis. Stats.)	DNR
Environmentally sensitive areas, as identified in area-wide water quality plans (Wis. Adm. Code NR 121)	DNR
Historic areas (s. 44.22, Wis. Stats.)	State Historical Society
Recreational areas:	
Forests (s. 28.03, 28.10, Wis. Stats.)	DNR
Parks (s. 27.01, 27.02, 27.08, 27.13, Wis. Stats.)	DNR
Fish and game refuges (s. 23.09, Wis. Stats.)	DNR
Wildlife refuges (s. 29.57, Wis. Stats.)	DNR

## 2. Areas especially suited for water-related economic development.

## Areas within or adjacent to:

Commercial harbors (s. 85.095, Wis. Stats.)	DOT
Recreational harbors (s. 30.92, Wis. Stats.)	DNR

## 3. Hazard areas, which are those prone to severe erosion and flooding.

Floodplains (s. 87.30, Wis. Stats.)	DNR
High, unstable bluffs and low, erodible sandplains	WCMP/DNR



**Responsible Agency**

## 4. Future power plant sites

Power plant sites  
(s. 196.491 Wis. Stats.)

PSC

## 5. Areas for Preservation

Natural and scientific areas  
of unique value that warrant  
preservation  
(s. 23.27, Wis. Stats.)

DNR

Historic and cultural areas  
of unique value that warrant  
preservation.  
(s. 44.22, Wis. Stats.)

State Historical Society

## 6. Areas that should be restored to an earlier or improved condition.

Deteriorated, underused  
waterfronts, which are  
relatively built up areas  
adjacent to commercial and  
recreational harbors and their connecting waterways.

County, city, and village  
planning agency



## FDM 5-15-1 Local Drainage Boards

December 5, 2017

### 1.1 Brief History

Prior to January 1, 1965, drainage organizations consisted of three different types: 1) farm drainages, 2) town drains, and 3) drainage districts. Each organization existed independently and each was governed by its own board of officers (farm drainages and town drains) or drainage commissioners (drainage districts).

Chapter 88, Wisconsin Statutes, which became effective January 1, 1965, did away with farm drainages and town drains, per se. As a result, two types of drainage districts existed in counties and operated under different sections of ch. 88, Wis. Stats.:

1. Drainage districts governed by their own drainage boards, and
2. Drainage districts in a county collectively governed by the county drainage board.

In 1991, the legislature revised ch. 88, Wis. Stats., requiring all drainage districts to come under the jurisdiction of the county drainage board and requiring the creation of a board if none existed in the county. County drainage boards are responsible for operating drainage districts in compliance with ch. 88, Wis. Stats., and ATPC 48, Wis. Admin. Code, which first became effective in 1995. The Department of Agriculture, Trade and Consumer Protection (DATCP) monitors county drainage board compliance with drainage law and code and provides technical assistance to boards.

### 1.2 Basis for Coordination

Coordination with county drainage boards is required by Section 86.075, which states in part:

*Whenever a highway crossing any drainage ditch of a drainage district governed by Chapter 88 is being constructed or reconstructed or a culvert in any such ditch is being replaced, the highway authority in charge of such work shall consult with the drainage board having jurisdiction of such district for the purpose of determining the depth at which such drainage ditch was laid out. (Emphasis added.)*

Stated differently, the WisDOT coordinates with county drainage boards when constructing or reconstructing bridges and when constructing, reconstructing or lining culverts crossing any drainage ditch within a particular board's jurisdiction to ensure that the structure is installed at the proper elevation. The importance of this elevation is discussed under [FDM 5-15-1.4](#) (Specific Results Intended).

Section 88.68, Wis. Stats., requires coordination:

1. Between a county drainage board and "the officers in charge of maintenance of the highway" when a drain being constructed across a public highway "makes necessary the construction or reconstruction of a bridge",
2. When a "unit of government in charge of maintenance of a highway decides to construct a new bridge across a drain", and
3. When "the cleaning out, deepening or reconstruction of a drain crossing a public highway requires the lowering of a culvert through such highway to provide effective drainage."

Coordination with county drainage boards is also required by ATPC 48.34, which stipulates DATCP approval for construction projects and drainage alterations in districts. Under ATPC 48, county drainage boards are required to formally establish drainage district specifications for each district in their jurisdiction. Specifications are the foundation for nearly all drainage district operations, including landowner rights and responsibilities as prescribed in drainage law and evaluation of the effects of proposed drainage modifications. Provided certain conditions are met, boards have the right under ATPC 48.34 to authorize others to construct or modify drainage. This section also states that boards must seek DATCP approval to:

- a. Construct or modify any district drain, or authorize any person to construct or modify a district drain.
- b. Install or modify any structure in a district drain, or authorize any person to install or modify a structure in a district drain.
- c. Authorize any person to connect a private drain to a district drain.
- d. Take any action...that changes the formally established cross-section, grade profile or alignment of a

district drain, regardless of whether that action involves any physical alteration to a district drain or structure.

### 1.3 Coordination Process

For any drainage district, contact the county drainage board having jurisdiction over that drainage district. This is normally done at the Transportation Region level. The following DATCP website provides a GIS-based map of the location of all drainage districts in the state, a directory of county drainage board members, and DATCP contacts:

[https://datcp.wi.gov/Pages/Programs\\_Services/DrainageDistricts.aspx](https://datcp.wi.gov/Pages/Programs_Services/DrainageDistricts.aspx)

A number of districts, though inactive, have not followed through with dissolution procedures (as allowed by Chapter 88, Wisconsin Statutes when a drainage district is no longer desired) and therefore are still legal entities with which to coordinate. Other sources for information on drainage districts are DATCP and the county treasurer's office, since, by statute, the treasurer of each county is also treasurer of all drainage districts in that county. Drainage district specifications should be available from the county drainage board, county zoning administrator, and DATCP.

It is preferable for Transportation Region personnel to personally meet with the drainage board to consider the project at hand, thereby causing the board to convene. The drainage board secretary, by statute, must keep minutes of each board meeting. A convenient record of coordination is thus available by requesting a copy of those minutes. Staff should share relevant project plans, designs and specifications with the drainage board. If the board identifies potential concerns, the board and WisDOT should notify and communicate potential concerns with DATCP. The county drainage board and DATCP will work with WisDOT to resolve any identified concerns. If formal county drainage board action is required, WisDOT will work with the drainage board to apply, under ATCP 48.36, for DATCP approval of the proposed action under ATCP 48.34.

### 1.4 Specific Results Intended

Coordination with county drainage boards is for the specific purpose of determining when a proposed road project alters a drainage district such as to require DATCP approval. This includes evaluating:

1. The depth at which a drainage ditch was originally laid out. Drainage ditch depth is vital information in that the highway authority would be responsible for future lowering of a culvert or similar opening that was installed at an elevation higher than the drainage ditch as originally laid out, unless misled by the drainage board.
2. The conditions surrounding the construction or reconstruction of a bridge across a district drain, or the conditions surrounding a need to construct, reconstruct, alter or adjust a culvert to provide effective drainage in a district drain crossing a highway.

The DATCP approval process requires board authorization, public notice and board hearing on the action, a joint board-WisDOT application, possible completion of an environmental assessment by DATCP, and a written decision from DATCP. The process includes pre-determined timelines that should be considered in the development of the proposed roadway project.

Evidence of coordination with drainage boards should be included in environmental documents.

## FDM 5-15-5 Floodplain Zoning Authority

February 15, 1988

### 5.1 Basis for Coordination

Natural Resources Rule, Chapter 116, requires local units of government to adopt reasonable and effective floodplain zoning ordinances within their jurisdiction to regulate floodplains where serious flood damage might occur. Further, NR 116 specifies that for any construction that will cause an increase of 0.01 foot or greater in the height of the regional flood, the local unit of government is required to amend its zoning ordinance to reflect the increased elevation and assure that appropriate legal arrangements have been made with all property owners affected by the increased flood elevations.

The WisDOT-WDNR Cooperative Agreement specifies that the WisDOT will provide the WDNR and local units of government with criteria used in the design and placement of structures regarding the regional flood. (Refer to [FDM 20-5-15](#) for information on NR 116 and the Cooperative Agreement itself).

### 5.2 Coordination Process and Results Intended

1. For construction in areas having a potential for flooding associated with a defined stream channel, the WisDOT computes the 100 year regional flood discharge and elevations defined in NR 116 and NR 320. Floodplain management standards of NR 116 and relevant local zoning ordinances are

considered when determining structure size and placement. Transportation Regions will provide the appropriate local units of government (i.e., zoning authority) with a copy of the predicted water surface elevations and calculations submitted to the WDNR by the WisDOT's Bureau of Structures.

2. For construction in areas having a potential for flooding but not associated with a defined stream channel (e.g., areas known to be subject to intense sheet runoff, etc.), the WisDOT provides the WDNR and local units of government with information indicating the criteria used in the design and placement of structures, and cooperates fully with local efforts to minimize the effects of flooding. However, 100 year flood elevation calculations and consideration of their effects on local zoning will only be made when they appear relevant to carrying out the spirit and intent of NR 116.

In areas which have no zoning authority, coordination with the affected landowners is required and evidence of this coordination must be supplied to WDNR.

In general, it is the WisDOT's responsibility to coordinate with local units of government and decide whether construction that creates a change in the regional flood is in the overall public interest. The WisDOT must notify the local unit of government of the increase in backwater that would result from proposed construction. In instances of increased regional flood elevation, the status of the local Floodplain Zoning Authority notification shall be included in the environmental document (Basic Sheet 3, item no. 7).

## **FDM 5-15-10 Native American Tribal Governments**

*February 25, 2011*

### **10.1 Introduction**

Section 106 of the National Historic Preservation Act requires Native American involvement when "Historic Properties" (archaeological, traditional cultural properties, mounds) may be affected by a project. The WisDOT coordinates with the 11 federally recognized Wisconsin Native American tribes and six out-of-state tribes that have had a presence in Wisconsin, and the Great Lakes Intertribal Council. Coordinate as early as possible in the project development stage, usually during the scoping process.

Native American tribes are sovereign nations and this status requires other governments to relate to them on a government-to-government level. Relations should be between officials of equivalent authorities. This status provides them the same status as federal agencies and local units of government in the project development process. A Native American mailing list and counties of tribal interest for project notification information is provided on the environmental website:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/cultural-resources.aspx>

### **10.2 Basis for Coordination**

Section 106, 36 CFR 800.2 (c)(2), of the National Historic Preservation Act (Act) stipulates that Native American tribes be provided a reasonable opportunity to identify their concerns about historic properties, advise on the identification and evaluation of historic properties (including those of traditional religious and cultural importance), articulate their views on the undertaking's effects on such properties, and participate in the resolution of adverse effects.

Section 101(d)(6)(B) of the Act requires the Agency Official to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. Such Indian tribe shall be a consulting party.

It is the responsibility of the Agency Official to make a reasonable and good faith effort to identify Indian tribes that shall be consulted in the Section 106 process.

### **10.3 Coordination Process**

Coordination with the tribes is undertaken for all WisDOT projects and is not limited to projects occurring on tribal or trust lands.

Notification of Native American tribes should commence early in the planning/scoping process in order to identify and discuss relevant preservation issues and resolve concerns. Consulting tribal representatives shall be invited to scoping meetings, meetings with other agencies and local officials, public information meetings, and public hearings.

Initial coordination consists of a letter on WisDOT stationery from the regional project manager to the Tribal Historic Preservation Officer (THPO) or to the director of the tribal historic preservation office of each tribe. Tribes have specified the areas of the state for which they desire project notification. An example of the coordination letter and the names and addresses for each tribe are available on the environmental website:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/default.aspx>

The project manager shall begin initial coordination for projects requiring an environmental impact statement, environmental assessment, or environmental report.

The project manager may delegate authority to the consultant for the initial coordination. The notification letter shall be on WisDOT stationery with the project manager's name as signatory. The project manager's name may be typed as signatory and the consultant may initial the letter.

If tribal response indicates an interest in the project, the tribe becomes a consulting party. The region then notifies consulting tribes of public hearings/ meetings and other information pertinent to cultural resources. Provide copies of tribal response letters the Bureau of Environment. This can be done prior to the submittal of the Section 106 packet or letters can be attached to the Section 106 packet when submitted to the Bureau of Environment for review.

The Bureau of Equity and Environmental Services shall initiate the consultation process with the appropriate tribal representatives, FHWA, SHPO, other agencies, regional representatives, and archaeologists when there will be an effect upon a 'Historic Property' (usually an archaeological site). The consultation process will consist of alternatives to avoid affecting the site; describing mitigation measures; participating in assessing effect and eligibility of the site; and reaching agreement about treatment of the resource.

The Bureau of Equity and Environmental Services shall be responsible for providing consulting tribes with copies of the archaeological reports.

The Bureau of Equity and Environmental Services shall make arrangements for consulting tribal representatives to be invited to observe evaluation studies and data recovery projects.

#### **10.4 Specific Results Intended**

The end results for the Section 106 process are described fully in Chapter 26. Early coordination, information sharing, and consultation on mitigation measures will ensure and facilitate tribal involvement in the WisDOT project development process, achieve compliance with federal law, and assist in maintaining project schedule.

#### **10.5 Follow-Up Action Required**

The environmental document (EIS, EA, ER) shall include documentation of Native American involvement in the project development and Section 106 process.



## FDM 5-20-1 Wisconsin's Neighboring States

February 15, 1988

### 1.1 Basis for Coordination

Section 102(2)(D)(IV) of the National Environmental Policy Act and 23 CFR 771.111(e) state that early notification to and solicitation of views from federal land management entities and other states that may be significantly affected by the proposed action shall be provided on federal aid highway projects (see [FDM 5-5-1](#) for discussion of federal land management entities).

### 1.2 Coordination Process

When in the early stages of project development on federal aid highway projects, it has been determined that a neighboring state may be affected, the WisDOT shall provide early notification to that state and solicit its views. Early notification occurs prior to writing the environmental document, as the results are to be included in the document.

Each notification shall indicate that it is being made pursuant to Section 102(2)(D)(IV) of the National Environmental Policy Act of 1969, as amended.

Notification should be mailed to the clearinghouse of the affected state, unless its governor has designated an agency other than the clearinghouse. Wisconsin's four neighboring states are addressed as follows:

Illinois	State Clearinghouse Bureau of the Budget Lincoln Tower Plaza 524 S. Second St., Rm. 315 Springfield, IL 62706
Iowa	Office of Planning & Programming 523 East 12th Street Des Moines, Iowa 50319
Michigan	Office of Intergovernmental Relations Department of Management & Budget Lewis Cass Bldg., Box 30026
Minnesota	State Clearinghouse Minnesota State Planning Agency 101 Capital Square Building St. Paul, Minnesota 55101

### 1.3 Specific Results Intended

The desired response is a letter from the neighboring state containing its comments on the project.

The WisDOT, in consultation with the Federal Highway Administration (FHWA) Division Administrator, shall review any comments received from this early notification, and identify and evaluate alternative measures to mitigate anticipated adverse impacts. The Division Administrator shall prepare a written evaluation of issues identified during the early coordination efforts that indicate a significant disagreement with a position taken by the WisDOT and the FHWA with respect to an impact of the proposed action or any of the alternatives. This evaluation is to be furnished to the WisDOT for incorporation into the draft environmental document.

### 1.4 Follow-up Action Required

The WisDOT shall furnish copies of the draft environmental document to the affected state with a request that state advise the FHWA Division Administrator, in writing, of any disagreement with the evaluation of impacts in the statement.

The FHWA Division Administrator shall review the comments received and forward them to the WisDOT along with a written assessment of the disagreements for incorporation into the final environmental document.