



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

- | | |
|--------------------------------|--|
| Attachment 5.1 | Memorandum of Understanding on Procedures Related to Highways over national Forest Lands |
| Attachment 5.2 | 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), 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.

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](#).

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](#).

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.