



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.

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

- [Attachment 35.1](#) Wisconsin Coastal County Map
- [Attachment 35.2](#) Listings of Special Coastal Areas