



## FDM 20-20-1 Introduction

March 16, 2018

Federal actions meeting the criteria of a Categorical Exclusions (CEs) are defined pursuant to 23 CFR 771.111(f), 40 CFR 1508.4 and 23 CFR 771.117(a) and do not individually or cumulatively have significant effects on the human environment. CEs require neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS). WisDOT must certify to FHWA the action does not result in significant environmental impacts (see definition of significance in [FDM 20-15-5.1](#)). WisDOT must prepare either an EA or EIS for all undertakings not qualifying as a CE.

Furthermore, none of the CEs can be processed, without FHWA consultation, if the project includes unusual circumstances such as the following:

1. Significant environmental impacts (see definition of significance in [FDM 20-15-5.1](#))
2. Substantial controversy on environmental grounds
3. Significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the Historic Preservation Act as defined by 36 CFR 800
4. Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action
5. Wisconsin specific examples of unusual circumstances include auxiliary lanes and capacity expansion projects as define in the Programmatic Agreement between the FHWA and the WisDOT regarding the processing of actions classified as categorical exclusions for Federal Aid Highway Projects

For any project which includes unusual circumstances, consult with your REC or BTS-EPDS and FHWA as appropriate, to determine the level of environmental analysis and environmental document type to be completed. Unusual circumstances may require additional studies to be completed prior to making a CE determination or prior to the decision to prepare an EA or EIS. CEs are processed following the programmatic agreement (PA) between the WisDOT and FHWA for federally funded projects that meet the CE criteria.

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnsit-rsrces/environment/formsandtools.aspx>

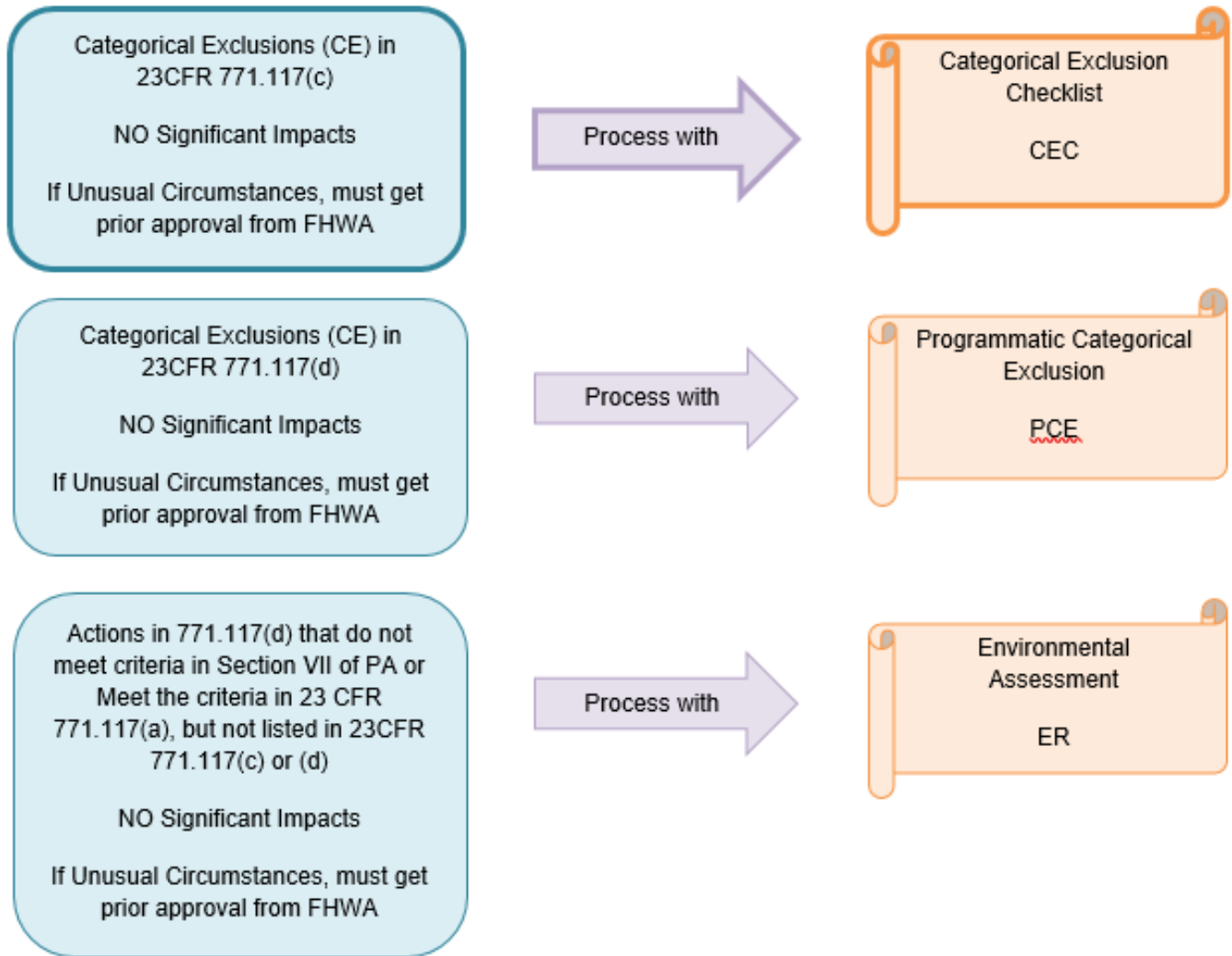
Classification of an action as a CE does not dismiss requirements to comply with other laws and regulations such at Section 106, Section 4(f), Section 404 or Water Quality-Section 401 requirements, etc.

### 1.1 Actions Covered

Pursuant to the terms of “Programmatic Agreement between the Federal Highway Administration Wisconsin Division and the Wisconsin Department of Transportation Regarding the Processing of Categorical Exclusion Actions (CE PA)” there are three types of documentation for CE actions:

1. Actions listed in 23 CFR 771.117(c) that do not have unusual circumstances may use the Categorical Exclusion Checklist (CEC).
2. Actions listed in 23 CFR 771.117(d) may be processed as a Programmatic Categorical Exclusion (PCE) if they are not disqualified by Section VII of the PA between WisDOT and FHWA.
3. Actions listed in 23 CFR 771.117(d) that are disqualified by Section VII may be processed as and Environmental Report and may be documented with WisDOT Basic and Factor Sheets.
4. Additional actions which meet the criteria for a CE in 23 CFR 771.117(a) but are not listed in 23 CFR 771.117(c) or 771.117(d) and require additional documentation to demonstrate significant impacts will not result, require an Environmental Report (ER) and may be documented with WisDOT Basic and Factor Sheets.

Figure 1.1 is a chart outlining the categorical exclusion (CE) document processing options. WisDOT cannot use CEC or PCE documentation for projects located on Tribal lands that are in trust, allotted or reservation status without prior approval by BTS-EPDS and FHWA.



**Figure 1.1 Categorical Exclusion (CE) Documentation Processing Options**

**FDM 20-20-5 Categorical Exclusion Checklist**

March 16, 2018

**5.1 Actions Covered**

Actions covered by the Categorical Exclusion Checklist (CEC) are found in 23 CFR 771.117(c) and discussed in the FHWA-WisDOT PA.

<https://wisconsin.gov/Documents/doing-bus/eng-consultants/cnslt-rsrcs/environment/pace2015.pdf>

**5.2 Process**

During project identification and or Project Management Plan (PMP) scoping (FDM 2-5, FDM 2-10, FDM 2-15), the decision to move forward with a CEC should be discussed with the REC or the BTS - EPDS Liaison as defined in FDM 20-10-1 to be sure the project is eligible for this level of documentation.

Scoping or definition of a project for a CEC can be relatively informal and can be completed in a variety of ways. The project team may use the PMP Process to complete scoping and may do a field review. Initial scoping is usually done by a planning team before it moves into project development, where a more detailed scoping of the project is often undertaken. Now, there is no prescribed form for scoping of CE projects. The key is to define the purpose and need and the full potential scope of the project prior to beginning any investigative studies to avoid project delays and cost increases due to scope changes later in the process.

The CEC is completed during the project development process as identified in FDM 3-1 Attachment 1.2. The CEC cannot be completed prior to documenting that there are no significant impacts and no unusual circumstances.

The CEC does not exempt WisDOT from complying with all other applicable regulations, laws, statutes,

executive orders, interagency agreements or other policy. Documentation of compliance with all applicable requirements needs to be attached to the CEC or placed in the project file.

Normally CEC actions do not require any further NEPA approval from FHWA. Documentation regarding the use of the CEC and the absence or mitigation of unusual circumstances must be maintained by WisDOT to justify the application of the CEC.

### 5.3 Documentation

Documentation and tracking is required for all CEC projects. Complete the CEC form

<https://wisconsin.gov/Pages/doing-business/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>

and add to the project file along with any necessary supporting documentation as discussed in [FDM Chapter 5](#). The CEC is to be completed by project staff with the assistance of the REC or BTS-EPDS, as applicable.

Factor Sheets, described in [FDM 20-20-15.3](#) may be completed and attached to demonstrate or clarify that the impact to specific factors is not significant if appropriate.

The PA requires review and tracking of CECs. To facilitate this, provide a completed copy of the CEC with all required signatures to the REC or BTS-EPDS liaison, as appropriate. The environmental staff can assist with defining the necessary attachments and level of public involvement required.

## FDM 20-20-10 Programmatic Categorical Exclusions (PCE)

March 16, 2018

### 10.1 Actions Covered

Actions covered by the PCE are found in 23 CFR 771.117(d) subject to the limitations in Section VII of the FHWA-WisDOT PA.

<https://wisconsin.gov/Documents/doing-business/eng-consultants/cnslt-rsrcs/environment/pace2015.pdf>

### 10.2 Process

During project identification and or PMP scoping ([FDM 2-5](#), FDM 2-10, FDM 2-15-1), discuss the decision to move forward with a PCE with the REC or BTS-EPDS to be sure the project is eligible for this level of documentation and no unusual circumstances are present.

Scoping or definition of a project for a PCE can be relatively informal and can be completed in a variety of ways. The project team may use the PMP Process to complete scoping and may do a field review. Initial scoping is usually done by a planning team before it moves into project development, where a more detailed scoping of the project is often undertaken. Now, there is no prescribed form for scoping of CE projects. The key is to define the purpose and need and the full potential scope of the project prior to beginning any investigative studies to avoid project delays and cost increases due to scope changes later in the process.

The PCE is to be completed by the project team with the assistance of the REC or BTS-EPDS. The PCE is completed during the project development process as defined in [FDM 3-4](#). The PCE cannot be completed prior to documenting that there are no significant impacts and no unmitigated unusual circumstances.

The PCE does not exempt WisDOT from complying with all other applicable regulations, laws, statutes, executive orders, interagency agreements or other policy. Documentation of compliance with all applicable requirements needs to be attached to the PCE or placed in the project file.

Normally PCE actions do not require any further NEPA approval from FHWA. Documentation regarding the PCE definition and the absence of unusual circumstances must be maintained by WisDOT to justify the use of the PCE.

### 10.3 Documentation

Documentation and tracking is required for all PCE projects. Complete the PCE form and add to the project file along with any necessary supporting documentation.

<https://wisconsin.gov/Pages/doing-business/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>

Factor Sheets, described in [FDM 20-20-15.3](#) may be completed and attached to demonstrate or clarify that the impact to specific factors is not significant if appropriate.

### 10.4 Categorical Exclusions and WEPA Undertakings

To determine which CE template to use when there is not federal funding or federal permits involved in any portion of the undertaking refer to Trans 400.08(c) and (d) Categorization of Department Actions, to determine which document template (CEC or PCE) is appropriate. For actions where it is determined that an ER is

determined to be appropriate the guidance for the completion of an ER in [FDM 20-20-15](#) must be followed.

## **FDM 20-20-15 Environmental Report**

March 16, 2018

### **15.1 Actions Covered**

Actions covered by Environmental Reports (ER) are described in Section VI A.3 of the FHWA-WisDOT PA.

<https://wisconsindot.gov/Documents/doing-bus/eng-consultants/cnsit-rsrces/environment/pace2015.pdf>

The ER is the most appropriate document type for projects that will not have significant environmental impacts (see definition of significance in [FDM 20-15](#)).

### **15.2 Process**

Scoping or definition of a project for an ER can be relatively informal and can be completed in a variety of ways. The project team may use the PMP Process to complete scoping and may do a field review. Initial scoping is usually done by a planning team before it moves into project development, where a more detailed scoping of the project is often undertaken. Now, there is no prescribed form for scoping of ER projects. The key is to define the purpose and need and the full potential scope of the project prior to beginning any investigative studies to avoid project delays and cost increases due to scope changes later in the process.

### **15.3 Documentation**

WisDOT Environmental Basic Sheets and Factor Sheets are used for documentation of all ER level projects. Guidance documents are available for the Basic Sheets and each Factor Sheet.

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnsit-rsrces/environment/formsandtools.aspx>

The Basic and Factor Sheets and the guidance language are intended to be self-explanatory. The Basic and Factor Sheets and guidance language are updated frequently so always be sure to use the most recent version.

If the author completely and clearly answers each question on the Basic and Factor Sheets, the document should tell the story of the project decision-making process from the initial needs identification through the selection of the preferred alternative in a way the public can understand. For assistance or questions concerning these templates and the associated guidance contact your REC or BTS-EPDS, as appropriate.

The Basic Sheets contain background information for the project, define the purpose and need and describe all of the alternatives that were studied to address the purpose and need. These sheets also provide information on public involvement, environmental factors, a summary of impacts, and other information pertinent to the ER.

Individual Factor Sheets correspond with specific environmental factors identified in the Environmental Factors Matrix of the Basic Sheets. The Factor Sheets are used to provide more detailed information on environmental factors and issues that may be substantial and require more of an in-depth discussion than is provided in the Basic Sheets. If there is no substantial impact to a specific environmental factor, a Factor Sheet is not completed.

#### **15.3.1 Purpose and Need**

The purpose and need of a project is essential in establishing a basis for the development of the range of reasonable alternatives required in an environmental document and assists with the identification and eventual selection of a preferred alternative. Basic Sheet 3, Question 1 addresses the purpose and need.

The following items may be listed and described in the purpose and need statement for a proposed action. The author should select the needs most appropriate to the project in the order of greatest to least needed and explain them so the public can understand them. These are by no means all-inclusive or applicable in every situation. They are intended as a guide. In the document, discuss only the applicable needs in descending order of importance. Do not discuss the project solutions in the purpose and need statement.

- Project Status - Briefly describe the action's history, including measures taken to date, other agencies and governmental units involved, action spending, schedules, etc.
- Capacity - Discuss the capacity of the present facility and its ability to meet present and projected traffic demands. Discuss what capacity and levels of service for existing and proposed facilities are needed.
- System Linkage - Discuss if the proposed action is a "connecting link" and how it fits into the transportation system.
- Transportation Demand - Discuss the action's relationship to any statewide plan or adopted urban transportation plan. In addition, explain any related traffic forecasts that are substantially different from those estimates of the 23 U.S.C. 134 (Section 134) planning process.

- Legislation - Explain if there is a federal, state, or local governmental mandate for the action.
- Social Demands or Economic Development - Describe how the action will address employment, schools, land use plans, recreation facilities, etc. In addition, describe projected economic development/land use changes that indicate the need to improve or add to the highway capacity.
- Modal Interrelationships - Explain how the proposed action will interface with and serve to complement airports, rail and port facilities, mass transit services, pedestrian and bicycle accommodations, etc.
- Safety - Explain if the proposed action is necessary to correct an existing or potential safety hazard. In addition, explain if the existing accident rate is excessively high and why, and how the proposed action will improve safety.
- Roadway Deficiencies - Explain if and how the proposed action is necessary to correct existing roadway deficiencies (e.g., substandard geometrics, structural sufficiency, load limits on structures, inadequate cross-section, high maintenance costs, etc.)

Consistent with 23 CFR 771.111(f), in order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in the environmental document shall:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope
- Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements

When developing a transportation project, project sponsors should consider how the end points of the action are determined, both for the improvement itself and for the scope of the environmental analysis. Whether the action has "logical termini" or not is also a concern. Logical termini for project development are defined as rational end points for both a transportation improvement and a review of the environmental impacts.

In developing a concept that can be advanced through the stages of planning, environment, design, and construction; the project sponsor needs to consider a whole or integrated action. This action should satisfy the projects purpose statement. In addition, the action should be considered in the context of local socio-economics and topography, future travel demand, and other infrastructure improvements. Without framing an action in this way, project sponsors may only peripherally meet project needs or may cause unexpected side effects that require additional corrective action. Project sponsors should also be aware of the problem of segmentation. Segmentation may occur when a transportation need extends throughout an entire corridor, but project sponsors discuss the environmental issues and transportation need of only a segment of the corridor. Staging construction of various phases of a project due to fiscal availability is not considered segmentation.

### **15.3.2 Agency and Tribal Coordination**

WisDOT, in partnership with FHWA (on federally funded projects), is responsible for inviting resource agencies, local units of government and tribes to participate in the NEPA/WEPA process to coordinate among a wide range of stakeholders with diverse interests, resolve conflict and ensure that quality transportation decisions and potential impacts are fully explained in the environmental document. These responsibilities require WisDOT and FHWA to balance transportation needs, costs, environmental resources, safety, and public input in order to arrive at objective and responsible transportation decisions.

Depending on the potential impacts of the project, agencies with applicable expertise will be involved during the decision-making process. Contact agencies early and coordinate often to understand resources under their authority and to incorporate their concerns into the project and describe them in the document. At a minimum, all projects must be coordinated with the Wisconsin Department of Natural Resources (WDNR), tribes and the United States Fish and Wildlife Service.

Although not all inclusive, [Table 15.1](#) highlights the federal, tribal, state, and local agencies and governmental entities that might be involved if the project has potential to impact a resource.

**Table 15.1 Environmental Impact and Agencies Possibly Involved**

Potential Impacts	Agencies with Possible Involvement*
Wetlands	WDNR, USACE, USFWS, Tribes
Lakes, Streams, Rivers, Water Bodies	USCG, WDNR, USACE, USFWS, Tribes, EPA
Agricultural Impacts	DATCP, NRCS
Archaeological Impacts	ACHP, SHPO/THPO, NPS, Tribes, local historical societies
Historical Impacts	ACHP, SHPO/THPO, NPS, Tribes, local historical societies
Hazardous Materials	WDNR, local units of government
National Forest	USFS, NPS
Threatened, Endangered or Rare Species	USFWS, WDNR, Tribes
Tribal Lands	Tribes, BIA
Parks	WDNR, NPS, local units of government
Airports	BOA
Structures Over Navigable Waters	USCG, WDNR, USACE, USFWS, potentially others
Significant Impacts of any Kind	EPA
Air Quality	WDNR, EPA, MPOs/RPCs
Noise	Local units of government
Section 4(f)	DOI, SHPO/THPO, local unit of government or other property owner
Section 6(f) or other special funding	WDNR, NPS, USFWS, DOI, USDA, NRCS, potentially others

Definitions of all acronyms can be found in [FDM 20-1 Attachment 1.1](#).

### 15.3.3 Public Involvement

Public involvement is an essential component of all levels of the NEPA and WEPA decision-making process during project development. Public involvement must be implemented in accordance with [FDM Chapter 6](#) on all projects administered by WisDOT, including those federally funded projects that are developed by local units of government or their consultants. For an ER, hold at least one Public Involvement Meeting (PIM) prior to completion of the document to allow public comments on the project to be included in the document. The ER also allows for a public hearing to be held based on criteria identified on Basic Sheet 3, Question 13.

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

A hearing, if warranted by the answers to the questions on Basic Sheet 3, Question 13, must occur prior to the final signature of the ER.

### 15.3.4 Alternatives Analysis

The identification, consideration, and analysis of alternatives are integral to the NEPA process and the goal of objective decision-making. Serious consideration of alternatives should lead to a solution that satisfies the transportation need and protects environmental and community resources.

Alternatives analysis should:

- Rigorously explore and objectively evaluate a reasonable range of alternatives. For alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated including how they do or do not address the project purpose and need.
- Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may also evaluate their comparative merits.
- Include reasonable alternatives not within the jurisdiction of the lead agency, if they could contribute to a solution such as modal options (such as bus, bicycle and rail).
- Include the alternative of no action.



- Identify the agency's preferred alternative, and justify the selection based on the information and evidence in the document.

Alternatives analysis should clearly indicate why and how the range of project alternatives was developed, including what kind of public and agency input was used. In addition, alternatives analysis should explain why and how alternatives were eliminated from consideration. It must be made clear what criteria were used to eliminate alternatives, at what point in the process the alternatives were removed (screened) and the measures for assessing the alternatives' effectiveness.

During preparation of NEPA documents, project sponsors should be candid about the rationale for generating, evaluating and eliminating alternatives. Being as specific as possible is important. If an alternative is eliminated from further consideration because it does not meet the purpose and need, adequate explanation must be provided.

All reasonable alternatives retained for detailed study, or the reasonable range of alternatives, should be considered and discussed at a comparable level of detail to avoid any indication of a bias towards an alternative(s).

There are times when an alternative that is not reasonable is included, such as when another agency requests inclusion due to public expectation. In such cases, it should be clearly explained why the alternative is being analyzed in detail, and why it will not be selected.

The no-build alternative, which may include measures to continue the function of the facility, must always be included in the analysis. In some cases, the no-build alternative may be a reasonable alternative, especially when the impacts of other alternatives are great and the need is relatively minor, but generally it serves as a baseline against which the other alternatives can be compared.

Transportation System Management (TSM) and Transportation Demand Management (TDM) alternatives may be considered as potential standalone design options or in combination with other build alternatives. Such alternatives may include high-occupancy vehicle lanes, ridesharing, signal synchronization and other actions. Also, where appropriate, mass transit options should be considered even when they are outside FHWA's funding authority.

Beyond the CEQ requirement of evaluating all, or a reasonable number representative of the full spectrum of reasonable alternatives, there are other requirements for analyzing alternatives. These requirements fall under Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. To address these requirements and conclusively demonstrate that some alternatives are not prudent or practicable, project sponsors must develop a well-justified purpose and need statement.

The use of land from a Section 4(f) protected property (such as a significant, publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site) may not be approved unless there is a finding of de minimis impact or a determination is made that there is no feasible and prudent alternative for such use. Many factors exist that could render an alternative not prudent, including cost and environmental impacts. If an alternative does not meet the action's purpose or need, then the alternative is not prudent, provided the purpose and need section can substantiate that unique problems will be caused by not developing the action.

If a proposed action is to be within a wetland or significantly encroaches upon a floodplain, a finding must be made that there is no practicable alternative to the wetland impact or floodplain encroachment.

Any alternative that does not meet the need for the action is not practical. If the action's purpose and need are not adequately addressed, specifically delineated, and properly justified; resource agencies, interest groups, the public, and others will be able to generate one or possibly several alternatives that avoid or limit the impact and appear practical. A well-described justification of the action's purpose and need may prevent long and involved negotiations or additional analyses demonstrating that an alternative is not practicable.

### **15.3.5 Environmental Effects**

The definition of the impacts that must be addressed and considered by federal agencies in satisfying the requirements of the NEPA process, which includes direct, indirect and cumulative impacts have been defined by CEQ regulations (40 CFR 1508.7 and 1508.8). Effects include:

- Direct effects, which are caused by the action and occur at the same time and place.
- Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
- Cumulative impacts, which are caused by incremental impacts from the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-

federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Effects and impacts are terms used interchangeably in the regulations and in this chapter. For ease of documentation WisDOT has divided effects into four broad categories and 25 subcategories of factors in considering development of a highway project:

1. Economic
  - a. General Economics
  - b. Business
  - c. Agriculture
2. Social and Cultural
  - a. Community or Residential
  - b. Indirect Effects
  - c. Cumulative Effects
  - d. Environmental Justice
  - e. Historic Resources
  - f. Archaeological Resources
  - g. Tribal Issues
  - h. Section 4(f), 6(f), or Other Unique Areas
  - i. Aesthetics
3. Natural
  - a. Wetlands
  - b. Rivers, Streams and Floodplains
  - c. Lakes or Other Open Water
  - d. Groundwater, Wells or Springs
  - e. Upland Wildlife or Habitat
  - f. Coastal zones
  - g. Threatened or Endangered species
4. Physical
  - a. Air Quality
  - b. Construction Stage Sound Quality
  - c. Traffic Noise
  - d. Hazardous Substances or Contamination
  - e. Stormwater
  - f. Erosion Control

WisDOT's Factor Sheets are used to assess these categories.

<https://wisconsin.gov/Pages/doing-business/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>

Unique factors not called out in specific Factor Sheets may become an issue on a project, such as invasive species, and will still need to be addressed in the document.

Effects may also include those resulting from actions which may have both beneficial and adverse effects, even if on balance the agency believes that the effect will be beneficial.

### **15.3.6 Environmental Commitments**

Summarize all agreements to mitigate adverse environmental effects beyond those found in the WisDOT Standard Specifications for Highway and Structure Construction in the Environmental Commitments section of



the document on Basic Sheet 8.

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

Also include any enhancements in the commitments. It is essential to outline these measures in the document and summarize how adverse environmental effects will be mitigated. Mitigation includes the entire process of avoidance, minimization and compensation for effects. For each potential environmental impact, clearly discuss the avoidance, minimization and compensation of the effects. Completion of all agreements concerning mitigation needs to be documented in the project file prior to construction of the proposed action. The completion of mitigation commitments should be documented in the project file.

### **15.3.7 Review and Approval Process**

Refer to tables in [FDM 20-35-1](#).

FHWA is the final reviewer and signatory of all ERs involving federal funds. BTS-EPDS is the final reviewer and signatory of all ERs involving no federal funds.