



FDM 20-55-1 Introduction

May 15, 2024

This guidance was moved from FDM Chapter 5.

Agency coordination is an essential part of environmental documentation and permitting. In this section, the term agency is used broadly to include Native American Tribes, agencies, boards, commissions, councils, offices, and other governmental or quasi-governmental entities including counties and municipalities. Native American Tribes and other federal, state, and, in some cases, local government agencies have regulatory responsibilities for resources under their jurisdiction and WisDOT transportation projects must comply with requirements. Through coordination with other agencies, project sponsors identify the regulatory responsibilities of the agencies and how to comply.

Agency coordination should begin as early as scoping. A critical initial step in a project's coordination efforts is to identify the agencies that have a regulatory responsibility or interest in the transportation project. During scoping, a list of agencies should be compiled and contact information identified. Timely, well thought out, and thorough agency coordination improves project delivery timelines and outcomes and helps avoid unanticipated discoveries of resources or project issues that could result in project delays.

Agency coordination is part of the overall communication plan for a project. Please refer to [FDM 2-20-10 Communications Management](#) for a discussion of communication from a project management perspective.

FDM 20-55-5 Federal Highway Administration

May 15, 2024

This guidance was moved from FDM Chapter 5.

5.1 Forest Highway Statewide Agreement

[Exhibit 5.1](#) 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.

LIST OF EXHIBITS

[Exhibit 5.1.....Forest Highway Statewide Agreement](#)

FDM 20-55-10 Federal Aviation Administration

May 15, 2024

This guidance was moved from FDM Chapter 5.

10.1 Federal Aviation Administration (FAA)

10.1.1 Basis for Coordination

Federal Regulation 14 CFR Part 77 relating to the safe, efficient use, and preservation of the navigable airspace requires notice to and coordination with the Federal Aviation Administration (FAA) for certain actions within defined proximity to airports. These actions include changes to or creation of traverse ways such as roadways, railways, and navigable waterways.

The established airport proximity guidelines contained in 14 CFR Part 77 are calculated based on existing and planned airport facilities, elevations and length of airport runways, elevations, and geographical locations of a project in relation to airport facilities, and other factors. **A simple lateral boundary or “buffer” around an airport is not sufficient in making a coordination determination due to the complexity in calculating whether 14 CFR Part 77 applies.**

See requirements under Wis. Stat. 114.134 and coordination requirements with the WisDOT Bureau of

Aeronautics (BOA).

10.1.2 Coordination Process

Coordination with the FAA takes place when there is a potential for substandard airway-highway clearances between a proposed highway project and existing or planned aviation facilities. The purpose of coordination is to prevent substandard clearances from occurring.

The project manager needs to ensure that coordination with FAA is completed as described below, including coordination on additional 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.

Assigned project personnel need to coordinate with the FAA when requested, as required in 14 CFR Part 77. In addition, FAA coordination is needed if any of the following types of construction or alteration (including temporary construction objects) are proposed:

- (a) Any construction or alteration that is more than 200 ft. above ground level (AGL) at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport.
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

It is understood that project designers may not have enough detail on construction methods or equipment heights/locations to be able to complete all needed FAA coordination during a project's design. However, coordination for construction equipment that exceed FAA notice criteria must still be completed prior to construction. The construction contractor may file this coordination, but ultimate responsibility for ensuring proper coordination and compliance remains with the WisDOT project Construction Manager.

Notice and coordination should be filed by assigned project personnel at the FAA's Obstruction Evaluation website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>) along with supporting data supplied by the transportation region. To assist project personnel and construction contractors in determining if a notice of proposed construction is required, use the "Notice Criteria Tool" on the FAA's Obstruction Evaluation website.

[FAA – How To Use Notice Criteria Tool Instructions](#)

FAA coordination staff contact information can be found here:

<https://oeaaa.faa.gov/oeaaa/external/public/aorMap.jsp>

A single project point entered into the FAA's Notice Criteria Tool is often not sufficient to adequately determine if a project should be coordinated with the FAA. The WisDOT Bureau of Aeronautics recommends checking multiple points within the project (suggest 1/3 to 1/2 mile increments) as well as any planned structures over 15 ft tall (i.e. signs, overhead utilities, roadway lighting, signals, or other structures).

[FAA – How To File Multiple Cases Off Airport User Instructions](#)

The FAA makes the ultimate decision regarding filing needs (point intervals, number and/or types of structures needing filing, etc).

For projects requiring FAA coordination:

A supplemental notice must be filed online at oeaaa.faa.gov during construction, to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA:

- (a) Within 5 days after the structure reaches its greatest height,
- (b) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned; and
- (c) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Coordination efforts with the FAA are only valid for timeframes specified in FAA responses. Additional coordination may be required if coordination documents expire. **All FAA coordination efforts should be validated by FAA within 180 days of construction start, including no coordination required findings.**

For projects proposed to be completed on airport property, 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 Secretary of the Wisconsin Department of Transportation (WisDOT) for the location of the proposed airport. For projects proposed to be completed on airport property, coordination between the Bureau of Aeronautics and the appropriate transportation region is needed for a clearance determination. This coordination is what forms the basis on which the certificate of approval is issued or denied.

10.1.3 Specific Results Intended

For proposed highway projects, it is vitally important to ensure the safety and compatibility between air and road traffic. This includes temporary objects or equipment needed to maintain or upgrade roadways.

It is essential to document coordination that has taken place throughout all phases of project development, design, construction and close out. Documentation would normally consist of exhibits in the environmental document detailing the correspondence between agencies and updated throughout the project cycle. Additional FAA determinations received after a final environmental document should be retained in the project file and project personnel should ensure that any environmental mitigation and commitments impacted are updated.

10.1.4 References

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

FDM 20-55-15 Public Land Management Entities

May 15, 2024

This guidance was moved from FDM Chapter 5.

15.1 Definitions

15.1.1 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)
 - 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)
 - Bureau of Indian Affairs (Indian Lands)

- Fish and Wildlife Service (Wildlife Refuges)
- National Park Service (NPS Units)
- Federal Power Commission (Project Lands)
- General Services Administration

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

15.2 Basis 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.

15.3 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.

15.4 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.

15.5 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 20-55-20 U. S. Department of Agriculture (USDA)

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This guidance was moved from FDM Chapter 5.

20.1 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.

20.2 Forest Service

20.2.1 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.

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." 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.

20.2.2 Coordination Process

When national forest lands are affected by or taken for highway use, the Memorandum of Understanding 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

20.2.3 Specific Results Intended

The Memorandum of Understanding 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.

20.3 Natural Resources Conservation Service (NRCS)

20.3.1 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.

20.3.2 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 website.

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.

20.3.3 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.

20.3.4 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 20.1](#) Memorandum of Understanding on Procedures Related to Highways over national Forest Lands
- [Attachment 20.2](#) Farmland Conversion Impact Rating

FDM 20-55-25 Department of The Interior (DOI) *May 15, 2024*

This guidance was moved from FDM Chapter 5.

Please see [FDM 20-30](#) and [FDM 20-45](#).

25.1 Bureau of Indian Affairs (BIA)

25.1.1 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 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."

25.1.2 Basis for Coordination

Federal Regulations, 25 CFR, Part 169, requires permission from the DOI Secretary to survey on Indian lands.

25.1.3 Coordination Process

Requests for early coordination, consultation on projects affecting Indian lands, and for permission to survey on Indian lands, except those of the Menominee, 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.

25.1.4 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.

25.2 U.S. Fish and Wildlife Service (FWS)

25.2.1 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.

25.2.2 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

25.2.3 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](#).

25.3 National Park Service

25.3.1 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.

25.3.2 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.

25.3.3 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 [FDM 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 20-55-30 U.S. Army Corps of Engineers

May 15, 2024

This guidance was moved from FDM Chapter 5.

30.1 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).

30.2 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 [FDM Chapter 20](#) for a detailed discussion of appropriate liaison requirements. Specially, see [FDM 20-50-5](#).

FDM 20-55-35 Advisory Council on Historic Preservation

May 15, 2024

This guidance was moved from FDM Chapter 5.

35.1 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.

35.2 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.

35.3 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.

LIST OF ATTACHMENTS

[Attachment 35.1](#) Listings of Special Coastal Areas

FDM 20-55-40 Department of Natural Resources (DNR)

May 15, 2024

This guidance was moved from FDM Chapter 5.

40.1 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>

40.2 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 [FDM 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.

40.3 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 [FDM Chapters 20](#), [21](#), [22](#) and [24](#) for additional information on specific DNR liaison requirements.

FDM 20-55-45 State Historical Society of Wisconsin

May 15, 2024

This guidance was moved from FDM Chapter 5.

45.1 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 [FDM 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).

45.2 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.

45.3 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 [FDM 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 20-55-50 Public Service Commission (PSC)

May 15, 2024

This guidance was moved from FDM Chapter 5.

50.1 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.

50.2 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 [FDM Chapter 18](#).

50.3 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 20-55-55 WisDOT Bureau of Aeronautics

May 15, 2024

This guidance was moved from FDM Chapter 5.

55.1 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.*)

Coordination with the Bureau of Aeronautics (BOA) is required when a proposed highway project is either:

1. Located in the Airport Approach Area as defined in TRANS 57; or
2. Is required to file notice to the Federal Aviation Administration (FAA) pursuant to 14 CFR Part 77 **and** the FAA issues a Notice of Presumed Hazard or requires mitigation by an airport in a Determination of No Hazard.

The BOA shall be notified of the project, as specified below, to ensure that applicable airway-highway clearances will be maintained.

Throughout this section of the FDM the term Airport refers to airports, heliports, seaplane bases, and ultra-light airport.

Project personnel need to consider other matters besides only highway alignment when coordinating with the BOA and/or FAA. Signs, overhead utilities, roadway lighting, signals, construction equipment and other associated structures can all infringe on airway-highway clearance and so, adversely affect airport operations and endanger the public in the air and on the ground. Additionally, stormwater designs within 5-miles of a PUBLIC-USE AIRPORT may present a wildlife hazard to aircraft on and around the airport.

55.2 Coordination Process

Coordination with the BOA should be initiated/reinitiated online at:

<https://forms.office.com/g/VgUAAcMG1c>.

Only electronic submittals to this online form will be evaluated and responded to. All BOA coordination under this section should be initiated AFTER coordination with the FAA, if required, has occurred and the FAA has issued their determination.

Project coordination should be reinitiated If project scope/design changes after initial coordination with the BOA. Questions about coordination procedures and assistance should be directed to BOAHighwayCoordination@dot.wi.gov.

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

1. Use the FAA's Notice Criteria Tool

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. The Bureau of Aeronautics recommends checking multiple points within the

project (suggest 1/3-to-1/2-mile increments) as well as any planned structures over 15 ft tall (i.e. signs, overhead utilities, roadway lighting, signals, or other structures). The FAA makes the ultimate decision regarding filing needs. For more information see FDM 5-2-5 FAA Coordination.

Contact the FAA Airspace Specialist with questions on using the FAA's Obstruction Evaluation Website and the notice of proposed construction filing process. Contact information can be found at: <https://oeaaa.faa.gov/oeaaa/external/public/aorMap.jsp>. Help and step by step instruction documents can be found at: <https://oeaaa.faa.gov/oeaaa/external/content/instructions.jsp>.

2. Consult the WisDOT BOA Coordination Tool for Transportation Projects (Webmap)

Use the online Webmap to see if the project is within an airport approach area as defined by TRANS 57 and/or within a Stormwater/Wildlife Hazard Notification Areas. The authoritative source for locating airports in Wisconsin for the purposes of coordination with the Bureau of Aeronautics pursuant to this section of the FDM is the WisDOT BOA Coordination Tool for Transportation Projects (Webmap) which can be found on the WisDOT Maps website or via the direct link below:

<https://wisdot.maps.arcgis.com/apps/webappviewer/index.html?id=f172d9be647c449686ffe48b37912823>

It should be noted that the use of commercial mapping services (i.e. Google Maps, Google Earth) shall not be used as the reference to locate current airport locations as these sources are commonly out of date for this type of information.

3. Notify PRIVATE-USE Airports

Any PRIVATE-USE AIRPORT that may be affected by a transportation project should be contacted the same way any other landowner would be contacted during the design phase of a highway project.

The BOA recommends contact if a highway project falls within two miles of a PRIVATE-USE AIRPORT.

Coordinate with the BOA if any of the following:

1. The FAA notes an impact to aviation facilities in a determination letter issued

If the project requires coordination with the FAA *and* any aviation impact is noted in the body or attachments of the determination letter(s), the BOA must be notified for evaluation of compatibility between transportation modalities. Most determination letters will include a header stating "No Hazard to Aviation", however the FAA reaches this conclusion by adversely limiting aviation activities in the area to mitigate potential hazards in some cases. These actions by the FAA may be counter to the investments the state and local communities have made in aeronautical facilities. Information regarding FAA hazard mitigation efforts would be found in the body and/or attachments of the determination letter.

Coordination with the BOA should occur after receiving a determination letter from the FAA which includes any adverse or limiting actions to aviation activities.

2. Within TRANS 57 Approach Area (Red trapezoids on Webmap)

If the project is located within the Airport Approach Area as defined in TRANS 57 then coordination should be initiated with the BOA. This coordination should be initiated at the earliest feasible time in the project cycle for which there is a reasonable confidence in the veracity and stability of the location and elevation data to be provided, including roadway surfaces, signs, overhead utilities, signals, or other structures.

3. Changes to Stormwater Facilities (Yellow buffer area on the Webmap)

Any project within a 5-mile radius of a PUBLIC-USE AIRPORT which impacts storm water detention /retention facilities (i.e. ponds, basins, constructed wetlands). This would also include any storm water facility that could attract waterfowl or create a wildlife hazard.

All such facilities should be designed and constructed in compliance with the current version of FAA Advisory Circular 150/5200-33 relating to wildlife hazards in the vicinity of airports. FAA Advisory Circulars can be found at https://www.faa.gov/regulations_policies/advisory_circulars/

4. Land Acquisition, Temporary and Permanent Easements

Any project which requires permanent or temporary easements or land acquisition of property designated as airport property at a PUBLIC-USE AIRPORT.

This property may be owned by a local municipality. Project managers must remain aware of the possibility that land owned by a municipality but in the immediate vicinity of a PUBLIC-USE AIRPORT may be designated as airport property by the municipality on an FAA approved Airport Layout Plan.

*This coordination may take place in **advance** of other BOA coordination efforts. Changes to property status, including temporary easements, require a lengthy property use approval process between the Airport, the Bureau of Aeronautics, and the FAA.*

Information requested in the online BOA Transportation Project Coordination Form:

1. Primary coordination point of contact name, email, and phone number
2. WisDOT project number, WisDOT Region, and County where project is located
3. Current stage in project development cycle (scoping, preliminary design, environmental, etc.)
4. Whether or not coordination for the project has been initiated previously
5. Estimated construction start
6. Description of the project in laymans terms –
 - a. Include the location of the project and what work is anticipated
 - b. Example: Hwy 97 between Fish Road and CTY B near Thistown, WI – Mill and overlay with crosswalk improvements
 - c. Example: HWY 24 bridge replacement over Full of Fish River near the intersection of HWY24 and Caught'em Road approximately 3 miles southeast of Thistown, WI
7. Nearest Airport and latitude/longitude of the closest point of the project to the nearest airport (dd mm ss.ss format)
8. Is project located within a TRANS 57 Approach Area
9. Will project modify or add storm water retention/detention with the Storm water and Wildlife Hazard Notification Area
10. Will project seek use of any PUBLIC-USE airport property through acquisition or easement?
11. Is coordination with FAA required (See FDM Section 5-2-10)
 - a. If so, has coordination been submitted and a determination letter received from FAA
 - b. If so, provide the aeronautical study number issued by the FAA
12. Any other comments project team wishes to communicate to BOA reviewers

55.3 Results Intended

The purpose of coordination with the BOA is to ensure intermodal compatibility between aeronautical facilities in the state and other modes of transportation. This process works to ensure adequate roadway/railway/other traverseway clearances with intersecting airways. This is most critical in areas immediately in the vicinity of airports and within runway protection zones, approach surfaces and departure surfaces. The information learned during the coordination process will help inform recommendations for the safety and protection of people and property in the air and on land, and to preserve the transportation funding invested in all modes of transportation in the state.

This guidance was moved from FDM Chapter 5.

WisDOT coordinates with two programs within the Department of Agriculture, Trade and Consumer Protection (DATCP), the Agricultural Impact Statement (AIS) Program and the Farmland Preservation Program.

60.1 Agricultural Impact Statement Program**60.1.1 Basis for Coordination**

Wis. Stat. 32.035 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 Wis. Stat. 32.035. Since virtually all lands acquired for highway purposes could potentially involve condemnation, the WisDOT developed a Memorandum of Agreement with the DATCP to establish a mechanism to address mutual concerns and procedures. See [FDM 20-45](#) for this agreement.

60.1.2 Coordination Process

The WisDOT region 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 and Water Resources in the DATCP as part of the preliminary engineering phase of their project. Project teams should refer to [FDM 20-45-40](#) determine the appropriate information to send to DATCP based on project impacts.

60.1.3 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. DATCP has 60 days within which to prepare an AIS once it has determined that all the information necessary to complete the AIS has been received.

60.2 Farmland Preservation Program**60.2.1 Basis for Coordination**

Per Wis. Stat. 91.66, WisDOT must coordinate with DATCP if properties enrolled in a farmland preservation agreement need to be acquired for a project.

60.2.2 Coordination Process

A title search will identify properties that are enrolled in a farmland preservation agreement. If properties with a farmland preservation agreement may be acquired for a State Trunk Highway project, the region or its consultant must notify the Bureau of Land and Water Resources in DATCP to discuss if a release is needed. County and local units of government or their agents developing transportation improvement projects administered by the WisDOT must coordinate directly with the DATCP to discuss if a release is needed.

Releases are needed prior to any construction activities related to the project that would materially violate the terms of the farmland preservation agreement. The release of lands covered by a farmland preservation agreement requires the landowner fill out the DATCP's Application to Remove (Release) Land From a Farmland Preservation Agreement and sign in the presence of a notary. A copy of the application can be obtained by contacting DATCP Farmland Preservation Program staff. A legal property description is needed to complete the release from a farmland preservation agreement, so requests are typically sent following the completion of the plat.

A release may be subject to a conversion fee defined under Wis. Stat. 91.66(1)(c). Acquisitions that result in WisDOT ownership of the right of way are exempt from the conversion fee under Wis. Stat. 84.01(34). If any entity other than WisDOT owns the right of way, the conversion fee will apply.

60.2.3 Specific Results Intended

The WisDOT's coordination with the DATCP results in release of property required for a transportation project from the farmland preservation agreement. Releases take about a month to process and are recorded at the Register of Deeds as part of the process.

This guidance was moved from FDM Chapter 5.

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

65.1 Plat Review Coordination**65.1.1 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.

65.1.2 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 [FDM 7-50](#), for a discussion of plat review).

65.1.3 Specific Results Intended

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

65.2 Coastal Management Program**65.2.1 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).

65.2.2 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.

65.2.3 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.

65.2.3.1 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.

65.2.3.2 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."

65.2.3.3 Categorical Exclusion (CE)

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

65.2.4 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 65.1](#) Wisconsin Coastal County Map

This guidance was moved from FDM Chapter 5.**70.1 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 ATCP 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.

70.2 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.

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 ATCP 48.34, which stipulates DATCP approval for construction projects and drainage alterations in districts. Under ATCP 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 ATCP 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.

70.3 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

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.

70.4 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 20-55-75 Floodplain Zoning Authority

May 15, 2024

This guidance was moved from FDM Chapter 5.

75.1 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).

75.2 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 20-55-80 Other States

May 15, 2024

This guidance was moved from FDM Chapter 5.

80.1 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.

80.2 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, IA 50319 |
| Michigan | Office of Intergovernmental Relations
Department of Management & Budget
Lewis Cass Bldg., Box 30026
320 S. Walnut
Lansing, MI 48933 |
| Minnesota | State Clearinghouse
Minnesota State Planning Agency
101 Capital Square Building
St. Paul, MN 55101 |

80.3 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.

80.4 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.