

Attachment to the DNR/DOT Cooperative Agreement

Memorandum of Understanding
by and between
the Wisconsin Department of Natural Resources (herein, DNR)
and
the Wisconsin Department of Transportation (herein, DOT)
on
Delegated DNR Design Concurrence

I. Purpose

DOT and DNR (herein, the agencies) have agreed that project types demonstrating a lack of waterway/wetland impacts and overall minimal environmental impact may satisfy eligibility and qualifying criteria requirements enabling the use of a delegated DNR design concurrence process that doesn't require interagency design coordination. The purpose of this attachment is to describe the situations where this delegated DNR design concurrence process may be utilized, describe the associated process to document qualifying projects and identify an evaluation system to ensure implementation consistency and measure success.

II. Background

The Cooperative Agreement (herein, COA) between the agencies establishes interdepartmental liaison procedures for DOT projects per s. 30.2022, Wis. Stats. These procedures require coordination between the agencies for all activities carried out under the direction and supervisor of DOT in connection with highway, bridge, or other transportation projects. More specifically, design coordination requires DNR to provide an Initial Concurrence Letter (IRL) per Part 2.2 (d) and Part 2.2(e) of the COA and Final Concurrence (FC) per Part 2.2(f) of the COA prior to WisDOT initiating construction activities. Language was included as Part 2.2(c) of the COA during the 2020 revisions to the COA which indicates the DNR may delegate concurrence to DOT if projects meet established requirements. It should be noted that in some cases Transportation Construction General Permit "coverage" is also required, however, this attachment does not establish any changes to that existing permit process.

The agencies initiated discussions in 2021 through a chartered team to determine if there was interagency agreement that a de minimis level of DOT project exists which would enable DNR to waive some of the interagency liaison procedures under the Cooperative Agreement based upon the lack of environmental impact. This team reached the conclusion that such a project likely existed relevant to design coordination but would need documentation to capture eligible projects and qualifying criteria in order to ensure that adverse environmental impacts, if any, are minimized as required by s. 30.2022. Projects that satisfy said eligibility and qualifying criteria do not require interagency design coordination (i.e. IRL, FC), but will require standard construction coordination (i.e. ECIP review, construction phases).

III. Coordination and Implementation Process

The procedures outlined below should be followed to provide consistency when applied in conjunction with the liaison procedures and principles that are outlined in the Cooperative Agreement (COA).

a. Project scoping and design engineering

For a project to utilize the procedures afforded under this attachment it must meet the project eligibility and all qualifying criteria detailed on the Delegated DNR Design Concurrence Certification Template (herein, the template). Projects that successfully document these situations are referred to as design delegated projects and do not require design coordination between the agencies. The template itself shall be completed by the WisDOT project manager, who will then provide the completed template to the WisDOT Region Environmental Coordinator (REC) for final certification. When the WisDOT project manager is a consultant, the WisDOT supervisor overseeing the consultant must sign the template. Executed design delegated project templates and supporting information shall be maintained by WisDOT as a record and provided to DNR upon request to demonstrate project certification.

b. Evaluation process

DOT shall maintain a list of all projects that utilize the delegated DNR design concurrence process and provide said list to DNR at least semiannually during interagency meetings for evaluation and discussion to ensure proper utilization to measure success.

IV. Post Award and Project Construction Coordination

All projects, including design delegated projects, shall utilize the standard ECIP coordination process outlined in the main body of the Cooperative Agreement. However, when DOT initiates the ECIP process for design delegated projects they shall denote the projects as such to alert the DNR Transportation Liaison (herein , TL) to avoid confusion. The TL may choose to make comments and recommendations for project implementation, but in most cases likely won't have comment given the nature of the projects. Similarly, throughout the construction phase the TL may engage the DOT project team as appropriate, but likely won't have much engagement given the nature of the projects.

V. Signatures

<p><small>DocuSigned by:</small>  <small>E78D5100CF19450...</small></p> <hr/> <p>Greg Pils, Bureau of Environmental Analysis & Sustainability Director Wisconsin Department of Natural Resources</p>	<p>1/10/2022 9:26 AM CST</p> <hr/> <p>Date</p>
<p><small>DocuSigned by:</small>  <small>5F484DF16092458...</small></p> <hr/> <p>Scott Lawry, P.E., Bureau of Technical Services Director Wisconsin Department of Transportation</p>	<p>1/10/2022 12:55 PM CST</p> <hr/> <p>Date</p>

Delegated DNR Design Concurrence Certification Template

(Revised 1/6/22)

Purpose Statement: The purpose of this certification template is to document Wisconsin Department of Transportation (WisDOT) projects that meet the below eligibility and qualifying criteria demonstrating a lack of waterway/wetland impacts and overall minimal impact to other environmental resources satisfying requirements for the delegated Wisconsin Department of Natural Resources (DNR) design concurrence process described under the Cooperative Agreement. Projects that satisfy said requirements do not require design review and concurrence with DNR, but will require standard construction coordination.

Roles: This template shall be completed by the WisDOT project manager, who will then provide the completed template to the WisDOT Region Environmental Coordinator (REC) for final certification. When the WisDOT project manager is a consultant, the WisDOT supervisor overseeing the consultant must sign the template. Executed templates and supporting information shall be maintained by WisDOT as a record and provided to DNR upon request to demonstrate project certification.

Project Information:

WisDOT Design and Construction IDs	Federal Project IDs (if available)	Legal Description (Township, Range, Section)	County
Project Name		Name of Route of Facility to be improved	
Template Preparer Name (WisDOT Project Manager)	Template Preparer Phone#	Template Preparer Email Address	
Briefly Describe Proposed Scope of Work			

Eligible Projects: Only those project-types designated as Perpetuation projects in PMM 05-10-05 (link below) are eligible for consideration of delegated DNR design concurrence. Projects with an Improvement Concept Code of MISC and all Traffic Improvement Concepts as identified in PMM 05-10-05 are also eligible for template screening consideration.

<https://iisgtwyp.wi.gov/ffm/pmm/05/05-10-05e.pdf> (must be on the DOT network or VPN)

Qualifying Criteria: Please answer the following project-based questions and note that any selection of "No" disqualifies the project for consideration of delegated DNR design concurrence.

- All project work is contained completely within the existing roadway shoulder to shoulder, curb to curb, or back of sidewalk to back of sidewalk, and all ground disturbance occurs in areas of manicured landscaping or regularly mowed grass.

Yes – Meets criterion

No – Project is disqualified

2. The project does not include ground disturbance or grading in a ditch or stormwater swale, including a center median ditch or swale.
 Yes – Meets criterion **No – Project is disqualified**
3. The project does not contain any work on a bridge structure, except for bridges over an existing roadway, railway, utility corridor or trail not containing any water.
 Yes – Meets criterion **No – Project is disqualified**
4. If the project area contains culverts, no work will take place on the culvert structure. Additionally, the project work shall be contained within the surface asphalt/pavement and will not disturb any gravel or basecourse material under the road surface within 20 feet of the culvert structure.
 Yes – Meets criterion **No – Project is disqualified**
5. The overall project, including all select sites comprises a total area of less than 1 acre of ground disturbance and will not require a Transportation Construction General Permit from DNR.

 Note: Ground disturbance for road and parking lot reconstruction is considered only when the pavement and base stone is removed to expose the subsoil, if the basecourse is not removed then it is not considered ground disturbance.
 Yes – Meets criterion **No – Project is disqualified**
6. All portions of the project are located outside Tribal lands held in fee, trust, allotted, or reservation status.
 Yes – Meets criterion **No – Project is disqualified**
7. The overall project will not temporarily or permanently acquire land or an interest in land or impact access to public lands, such as parks, recreational trails, wildlife refuges and/or state natural areas including public hunting grounds.
 Yes – Meets criterion **No – Project is disqualified**
8. A completed project screening utilizing the DNR NHI Public Portal returns an outcome of “No Further Action Necessary” OR “Project Meets No/Low ITA” indicating the project meets Table 1, section 1-A1,1-A2, 1-C1, 1-C2, 1-C3, 1-C4, 1-C5, 1-C6, 1-C7 or 1-C8 qualifying it for a Broad Incidental Take Authorization.
<https://dnr.wisconsin.gov/sites/default/files/topic/ERReview/bitpermit.pdf#page=6>
 Yes – Meets criterion **No – Project is disqualified**

Other Project Requirements: Use of this checklist does not exempt the project from following all applicable local, state and federal laws and regulations including asbestos, migratory bird treaty act, hazardous materials investigations and remediation protocols.

DOT's Project Managers shall consult with DOT Region Environmental Coordinators during completion of this criteria template.

Certification Statement: Upon executing signature below the identified parties represent all information to be true and accurate, reflecting the most updated project scope. Projects satisfying all eligibility and qualifying criteria hereby meet the intent of delegated DNR design concurrence and no further DNR design concurrence is required. Projects will still require standard construction coordination.

Disclaimer: Any change in project scope requires this certification form to be resubmitted and certified to reflect the most updated set of project details.

Template Preparer Signature: _____
WisDOT Project Manager or WisDOT Consultant Project Manager Supervisor

Print Name	Date
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REC Certification Signature: _____
Region Environmental Coordinator

Print Name	Date
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Note: Be sure to document that this template was used when you are entering environmental document information into the BTS Environmental Document Tracking SharePoint site.