

**Consulting Services Contract  
City of Waukesha – The Sigma Group, Inc.**

**Project Name: Environmental Services for the 2022 Surface Transportation Program (STP) St. Paul Avenue Reconstruction**

This Contract is by and between the City of Waukesha, a Wisconsin municipal corporation, referred to herein as the City; and The Sigma Group, Inc., referred to herein as the Consultant. Together, the City and Consultant are referred to as the Parties.

**Recitals**

The City published a Request for Proposals, referred to as the RFP, for consulting services in connection with the following Project:

**Environmental Services for the 2022 Surface Transportation Program (STP) St. Paul Avenue Reconstruction**

The RFP contained a specific Scope of Work to be incorporated into the successful bidder's contract.

The Consultant submitted a proposal in response to the RFP, and was selected by the City to be awarded the contract for the Project.

The Consultant is willing to perform consulting services according to the Scope of Work stated in the RFP and the Consultant's responsive Proposal, as modified by the Parties, and to accept the award of the contract for the Project.

Now, therefore, the City and the Consultant agree and contract as follows:

1. **Scope of Work.** The Consultant shall perform the Work described on Schedule A, according to the terms and conditions of this Contract. Schedule A is incorporated into this Contract by reference.
2. **Standard of Work.** Consultant will perform the Work according to generally-accepted industry practices and the highest standards of the professions of the individual employees performing the Work for Consultant.
3. **Payment.** The City shall pay to Consultant \$16,635.00 for performance of the Work in compliance with the terms and conditions of this Contract. Consultant shall invoice the City, monthly. No more than 90% of the Contract Price shall be payable before Consultant's Work is complete and delivered to the City. All invoices shall be payable net 30 days.
4. **Time.** Consultant shall commence the Work as promptly after execution of this Contract as is possible, and shall complete the Work no later than December 31, 2022, subject only to delays for circumstances beyond Consultant's control, provided Consultant re-commences work promptly in good faith upon the return of normal circumstances.
5. **Ownership of Work Product.** All materials produced in the performance of the Work shall be the sole property of the City, and shall be kept confidential and not disclosed to any third party without the prior written permission of the City.
6. **Changes.** This Contract can only be amended by the written, mutual agreement of the Parties. No change to the scope of the Work, or the total amount to be paid to Consultant, shall be effective unless done by the written mutual agreement of the Parties.
7. **Indemnification.** Consultant shall indemnify, defend, and hold the City and its officials and employees harmless from any and all third-party claims, demands, causes of action, lawsuits, judgments, penalties, and other liabilities of any kind to the extent that they arise out of or in connection with Consultant's performance of the Work, including court costs and actual attorney fees.

8. **Insurance.** Consultant shall maintain insurance of the following kinds and for not less than the following limits, at Consultant's sole expense, at all times during the performance of the Work. Policies shall be occurrence, and not claims-made, policies, except for professional errors and omissions policies. Consultant shall obtain an endorsement making the City an additional insured, and Consultant's insurance shall be primary, not excess, and non-contributory. All policies shall be from insurers licensed to issue such policies in Wisconsin. Upon the execution of this Contract, Consultant shall deliver a certificate of insurance to City showing that all requirements of this section are met.
  - a. Commercial general liability, including products-completed operations, \$1,000,000 per occurrence, \$2,000,000 aggregate per project.
  - b. Automobile liability, \$1,000,000 bodily injury, \$1,000,000 property damage.
  - c. Excess liability-umbrella, \$5,000,000.
  - d. Worker compensation, statutory requirements.
  - e. Professional liability-errors and omissions, \$2,000,000, with extended-reporting period endorsement.
9. **Record Keeping.** Consultant shall keep all documents and records generated in the performance of the Work for no less than 7 years after completion of the Work, and shall make them available to the City at the City's request. Consultant acknowledges that such documents and records may be subject to Wisconsin's Open Records Law.
10. **Cooperation by City.** The City shall cooperate with the Consultant in the performance of the Work, and shall respond timely to all reasonable requests for information and access.
11. **Parties Are Independent Contractors.** Nothing in this Contract shall be construed to create any relationship between the Parties other than independent contractors. Unless specifically provided in this Contract, the Parties are not agents for one another, have no authority to bind the other to contracts, and have no vicarious liability for the other's acts or omissions.
12. **Governmental Immunities, Liability Limits, and Notice Requirements Preserved.** Nothing in this Contract shall be construed to be a waiver or modification of the governmental immunities, notice requirements, or limitations of liability imposed by Wis. Stats. §893.80 or any other law.
13. **Permits and Licenses.** Consultant shall be responsible, at Consultant's expense, for obtaining all permits and licenses required for the performance of the Work.
14. **Assignment Prohibited.** This Contract, and the Consultant's responsibility to perform the Work under this Contract, may not be assigned by the Consultant without the City's written consent.
15. **Notices.** All notices required by this Contract, and all other communications between the Parties, shall be addressed as follows:

To the City:           Attention: Craig Ausen, P.E.  
                                   City of Waukesha  
                                   130 Delafield Street  
                                   Waukesha WI 53188

To Consultant:       Attention: Kristin Kurzka, P.E., P.G.  
                                   The Sigma Group, Inc.  
                                   1300 W. Canal St.  
                                   Milwaukee, WI 53233

16. **Corporate Authorization.** The individuals executing this Contract on behalf of the Consultant warrant and represent that they are duly authorized to bind the Consultant to this Contract. Consultant warrants and represents that the execution of this Contract is not prohibited by the Consultant's articles of incorporation, by-laws, operating agreement, or other internal operating orders, or by any applicable law, regulation or court order. Consultant shall provide proof upon request.
17. **Assistance of Counsel, Voluntary Contract.** The Consultant acknowledges that it has either had the assistance of legal counsel in the negotiation, review and execution of this Contract, or has voluntarily waived the opportunity to do so; that it has read and understood each of this Contract's terms, conditions and provisions, and their effects; and that it has executed this Contract freely and not under conditions of duress.
18. **Adequacy of Consideration.** The Parties acknowledge that the consideration expressed in this Contract is adequate and sufficient to make the obligations contained in this Contract binding upon the Parties.
19. **Costs of Enforcement.** The Parties agree that in the event legal action is necessary to enforce any term or condition of this Contract, then the breaching Party will pay the non-breaching Party's costs incurred in such legal action, including actual attorney fees. If a judgment is taken, then costs of enforcement will be added to the judgment, subject to statutory governmental immunities and liability limits.
20. **Severability.** If any term of this Contract is held unenforceable by a court having jurisdiction, then to the extent the unenforceable term can be severed from the remainder of this Contract without affecting the enforceability of the remainder of this Contract or substantially frustrating its purpose, it will be so severed, and the remainder of this Contract will remain in effect and enforceable.
21. **Survival and Parties Bound.** Unless specifically limited in this Contract, any term, condition or provision of this Contract will survive the execution of this Contract or any stated time periods, to the extent necessary for their performance. This Contract is binding upon, and inures to the benefit of, the Parties' successors, assigns, heirs, executors, trustees and personal representatives.
22. **Governing Law and Jurisdiction.** This Contract will be construed and enforced according to the laws of Wisconsin. If a lawsuit arises out of this Contract, it shall be filed in the state Circuit Court for Waukesha County, Wisconsin. The Parties consent to personal and subject-matter jurisdiction in Wisconsin, and waive all jurisdictional defenses.
23. **Integration, Construction of Contract.** This Contract constitutes the entire agreement of the Parties formed as a result of the City's RFP and the Consultant's responsive proposal. All other agreements and understandings of the parties with respect to the subject matter expressed in this Contract are unenforceable. If there are any conflicts among the terms of this Contract and any documents incorporated into this Contract, including Schedule A, then the terms of this Contract shall control.
24. **Termination.** Either party may terminate this Contract without cause by giving written notice of termination to the other party, with termination to occur no sooner than 20 days after delivery of the notice. Upon termination, Consultant shall be paid for all Work completed as of the date of termination.
25. **Limitation of Liability.** Consultant shall not be liable for incidental or consequential contract damages. There shall be no other limitations of Consultant's liability.
26. **Confidentiality; Public Records.** All documents created pursuant to this Contract, and all documents delivered to the City, are public records and will be subject to disclosure to the public under Wisconsin's Open Records law.
27. **Effective Date.** This Contract shall be effective as of the latest date of execution shown below.

**City of Waukesha**

\_\_\_\_\_  
By Shawn N. Reilly, Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Attested by Gina L. Kozlik, City Clerk  
Date: \_\_\_\_\_

To certify that funds are provided for payment:

\_\_\_\_\_  
Richard L. Abbott, Director of Finance  
Date: \_\_\_\_\_

**The Sigma Group, Inc.**

\_\_\_\_\_  
By (print name) \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
By (print name) \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

## SCHEDULE A SCOPE OF WORK

### Environmental Services

#### Categorical Exclusion Preparation:

Based on Sigma's initial evaluation of the project scope and our understanding of WisDOT protocols, a Class II Categorical Exclusion (CE) will need to be prepared in accordance with NEPA/WEPA policy in regard to transportation projects outlined in the WisDOT Facilities Development Manual (FDM) *Chapter 20: Environmental Documents, Reports and Permits*. Class II Categorical Exclusions (CEs) are prepared for actions that FHWA has determined do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement.

According to on *Programmatic Categorical Exclusion Section One - Table 1: Eligible Categorical Exclusion Project Types* and 23 CFR 771.117 the project meets the criteria. Sigma will prepare a Programmatic Categorical Exclusion (PCE) and associated documentation including factor sheets, as needed to supplement the PCE. A copy of the WisDOT PCE template has been included as **Attachment A**. The following elements will be included in the PCE.

- Factor Sheets (as needed).
- Project Map (with title, cardinal directions, legend, scale, and state locator).
  - Aerial photograph.
  - Project boundaries/limits.
  - Identify any public lands, waterways, and water bodies within or adjacent to the project boundary.
  - Identify existing and new conditions if the project includes additional right of way (ROW).
  - Additional maps as needed to demonstrate project eligibility.

*It is assumed DPW will prepare these project exhibits.*
- Appendices.
  - Studies.
  - Reports.
  - Agency coordination/documentation.
- Other documentation as necessary.

The WisDOT Programmatic Categorical Exclusion will be completed primarily by Sigma. Sigma recognizes the need to have a qualified specialist to evaluate and complete *Section 1.4, Tribal Lands*, and *3.3, Historic Properties*, of the Programmatic Categorical t h i s the work will be contracted directly by the City of Waukesha DPW and that the City has selected the University of Wisconsin-Milwaukee Cultural Resource Management to be the subconsultant. Sigma assumes that the subconsultant will be responsible for agency coordination and communication and completing Sections 1.4 and 3.3 with the necessary supplementary documentation. Sigma intends to work in a collaborative effort with the subconsultant to complete the PCE.

#### Agency Coordination and Communication

Sigma will prepare and submit Form DTNR0002 to the Wisconsin Department of Natural Resources (WDNR) for Initial Review and for Final Concurrence.

Coordination and communication with WisDOT will be performed by Sigma throughout the assessment process to ensure the most efficient reporting process is implemented.

Sigma will keep record and documentation of all agency correspondence to be included in the PCE.

### Public Involvement

Sigma assumes that the City of Waukesha will lead public involvement efforts. Sigma will participate in a Public Information Meeting, if needed.

### DPW Collaboration

Sigma requests DPW input for overall and task-specific project information including following:

- 30% plans.
- Public involvement documentation.
- WisDOT funding application, as appropriate.

It is our understanding that the above listed documents will be provided to Sigma.

DPW collaboration will be necessary in completing the PCE. DPW will provide input on *Section Two: Description of the Project and Alternatives*. In order to be consistent and accurate, Sigma and DPW will collaborate on completing the following sections:

- Project Description.
- Improvement Type.
- Alternatives.
- Agency/Local Unit of Government Coordination and Public Involvement.

### **Phase 1 Hazardous Materials Assessment**

A Phase 1 Hazardous Material Assessments (HMA) will be completed to satisfy environmental documentation requirements FDM 21-35-5, to limit WisDOT's environmental liabilities, avoid costly construction emergencies and delays, and address worker safety during construction. The HMA includes the research and documentation of sites exhibiting potential hazardous material threats to WisDOT project operations mainly right-of-way (R/W) acquisition and excavation requirements. Phase 1 activity will address project design scope and will yield results that will help deliver projects in both a cost efficient and environmentally friendly manner. A complete HMA will be prepared and include:

- Provides information required to determine the potential for contamination within the proposed WisDOT project limits.
- Addresses potential environmental liability.
- Evaluates the need for both further environmental investigation and the incorporation of special provisions into the construction contract.

### HMA Scope and Organization

The following provides the standard scope of the HMA for a WisDOT friendly project. By the nature of the assessment process, the findings of preceding tasks will lead and direct the investigation to subsequent tasks if necessary, depending on the findings. Recognize this is an iterative process through project planning, design, and real estate acquisition (if required). As project requirements are developed and refined, the HMA scope, schedule, and organization may need to be revised.

### Data Collection and Review

The HMA assessment initially involves collecting pertinent project information and available existing data concerning hazardous material issues throughout the project corridor. The proposed activities as defined in the FDM include:

#### *Preliminary Project Information and Construction Requirements*

- Obtain project description with location, street names, addresses.
- Collect preliminary design plans and base map/plan provided by DPW.
- Identify locations where property acquisition will be necessary for completion of the project.
- Determine the location and depth of any proposed excavation.
- Determine potential dewatering requirements.
- Obtain a USGS 7.5-minute quadrangle map of the corridor.

*Environmental Database Review: Searches include all sites within one-quarter mile of the project corridor.*

- WDNR Bureau for Remediation and Redevelopment Tracking System (BRRTS)\*
  - WDNR Leaking Underground Storage Tanks (LUST)\*
  - WDNR Spills\*
  - WDNR Environmental Repair Program (ERP)\*
  - Superfund sites in Wisconsin.
- WDNR Registry of Waste Disposal Sites, RR108.
- WDNR List of Licensed Solid Waste Landfills.
- WDNR Bureau of Remediation and Redevelopment GIS Registry for contaminated site closures\*
- Wisconsin Dept. of Safety and Professional Services (DSPS) Storage Tank Database (state registry of underground storage tanks [USTs] and above ground storage tanks [ASTs]).
- DSPS contaminated sites database.
- Other state and federal databases.

*Historical Land Use Information: These records provide critical information regarding former industrial, agricultural, or residential, etc., practices at sites throughout the project corridor.*

- Review WisDOT historical Plan Sets - these often show UST, AST and dispenser island locations, as well as descriptive names for commercial properties (these include as-built plans and plats and may be available from the regional Plat Coordinator or Records Coordinator).
- Review WisDOT historical aerial photography available from WisDOT Surveying and Mapping Section
- Review other available aerial photos from municipal and county records.
- Sanborn Fire Insurance Maps.
- Search municipal records of historical ownership, tax key information, parcel identification, building permits, and plans.
- Interview current and past property owners for further site history information.
- Review existing R/W permits for remediation systems, monitoring wells, manure pipelines, and other relevant features.

*Hydrogeology - Soils and Groundwater information: Soil types, soil properties including hydraulic conductivities, groundwater elevation, and groundwater flow direction are of primary concern when considering hazardous material issues.*

- Review hazardous material investigation reports previously completed for sites nearby (LUST, ERP, and other investigation or remedial action report files).
- Reference Wisconsin Geological and Natural History Survey (WGNHS) publications and well logs.
- Reference USDA County Soil Survey Books (some may also indicate mine tailings sites, tanks, landfills and disturbed soils) or the online Web Soil Survey.
- Review subsurface reports in the plans for bridge structures in the immediate area, if available, for preliminary soils and depth to groundwater information.

*Interviews:* Interviews often reveal former land use practices that are not recorded by sources described above. Furthermore, actual locations of contaminant sources (USTs, sludge pits, etc.) may only be available through an interview. Interviews should be documented.

- Interview the current and past property owners regarding current and past land use.
- Interview business owners, neighbors, and local historians and long-term residents.
- Obtain additional information from public officials.
- Fire Department (tank and spill recorders).
- Zoning and Building Inspection.
- Municipal or County Public Works Department including utility personnel.
- Municipal or County R/W permit coordinators.

*Regulatory Agency Files:* Previously published site investigation and remedial action reports for sites having hazardous material concerns within the project corridor provide valuable environmental documentation. These be reviewed in detail for any site that might impact R/W acquisition or excavation. They are available at the appropriate WDNR or Department of Safety and Professional Services region offices.

### Field Reconnaissance

A thorough field reconnaissance is critical to a complete Phase 1 Hazardous Materials Assessment. The field reconnaissance will include all portions of the project requiring a Phase 1 assessment and may focus on sites identified during initial data collection as outlined above.

Walk the project corridor and document all sites posing a potential hazardous material concern to WisDOT operations. Suspicious sites of concern should be noted and located on a project base map. Photograph and sketch sites with hazardous material concerns.

Interview the owners or operators of the properties of concern. Names and telephone numbers of these and others who may be referenced as sources of information should be documented and followed up with contacts. Ask those interviewed for names, addresses, and telephone numbers of any long-term residents who might share information regarding past land use activities in the project area.

*Data Evaluation:* Analyze information gathered during previous tasks to determine which sites of concern have the potential to affect R/W acquisition or excavation activities.

- Determine the potential for proposed acquisition parcels to contain a contaminant source and associated liabilities for investigation and remediation.
- Consider the depth of the contamination, site soil types, and the water table depth in relation to the depth of proposed excavations (e.g., storm sewer trenches or utility excavations).
- Follow up with additional data review and evaluation to determine project impacts for sites of concern.
  - Evaluate or refine the project design to better determine specific potential acquisition, excavation, and dewatering requirements adjacent to the sites of concern.
  - Where sites of concern have the potential to impact R/W acquisition or excavation activities, conduct further research in the form of interviews or supplemental regulatory filereview.
- Determine if the existing site data documentation will allow preparation of any required project special provisions.

### Conclusions and Recommendations Preparation

A complete HMA report will be prepared that documents investigation of hazardous material concerns throughout the project corridor. Conclusions and project recommendations will be prepared based on the HMA findings.



*Conclusions*

- Complete a WisDOT Phase1 Assessment Site Summary for all sites of potential hazardous materials concern (see Attachment 5.1).
- Note where sites of concern have the potential to affect project activities (acquisition, excavation, dewatering) and refer to specific project station locations, locating on plan sheets and base map.

*Recommendations will be made regarding the following:*

- The need for subsurface investigation (Phase 2, 2.5 or 3,) and notation of likely targets:
  - R/W acquisition areas.
  - Areas of significant excavation.
  - Grading areas.
  - Potential contaminant sources.
- The need for let contract special provisions and whether they can be written with information from the HMA
  - Acquisition liability considerations.
  - Address the potential for acquisition to include contaminant sources.
  - Railroad ties and other creosote treated timbers will require handling as a regulated solid waste.
  - Re-use of these materials on a project will require demonstration to WDNR that the addition of the creosote treated material to the fill will not create a new hazard to the environment.

**Environmental Costs**

The estimated cost to complete the proposed project is \$9,920. A detailed cost estimate is attached for your review. At no time will actual costs exceed those presented above for the specified scope without prior authorization from the DPW. Changes and/or additions to the scope will be discussed with the DPW prior to implementation.

COST ESTIMATE CITY OF WAUKESHA				
ST. PAUL AVENUE BETWEEN MADISON STREET AND NORTH STREET				
Project Reference #18622				
Item Description	Unit Price	Quantity	Units	Total Cost
<b>PROFESSIONAL SERVICES</b>				
Completion of WisDOT Programmatic Categorical Exclusion(PCE)				
Staff Engineer \$75.00		40	hours	\$3,000.00
Assistant Environmental Project Manager \$100.00		8	hours	\$800.00
Environmental Project Manager \$120.00		4	hours	\$480.00
			Subtotal	\$4,280.00
Phase I Hazardous Materials Assessment				
Staff Engineer	\$75.00	8	hours	\$600.00
Assistant Environmental Project Manager	\$100.00	30	hours	\$3,000.00
Environmental Project Manager	\$120.00	6	hours	\$720.00
			Subtotal	\$4,320.00
Coordination Plan / Public Information Meeting*				
Assistant Environmental Project Manager	\$100.00	6	hours	\$600.00
Environmental Project Manager	\$120.00	6	hours	\$720.00
			Subtotal	\$1,320.00
<b>PROPOSED PROJECT COST</b>				<b>\$9,920.00</b>

GEOTECHNICAL ASSESSMENT SERVICES

West St. Paul Avenue from Madison Street to North Street

PROJECT UNDERSTANDING

The City of Waukesha requested geotechnical engineering exploration to provide data needed for planning related to the reconstruction of West St. Paul Avenue between Madison Street and North Street, including utility replacement, new street lighting, traffic- signals, and an approximate 15-foot strip acquisition for new sidewalks, in accordance with Wisconsin Department of Transportation (WisDOT) protocols.

PROJECT TEAM

To complete the requested services, Sigma has teamed with Gestra Engineering, Inc. (Gestra). Gestra is a full-service geotechnical engineering firm with significant Wisconsin Department of Transportation (WisDOT) experience.

COST ESTIMATE

The estimated cost to complete the geotechnical assessment activities and asbestos inspections is as follows:

Geotechnical Exploration and Engineering	\$ 6,165.00
Detail provided in Appendix A	
Coordination and Project Management	
Project Manager 6 hrs @ \$105/hr	<u>\$ 600.00</u>
Total Estimated Project Cost	<u>\$6,715.00</u>

Project Information

The exploration section of W. St. Paul Avenue has 2 traffic lanes in the northbound direction and 1 traffic and 1 parking lane in the southbound direction. The street is fronted by a mix of residential, business, parking lots and city parks. Four roads intersect W. St. Paul Avenue over the length of the project. Small sections of Mountain Ave, W. North Avenue and Madison Street are part of the project scope.

The project will include the removal of the existing pavement, improving the subgrade as needed, construction of new pavement, and restoring concrete curbs, gutters, and sidewalks where necessary. The objective of the geotechnical exploration work is to explore the subsurface conditions to establish the soil design parameters to be used in the pavement design. It is our understanding that the vertical and horizontal alignment will not change significantly, less than 1 foot. Some widening of the sidewalk area may occur, but the roadways will stay within the current alignment.

Scope of Geotechnical Exploration Work

Based on our understanding of the project; GESTRA proposes that the following scope of work be performed:

1. Contact Diggers Hotline to identify the utility locations prior to drilling.

- Layout boring locations measured from site features, i.e. curbs and intersection roads. Field locations may be adjusted based on traffic pattern and utilities present. Elevations and coordinates of the boring locations will not be obtained.
- Subcontract traffic control to be set up during drilling. We anticipate lane closures will be required for the field work.
- Complete a total of six (6) Standard Penetration Test (SPT) soil boring to a depth of 8 feet. The field crew will drill through the pavement using a solid stem auger, a core will not be collected. Samples will be collected at 2-1/2-foot intervals to the termination depth. At the completion of drilling, the borehole will be abandoned per WDNR requirements and surfaced patched using bag mix concrete.

- Perform laboratory soil tests to assign classification and engineering properties to the soils encountered. Dependent upon the types of soils encountered, the testing may include the following: moisture and organic content, Atterberg limits and grain size analysis.
- Prepare a geotechnical engineering report presenting the field exploration and laboratory test results, provide pavement design parameters and recommendations to site preparation, drainage class, soil support rating, frost classification, resilient modulus, subgrade reaction modulus for subgrade soil profile and estimated subgrade parameters for use in the pavement design by others.

We understand City permits are not required for the exploration and surface repair is limited to the borehole created for the exploration.

Fees

Our estimate for the geotechnical investigation for the described scope of work is \$6,165.00. This includes:

For drilling, geotechnical testing, and geotechnical engineering services, subcontracted to GESTRA, the CONSULTANT's actual cost to GESTRA not to exceed \$ 6,165.00 for units delivered by GESTRA based on rates in the attached table.

Cost per Unit Table

Description	Est. Qty.	Unit	Unit Price	Total
<b>Field Costs</b>				
Mobilization	2	Each	\$ 350.00	\$ 700.00
Shallow Boring Set-up	6	Each	\$ 100.00	\$ 600.00
SPT Drilling (0-25')	48	per foot	\$ 12.00	\$ 576.00
Pavement Patch (Bag Mix Concrete)	6	Each	\$ 75.00	\$ 450.00
Traffic Control (sub)	1	Daily	\$ 1,100.00	\$ 1,100.00
Boring Layout	1	Lump Sum	\$ 500.00	\$ 500.00
<b>Lab Work</b>				
Review samples, create gINT logs	4	Hourly	\$ 98.00	\$ 392.00
Grain Size Analysis	2	Each	\$ 85.00	\$ 170.00
Atterberg Limits	2	Each	\$ 75.00	\$ 150.00
Water content	24	Each	\$ 7.00	\$ 168.00
Organic content	1	Each	\$ 25.00	\$ 25.00
<b>Office Hours</b>				
Coordination	3	Hourly	\$ 98.00	\$ 294.00
Project Engineer (Report Preparation)	8	Hourly	\$ 98.00	\$ 784.00
Senior Engineer (Report Review)	2	Hourly	\$ 128.00	\$ 256.00
<b>Total =</b>				<b>\$ 6,165.00</b>

**PROGRAMMATIC CATEGORICAL EXCLUSION****FOR STATE AND FEDERALLY FUNDED ACTIONS**

Wisconsin Department of Transportation

Revised July 2019

This template is an unlocked Word document. If any of the questions are altered in the process of completing these templates your Environmental Document will not be approved.

WisDOT Design and Construction IDs	Federal Project IDs (if available)	Legal Description (Township, Range, Section)	County
Project Name		Project Termini/ Location	
Name of Route or Facility to be Improved	Facility Classification	Improvement Type	
Estimated Project Cost in Year of Expenditure \$ (include R/W Cost)		Funding Source(s) (check all that apply)	
		<input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Local	
23 CFR 771.117(d) Project Type Number and Text (see Table 1 below)			
Section 4(f)			
<input type="checkbox"/> None <input type="checkbox"/> <i>de minimis</i> <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Net Benefit <input type="checkbox"/> Exception			
Right of Way Acquisition			
Total Acres	Fee Simple Acres	Permanent Easement Acres	Temporary Easement Acres
Number of Buildings Acquired			
<input type="checkbox"/> None      Vacant Buildings      Occupied Buildings			
Name of Individual/ Firm Preparing this Form			Project Start Date

**WisDOT Region Environmental Coordinator or BTS-EPDS Liaison**

I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Agreement. I further certify that I have reviewed this document and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b) and will not result in significant environmental impacts. I recommend this CE for approval.

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Print Name)\_\_\_\_\_  
(Date)**WisDOT Region or Central Office Project Manager**

I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. I approve this CE.

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Print Name)\_\_\_\_\_  
(Date)

## Section One: Introduction & Regulatory Requirements

### 1.1 Purpose and Eligibility

The FHWA – WisDOT Categorical Exclusion Programmatic Agreement (Agreement) allows WisDOT to make categorical exclusion (CE) determinations on FHWA's behalf for certain projects listed in 23 CFR 771.117(d) when the projects do not exceed the environmental impact criteria specified in the Agreement. The Programmatic Categorical Exclusion (PCE) is the acceptable form of documentation for these projects. While the PCE is based on the Agreement with FHWA, it may also be used to document certain projects that require only state and/or local funding and approvals.

The actions described in Table 1 are eligible for PCE consideration if (1) they meet the definitions of an action, (2) they do not include significant impacts, (3) they do not include unusual circumstances that warrant the preparation of an Environmental Report (ER), Environmental Assessment (EA), or Environmental Impact Statement (EIS), and (4) they do not exceed the environmental impact thresholds specified in the Agreement. Any project that does not meet these criteria or that has been determined to have substantial controversy based on environmental grounds is not eligible for PCE consideration.

A determination that this project satisfies the criteria for a PCE does not relieve the applicant of the requirement to comply with other laws and regulations including, but not limited to, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act. Coordination to comply with these other laws may require FHWA involvement. Furthermore, designation of this project as a PCE does not relieve the requirement for WisDOT to coordinate with WDNR under the Cooperative Agreement. Any correspondence or documentation used to comply with federal, state, or local laws or regulations should be maintained in the project file and provided with this checklist upon request.

23 CFR 771.117(d)(13) allows the actions described in 23 CFR 771.117(c)(26-28) to be processed as (d)-list actions if they do not meet the criteria in 23 CFR 771.117(e). An action that does not meet the criteria in paragraph (e) may be documented with a PCE *unless* it is disqualified by the environmental impact criteria of Section VII.A. of the Agreement, which are reflected on this PCE form. If an action fails to meet both sets of criteria, it must be documented with an ER, EA, or EIS, as applicable.

**Table 1: Eligible Categorical Exclusion Project Types**

<p><b>23 CFR 771.117(d)</b></p> <p>(1-3) Reserved</p> <p>(4) Transportation corridor fringe parking facilities.</p> <p>(5) Construction of new truck weigh stations or rest areas.</p> <p>(6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.</p> <p>(7) Approvals for changes in access control.</p> <p>(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.</p> <p>(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.</p> <p>(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.</p> <p>(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.</p> <p>[Note: 23 CFR 771.117(d)(12) "Acquisition for hardship or protective purposes" may not be processed with a PCE]</p> <p>(13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.*</p>
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*\*23 CFR 771.117(c)(26-28) appear below. If processing a project of this type with the PCE, use number (d)(13) and the appropriate CE type description where necessary.*

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

## 1.2 Project is a Complete FHWA Action

Check all boxes that apply to the proposed project. To process your project with this checklist, you must be able to check all boxes.

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

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

## 1.3 Unusual Circumstances

Check all boxes that apply to the proposed project. If any boxes in this section are checked, evaluate the scope of the project and coordinate with FHWA regarding the completion of more detailed environmental documentation.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts
- (2) Substantial controversy on environmental grounds – project is ineligible for PCE
- (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act
- (4) Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action
- Other unusual circumstances not listed in FHWA regulations (describe below)  
*(In Wisconsin, auxiliary lane and capacity expansion projects that are proposed for processing with this checklist are examples of unique or unusual circumstances and will require consultation with FHWA before proceeding with the project.)*

Describe any unique or unusual circumstances and subsequent coordination with FHWA:

## 1.4 Tribal Lands

For projects, regardless of project type, located partially or entirely on Tribal lands in trust, allotted, or reservation status, WisDOT Region staff shall consult with BTS-EPDS staff prior to preparing PCE documentation. In certain cases, the involvement of Tribal land may warrant preparing higher level environmental documentation (e.g. ER instead of PCE) than what is normally required by the FHWA – WisDOT CE Agreement. WisDOT BTS-EPDS staff will ensure adequate Tribal consultation by WisDOT and engage FHWA in consultation when necessary.

Describe any Tribal coordination:

## 1.5 Preparing the Programmatic Categorical Exclusion

Once eligibility has been determined for a project, the PCE and associated documentation can be assembled. Each PCE document must include the following:

- ✓ Factor Sheets (as needed)

- ✓ Project Map (with title, cardinal directions, legend, scale, and state locator)
  - Aerial photograph (preferred)
  - Project boundaries/limits
  - Identify any public lands, waterways, and water bodies within or adjacent to the project boundary
  - Identify existing and new conditions if the project includes additional right of way (ROW)
  - Additional maps as needed to demonstrate project eligibility
- ✓ Appendices
  - Studies
  - Reports
  - *De Minimis* or Programmatic Section 4(f) documentation
  - Agency coordination/documentation
- ✓ Other documentation as necessary

**Section Two: Description of the Project and Alternatives**

**2.1 Project Description**

Provide a brief description of the proposed action. Include a discussion of the purpose and need (e.g. system linkage(s), transportation demand, legislation, social demands or economic development, modal interrelationships, safety, and roadway deficiencies as applicable).

**2.2 Improvement Type**

Identify the number and text of the 23 CFR 771.117 (d)-List project type (see Table 1) and provide a brief description of how the project fits this CE.

**2.3 Alternatives**

Provide a brief description of any alternatives considered for this project, if multiple alternatives were considered.

**2.4 Agency/Local Unit of Government Coordination and Public Involvement**

Provide a brief description of coordination conducted with agencies and local unit(s) of government. Describe any unresolved issues and how they will be resolved. Attach evidence of agency and local unit of government coordination as applicable.

Provide a brief discussion of public involvement efforts. Describe any concerns expressed, how those concerns were resolved and how any unresolved concerns will be resolved.

**Section Three: WisDOT Programmatic Categorical Exclusion Criteria**

**3.1 Right-of-Way Acquisition**

Right of way (ROW) for the proposed action may be acquired by fee simple purchase, permanent or temporary easement, right of entry, gift, or other means.

Will additional ROW be acquired?

- No
- Yes

If yes, provide the number of ROW acres to be acquired below and identify the acquisition(s) on the project map.

- Fee simple purchase -        acres
- Permanent easement -        acres
- Temporary easement -        acres

- Right of Entry -        acres
- Gift -        acres
- Other, additional description:

**3.2 Displacement or Relocation**

A project is ineligible to use the PCE if any displacements or relocations occur as a result of the project. Vacant buildings that are not significant historic resources may be acquired.

Does the project require any displacements?

- No
- Yes – project is ineligible for PCE unless building is vacant

**3.3 Historic Properties (cultural resources) Note: For projects with no federal participation, complete this section. For projects with federal participation, skip this section and complete Section 4.5 of this form.**

The state register of historic places includes districts, sites, buildings, structures, and objects which are significant in national, state, or local history, architecture, archaeology, engineering, and culture. A project is ineligible to use the PCE if it will adversely affect a property listed on the state register.

Does the project affect any historic properties on the state register?

- WisDOT has determined the proposed action will not affect a property that is listed on the state register or on the list of locally designated historic places under Wisconsin Statutes 44.45.
- WisDOT in consultation with the SHPO has determined the proposed action will not adversely affect a property that is listed on the state register or on the list of locally designated historic places under Wisconsin Statutes 44.45 (see attached documentation).
- WisDOT has determined its proposed action will have an adverse effect a historic property – project is ineligible for PCE.

**3.4 Wetlands, and Surface Waters**

When a project results in placement of fill into a wetland, stream, lake, or other water of the United States below the ordinary high-water mark (OHWM), a permit is required from the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act. The USACE may issue a General Permit if specific criteria are met.

Will fill be added to the waters of the United States, including below the OHWM?

- No
- Yes (include appropriate Factor Sheet(s))

If yes, begin WDNR and USACE coordination and indicate type of permit under consideration for the action.

- USACE 404 General Permit
- USACE 404 Individual Permit – project is ineligible for PCE

If a Section 404 permit is required, include the WDNR letter with the specified Section 401 action and status of Section 401 Water Quality Certification in the appendix.

- Waived
- Section 401 Action pending final plan and/or erosion control plan
- Granted
- Granted with conditions – include a copy of the permit with the PCE
- Denied – project is ineligible for PCE

**3.5 Agriculture**

The Department of Agriculture, Trade and Consumer Protection (DATCP) should be notified of any project which may involve the acquisition of land from a farm operation (see FDM 20-45-35).

Do land acquisitions from farm operations require preparation of an Agricultural Impact Statement (AIS)?

- Does not apply – no acquisitions from farm operations
- No – DATCP has been notified of non-significant farmland acquisitions



- No – Form DT1999, Agricultural Impact Notice has been sent to DATCP and DATCP has determined an AIS WILL NOT be prepared.
- Yes – Form DT1999 has been sent to DATCP and DATCP has determined an AIS WILL be prepared – project is ineligible for PCE

### 3.6 Air Quality

Projects must be consistent with the State Implementation Plan (SIP) for air quality. Projects in air quality nonattainment and maintenance areas must be demonstrated to conform to the SIP. Check the appropriate box and proceed accordingly.

- The project is in an area designated as attainment for all transportation-related criteria air pollutants. The project is not subject to transportation conformity requirements. No further analysis is required.
- The project is in an area designated as nonattainment or maintenance for one or more transportation-related criteria air pollutants. Proceed with the following analyses for regional and project level transportation conformity.

#### Regional Conformity

Regional conformity is required for projects in counties designated as nonattainment or maintenance for ozone or PM<sub>2.5</sub>. If the project occurs in a nonattainment/maintenance county or area, check the appropriate box and include appropriate documentation in the appendix (if needed).

- The project is exempt from conformity per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. No further analysis is needed.
- The project is exempt from regional emissions analysis requirements per 40 CFR 93.127.
- The project is located within a Metropolitan Planning Area and included in the current approved Metropolitan Planning Organization (MPO) Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). The RTP and TIP were determined to conform by FHWA and FTA. Provide the MPO name, RTP name, TIP name and TIP number. The MPO name, RTP name, TIP name and TIP number should be provided in the box below and must be included if this box is checked:
- The project is located outside of a Metropolitan Planning Organization's boundaries and has received a conformity determination by FHWA per the rural conformity section of the WisDOT/WDNR Memorandum of Agreement. Provide conformity finding dates:
- The project is non-conforming – project is ineligible for a PCE.

#### Project Level Conformity

Projects in fine particulate matter (PM<sub>2.5</sub>) nonattainment and maintenance areas are also subject to PM<sub>2.5</sub> project hot spot conformity requirements. A PM<sub>2.5</sub> hot spot analysis is required to support a project level conformity determination for projects of local air quality concern. A determination of local air quality concern is made by the Wisconsin Transportation Conformity Working Group (WTCWG).

- The project is not located in a PM<sub>2.5</sub> nonattainment or maintenance area. No further analysis is required.
- The project is exempt from conformity per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. No further analysis is needed.
- The project has been screened in accordance with the WisDOT Project Level Conformity PM<sub>2.5</sub> Screening Checklist and (check one of the following as applicable):
  - Determined not to be a project of local air quality concern. Include the screening checklist in the appendix.
  - Referred to interagency consultation with the WTCWG resulting in a determination that the action is not a project of local air quality concern. Include the project analysis and WTCWG determination in the appendix.
  - Referred to interagency consultation with the WTCWG resulting in a determination that the action is a project of local air quality concern – project is ineligible for a PCE.

### 3.7 Noise

Is this a Type I project (see FDM 23-10-1.1) for noise, thus requiring a noise analysis?

- No – the project does not meet the Type I project criteria
- Yes – a noise analysis has been performed and no impacts have been identified (attach Traffic Noise Factor Sheet)
- Yes – a noise analysis has been performed and impacts will occur – project is ineligible for PCE

Sections 107.8 (6) and 108.7.1 of the WisDOT Standard Specifications for Highway and Structure Construction provide standard specifications for construction sound including hours of operation and equipment requirements. Will any Special Provisions, not including changes to the hours of operation, be required for mitigating construction sound impacts?

- No  
 Yes – project is ineligible for PCE

### 3.8 Contaminated Sites

Acquisition of contaminated sites with hazardous materials or waste is the responsibility of the acquiring agency.

Will properties with hazardous materials or wastes be acquired for this project? If yes, contact the REC or the BTS-ESS specialist for guidance on how to proceed.

- No  
 Yes

Will a utility or other infrastructure be installed in, or adjacent to a contaminated property?

- No  
 Yes

Are there conflicts with project construction according to the Utility Accommodation Policy (UAP)?

- No  
 Yes

If yes, describe how conflicts with the UAP be managed.

Will the project include rehabilitation, reconstruction, or replacement of an existing bridge structure?

- No  
 Yes

Is asbestos present? If yes, include any required special provisions in the appendix.

- No  
 Yes

Include any special provisions in the appendix to address contamination that may be encountered within the right of way during construction, e.g., contaminated soil disposal, installation of contaminant migration barriers, or management of contaminated groundwater during construction dewatering.

### 3.9 Threatened, Endangered and Protected Resources

Threatened and endangered species and their critical habitat are protected by both state and federal laws. The Wisconsin Department of Natural Resources (WDNR) can provide information on these species. Include a copy of the WDNR coordination in the appendix. The United States Fish and Wildlife Service (USFWS) is responsible for federally listed threatened and endangered species. Complete the Threatened, Endangered and Protected Resources Factor Sheet to document coordination and determination finding.

Will the project result in a determination of "may affect, likely to adversely affect" for any threatened or endangered species or critical habitat?

- No  
 Yes – project is ineligible for PCE

### 3.10 Bald and Golden Eagle Protection Act (BGEPA)

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. WisDOT will coordinate with WDNR to identify known eagle nesting areas near the project prior to commencing construction. More information can be found at <https://www.fws.gov/midwest/eagle/protect/laws.html>

Has eagle habitat and a nesting site(s) been identified in the project area?

- No
- Yes – Coordination with WDNR and USFWS has indicated their concurrence that the proposed project WILL NOT result in a take or disturbance of the habitat or nest(s)
- Yes – Coordination with WDNR and USFWS has indicated their concurrence that the proposed project WILL result in a take or disturbance of the habitat or nest(s) – project is ineligible for PCE

### 3.11 Access Control

Access controls are used to maintain traffic operations, facilitate orderly development, and promote safety along a highway system. Under the PCE, minor adjustments in access for individual parcels are acceptable, but may require additional consultation prior to proceeding with the PCE.

Does the project include any access modifications?

- No
- Yes – check all boxes that apply and provide a brief description of the access changes below. Attach an aerial photograph of the project clearly showing access modifications.
  - Existing access will be changed through minor regrading or minor longitudinal shifts along the same alignment. The number of access points will not change.
  - Existing access points will be consolidated or relocated to a different road, but access to all parcels will be provided. Requires consultation with FHWA before proceeding with PCE if the project is federally-funded and the access modification is controversial (document below).
  - New access will be provided where none currently exists. Requires consultation with FHWA before proceeding with PCE if the project is federally-funded or with the REC or EPDS liaison if the project is state-funded only (document below).
  - The access modification will occur on the Interstate Highway System – project is ineligible for PCE.
  - All access to a parcel will be removed and will not be replaced – project is ineligible for PCE.

Describe project access changes and required consultation:

### 3.12 Consistency with Existing Plans

Projects must be included in and consistent with the most recent version of Statewide Transportation Improvement Program (STIP), and the Transportation Improvement Program (TIP) if the project is located within the boundaries of one of Wisconsin's fourteen Metropolitan Planning Organizations (MPO). Projects must also be compatible with other plans approved at the region, county and local level.

Describe the applicable plans (e.g. State Transportation Improvement Program, Regional Transportation Plan, Transportation Improvement Program (TIP), local land use plan, bike/ walkway plan, etc.) for the area in which the action is proposed. Include the plan name, approval date(s), TIP number and other plan information as applicable. Identify whether or not the proposed action is consistent with the identified plan. If the proposed action is not consistent with an identified plan, the project is ineligible for PCE.

### 3.13 Floodplains

Projects that require work encroaching on a regulatory floodway or any work affecting the base floodplain (100-year flood) elevations of a water course or lake are ineligible to use the PCE.

Will the proposed action cause changes to the floodplain?

- No
- Yes – project is ineligible for PCE

### 3.14 Section 6(f) or Other Unique Properties

Special protections exist for public lands, including, parks, fishing access areas, and wildlife management areas purchased or improved using federal funding sources under Section 6(f) of the Land and Water Conservation Act of 1965 (LAWCON or LWCF),

Dingle/Johnson funds (Federal Aid in Fish Restoration Act), or Pittman/Robertson funds (Federal Aid in Wildlife Restoration Act). Special protections may also apply to other uniquely-funded lands such as those purchased under the Knowles-Nelson Stewardship Program, Wetland Reserve Program and the North American Wetlands Conservation Act. The Regional WDNR Liaison can determine if these funding sources were used to acquire the property. Projects that acquire property from Pittman/Robertson, Dingle/Johnson, LWCF or other uniquely-funded lands are not eligible for a PCE.

Will the project acquire any lands purchased or improved with LWCF, Dingle/Johnson, or Pittman/Robertson funds or other uniquely-funded lands?

- No
- Yes – project is ineligible for PCE

### 3.15 Groundwater, Wells, and Springs

Is there potential for the project to have an impact on groundwater (including dewatering), springs, or wells (including groundwater monitoring wells from remediation projects) located in the project area?

- No
- Yes – Contact the REC or BTS-EPDS liaison to determine if the level of impact results in the project being ineligible for PCE.

Description of impacts:

### 3.16 Environmental Justice

The President's Executive Order 12898 on Environmental Justice requires each Federal agency, to the greatest extent practicable and permitted by law, to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects or economic effects, of its programs, policies, and activities on minority populations and low-income populations.

Will this project result in a disproportionately high adverse effect to a low-income population or a minority population?

- No
- Yes – project is ineligible for PCE

Describe steps taken to identify minority and low-income populations:

## Section Four: Federal-Aid Criteria

### 4.1 Federal-Aid Criteria

Projects that receive funding or require an approval from FHWA must meet additional federal-aid criteria. In certain circumstances, projects with no FHWA funding or approvals, may still need to meet selected criteria below depending on whether another federal agency is involved and the scope of its involvement.

Will the project require funding and/or an approval from FHWA?

- No – checklist is complete
- Yes – proceed with Section 4

### 4.2 Section 4(f)

Section 4(f) of the US DOT Act of 1966 protects significant historic sites, parks and recreation areas, and waterfowl and wildlife refuges. Section 4(f) prohibits the "use" of these resources by a transportation project unless there is no feasible and prudent avoidance alternative and the action includes all possible planning to minimize harm, or FHWA determines that the use will have a *de minimis* (minor) impact. Use of Section 4(f) property occurs when: (1) land is permanently incorporated into a transportation facility; (2) there is a temporary occupancy that is adverse; or (3) there is a constructive use of the Section 4(f) property. Projects may include a use of Section 4(f) property only if it is *de minimis* or meets the criteria of one of the Section 4(f) programmatic evaluations (except the Programmatic Evaluation for Historic Bridges).

Does this project result in a use of Section 4(f) property?

- No – Section 4(f) resources are not present in the project area.
- No – Section 4(f) resources are present, but the project does not result in use of Section 4(f) resources.
- No – a Section 4(f) exception applies (see 23 CFR 774.13). Provide a description of the exception below.
- Yes – type of Section 4(f) documentation is indicated below.

Description of Section 4(f) exception:

If a Section 4(f) use will occur, indicate the type of Section 4(f) evaluation or determination that applies. Complete the Section 4(f) Factor Sheet and include the Section 4(f) documentation in the appendix. The Section 4(f) evaluation or determination will require review and approval by FHWA prior to the WisDOT approval of the PCE. A draft of the PCE should be sent to FHWA as supporting documentation for their Section 4(f) review.

- De Minimis* impact determination
- Programmatic for Independent Walkway and Bikeway Construction Projects
- Programmatic for Minor Involvement with Historic Sites
- Programmatic for Minor Involvement with Parks, Recreation Areas, and Waterfowl and Wildlife Refuges
- Programmatic for Net Benefits to a Section 4(f) Property
- An Individual Section 4(f) Evaluation is required – project is ineligible for PCE

#### 4.3 Farmland

The U.S. Farmland Protection Policy Act requires coordination with the U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS) whenever a project receives a score 60 or more points in Part VI of form AD-1006, Farmland Conversion Impact Rating or form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects. If additional coordination with NRCS and final completion of either form results in a score of more than 160 points, there is potential for adverse impacts to farmland

Does the completion of either NRCS form identified above result in a score greater than 160 points?

- Does not apply – the project does not impact farmland
- No
- Yes – project is ineligible for PCE

#### 4.4 Historic Properties (cultural resources)

Historic properties (cultural resources) are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places maintained by the National Park Service.

Does the project affect any historic properties?

- There are no historic properties in the area of potential effect (APE).
- A determination of "no potential to effect historic properties" or "no adverse effects to historic properties" has been reached. Documentation may include a Documentation of No Adverse Effects, a WisDOT form DT1635 or a "screening list" decision and commitments (add to Section 5 Commitments).
- The proposed project will have adverse effects to historic properties – project is ineligible for PCE.

#### 4.5 Wild and Scenic Rivers

Lands and waters of rivers designated as Wild and Scenic Rivers by the U.S. Government have special protections.

Does the project require construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/ U.S. Department of Agriculture?

- No
- Yes – project is ineligible for PCE

#### 4.76 U.S. Coast Guard Permits

Under Section 9 of the Rivers and Harbors Act of 1899, the United States Coast Guard requires permits be obtained for bridge projects over navigable waters which are generally tributary to the Great Lakes or the Mississippi River. See Procedure 20-50-1.3 and 20-50-1.4 of the WisDOT Facilities Development Manual for a list of waters covered by Section 9.

Will the project require a permit from the United States Coast Guard (USCG)?

- No
- Yes – project is ineligible for PCE

**Section Five: Environmental Commitments**

Identify and describe any avoidance, minimization or compensation measures (commitments) in detail. Be specific on what needs to happen and specifically where on the project. Indicate when the commitment should be implemented and who in WisDOT is responsible for fulfilling each commitment (Project Manager, Environmental Coordinator, etc.). Please note if the commitment will be indicated on the final plan, recorded in the Plans, Specifications and Estimates (PS&E), under special provisions in the final plan set, in construction notes, or some other written format. Attach a copy of this completed matrix to the design study report and the PS&E submittal package. Be sure to capture all commitments for each factor listed below and update it if further commitments are made after the Environmental Document is signed.

Factor	Commitment (If none, include N/A)
Business and Economics	
Community	
Aesthetics	
Agriculture	
Relocations	
Indirect Impacts	
Cumulative Impacts	
Environmental Justice	
Historic Properties	
Burial Sites	
Tribal Lands	
Section 4(f)	
Section 6(f) or Other Specially Funded Lands	
Wetlands	
Surface Water Resources	
Floodplains	
Groundwater, Wells and Springs	
Coastal Zones	
Unique Wildlife and Habitat Concerns	
Threatened and/or Endangered Species	
Air Quality	
Construction Sound	
Traffic Noise	
Hazardous Substances, Contamination and Asbestos	
Stormwater	

Erosion Control	
Other:	
Other:	

Factor Sheets Attached (in order of reference within the document):

Other Attachments (in order of reference within the document):