



## 1.0 Introduction

Complete an environmental review (coordination) for a utility project or relocation in state trunk highway (STH) right-of-way (ROW) as part of the WisDOT utility permit application process.<sup>1</sup> The coordination is associated with question 17 on form [dt1553](#). This subject provides guidance for a utility owner (or designee) to complete the required coordination along with an environmental checklist (Checklist) to use and submit with the application.

## 2.0 Environmental Checklist

Use the Checklist to document the required environmental coordination for a utility project or relocation. Since the Checklist only applies to utility work in STH ROW, environmental coordination or permitting outside the ROW may also be required to comply with federal, state, local and/or tribal laws, regulations, and ordinances. A utility is responsible to comply with all environmental requirements for its project.

### 2.1 Checklist Process

Complete and sign the Checklist in [Attachment 1](#) and include it with form dt1553 along with any necessary supporting documentation as part of the permit application process. WisDOT Region Utility Permit Coordinators will review the Checklist for completeness and may contact the utility to clarify or provide additional information if there are potential issues or concerns about a resource identified or not adequately addressed. A Checklist may be incomplete if a question is not answered, or documentation is not supplied. An incomplete Checklist will be returned to the utility, and its permit application will not be processed.

Supporting documentation may be required to prove environmental coordination with a regulatory agency. If an agency does not require documentation, a utility is not required to submit it to WisDOT.<sup>2</sup> Supply documentation if it may be helpful in WisDOT's review of the Checklist.<sup>3</sup> Supporting documents may include, but are not limited to, permits, approvals, certifications, checklists, correspondence, website screenshots/PDFs, mapping, etc. WisDOT may request documentation to show proof of environmental compliance or agency coordination. Keep supporting documents on file with WisDOT's permit for its duration and provide upon request.

## 3.0 Enforcement

If there are any environmental issues during a utility project, it is up to those regulatory agencies (DNR, federal agencies, tribes, etc.) having statutory authority to take enforcement action. WisDOT may take compliance actions as set forth in the *UAP*, i.e., suspend permit/work operations, revoke permit, withhold future permit approvals, etc., until a utility complies with WisDOT requirements.

## 4.0 Federal Actions – NEPA Document

If a utility project involves any of the items listed at the right, then the utility **may** need to complete a National Environmental Policy Act (NEPA) document. Inform WisDOT of potential Federal actions as soon as possible prior to submitting a permit application. Consider hiring a consultant if adequate utility staff are not available to complete a NEPA document.

A NEPA document **is required** for any utility work within tribal reservations. It may also apply to tribal lands outside of a reservation. Do not start utility work until a Tribal permit and Bureau of Indian Affairs approved NEPA document is obtained even if a WisDOT permit has been issued.

1. Use of Federal funds for utility facility relocations associated with WisDOT highway projects
2. Use of Federal funds for utility project construction on a STH **not** associated with WisDOT highway projects
3. Approvals from the Federal Highway Administration (FHWA) for utility accommodation on Interstate highways as determined by FHWA and WisDOT
4. Approvals from FHWA for exceptions to WisDOT's Utility Accommodation Policy or privately-owned utility facilities installed longitudinally on any STH
5. Involvement in Federal actions (e.g., funding, permitting, approval, etc.) other than in items 1-4.

### Potential Federal Actions

<sup>1</sup> Note: [HMM 09-15-15](#) covers the permit process.

<sup>2</sup> For example, DNR *non-reporting* utility general coverage permit

<sup>3</sup> For example, DNR Surface Water Data Maps

## 5.0 Resources: WisDOT Website and Links

Permit approval from WisDOT does not relieve a utility from compliance with all applicable laws, codes, regulations, and ordinances pertaining to (not a comprehensive or all-inclusive list):

- Local agencies – city, town, village, or county
- State agencies – Department of Natural resources (DNR), State Historic Preservation Office (SHPO), Department of Agriculture, Trade, and Consumer Protection (DATCP)
- Federal agencies – U. S. Army Corp of Engineers (USACE), Federal Highway Administration (FHWA), U.S. Fish and Wildlife Service (USFWS)
- Tribal governments – Wisconsin has 11 sovereign tribal nations

WisDOT has established a [website](#) to guide a utility with its environmental or other agency coordination when applying for a WisDOT state ROW permit. The website contains links to various regulatory agencies and has also been repeated below as a guide.

1. [Construction Site Storm Water Permits](#)
2. [Erosion Control and Storm Water Management Plans](#)
3. [Waterway & Wetland Permits: Wetland Disturbance](#)
4. [Surface Water Data Viewer \(Wetland/Waterways Maps\)](#)
5. [USDA Web Soil Survey](#)
6. [Wisconsin Endangered and Threatened Species Permits](#)
7. [Preservation of Wisconsin Archaeological Sites](#)
8. [Wisconsin Historic Preservation Database](#)
9. [Tribal Government Contacts](#)
10. [Tribal Historic Preservation Officer Contacts](#)
11. [National Heritage Inventory Public Portal](#)
12. [WI Department of Natural Resources Utility Permit website](#)
13. [IpaC: Home \(fws.gov\)](#)
14. [DNR Bureau of Remediation and Redevelopment Tracking System \(BRRTS\)](#)



## Attachment 1 - Environmental Checklist

**Include this Checklist and any supplemental documentation with form dt1553, *Application/Permit to Construct, Operate and Maintain Utility Facilities on Highway Right-of-Way*. The application will be returned if the Checklist is not included or is incomplete.**

Answer the following questions related to the proposed utility project to show environmental compliance or coordination with various agencies/Tribes. WisDOT's permit approval does not relieve a utility from compliance with all applicable federal, state, local and tribal laws, codes, regulations, and ordinances and shall not be construed as superseding any other governmental agency's more restrictive requirements. Keep all supporting documents on file with WisDOT's permit for its duration and provide upon request.

*Remember: Supporting documentation may be required to prove environmental coordination with a regulatory agency on the Checklist. If an agency does not require documentation, a utility is not required to submit it to WisDOT. However, supply documentation if it may be helpful in WisDOT's review of the Checklist, e.g., permits, approvals, certifications, checklists, correspondence, website screenshots/PDFs, mapping, etc. Checkboxes that only have yes, no, or not applicable answers are automatically set to no or not applicable.*

### 1. **Aquatic Resource Impacts**

Use the Wisconsin Wetland Inventory maps and the [DNR Surface Water Data Viewer](#) (SWDV) to identify waterways, surface waters and potential wetlands. These tools are not comprehensive, and field surveys may be required to identify aquatic resources within the footprint of a proposed project. Consult with Department of Natural Resources and U.S. Army Corps of Engineers as needed.

Does the proposed project have the potential to impact any aquatic resources (wetlands, waterways, etc.)?

- No – Skip to question 2       Yes – Continue below

#### **State Wetland/Waterway Permit**

Does the proposed project meet all necessary terms, conditions, and eligibility criteria to receive non-reporting coverage under the DNR utility general permit ([DNR-GP3-2018](#)) for wetland/waterway impacts?

- Yes – Project meets all requirements for DNR *non-reporting* utility general permit coverage
- No – Project received *reporting* utility general permit coverage or individual wetland/waterway permit <https://dnr.wisconsin.gov/topic/Sectors/UtilityPermitting.html>
- Not applicable – Project is exempt from all wetland/waterway permitting requirements  
Wetlands: <https://dnr.wisconsin.gov/topic/Waterways/Permits/Exemptions.html>  
Waterways: <https://dnr.wisconsin.gov/topic/Wetlands/permits/exemptions.html>

Not applicable – Project occurs wholly within boundaries of a Native American Nation or Tribal reservation and DNR does not have jurisdiction. See question 6.

#### **Federal Wetland/Waterway Permit**

Does the proposed project meet all necessary terms, conditions, and eligibility criteria to receive no-preconstruction notification (PCN) coverage under the USACE utility or other regional general permit (RGP) or a nationwide permit (NWP) for wetland/waterway impacts?

<https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>

- Yes – Project meets all requirements for no-PCN coverage under a USACE RGP or NWP
- No – Project covered under USACE's RGP or NWP coverage obtained through submittal of a preconstruction notification or other Section 404 permit coverage.
- Not applicable – Project does not impact waters of the United States.

## 2. Protected Species

Projects with the potential to affect protected species must be covered under the [DNR Broad Incidental Take Permit/Authorization for No/Low Impact Activities](#) or undergo an endangered resources preliminary assessment or review. A preliminary assessment may be completed through the [DNR Natural Heritage Inventory \(NHI Public Portal\)](#). An endangered resources review may be conducted by a [DNR certified endangered resources reviewer](#).

All components of the proposed project covered under this permit:

- Are covered by the DNR Broad Incidental Take Permit/Authorization for No/Low Impact Activities.
- Received one of the following results from the NHI Public Portal preliminary assessment or endangered species review. WisDOT encourages implementing DNR recommended actions.
  - No further actions are needed
  - Further actions are recommended
  - Further actions are strongly recommended
- Are implementing all required actions from the DNR endangered resources review. WisDOT also encourages implementation of DNR recommended actions.
- Are covered by an DNR Incidental Take Permit and/or USFWS coordination under the Endangered Species Act.

## 3. Construction Site Stormwater Permits

Projects that involve one acre or more of land disturbance require a utility to submit a Notice of Intent (NOI) erosion control permit under Wis. Adm. Code [NR 216](#).

Does the proposed project affect one acre or more of land disturbance?

- No – Meets criterion     Yes – Coordination completed

## 4. Erosion Control Plan & Stormwater Management Plans

Does the proposed project meet the [Trans 401](#) “Minor~~er~~” category?

- Yes**~~No~~ – Meets criterion for minor project     **No**~~Yes~~ – Attach formal erosion control plan

*For minor projects, immediately replace disturbed soil and topsoil and/or temporary seed and mulch the soil, which includes repairing equipment and vehicle tracks. Have erosion control devices (hay or straw bales, wattles, silt fence, erosion mat, etc.) at the site or immediately accessible in case weather conditions cause immediate action to protect bare or loose soil. Cover soil piles left overnight with plastic or protect with silt fence or other approved perimeter control devices on the downslope side to prevent possible runoff.*

Does the proposed project require a Stormwater Management Plan?

- No – Meets criterion     Yes – Coordination completed

For more information: [DNR Erosion Control and Stormwater Management Plans](#)

## 5. Wisconsin Historic Preservation Database

Are any historic resources located within the proposed project limits?

- No – Meets criterion     Yes – Coordination completed

Contact: [State Historic Preservation Office](#) or go to: [Wisconsin Historic Preservation Database](#)

## 6. Tribal Government Coordination

Is any part of the work located within the reservation boundaries of a Native American Nation or Tribal reservation? Any utilities placed within a Native American Nation or Tribal reservation require Bureau of Indian Affairs (BIA)/Tribal approval prior to placing their facilities in WisDOT ROW.

- No – Meets criterion     Yes – Coordination completed

Tribal Government Contacts: <http://witribes.wi.gov/>

**Note: A utility must obtain a Tribal permit and BIA approval of a NEPA document to proceed with utility work on a STH within a Tribal Reservation. WisDOT's utility permit does not grant automatic approval.**

**7. Open or Closed Contaminated Sites, DNR Water Supply Permit, Underground Storage Tanks (USTs), Leaking Underground Storage Tanks (LUSTs)**

Does the proposed project affect any of these items?

| Decision \ Item              | Contaminated sites       | DNR water supply permit  | USTs                     | LUSTs                    |
|------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| No – Meets criterion         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Yes – Coordination completed | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DNR: [Wisconsin Remediation and Redevelopment Database \(WRRD\)](#) and [Remediation & Redevelopment \(RR\) Program staff contacts](#)

DATCP: [MyDATCP: Storage Tank Search](#)  
[Region Environmental Coordinators and Regionwide SWECE and Mega/Major project coordinators](#)

**8. Asbestos**

Does the project include replacement of asbestos wrapped utility conduit or Transite piping?

No – Meets criterion       Yes – Document who will complete required notification to the [DNR](#) or [DHS](#), the abatement methods, and the disposal location.

**9. Project Comments**

Provide any additional comments or extenuating circumstances that may assist in the review of the project’s environmental coordination. List all utility work request, project plan set, or other identification numbers or references included in the environmental coordination and permitting of the project.

**Certification Statement:** Upon executing the signature below, the signatory certifies that the Checklist is complete, all information is accurate and true, and all required environmental compliance/coordination is complete and on file with the utility.

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name & Title (print): \_\_\_\_\_

Company: \_\_\_\_\_

Email: \_\_\_\_\_