FDM 20-30-1 Introduction

March 16, 2018

The Environmental Impact Statement (EIS) is the most complex level of environmental document. It is prepared when it is determined that the action is likely to cause significant impacts to the environment or for projects that are highly controversial on environmental grounds.

The intent of this section is to direct environmental document preparers and reviewers in fulfilling regulatory environmental obligations for EIS action types. An EIS can be used for federally funded or those with no federal funds or permits.

FDM 20-30-5 Process

March 16, 2018

The following pages describe in detail the individual steps for the EIS process.

5.1 Early Coordination

Prior to the formal EIS process, early coordination with interested parties may be beneficial. Discussion during early coordination should be planning focused. Potential topics to discuss include, but are not limited to:

- Preliminary areas of concern
- Potential stakeholders
- Environmental requirements and permits

Often these discussions are essential to the development of the Notice of Intent to Prepare a Draft Environmental Impact Statement (NOI). Any decisions made during early coordination must be revisited during the formal scoping process to ensure their validity.

Participation in early coordination should include internal WisDOT staff, and may need to be expanded to groups such as joint lead agencies (FHWA, FRA, FAA), resource agencies, local units of government and the public. A prescribed group to be involved in early coordination cannot be specified as each project is unique.

For further information regarding early coordination, contact your Region Environmental Coordinator (REC) or Bureau of Technical Services (BTS)-Environmental Process and Document Section (EPDS) liaison as appropriate.

5.2 Process Initiation Letter

The Process Initiation Letter (PIL) begins the environmental documentation process for all EISs. The PIL template required for use in developing all PILs can be found at:

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

5.3 Notice of Intent to Prepare a Draft Environmental Impact Statement

For both state and federally-funded projects, publish an NOI as soon as practical after the decision is made to prepare an EIS. The NOI must be published prior to formal EIS scoping. The process associated with the publication of an NOI for each project funding scenario is discussed below.

5.3.1 Notice of Intent to Prepare an EIS for State Funded Only Projects

For a project that will utilize only state funds and not require federal involvement, the document preparer must inform the public and agencies of an EIS by publishing an NOI in the Wisconsin Administrative Register and a local newspaper of general circulation.

For projects of statewide interest an NOI must also be published in the official state newspaper.

Information required in a state level NOI must include:

- A statement that the project will require the preparation of an EIS
- A brief description of the proposed action
- A preliminary list of possible alternatives
- A brief discussion of the proposed scoping process
- Name and address of the WisDOT contact person

A template can be obtained by contacting your REC.

When completed, the project team shall send an electronic copy of the NOI, to the REC and BTS-EPDS liaison for review. The BTS-EPDS liaison will forward an approved NOI to the address below for publication in the Wisconsin Administrative Register:

Deputy Revisor of Statutes
131 W. Wilson Street, Suite 800
Madison WI 53703
(Interdepartmental Mail)

5.3.2 Notice of Intent to Prepare an EIS for Federally Funded Projects

For a project that will utilize federal funds, the document preparer must inform the public and agencies of an EIS by publishing an NOI in the *Federal Register*.

Required information in the NOI shall briefly:

- Describe the proposed action and possible alternatives.
- Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.
- State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

The project team shall prepare the notice for the Federal Register. Examples may be obtained by contacting your REC or BTS-EPDS liaison.

When completed, the project team shall send an electronic copy of the NOI, to the REC and BTS-EPDS liaison for review. The BTS-EPDS liaison will forward the reviewed NOI to FHWA for review and approval. FHWA will then submit the approved NOI to the Federal Register for publication. This publication initiates the EIS and formal scoping process.

5.4 Scoping

5.4.1 Scoping - General

The Council on Environmental Quality (CEQ) and FHWA regulations require scoping, an early and open process of communication, for all actions which require an EIS. Scoping helps refine the project's purpose and need, identifies significant issues and guides the development of the range of alternatives considered during environmental analysis.

Scoping, as a part of preparing an EIS, is a formal process that must commence as soon as practical after the publishing of an NOI. Any decisions made during early coordination must be revisited during the formal scoping process to ensure their validity.

Pursuant to 40 CFR 1501.7, scoping is open to the public; state, tribal, and local governments; and affected federal agencies. The identification of potential stakeholders is important when determining whom to invite to a scoping meeting. Stakeholders may include but are not limited to:

- Federal, state, tribal and local agencies
- The public
- Other interest groups

Notification by personal letter is preferable because it helps to encourage maximum participation. 23 USC 139 requires that participating agencies must be identified no later than 45 days of publication of an NOI. The first public involvement meeting typically serves as the scoping meeting for the public.

Scoping, as an open process, allows for better and more efficient National Environmental Policy Act (NEPA) analysis by placing the responsibility on stakeholders to express concerns early in the process. Scoping ensures the early identification of issues that would have been raised eventually and helps ensure the development of a legally sufficient EIS.

Scoping should identify other environmental review and consultation requirements so the lead, tribes and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the draft EIS.

5.4.2 Scoping - Indian Tribes

Project scoping letters are sent to tribes recognized by the Federal Government and, or the State of Wisconsin that have shown interest in the county where the project is located. These project scoping letters are sent to the

Tribal Chairs/Presidents with a courtesy copy sent to the Tribal Historic Preservation Officer. Tribes that are recognized by the State of Wisconsin and have shown interest, specific to their tribal history, in the county where the project is located should also be invited to be a participating agency on all EISs.

A list of Tribal Chairs/Presidents can be found on the Department of Administration website link:

http://witribes.wi.gov/docview.asp?docid=19085&locid=57

Do not confuse Tribal scoping with Section 106 Tribal consultation requirements which are found in FDM Chapter 26 Cultural Resource Preservation.

5.5 Coordination Plan and Impact Analysis Methodologies Documents

A Coordination Plan for Agency and Public Involvement and Impact Analysis Methodology Report documents are developed to ensure the project is in compliance with the public and agency coordination process included in 23 USC 139.

5.5.1 Coordination Plan

The Coordination Plan is used to outline how the project's environmental information will be available to public officials and citizens before decisions are made and before actions are taken.

The project team prepares the Coordination Plan following publication of the NOI. The draft Coordination Plan is reviewed by the REC and BTS-EPDS liaison and forwarded to FHWA for review and concurrence before the scoping process begins. The Coordination Plan template can be found at:

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

The Coordination Plan facilitates and documents the lead agencies' structured interaction with the public and other agencies, including Tribes. It informs the public and other agencies of how project coordination will be accomplished. The Coordination Plan functions to expedite and improve the environmental review process by clearly defining when interaction will occur and expected outcomes.

The Coordination Plan template should be utilized to guide the preparer though the preparation process. Additional detail, not included in this section, is included in the Coordination Plan template.

The draft coordination plan must be distributed to agencies for comment within 90 days of publication of the NOI.

5.5.2 Impact Analysis Methodology Report

The purpose of the Impact Analysis Methodology (IAM) Report is to communicate and document WisDOT and FHWA's structured approach to analyzing impacts of the project and its alternatives. Collaboration on the impact analysis methodology is intended to promote an efficient and streamlined process and early resolution of concerns or issues.

The project team prepares the IAM Report following acceptance of the PIL. The draft IAM is reviewed by the REC and the BTS-EPDS liaison and forwarded to FHWA for review. The IAM template can be found at:

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

The IAM report contains three sections:

- Applicable laws, regulations and guidelines
- General methodologies
- Project specific methodologies

The IAM template should be utilized to guide the preparer though the preparation process. Additional detail, not included in this section, is included in the IAM template.

The IAM report is typically distributed to agencies along with the Coordination Plan for comment within 90 days of publication of the NOI.

FDM 20-30-10 Documentation *March 16, 2018*

10.1 EIS Documentation Overview

The requirements for the format and content of a draft EIS, final EIS and ROD are described in CEQ regulations, 40 CFR 1500 - 1508. FHWA has developed agency specific regulations, 23 CFR 771.123 - 127, pertaining to format and content of an EIS.

The following guidelines must be followed when writing an EIS. If unusual circumstances suggest that it would

be beneficial to deviate from this process, the Region should coordinate proposed changes with BTS-EPDS and FHWA.

To assist the document preparer in achieving the above goals, the American Association of State Highway Transportation Officials (AASHTO) has developed the following publications;

- Improving the Quality of Environmental Documents

  http://environment.transportation.org/pdf/nepa_process/QUALITY_NEPA_DOCS.pdf

- Examples of Effective Techniques for Improving the Quality of Environmental Documents

  http://environment.transportation.org/center/products_programs/reports/quality_enviro_docs.aspx

10.2 EIS Format and Structure

The goal of the EIS is to tell the story of the project development and decision-making processes in a manner that the public can understand. The purpose and need should be clearly discussed as well as how each alternative does or does not meet the project purpose and need. The EIS should examine the strengths and weaknesses associated with each alternative and discuss impacts and mitigation of impacts for each alternative carried forward for detailed consideration. The EIS should summarize coordination and include supporting information in appendices or by reference. Finally, the document must distinguish changes between the draft and the final EIS.

Document writers should focus on information that is relevant to the project decision, keeping the document as brief as possible.

Use the following techniques during EIS development:

1. use clear, concise writing,
2. prepare effective summaries, technical reports, and other documentation to include in the project file,
3. choose a flexible, consistent, easy-to-use document format,
4. summarize information and using pictures, illustrations and effective graphics to communicate complex issues or comparisons,
5. separate technical information or high-volume materials into appendices or incorporating by reference,
6. include only the most relevant information in the document for compliance and decision making,
7. make the level of detail on a topic related to the relative importance and degree of harm associated with the project, and
8. incorporate by reference when possible and appropriate (rather than including in the body of the NEPA document).

Include the following contents in both state and federal EISs.

- Cover Page
- Summary
- Table of Contents
- Purpose and Need
- Alternatives
- Existing Conditions,
- Environmental Impacts
- Measures to Mitigate Adverse Impacts
- Section 4(f) and/or Section 6(f) Analysis (if required)
- Community Involvement and Agency Coordination
- List of Environmental Impact Statement Recipients
- List of Preparers
- References
- Index
- Appendices

In the following sections, each component required in an EIS is described.

10.2.1 Cover Page

The cover page should include:

- Federal EIS identification number (for NEPA documents)
- State project ID
- Title of the proposed action
- Designation of draft EIS, final EIS or supplemental draft or supplemental final EIS and whether the document includes Section 4(f), Section 6(f) or Section 106 evaluations
- A federal EIS shall include the statement “Submitted Pursuant to 42 U.S.C. 4323(2)(c)”
- A federal EIS which contains a Section 4(f) evaluation shall also include the statement “and 49 U.S.C. 303”
- A state-only EIS shall include the statement “Submitted Pursuant to s. 1.1 Wisconsin Statutes”
- The name of the lead agency(ies) and all cooperating agencies
- Approvals
- Name(s), address(es) and telephone number(s) of information contact person(s)
- Statement regarding combined final EIS and ROD if applicable
- Abstract
- Date comments are due
- Where comments should be sent
- NEPA statement or Wisconsin Environmental Policy Act (WEPA) statement

For a federal EIS, include a federal EIS identification number at the top left-hand corner designating the federal agency, state, type of document, year prepared, the number assigned to the statement, and whether the document is a draft EIS, final EIS or draft or supplemental final EIS. (Example: FHWA-WIS-EIS-2014-01-D (F) (S)).

The federal EIS identification number is provided by FHWA and the state project ID number is provided by the Region during the early planning stages of the project. A Federal EIS Title Sheet and State-Only EIS Title Sheet template can be obtained by contacting your REC or BTS-EPDS Liaison.

The abstract is a very brief project statement printed on the cover page.

The NEPA or WEPA statement is required indicating that the EIS has been prepared in compliance with NEPA or WEPA as appropriate. The policy statement should be placed on the back of the cover page.

10.2.2 Summary

Develop the summary to emphasize the major conclusions, areas of controversy (including issues raised by agencies and the public) and the issues to be resolved. The summary is intended to assist reviewers by providing an easily accessible overview of the proposed action. The summary should be placed in the document so that it may be reproduced separately for public involvement purposes. The summary should not exceed 15 pages of text if possible.

The summary includes the following:

- A project location map, including location within the state.
- A description of the proposed action indicating the route, termini, type of improvement, number of lanes, length, county, city, state, functional classification and other items as appropriate.
- Purpose and need.
- The alternatives considered and whether they meet the project’s purpose and need. If they are not proposed for adoption, explain why not.
- The alternatives retained for detailed study. If a combined final EIS/ROD will be prepared, the draft EIS should identify which is the preferred alternative. If a combined final EIS/ROD will not be prepared, the final EIS should identify and justify the preferred alternative.
- The environmental impacts including a reference to an Impact Summary Table if applicable.
- Highlights of the results of public and agency involvement including any areas of controversy or major unresolved issues.
- A description of any major actions proposed by other government agencies in the same geographic area as the proposed action.
- A list of other federal or state actions required because of this proposed action (e.g., permit approvals, etc.).

- Proposed mitigation.
- An Impact Summary Table or Matrix providing the reader with a one-page comparison, by each alternative, of costs, acquisition and relocation requirements, and other environmental and social impacts.

10.2.3 Table of Contents

Provide a complete list with page numbers of all major headings, subheadings, exhibits, tables and appendices.

If applicable, a summary of any contents on an accompanying DVD or CD should be included.

A glossary and list of abbreviations and acronyms should follow the Table of Contents.

10.2.4 Purpose and Need

The purpose and need of a project is essential in establishing a basis for the development of the range of reasonable alternatives required in an environmental document and assists with the identification and eventual selection of a preferred alternative. The “purpose” identifies and describes the proposed action while the “need” are the transportation problem(s) the proposed project is intending to address.

The following items may be listed and described in the purpose and need statement for a proposed action. These are by no means all-inclusive or applicable in every situation. They are intended as a guide. Discuss the needs in descending order of importance. Do not discuss the project solutions in the purpose and need statement.

- Project Status - Briefly describe the action's history, including measures taken to date, other agencies and governmental units involved, action spending, schedules, etc. This area should include reference to the TIP, STIP and/or other relevant planning documents.
- Capacity - Discuss the capacity of the present facility and its ability to meet present and projected traffic demands. Discuss what capacity and levels of service for existing and proposed facilities are needed.
- System Linkage - Discuss if the proposed action is a "connecting link" and how it fits into the transportation system.
- Transportation Demand - Discuss the action's relationship to any statewide plan or adopted urban transportation plan. In addition, explain any related traffic forecasts that are substantially different from those estimates of the 23 U.S.C. 134 (Section 134) planning process.
- Legislation - Explain if there is a federal, state, or local governmental mandate for the action.
- Social Demands or Economic Development - Describe how the action will address employment, schools, land use plans, recreation facilities, etc. In addition, describe projected economic development/land use changes that indicate the need to improve or add to the highway capacity.
- Modal Interrelationships - Explain how the proposed action will interface with and serve to complement airports, rail and port facilities, mass transit services, pedestrian and bicycle accommodations, etc.
- Safety - Explain if the proposed action is necessary to correct an existing or potential safety hazard. In addition, explain if the existing accident rate is excessively high and why, and how the proposed action will improve safety.
- Roadway Deficiencies - Explain if and how the proposed action is necessary to correct existing roadway deficiencies (e.g., substandard geometrics, structural sufficiency, load limits on structures, inadequate cross-section, high maintenance costs, etc.). In addition, explain how the proposed action will correct these deficiencies.

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

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

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

In developing a concept that can be advanced through the stages of planning, environment, design, and construction; the project sponsor needs to consider a whole or integrated action. This action should satisfy the

projects purpose statement. In addition, the action should be considered in the context of local socio-economics and topography, future travel demand, and other infrastructure improvements. Without framing an action in this way, project sponsors may only peripherally meet project needs or may cause unexpected side effects that require additional corrective action. Project sponsors should also be aware of the problem of segmentation. Segmentation may occur when a transportation need extends throughout an entire corridor, but project sponsors discuss the environmental issues and transportation need of only a segment of the corridor.

10.2.5 Alternatives

This section of the draft EIS must discuss a range of alternatives, including all reasonable alternatives under consideration and those other alternatives which were eliminated from detailed study (23 CFR 771.123(c)). The section must include a discussion of how and why the reasonable alternatives were selected for detailed study and explain why other alternatives were eliminated from further consideration. This discussion may be a summary of a detailed memorandum or series of memorandums that are incorporated by reference into the EIS. The following range of alternatives should be included in the initial alternatives screening process:

- **No-Build Alternative**: The no-build alternative, which might include short-term scheduled maintenance activities or measures to continue the function of the facility, must always be included in the analysis. In some cases, the no-build alternative may be a reasonable alternative, especially when the impacts of other alternatives are great and the need is relatively minor, but generally it serves as a baseline against which the other alternatives can be compared.
- **Transportation System Management (TSM) Alternative**: The TSM alternative includes those activities which maximize the efficiency of the present system. Possible subject areas to include in this alternative are options such as fringe parking, incident management, ridesharing, high-occupancy vehicle (HOV) lanes on existing roadways and traffic signal timing optimization. This limited construction alternative is usually relevant only for major projects proposed in urbanized areas with populations over 200,000.

  For all major projects in these urbanized areas, HOV lanes should be considered. Consideration of this alternative may be accomplished by reference to the regional transportation plan, when that plan considers this option. Where a regional transportation plan does not reflect consideration of this option, it may be necessary to evaluate the feasibility of HOV lanes during early project development. Where a TSM alternative is identified as a reasonable alternative for a connecting link project, it should be evaluated to determine the effect that not building a highway link in the transportation plan will have on the remainder of the system. A similar analysis should be made where a TSM element(s) (e.g., HOV lanes) is part of a build alternative and reduces the scale of the highway link.

  While the above discussion relates primarily to major projects in urbanized areas, the concept of achieving maximum utilization of existing facilities is equally important in rural areas. Before selecting an alternative on new location for major projects in rural areas, it is important to demonstrate that reconstruction and rehabilitation of the existing system will not adequately correct the identified deficiencies and meet the project need.
- **Transportation Demand Management (TDM) Alternative**: This alternative includes those reasonable and feasible transit options (bus systems, rail, etc.) even though they may not be within the existing project-sponsor funding authority. It should be considered on all proposed major highway projects in urbanized areas with populations over 200,000. Consideration of this alternative may be accomplished by reference to the regional or area transportation plan where that plan considers mass transit or by an independent analysis during early project development.

  Where urban projects are multi-modal and are proposed for federal funding, close coordination is necessary with the Federal Transit Administration (FTA). In these situations, FTA should be consulted early in the project-development process. Where FTA funds are likely to be requested for portions of the proposal, FTA must be requested to be either a joint lead agency or a cooperating agency at the earliest stages of project development (23 CFR 771.111(d)). Where applicable, cost-effectiveness studies that have been performed should be summarized in the EIS.
- **Build Alternatives**: Both improvement of existing highway(s) and alternatives on new location should be evaluated as appropriate. For most major projects, there is a potential for a large number of alternatives. Alternative screening may be required as only a representative number of reasonable alternatives must be presented and evaluated in detail in the draft EIS (40 CFR 1502.14(a). When initial screening results in a large number of reasonable alternatives, additional screening should be conducted to determine the reasonable alternatives carried forward for detailed evaluation. The number of reasonable alternatives evaluated in detail in the draft EIS, therefore, depends on the particular project and the facts and circumstances in each case.

  Each alternative should be briefly described using maps or other visual aids such as photographs or graphics. The material should provide a clear understanding of the alternative's termini, location, costs

and the project concept (number of lanes, right-of-way requirements, median width, access control, etc.). Where land has been or will be reserved or dedicated by local government(s), donated by individuals, or acquired through advanced or hardship acquisition for use as highway right-of-way for any alternative under consideration, the draft EIS should identify the status and extent of such property and the alternative(s) involved. Where such lands are reserved, the EIS should state that the reserved lands will not influence the alternative to be selected.

- **Combined Alternative**: It may be appropriate to combine alternatives in some circumstances. Combining may clarify that a full range of alternatives has been investigated. For example, a low-build alternative could be combined with TSM and TDM alternatives.

Development of more detailed design for some aspects (e.g., Section 4(f), Section 106, US Army Corps of Engineers (USACE) or US Coast Guard (USCG) permits, noise, wetlands, etc.) of one or more alternatives may be necessary during preparation of the draft and final EIS in order to evaluate impacts or mitigation measures or to address issues raised by other agencies or the public. However, care should be taken to avoid unnecessarily specifying features which preclude cost-effective final design options.

All alternatives that undergo detailed analysis, including the no-build, need to be developed to a comparable level of detail in the draft EIS so that their comparative merits may be evaluated (40 CFR 1502.14(b) and (d)). When a final EIS/ROD will likely be prepared, a preferred alternative should be identified based on early coordination and environmental analyses. In these instances, the draft EIS should include a statement indicating that the determination of the preferred alternative will not be made until the alternatives' impacts and comments on the draft EIS and from the public hearing have been fully evaluated.

Where a preferred alternative has not been identified, the draft EIS should state that all reasonable alternatives are under consideration and that a decision on the preferred alternative will be made after full evaluation of comments provided by agencies and the public on the alternatives and resulting impacts identified in the draft EIS.

The final EIS must identify the preferred alternative and should discuss the basis for its identification. If the preferred alternative is modified after the draft EIS, the final EIS should clearly identify the changes and discuss the reasons why any new impacts are not significant.

10.2.6 Existing Conditions, Environmental Impacts and Measures to Mitigate Adverse Impacts

The past process for developing an EIS was to separate the affected environment discussion and the environmental consequences discussion into two sections. Recent practice has shown that combining the two discussions and incorporating the discussion of mitigation into one section improves document readability. For that reason, these sections of the EIS have been combined and are now titled Existing Conditions, Environmental Impacts and Measures to Mitigate Adverse Impacts.

This section provides a concise description of the existing social, economic, and environmental setting for the area; includes the probable beneficial and adverse social, economic, and environmental effects of alternatives under detailed consideration; and describes the measures proposed to mitigate adverse impacts. Where possible, the description should be a single description for the general project area rather than a separate one for each alternative.

For each resource category that requires discussion in this section, consideration should be given to the general population served and/or affected (city, county, etc.) by the proposed action. The population should be identified by race, color, national origin, and age. Demographic data should be obtained from available secondary sources (e.g., census data, planning reports) unless more detailed information is necessary to address specific concerns. All socially, economically, and environmentally sensitive locations or features in the proposed project impact area (e.g., neighborhoods, elderly/minority/ethnic groups, parks, hazardous material sites, historic resources, wetlands, etc.), should be identified on exhibits and briefly described in the text. For the location of archaeological sites, threatened or endangered species, hazardous materials, or burial sites it is mandatory to label them all as a group as sensitive areas to prevent disturbance, looting or destruction.

Information included in the environmental impacts and measures to mitigate adverse impacts discussion for each resource category should have sufficient scientific and analytical substance to provide a basis for evaluating the comparative merits of the alternatives. The discussion of the proposed project impacts should be in proportion to their significance.

Data and analyses should be presented commensurate with the magnitude of the impact. For smaller impacts, material, data and analyses should be summarized or incorporated by reference. Photographs, illustrations and other graphics should be embedded in the text when possible, to give a clear understanding of the area and the important issues as appropriate. Other activities which contribute to the significance of the proposed action's impacts should be described.

When preparing the final EIS, the impacts and mitigation measures of the alternatives, particularly the preferred alternative, may need to be discussed in more detail to elaborate on information, refine commitments or address issues raised following the draft EIS. The final EIS will identify any new impacts (and their significance) resulting from modification of or identification of substantive new circumstances or information regarding the preferred alternative following the draft EIS circulation.

The following should be included as part of the environmental impacts and measures to mitigate adverse impacts discussion of this section in the draft and final EIS:

- Supporting information or results of analyses to establish the reasonableness of the conclusions on impacts
- A discussion, in appropriate detail, of mitigation measures for each reasonable alternative so they can be identified in the draft EIS
- Analysis, identification and description of all proposed mitigation measures for the preferred alternative in the final EIS
- All commitments to monitoring measures during construction activities should be summarized.

If important issues raised by other agencies on the preferred alternative remain unresolved, the final EIS must identify those issues and the consultation and other efforts made to resolve them [23 CFR 771.125(a)(2)].

Resource Categories Discussions

The following resource categories should be discussed for each reasonable alternative where a potential for impacts has been identified.

- Geographic Setting
- Soil Resources
- Land Use and Planning
- Transportation Service
- Utilities
- Residential
- Commercial and Industrial
- Institutional and Public Service
- Socio-Economic Characteristics
- Environmental Justice
- Agricultural Resources
- Visual Character and Aesthetics
- Water Resources
- Wild and Scenic Rivers
- Floodplains and Hydraulics
- Coastal Zones
- Wetlands
- Threatened and Endangered Species
- Other Natural Resources
- Noise
- Air Quality
- Contaminated Sites
- Historic Properties
- Archaeological and Burial Sites
- Recreational Resources and Public Land Use
- Construction
- Indirect Effects and Cumulative Effects
- Relationship of Long and Short-Term Uses Versus Long-Term Productivity
- Irreversible and Irretrievable Commitments to Resources

The discussion that follows for each resource category assumes that the resource is present in the project area. If the resource is not present in the project area, include a sentence indicating such and the discussion is concluded. It may also be necessary to provide an explanation regarding how it was determined that the

resource is not present, such as a field review was completed by who and when and no resource was identified.

This list is not all-inclusive and on specific projects there may be additional resource categories that should be included.

Geographic Setting

The geographic setting discussion should describe the spatial relationship of the project to the surrounding area. The local unit(s) of government in which the project is located should be identified. Adjacent communities should be referenced. The project length and termini should be defined. A discussion of land use and substantial topographic features within the study area should be included.

Soil Resources

The soil resources discussion should describe the existing soil types and any impacts that may occur to those soils.

Land Use and Planning

The land use and planning discussion should describe existing and future land uses and local and regional planning documents that are relevant to the study area.

The land use discussion should begin with a description of current development trends and discussion of state, regional, and local government plans and policies with regard to land use and growth in the area. The land use impact analysis should assess the consistency of the alternatives with the adopted comprehensive plans covering the area.

The indirect social, economic, and environmental impacts of any substantial, foreseeable, induced development should be presented for each alternative, including adverse effects on existing communities. Where possible, the distinction between planned and unplanned growth should be identified.

The conformity of each alternative with other local and regional plans and policies should be discussed. Alternative designs to minimize and mitigate adverse land use impacts should be discussed. If an alternative is not in conformity with local and regional plans, then requested amendments to the plan(s) need to be discussed.

Transportation Service

The transportation service discussion describes existing mass transit services, passenger and freight rail, bicycle/pedestrian facilities and the transportation facility being evaluated, including other adjacent roadways in the study area. Impacts to these transportation facilities associated with each alternative should be discussed.

Potential for safety improvements resulting from each alternative should be analyzed if safety is identified as one of the project needs.

Change in travel patterns resulting from each alternative needs to be discussed.

Measures to manage congestion during construction should be discussed in the impacts portion of this section. Coordination required with operators of other transportation modes to minimize disruption of services should be detailed.

Utilities

The utilities discussion should describe existing utilities in the study area. Typically, only major utilities such as electric, gas, sewer, water and fiber optics are discussed as part of this category. Impacts to utilities should be identified.

Measures to minimize and mitigate adverse utility impacts should include discussion of compensating utilities for relocating their facilities.

It should also be noted that continued coordination with utilities, municipalities and the county to avoid or minimize interruptions in service during construction will occur.

Residential

The residential discussion should describe existing residential neighborhoods located within and adjacent to the project corridor.

The residential impacts discussion should identify residential displacements. Information should be summarized in sufficient detail to adequately explain the relocation situation including anticipated problems, proposed solutions and possible mitigation. The Conceptual Stage Relocation Plan (CSRP) from which information is summarized should be referenced in the draft EIS.

Guidance specific to preparation of a CSRP can be found in the WisDOT Real Estate Program Manual Section

5.2.

- https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/repm.aspx
- In addition to the summary of information included in the CSRP, the following two statements must be included.
- A statement regarding abandonment of septic tanks, drain fields or wells on acquired properties must be included. The complete verbiage to be used for the statement can be found on the BTS-EPDS website.
- A statement regarding survey for and disposal of asbestos and lead paint in buildings to be demolished must be included. The complete verbiage to be used for the statement can be found on the BTS-EPDS website.

The statements referenced in the above bullets can be found at:

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

Commercial and Industrial

The commercial and industrial discussion should describe existing businesses and industries located within and adjacent to the project corridor.

The commercial and industrial impacts discussion should identify displacements. Information from the project CSRP should be summarized in sufficient detail to adequately describe required relocations and any anticipated problems and proposed solutions. The CSRP should be referenced in the draft EIS but not attached.

Access to commercial and industrial properties both during construction and following construction should also be discussed. This will also involve identifying if a business or industry serves and/or employees an Environmental Justice (EJ) population (see FDM Chapter 25 Socio-Economic Factors). EJ populations include low-income or minority groups.

Where a proposed project will result in displacements, the following information regarding businesses and industries should be discussed for each alternative under consideration commensurate with the level of impacts and to the extent they are likely to occur:

- An estimate of the numbers, descriptions, types of occupancy (owner/tenant), sizes (number of employees)
- A discussion of whether any owner, tenant or employee is elderly, handicapped, low-income or a member of a minority group
- The discussion should identify; (1) sites available in the area to which the affected businesses and industries may relocate, (2) likelihood of such relocation, and (3) potential impacts on individual businesses caused by displacement or proximity of the proposed highway if not displaced.
- Factors which may require special relocation considerations and the measures proposed to resolve these relocation concerns.
- A discussion of the measures to be taken when the existing business and industry inventory is insufficient, does not meet relocation standards or is not within the financial capability of the business or industry being displaced. A commitment to last resort relocation should be included when a sufficient comparable replacement is not available.
- A discussion of the results of contacts, if any, with local governments, organizations, groups and individuals regarding relocation impacts, including any measures or coordination needed to reduce general and/or specific impacts. These contacts are encouraged for projects with large numbers of relocations or complex relocation requirements. Specific financial and incentive programs or opportunities (beyond those provided by the Uniform Relocation Act) to those being relocated to minimize impacts may be identified, if available through other agencies or organizations.
- A statement that (1) the acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and (2) relocation resources are available to those being relocated without discrimination. The complete verbiage to be used for the statement can be found on the BTS-EPDS website.
- A statement regarding abandonment of septic tanks, drain fields or wells on acquired properties must be included. The complete verbiage to be used for the statement can be found on the BTS-EPDS website.
- A statement regarding survey for and disposal of asbestos and lead paint in buildings to be demolished must be included. The complete verbiage to be used for the statement can be found on the BTS-EPDS website.

The statements referenced in the above bullets can be found at:

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

Institutional and Public Services

The institutional and public services discussion should describe existing fire, ambulance and police protection, schools, libraries, places of worship, assisted-care and assisted-living facilities, cemeteries, hospitals, community centers, food pantries and facilities located within and adjacent to the project corridor.

Impacts to each of these and any others identified in the study area needs to be investigated and discussed.

The project team should be aware that EJ populations are often served by places such as food pantries and community centers.

Measures to minimize and mitigate adverse institutional and public services impacts should include discussion of compensating for relocating their facilities.

Coordination should continue with roadway-dependent institutional and public services providers to avoid or minimize interruptions to access during and following construction.

Socio-Economic Characteristics

The socio-economic characteristics discussion should describe existing population demographics located within and adjacent to the project corridor and should include the following as appropriate:

- Numbers of households
- Age profile
- Disability profile
- Homeless population
- Income and poverty levels
- Vehicle ownership, if needed
- Racial distribution
- Language
- Employment

The impacts to socio-economic characteristics discussion for each alternative should include as appropriate:

- Neighborhood and community cohesion
- Changes in travel patterns
- Changes to bicycle and pedestrian accommodations
- Changes in property values
- Changes in access
- Changes in tax base
- Effects on social groups, including seniors, people with disabilities, homeless, non-drivers and people who are transit-dependent

Mitigation of adverse socio-economic impacts should include discussions of coordination efforts with communities and stakeholders regarding avoidance, minimization and compensation of impacts. Often mitigation measures for socio-economic impacts are discussed as part of other resource categories in this section. If this is the case, refer to those resource categories in this discussion. Typical resource categories that include socio-economic mitigation measures are:

- Indirect effects and cumulative effects
- Noise
- Environmental justice
- Residential displacements
- Business and industry displacements
- Construction impacts

Environmental Justice (EJ)

The EJ discussion should begin with an overview of Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” and FHWA Order 6640.23A, *FHWA Actions to Address Environmental Justice in Minority Population and Low-Income Populations*, issued in 2012. A brief overview of Title VI of the Civil Rights Act of 1964 should also be included.

Executive Order 12898 can be downloaded at:

http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf

FHWA Order 6640.23A can be downloaded at:

http://www.fhwa.dot.gov/legsregs/directives/orders/664023a.cfm

Title VI of the Civil Rights Act of 1964 can be downloaded at:

http://www.justice.gov/crt/about/cor/coord/titlevistat.php

Environmental justice is based on three fundamental principles:

- To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

The next step in an environmental justice analysis is to identify if an EJ population(s) exists within the study area. All EJ populations will need to be identified and described. A good faith effort is required to look to see if any EJ groups live within the study area or are served within the study area.

If it is determined that no EJ populations are located in the study area, clearly discuss the methodology used to make the determination.

If it is determined an EJ population(s) is located in the study area, further analysis should be discussed within the EJ resource category discussion to assess the extent and magnitude of the effects within each resource category, i.e., residential, business and industry, socio-economic, agricultural, indirect effects, cumulative effects, etc., to further determine whether the impacts will be disproportionately high as compared to the effects on non-EJ populations within the project area. This approach provides necessary assurance that environmental justice considerations are not treated as an afterthought, but rather as an integral part of the environmental documentation process.

In carrying out the analyses, the analyst should recognize that the size of the affected minority or low-income groups within the project area is not the issue in making an environmental justice determination. Rather, it is the magnitude or severity of the impacts that is important.

If it is determined that impacts will not be disproportionately high and adverse as compared to the effects on non-EJ populations within the study area clearly discuss the methodology used to make the determination.

If it is determined that impacts in a specific resource category will be disproportionately high and adverse as compared to the effects on non-EJ populations within the study area, the environmental justice resource category discussion should spell out how disproportionately high and adverse impacts on minority populations and low-income populations are to be avoided or mitigated.

If it is determined that a disproportionate high and adverse effect to an EJ population will occur in a specific resource category, a brief summary should be included as part of that resource category discussion. However, the discussion of disproportionately high and adverse effects on EJ populations under these resource categories may not substitute for the EJ resource category discussion of this section, no matter how detailed the discussion.

The EJ resource category should also include a discussion of the coordination with the populations and the methodologies used to promote full participation in the process.

Agricultural Resources

The agricultural resources discussion should describe existing agricultural lands located within and adjacent to the corridor. Agricultural resources are further discussed in FDM 20-45.

Any covenants or deed restrictions on agricultural lands along the corridor should be investigated and discussed.

Measures to avoid, minimize and mitigate adverse agricultural resource impacts should be discussed including compensation for any land or building acquisitions or relocations.

Visual Character and Aesthetics

The visual and aesthetics discussion should begin with a description of the current setting, geography and viewshed.

An assessment of the visual and aesthetic impacts of the alternatives, including the view from the road and the

view of the road should follow. Where relevant, the EIS should document the consideration given to design quality, art and architecture in the project planning. Include a discussion of tree removals and proposed replacement plantings or reasons why none are proposed. This is especially needed for an urban/residential setting.

Measures to avoid, minimize and mitigate adverse visual character and aesthetic impacts should be discussed including any Community Sensitive Solution (CSS) elements if applicable. See FDM 11-3 for a discussion of CSS.

Water Resources

The water resources discussion should begin with a description of the current surface waters and fisheries, stormwater runoff conditions, and groundwater and water supply including identification of any principal or sole source aquifers. See FDM 24-5 for additional information.

Wild and Scenic Rivers

The Wild and Scenic Rivers discussion should only be included if a Wild and Scenic River is present in the project area. The discussion should begin with a description of Wild and Scenic Rivers in the study area.

A discussion of coordination with the United States Department of the Interior's (DOI) National Park Service (NPS), the United States Forest Service (USFS), or United States Fish and Wildlife Service (USFWS), whichever has land management responsibility, is required if a river included in the National Wild and Scenic Rivers System, or a river listed in the Nation-wide Inventory of Rivers with potential for inclusion in the National Wild and Scenic Rivers System is in the study area. This includes projects that are within the viewshed of a Wild and Scenic River.

Potential adverse effects on the natural, cultural, economic and recreational values of the river should be identified and discussed. Potential adverse effects include alteration of the free-flowing nature of the river, alteration of the setting or deterioration of water quality.

Conceptual mitigation of adverse effects to a Wild and Scenic River agreed upon during agency consultation should be identified. Include a commitment to additional coordination with resource agencies to finalize mitigation measures.

If it is determined that the proposed action could foreclose options to designate the river under the Act, the EIS should reflect the consultation with the NPS or USFS on avoiding or mitigating the impacts.

Wild and Scenic River designations may include a Recreational River Area classification. If the Wild and Scenic River designation included the Recreational River Area classification in its entirety or portions thereof, the portion/s containing the Recreation River Areal classification are protected by Section 4(f). Discussion should be included in this section of the Wild and Scenic River designation and classifications of the River. If portions of the River are protected by Section 4(f) detail should be included in the Section 4(f) and Section 6(f) evaluations section of the draft EIS.

Additional information on Section 4(f) applicability can be found in the FHWA Section 4(f) Involvements, Wild and Scenic Rivers Memorandum June 6, 1978.

Floodplains and Hydraulics

Begin the floodplains and hydraulics discussion with a general description of floodplains and floodways when these resources are present in the project area.

Identification through maps and other exhibits of the floodplain and floodway locations is required when these resources are located in the study area.

Begin the floodplains and floodways potential impacts analysis with an overview of Executive Order 11988 on Floodplain Management and 23 CFR 650, Subpart A - Location and Hydraulic Design of Encroachments on Flood Plains. Continue with a discussion of the WisDOT - WDNR cooperative agreement as it relates to the determination of impacts on the 100-year flood elevation from new or modified bridges and box culverts.

Continue with a discussion of the potential impacts on floodplains, including area within the 100-year floodplain impacted by alternative. Consider both upstream and downstream potential impacts.

Mitigation of adverse impacts to a floodplain agreed upon during agency consultation should be identified. Include a commitment to additional coordination with resource agencies to finalize mitigation.

Coastal Zones

The coastal zones discussion should begin with identification of whether the study area is in an area covered by

the Wisconsin Coastal Zone Management Program (CZMP) approved by the Department of Administration. No additional discussion is necessary if the proposed project is not located in a CZMP.

When the study area is within or may affect land or water uses within the area covered by a CZMP, the discussion should briefly describe the CZMP plan, identify the potential impacts and include evidence of coordination with the state coastal zone management agency or appropriate agency with jurisdiction. The EIS should include the state coastal zone management agency's determination as to whether the project is consistent with the state CZMP plan.

If it is determined that the proposed action is inconsistent with the state's approved CZMP, FHWA will not approve the action except upon a finding by the Secretary of the Department of Administration that the proposed action is consistent with the purposes or objectives of the Coastal Zone Management Act or is necessary in the interest of national security.

Mitigation of adverse impacts to coastal zones agreed upon during agency consultation should be identified.

Wetlands

The wetlands discussion should begin with the discussion with a definition of wetlands per the USACE Wetlands Delineation Manual (1987)

Continue the discussion with the identification of whether there are wetlands in the study area.

Consultation will be required with USACE, and WDNR, and potentially with USFWS if there are potential impacts on wetlands resulting from a proposed action.

A draft EIS for projects involving new construction in or adjacent to wetlands should include sufficient information to:

- Identify the classification of wetlands involved
- Describe the impacts on the wetlands
- Evaluate alternatives that would avoid the wetlands
- Identify practicable measures to minimize harm to the wetlands

Exhibits showing the wetlands in relation to the alternatives should be provided, including the alternatives to avoid construction in the wetlands.

Address the following two issues when evaluating the impact of the proposed project on wetlands:

- The importance of the impacted wetlands
- The significance of this impact on the wetlands

Mitigation of adverse impacts to wetlands should begin with a discussion about Executive Order 11990, Protection of Wetlands and the Clean Water Act's Section 404(b)1 Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR 230).

Measures to minimize harm must first discuss avoidance and minimization. The draft EIS should then identify conceptual wetland compensation for unavoidable impacts per the WisDOT-WDNR memorandum of understanding titled Compensatory Mitigation for Unavoidable Wetland Losses Resulting from State Transportation Activities.

The discussion of compensation occurring at a wetland bank should be framed using the Wetland Mitigation Banking Technical Guideline located at:

https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/wetland-waters.aspx

Include a commitment to additional coordination with resource agencies to finalize mitigation measures.

A brief discussion of permits required should also be provided. Permit requirements for proposals affecting wetlands may include the following;

- Section 402 of the Clean Water Act - Pertains to a discharge subject to a national or state Pollutant Discharge Elimination System permit pursuant to the Clean Water Act when the surrounding environment is a wetland.
- Section 404 of the Clean Water Act - All wetlands draining into navigable waters are included as waters of the United States for the purpose of this act.
- Section 10 of the Rivers & Harbors Act of 1899 - Under this Act, wetlands may also fall under the permit requirements of the USACE due to obstruction or alteration of navigable waters of the United States.
- Chapter 30 - Under this chapter of the Wisconsin Statutes, permits are required for certain alterations

to waterways and navigable waters. Most highway-related activities carried out by WisDOT are exempt from these requirements provided that coordination with WDNR is carried out through established liaison procedures.

A formal wetland finding is required and prepared by FHWA for all projects that involve construction in wetlands. For additional information on a formal wetland finding see FDM 20-45-25.

The final EIS must include a discussion titled “Wetlands - Only Practicable Alternative Finding.” The topics in this discussion include:

- a reference to Executive Order 11990;
- an explanation why there are no practicable alternatives to the proposed action;
- an explanation why the proposed action includes all practicable measures to minimize harm to wetlands; and
- a concluding statement that: "Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use."

Threatened and Endangered Species

The threatened and endangered species discussion should begin with identification of state-listed, federally-listed or proposed species, or designated or proposed critical habitat in the study area. The official species list can be generated using IPaC (https://ecos.fws.gov/ipac/) or through accessing the USFWS website (http://www.fws.gov/). Early consultation and/or coordination with the WDNR Natural Heritage Conservation Bureau is also beneficial. Potential impacts to threatened and endangered species resulting from each alternative should be evaluated and discussed including impacts to habitat that supports these species.

An effect determination must be made by WisDOT on behalf of FHWA for each federally listed or proposed threatened or endangered species, or designated or proposed critical habitat, identified by USFWS on the Official Species List.

Mitigation of adverse effects to threatened and endangered species agreed upon during agency consultation should be identified.

Additional information on Threatened and Endangered Species can be found in FDM Chapter 24, Land and Water Resource Impacts.

Other Natural Resources

The discussion of other natural resources should begin with identification of environmental corridors, natural areas and unique woodland and wildlife habitats in the study area.

Early coordination with WDNR, USFWS and Metropolitan Planning Organizations is necessary to ensure that these habitats are identified and potential for impact evaluated.

Impacts to these resources must be quantified and analyzed.

Mitigation of adverse impacts to natural areas agreed upon during agency coordination should be identified.

Noise

The document preparer should be familiar with FDM Chapter 23 Noise, when developing the noise discussion for the draft and final EIS.

The noise discussion should begin with a discussion of the basics of acoustics.

The existing sound environment should be described. Receptor types should be described. Include an aerial map showing locations of receptors. Field measurements must be taken and evidence of noise model validation using those field measurements should be provided.

Existing and future sound levels must be modeled using the latest approved traffic noise model program. Comparison of these levels and identification of impacts should occur in a tabular format.

Mitigation for noise impact should be discussed per FDM 23-35. Mitigation of noise impacts through the use of noise barriers must include a discussion of barrier feasibility and reasonableness. Include the following language if mitigation through construction of a noise barrier(s) is found to be feasible and reasonable;

A final decision about whether to install abatement measure(s) would be made upon completion of the project’s final design and through the public involvement process, which would solicit input from residents and property owners who would benefit from construction of the feasible and reasonable noise barrier(s).

Air Quality

The document preparer should be familiar with FDM Chapter 22 Air Quality, when developing the air quality discussion for the draft and final EIS.

The air quality discussion should begin with an overview of the Clean Air Act of 1970. Areas designated non-attainment and maintenance for ozone and particulate matter $PM_{2.5}$ in the study area must be identified.

Evidence of project conformity with the approved regional transportation plan (RTP) and transportation improvement program (TIP) in areas designated non-attainment and maintenance for ozone and $PM_{2.5}$ must be demonstrated for each alternative. For a new, non-exempt project that is not included in a currently conforming RTP and TIP (or a project approved in the NEPA process that was included but has changed in design concept and scope) it will be necessary for the respective Metropolitian Planning Organization (MPO) to amend the RTP and TIP to include the project. To meet Clean Air Act transportation conformity requirements, the MPO and FHWA must make a new conformity determination on the amended RTP and TIP.

Potential for carbon monoxide and $PM_{2.5}$ hot-spot impacts must be evaluated as appropriate.

Potential for mobile source air toxics (MSATs) must also be analyzed as appropriate.

Mitigation of adverse impacts to air quality agreed upon during the inter-agency air quality consultation process should be identified. The discussion of potential construction-related air quality impact mitigation should be included as part of the Construction resource category.

Contaminated Sites

The document preparer should be familiar with FDM Chapter 21 Contaminated Site Assessment and Remediation when developing the contaminated sites discussion for the draft and final EIS.

Contaminated sites include hazardous waste sites regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as well as those sites contaminated by other hazardous materials such as petroleum or asbestos which are governed by state and federal regulations.

Early coordination should include the appropriate EPA regional office and WDNR if a RCRA or CERCLA regulated hazardous waste site is impacted.

The contaminated sites discussion should begin with a summary of the relative location of contaminated sites identified within the study area following the processes outlined in FDM Chapter 21 Contaminated Site Assessment and Remediation. The names and addresses of potentially contaminated sites should not be disclosed in the draft or final EIS. The location should also not be identified on included maps.

The affected environment discussion of the study area should summarize:

- Types of sites identified during Phase I assessments
- Additional analysis completed for identified sites
- Those sites requiring further analysis
- Results of asbestos surveys conducted for roadway structures

Contaminated site impact analysis should include commitments to:

- Additional investigations if a build alternative is selected as the preferred alternative
- Remediation measures for sites that can’t be avoided
- Surveying all buildings acquired to be moved or demolished for the presence of asbestos

Standard verbiage is provided in FDM Chapter 21 Contaminated Site Assessment and Remediation for these commitments.

Historic Properties

The document preparer should be familiar with FDM Chapter 26 Cultural Resource Preservation, when developing the historic properties discussion for the draft and final EIS.

The historical properties discussion should begin with a brief summary of the Area of Potential Effect (APE) and overview of the requirements to identify structures and districts in or determined eligible for inclusion in the National Register of Historic Places (NRHP) including eligibility criteria. If the draft EIS is being prepared for a state-only project, then explanation should be made that only those structures and districts defined by Wisconsin Statute §.44.40 will be included for discussion/analysis.

The affected environment discussion should include a summary of each structure or district found to be listed in or determined eligible for inclusion in the NRHP. Include the property/structure/district name, address and

description.

The impacts on listed and eligible structures and districts should be identified in the draft EIS for each alternative. The analysis of effects should be the basis of this discussion.

Section 106 of the National Historic Preservation Act requires that consultation with the State Historic Preservation Officer (SHPO) and Tribes should be included as a topic, and remaining consultation required to bring the Section 106 process to a conclusion, should be summarized.

Include agreed upon or potential mitigation measures for effects to eligible historic properties in the draft or final EIS if known. Mitigation for adverse effects to historic properties is outlined in the Memorandum of Agreement (MOA) or Project Specific Programmatic Agreement (PSPA). The MOA must be signed by required signatories prior to the signing of the ROD.

Archaeological and Burial Sites

The document preparer should be familiar with FDM Chapter 26 Cultural Resource Preservation, when developing the archaeological and burial sites discussion for the draft and final EIS.

The archaeological and burial sites discussion should begin with a brief summary of the proposed project study area, results of the burial site searches and an overview of efforts to identify archaeological sites or districts found to be determined eligible for inclusion in the NRHP.

The affected environment discussion should include an overview of the results of the archaeological survey(s) (i.e. Phase I, Phase II, etc.), burial site search(s) and their significance for the study area. Care should be taken to avoid specifically identifying the location of sensitive areas.

Impacts to burial sites, and eligible archaeological sites/districts should be identified in the draft EIS for each alternative if possible.

Include a summary of remaining consultation with the consulting parties required to bring Section 106 process to conclusion.

Include agreed upon or potential mitigation measures for effects to eligible archaeological sites in the draft or final EIS if known. Mitigation for effects to archaeological or burial sites is outlined in the MOA.

These mitigation measures must be agreed upon and included in the ROD prior to signature. Identification of burial site impacts, authorization to disturb and any agreed upon mitigation required per Wisconsin Statute §.157.70 should also be discussed in the ROD.

Recreational Resources and Public Land Uses

The discussion included for this resource category should be brief. Reference should be made to a detailed discussion in the Section 4(f) Evaluation section of the draft and final EIS.

The recreational resources and public land uses discussion should begin with a brief summary of the resources located in the study area. There may be recreational lands used by the public that are not protected by Section 4(f). Discussion of these lands should be included in this section.

The impacts discussion should provide a brief summary of the impacts of each alternative on the resources.

The mitigation of adverse impacts to recreational resources and public land uses discussion should be an overview of the avoidance and minimization measures with reference to additional detailed information in the Section 4(f) evaluation of the draft and final EIS.

Construction

The construction discussion should begin with a brief summary of the construction activities and duration of those activities.

Factors that should have a separate discussion by alternative include;

- Construction Costs (in current year and year of construction dollars)
- Operation and Maintenance Costs
- Construction Employment
- Construction Impacts and Mitigation

The Construction Impacts and Mitigation factor should include a detailed discussion of these sub-factors;

- Noise
- Air Quality (Emissions and Dust)
- Traffic/Conceptual Construction Staging

- Transit, Pedestrian and Bicycle Impacts
- Erosion Control and Water Quality
- Material Source/Disposal Sites
- Inadvertent Cultural Resource Discoveries

Indirect Effects and Cumulative Effects

Preparation of a draft EIS requires a detailed analysis of indirect effects and cumulative effects.

The preparer of these discussions should be familiar with and use processes identified in WisDOT's documents Guidance for Conducting an Indirect Effects Analysis and Guidance for Conducting a Cumulative Effects Analysis. These documents can be found at:

https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/ind-cum-impacts.aspx

The indirect effects discussion should include a summary of the information included in the Indirect and Cumulative Effects Analysis Report. The summary should include information on the six-step process outlined in WisDOT's Guidance for conducting an Indirect Effects Analysis.

The cumulative effects discussion should include a summary of the information included in the Indirect and Cumulative Effects Analysis Report. The summary should include information from the CEQ 11 step process outlined in WisDOT's Guidance from conducting a Cumulative Effects Analysis.

Relationship of Local Short-Term Uses Versus Long-Term Productivity

Short-term uses refer to the immediate consequences of a project, while long-term productivity relates to direct and indirect effects on future generations. "Both positive and negative effects should be addressed for each alternative in this section.

Irreversible and Irretrievable Commitments of Resources

This section should discuss in general terms the proposed action's irreversible and irretrievable commitment of resources. This general discussion may recognize that the build alternatives would require a similar commitment of natural, physical, human, and fiscal resources. Example text that could be used is below:

NO-BUILD ALTERNATIVE

The No-Build Alternative would involve substantial commitments of resources to maintain the existing deteriorating pavement and structures and to make spot safety improvements.

BUILD ALTERNATIVES

Under the build alternatives, land acquired for highway construction is considered an irreversible commitment during the time period such land is used for highway purposes. Considerable amounts of fossil fuel, labor and highway construction materials such as cement, aggregate and asphaltic material would be required. Considerable labor and natural resources would be used in the fabrication and preparation of construction materials. These resources generally are not retrievable. However, they are expected to remain in adequate supply.

Expenditure of public funds for construction of the build alternatives is considered an irretrievable commitment. In addition, land converted from private to public use would reduce local tax revenues.

As an alternative to total use of new resources, WisDOT would consider using clean construction demolition materials and recycled cement or asphaltic materials. Depending on current technology at the time a project would be constructed, alternative types and sources of materials may be available. The proposed commitment of resources under the build alternatives is based on the concept that residents in the study area, region and state would benefit by the improved quality of the highway. Benefits, which are expected to outweigh the commitment of resources, would include improved safety, preservation of an important transportation corridor, and improved travel reliability.

10.2.7 Section 4(f) and 6(f) Evaluations

Section 4(f) and Section 6(f) evaluations are prepared as a stand-alone section of the draft and final EIS for projects that will have Section 4(f) and/or Section 6(f) resource impacts.

The document preparer should be familiar with 23 CFR 774, the FHWA Section 4(f) Policy Paper, the FHWA Technical Advisory T 6640.8a, "Guidance for Preparing and Processing Environmental and Section 4(f) Documents", FDM 20-45-5, FDM 20-45-10 and FDM Chapter 26 Cultural Resource Preservation, when developing the Section 4(f) and 6(f) Evaluation discussions for the draft and final EIS.

FHWA has codified Section 4(f) through 23 CFR 774.23 CFR 772 can be downloaded at:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr774_main_02.tpl

The Section 4(f) Policy Paper supplements FHWA regulations governing the use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or private historic sites for federal highway projects. This Section 4(f) Policy Paper was written primarily to aid FHWA personnel with administering Section 4(f) in a consistent manner and help State Highway Agencies (SHAs) fulfill their responsibilities where a SHA has assumed the FHWA responsibility for Section 4(f) compliance. WisDOT has not assumed FHWA responsibility for Section 4(f) compliance. The Section 4(f) Policy Paper can be downloaded at:

http://www.environment.fhwa.dot.gov/4f/4fpolicy.asp

The purpose of the Technical Advisory is to provide guidance to FHWA field offices and to project applicants on the preparation and processing of environmental and Section 4(f) documents. The Technical Advisory can be downloaded at:

http://environment.fhwa.dot.gov/projdev/impta6640.asp

A Finding of *De Minimis* Impact for one or more Section 4(f) resources in the project study area should be referenced and summarized in this section. The finding of de minimis impact form should be attached to the draft EIS. A Programmatic Section 4(f) evaluation if approved by FHWA, should be attached to the draft EIS. These templates can be found on the BTS-EPDS web page:

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

Draft Section 4(f) Evaluation

The Draft Section 4(f) discussion should begin with a brief overview of 23 U.S.C. 138 and 49 U.S.C. 303 which were originally enacted as Section 4(f) of the Department of Transportation Act of 1966 and are still commonly referred to as Section 4(f).

The section should then include these topics;

- Proposed Action
- Section 4(f) Property Description
- Impacts on the Section 4(f) Property(ies)
- Avoidance Alternatives
- Measures to Minimize Harm
- Coordination

Note: The conclusion that there are no feasible and prudent alternatives is not made in the draft Section 4(f) evaluation. The draft may contain a preliminary assessment. The preliminary assessment may help focus comments from the public and agencies if they disagree that there are no feasible or prudent avoidance alternatives. The conclusion is made only after the draft Section 4(f) evaluation has been circulated and coordinated and any identified issues adequately evaluated.

Final Section 4(f) Evaluation

When the preferred alternative uses Section 4(f) land, the Final Section 4(f) Evaluation must contain the following;

- All the above information for a draft evaluation.
- A discussion of the basis for concluding that there are no feasible and prudent alternatives to the use of the Section 4(f) land. The supporting information must demonstrate that "there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes" (23 CFR 771.135(a)(2)). This language should appear in the document together with the supporting information.
- A discussion of the basis for concluding that the proposed action includes all possible planning to minimize harm to the Section 4(f) property. When there are no feasible and prudent alternatives which avoid the use of Section 4(f) land, the final Section 4(f) evaluation must demonstrate that the preferred alternative is a feasible and prudent alternative with the least harm on the Section 4(f) resources after considering mitigation to the Section 4(f) resources.
- A summary of the appropriate formal coordination with the Headquarters Offices of DOI (and/or appropriate agency under that Department) and, as appropriate, the involved offices of United States Department of Agriculture and United States Department of Housing and Urban Development.
- Copies of all formal coordination comments and a summary of other relevant Section 4(f) comments received an analysis and response to any questions raised. Where new alternatives or modifications to

existing alternatives are identified and will not be given further consideration, the basis for dismissing these alternatives should be provided and supported by factual information. Where Section 6(f) land is involved, the NPS's position on the land transfer should be documented.

- Concluding statement as follows: "Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the (identify Section 4(f) property) and the proposed action includes all possible planning to minimize harm to the (Section 4(f) property) resulting from such use."

Section 6(f) Evaluation and Other Uniquely Funded Lands

The use of Section 4(f) land may involve concurrent requirements of other federal and state agencies. Examples include approval of land conversions for lands purchased or lands improved under:

- Section 6(f) of the Land and Water Conservation Fund Act
- Dingell-Johnson Act
- Pittman-Robertson Act
- Wetland Reserve Program
- North American Wetlands Conservation Act
- Knowles-Nelson Stewardship Program

The Description of Section 4(f) Properties discussion should also include identification of whether or not Section 6(f) or other or other unique funding sources apply to the property being acquired. It is also possible that Section 6(f) or other or other unique funding sources may apply to the property without the property being considered a Section 4(f) property. The property should still be included as part of the Description of Section 4(f) Properties discussion in these situations, but the reason why Section 4(f) does not apply should also be evidenced.

The mitigation plan developed for the project should include measures which would satisfy the various requirements. For example, Section 6(f) directs the NPS to assure that replacement lands of equal value, location, and usefulness are provided as conditions to approval of land conversions. Therefore, where a Section 6(f) land conversion is proposed for a highway project, replacement land will be necessary. Regardless of the mitigation proposed, the Draft and Final Section 4(f) evaluations should discuss the results of coordination with the public, official having jurisdiction over the Section 6(f) land and document the NPS's position on the Section 6(f) land transfer, respectively. Section 6(f) is further discussed in FDM 20-45.

10.2.8 Community Involvement and Agency Coordination

The document preparer should be familiar with FDM Chapter 6, Public Involvement, when developing the Community Involvement and Agency Coordination discussion for the draft and final EIS.

A detailed description of the public involvement process and agency coordination is a separate section of the EIS. This section should describe the efforts made to seek input from the general public as well as minority or low-income populations. Results of completed agency coordination, responses to comments and issues remaining to be resolved should be identified.

This section should be separated into these topics:

- Community Involvement During Draft EIS Preparation (Draft EIS)
- Agency Coordination During Draft EIS Preparation (Draft EIS)
- Comments and Coordination Following Draft EIS Availability and Public Hearing (Final EIS)

The Community Involvement during Draft EIS Preparation section should include a detailed discussion of these sub-topics as applicable:

- Summary of Community Outreach Activities
- Committees
- Stakeholder Outreach
- Local Government Outreach
- Public Involvement Meetings
- Study Mailing or Comment Database
- Fact Sheets, Newsletters and Other Project Mailings
- Advertising
- Project Website
- Dedicated Study Email Address and Comment Forms
- Summary of Comments and Responses to Comments

The Agency Coordination during Draft EIS Preparation section should include a detailed discussion of these sub-topics as applicable:

- Summary of Cooperating and Participating Agencies
- Agency Meeting Summary
- Agency Input on Purpose and Need Statement and Responses
- Agency Input on Range of Alternatives Considered and Responses
- Agency Input on Preferred Alternative and Responses (when preparing a combined final EIS/ROD)
- Coordination with Tribal Chairs and THPOs - Discussions and Responses

The Comments and Coordination following Draft EIS Availability and Public Hearing section should include a detailed discussion of these sub-topics as applicable;

- Public Hearing (dates public hearing notice and document availability published, papers of publication, document availability period, date/time/location of public hearing, hearing format type, testimony/comment methods, list of public hearing exhibits, etc.)
- Summary of Public Comments (use a Comment and Response format to address comments most frequently cited)
- Federal, State and Local Government Comments (a tabular format identifying agency, comment and response works well for this sub-topic)
- Summary of Project Meetings Since Draft EIS Approval

Attach agency coordination letters provided both during draft EIS preparation and following draft EIS availability in an appendix. Attach evidence of coordination with the Tribes in that appendix also.

10.2.9 List of Environmental Impact Statement Recipients

A tabular format works well for this section. The table should be separated by;

- Federal Agencies
- State Agencies
- Federal and State Elected Officials
- Indian Tribes
- Local Units of Government
- Local Libraries

10.2.10 List of Prepares

This section will include a list of principal contributors and reviewers of the EIS. All personnel, including consultants and sub-consultants, who were responsible for preparing or reviewing the EIS or conducting environmental studies will be listed. Include their academic qualifications and related experience. A tabular format works well for this section. The table should be separated by:

- FHWA
- WisDOT - Central Office
- WisDOT - Region
- Consultant Staff

10.2.11 References

Include a bibliographic listing of all references and resources used to compile the data for the document. Research papers, studies, journals, newspaper articles, plans, guides, etc. used to prepare the document or specifically cited in the EIS should be part of this section.

10.2.12 Index

An alphabetical listing and page citations of important subjects and areas of major impacts must be included in this section so that the reviewer need not read the entire EIS to obtain information on a specific subject or impact of concern.

10.2.13 Appendices

Any documentation supporting statements in the body of the EIS, including methodologies and statistical supporting data, may be appended. Material prepared as appendices to the EIS should:

- Consist of material specifically prepared for the EIS
- Consist of material which substantiates an analysis fundamental to the EIS

- Be analytic and relevant to the decision to be made
- Be circulated with the EIS within FHWA, to EPA (Region), and to cooperating agencies and be readily available on request by other parties. Other reports, memorandums or studies referred to in the EIS should be readily available for review or for copying at the WisDOT Region Office.

10.2.14 DVD, CD or Other Digital Media

Lengthy studies and analysis that are referenced or summarized in the EIS may be included on a DVD, CD or other digital media that is included with the EIS. Include a summary of the contents on the accompanying DVD or CD as part of the EIS Table of Contents.

FDM 20-30-15 Options for Preparing Final EISs

March 16, 2018

Traditionally, and in accordance with the CEQ Regulations (40 CFR 1506.10(b)(2)), final EIS and ROD documents are issued as separate documents with a minimum 30-day period between the final EIS and ROD. This process is now the exception to the rule.

Section 1319(b) of *Moving Ahead for Progress in the 21st Century Act (MAP-21)*, Accelerated Decision making in Environmental Reviews directs the lead agency, to the maximum extent practicable, to combine the final EIS and ROD into a single document unless:

- The final EIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
- There are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

This provision is applicable to all proposed projects for which a final EIS is issued. Whether combining the final EIS and ROD is practicable is a determination specific to the EIS process for a proposed project. FHWA will consider the facts and circumstances relevant to the EIS process when deciding whether the use of a combined final environmental impact statement FEIS/ROD process for a project is practicable.

TRANS 400 does not allow WisDOT to combine an FEIS/ROD for state only funded EISs. According to TRANS 400.11(4) a ROD cannot be published sooner than 30 days after the date of publication of the notice of availability of the FEIS or 90 days after the date of publication of the notice of availability of the draft environmental impact statement (DEIS).

FHWA published Interim Guidance on Map-21 Section 1319, Accelerated Decision making in Environmental Reviews, January, 14, 2013. The interim guidance contains additional information on a combined FEIS/ROD. It can be found at:

https://www.fhwa.dot.gov/map21/guidance/guideaccdecer.cfm

15.1 Traditional Approach

Under this approach, the combined final EIS and ROD or separate final EIS incorporates the draft EIS (essentially in its entirety) with changes made as appropriate throughout the document to reflect the selection of a preferred alternative (separate final EIS process), modifications to the project, updated information on the affected environment, changes in the assessment of impacts, the selection of mitigation measures, wetland and floodplain findings, the results of coordination, comments received on the draft EIS and responses to these comments, etc. Since so much information is carried over from the draft EIS to the final EIS, important changes are sometimes difficult for the reader to identify. Nevertheless, this is the approach most familiar to participants in the NEPA and WEPA process. Methods, such as highlighting added or modified text and the use of sidebars, may be used to clarify changes from the draft EIS to the final EIS.

15.2 Draft EIS Errata Sheets

Section 1319(a) *Moving Ahead for Progress in the 21st Century Act* (MAP-21), Accelerated Decision-making in Environmental Reviews allows for the use of errata sheets attached to the draft EIS in-lieu of a final EIS.

This approach to preparing the final EIS is not new. It is currently allowed by CEQ regulation and guidance (see 40 CFR 1503.4(c)), as well as under the existing FHWA Technical Advisory T6640.81, Section VI - Options for Preparing Final EIS's (Abbreviated Version of Final EIS). Section 1319(a) does include additional criteria for when the option is appropriate, and specifies content of the errata sheets.

15.3 Condensed Final EIS

This approach avoids repetition of material from the draft EIS by incorporating, by reference, the draft EIS. The final EIS is, thus, a much shorter document than under the traditional approach; however, it should afford the reader a complete overview of the project and its impacts on the human environment.

The crux of this approach is to briefly reference and summarize information from the draft EIS which has not changed and to focus the final EIS discussion on changes in the project, its setting, impacts, technical analysis, and mitigation that have occurred since the draft EIS was circulated. In addition, the condensed final EIS must identify the preferred alternative, explain the basis for its selection, describe coordination efforts, and include agency and public comments, responses to these comments, and any required findings or determinations (40 CFR 1502.14(e) and 23 CFR 771.125(a)).

The format of the final EIS should parallel the draft EIS. Each major section of the final EIS should briefly summarize the important information contained in the corresponding section of the draft, reference the section of the draft that provides more detailed information, and discuss any noteworthy changes that have occurred since the draft was circulated.

At the time that the final EIS is circulated, an additional copy of the draft EIS need not be provided to those parties that received a copy of the draft EIS when it was circulated. Nevertheless, if, due to the passage of time or other reasons, it is likely that they will have disposed of their original copy of the draft EIS, then a copy of the draft EIS should be provided with the final EIS. In any case, sufficient copies of the draft EIS should be on hand to satisfy requests for additional copies. Both the draft EIS and the condensed final EIS should be filed with EPA for notice in the Federal Register under a single final EIS cover sheet.

FDM 20-30-20 Record of Decision

March 16, 2018

The Record of Decision (ROD) is the final approval needed before an action analyzed in an EIS may be implemented.

A ROD is prepared by FHWA in cooperation with WisDOT on federally funded projects. FHWA approves the ROD. A ROD is prepared and approved by WisDOT for state funded-only projects.

The ROD must identify the selected preferred alternative. It must briefly summarize each alternative analyzed in the EIS. The discussion must also identify the environmentally preferable alternative (the alternative that causes the least damage to the biological and physical environment). In cases where the selected alternative differs from the environmentally preferable alternative and lands protected by Section 4(f) influenced the preferred alternative selection, the ROD should identify this. Other important factors in the selection of the preferred alternative should be identified as well.

The ROD should summarize the basis for any Section 4(f) approval. Key information related to the approval should be summarized as well.

The ROD should describe any specific measures to minimize environmental harm. The ROD should also state if all measures to minimize environmental harm have been incorporated into the selected alternative. If they have not, state the reasons why.

If separate FEIS and ROD are prepared for the project, the ROD should summarize substantive comments and provide responses.

The ROD should document any requirements, such as Section 4(f) and Section 106 approvals. The ROD must identify all alternatives that were considered, specifying the alternative or alternatives which are considered environmentally preferable. The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment. It also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

If FHWA or WisDOT subsequently wishes to take an action which was not identified as the proposed action in the draft or final EIS, or proposes to make substantial changes to the mitigation measures or findings discussed in the ROD, a revised ROD shall be processed.

20.1 ROD for Federal-Aid Projects

Refer to FDM 6-15-45 for a description of the Public Hearing Record and certification process.

No formal decision on a proposed federal action requiring an EIS shall be made or recorded by a federal agency until the later of the following dates:

- Ninety (90) days after publication of the Notice of Availability of a Draft EIS
- Thirty (30) days after publication of the Notice of Availability of a Final EIS described in the preceding procedure. This thirty (30) day period does not apply if a combined final EIS and ROD is issued.

20.2 ROD for State Funded Projects

WisDOT shall complete and sign a ROD no sooner than 30 days after the date of the publication of the Notice of

Availability of the Final EIS and no sooner than 90 days after publication of the Notice of Availability of the Draft EIS. The Region shall prepare a draft of the ROD and transmit it to BTS-EPDS at the same time as it publishes the Notice of Availability of the Final EIS. BTS-EPDS shall review the ROD and upon completion of the public availability period of the final EIS, will recommended approval by the Division Administrator.

The Draft ROD shall contain the following information:

- A statement of the decision.
- Identification of all alternatives considered by the department in reaching its decision, specifying which one is considered environmentally preferable.
- A statement on the intent of Title VI of the Civil Rights Act and of EO 12898 (i.e., “Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this action. It is also federal and state policy that no group of people bears the negative consequences of this action in a disproportionately high and adverse manner without adequate mitigation”), and the conclusions of the environmental justice analysis.
- A statement indicating that all practicable means to avoid or mitigate environmental harm have been adopted, and if not so adopted, a statement specifying the reasons for not adopting such means. If the Department of Transportation subsequently wishes to take an action which was not identified as the proposed action in the final EIS, or proposes to make substantial changes to the mitigation measures or findings discussed in the ROD, a revised ROD shall be processed.

FDM 20-30-25 Statute of Limitations

March 16, 2018

FHWA may issue a 150-day statute of limitations (SOL) on claims against USDOT and other federal agencies for certain environmental and other approval actions. The 150-day SOL starts from the date that notice is published in the Federal Register by FHWA. A SOL notice can be used for a highway project regardless of the category of documentation used under NEPA.

FDM 20-30-30 Draft and Final EIS Review, Approval and Circulation Process

March 16, 2018

30.1 Review

The timing of the review process will vary with the complexity of the project, the controversy associated with the impacts, and the number of reviewers. Project teams are encouraged to coordinate with BTS-EPDS and FHWA early regarding document methods, format and content to avoid subsequent delays resulting from requested changes.

The REC and WisDOT Project Manager will review and comment on the draft-version of the EIS. Once their comments are addressed and they are satisfied that the document is complete, the REC submits the document to the BTS-EPDS liaison for review and comment. Working with the Region to incorporate their comments and satisfied that the document is legally sufficient, the BTS-EPDS liaison submits the document to the designated FHWA staff for review and comment.

Concurrent review by BTS-EPDS and FHWA may occur if the project team believes expedited review is necessary and both BTS-EPDS and FHWA agree. A meeting between the reviewers and the authors can be held to facilitate communication as warranted. Also, a brief review of the document, impacts and final selected alternative can be held to inform the signing authorities at both WisDOT and FHWA.

30.2 Approval

When FHWA is satisfied that the document is legally sufficient, the project team submits a camera-ready cover sheet to BTS-EPDS for signature. BTS-EPDS then transmits the cover sheet to FHWA for signature. When all required signatures are acquired, the cover sheet is returned to the project team for production of the EIS.

30.3 Circulation

Prior to or on the date of publication of the availability of the document in the Federal Register and legal notice of availability in the newspaper(s), the project team must ensure that copies of the document are available at the locations referenced in each notice.

Refer to FDM 6-15-20.4 for a description of the Federal Register Announcement process and FDM 6-15-20.3 for a description of the legal notice for a public hearing process.

The appropriate regional clearinghouse will act as a local review agency of approved EISs, pursuant to the President's Executive Order 12372. The Wisconsin Department of Administration as the agency responsible for coordinating the requirements under Executive Order 12372. A list of state clearinghouses and the counties they serve is found in FDM 5-1-5.

Those agencies which have jurisdiction over an area or which have a responsibility to a particular interest or area of concern, including Cooperating and Participating Agencies should also receive a copy of the approved EIS for review and comment.

The project team should also make a good faith effort to ensure that all those identified on the List of Environmental Impact Statement Recipients in the EIS have a copy of the approved EIS before publication of the notices.

BTS-EPDS and FHWA should be consulted to determine the number of additional EISs needed for their offices.

The project team should also consider making copies of the EIS on DVD, CD or other digital media for others that may request a copy.

Posting of the EIS on a project website is also a valuable method for making the EIS available to the public.

FDM 20-30-35 Tiered EIS

March 16, 2018

The basic concept of tiering an EIS is straightforward. Rather than preparing a single EIS as the basis for approving the entire project, the agency conducts two or more rounds, or "tiers", of environmental review.

The National Cooperative Highway Research Program (NCHRP), Transportation Research Board (TRB) prepared NCHRP Guidelines on the use of Tiered Environmental Impact Statements for Transportation Projects. This document, which can be found using the link below, contains general guidelines for preparing a Tiered EIS.

http://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25(38)_FR.pdf

The NCHRP guidelines are not policy or regulations, nor are they endorsed specifically by WisDOT or FHWA. They should be used as appropriate with frequent coordination with your REC, LPMC and BTS-EPDS Liaison.

In Tier 1, the agency typically prepares an EIS that analyzes a program or large project on a broad scale. In Tier 2, the agency prepares one or more additional NEPA documents, which examine individual projects or sections in greater detail.

The challenge in preparing a tiered study is determining the details of the tiered approach. The agencies preparing a tiered study must make several important decisions and clearly define them, such as:

- What decisions will be made in each tier?
- How much detail is appropriate in each tier?
- How will non-NEPA requirements, e.g., Section 4(f), historic preservation consultation, endangered species consultation, and wetlands permitting, be addressed at each tier?
- How will agencies and the public be involved in the tiered process?
- What will be done to educate agencies and the public about the tiered process?

Tiering is typically adopted for these main reasons:

- Complexity of managing the NEPA process for lengthy corridors;
- Desire to authorize corridor preservation, where construction is not anticipated for many years;
- Lack of funding to complete a traditional EIS which require more detailed studies than is typically required for a Tier 1 EIS and
- To prevent the numerous studies associated with a traditional EIS from becoming outdated because the funding shortage prevents the project from moving forward, which usually coincides with a lack of funding.

Regulations specific to tiering are discussed in 40 CFR 1502.20.

Prior to beginning a Tiered EIS the Region should consult with BTS-EPDS and FHWA.