DRAFT Coordination Plan for Agency and Public Involvement

As part of the Environmental Review Process for

Study Title

Counties, WI

WisDOT Project I.D

Prepared for:

Wisconsin Department of Transportation

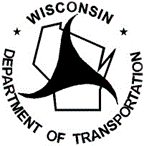
Southwest Region Madison Office

2101 Wright Street

Madison, WI 53704



U.S. Department of Transportation

Federal Highway Administration

Wisconsin Department of Transportation

November, 2015

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**Coordination Plan**

I.D.

City – City

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Counties

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**Revision History**

This Coordination Plan for Agency and Public Involvement (“Coordination Plan” or “Plan”) for the project is intended to be a dynamic document that will be available to stakeholders and updated as appropriate throughout the duration of the project. Below is a record of substantive changes made to this document.

The Lead Agencies, Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT), will make the Coordination Plan available to other agencies and the public in the ways identified in Section 1.1. The Coordination Plan will be revised when important agency contact information changes (Table 2-1), when important coordination activities or actions described in the Plan change, or when the project schedule significantly changes (Table 4-1). Revisions and changes to the Plan will be communicated to agencies in a timely manner and shared with the public in ways identified in Section 1.1. Revisions or changes that impact Plan commitments made by other agencies must be agreeable to the affected agency(ies). Revisions and changes to the Plan that do not affect commitments made by other agencies will be forwarded to Cooperating and Participating Agencies for their acknowledgement and comment.

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| **Coordination Plan Version** | **Date of change** | **Revision Description** |
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# Section 1

1. Introduction
   1. Purpose of this Coordination Plan

The environmental review process for the project must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The purpose of this Plan is to communicate how and when the FHWA and WisDOT, as lead agencies, will coordinate public and agency participation and comment in the environmental review process for the Project/Study title.

This Plan outlines how the Lead Agencies have divided responsibilities for compliance with various aspects of the environmental review process, such as the issuance of invitation letters, and how the Lead Agencies will provide opportunities for input from the public and other agencies. The Plan also identifies concurrence points and project milestones, and establishes a schedule of meetings and timeframes for input and review by the Participating and Cooperating Agencies, as well as by the public, Native American Tribes of Wisconsin and other interested Tribal communities.

Per 23 CFR 771.111 (Early Coordination, Public Involvement, and Project Development), this Plan will be shared with the Federal, State, and local agencies, local units of government, and Native American Tribes who have expressed interest in the proposed project. A copy of the completed Coordination Plan will be shared with the public through the project website, at public involvement meetings, and by request. The Plan will be updated as necessary to reflect significant changes to information contained in the Plan. Any substantive changes will be documented in the Plan, agencies will have updated copies sent to them, and the public will be notified through the project website, at public involvement meetings, or by request.

This Plan is prepared in compliance with 23 U.S.C. 139 to describe the steps in the project’s environmental review process. The environmental review process is described in FHWA’s environmental regulations, 23 CFR 771 (Environmental Impact and Related Procedures), and is in conformance with the requirements of the National Environmental Policy Act (NEPA)[[1]](#footnote-1).

* 1. Project Background

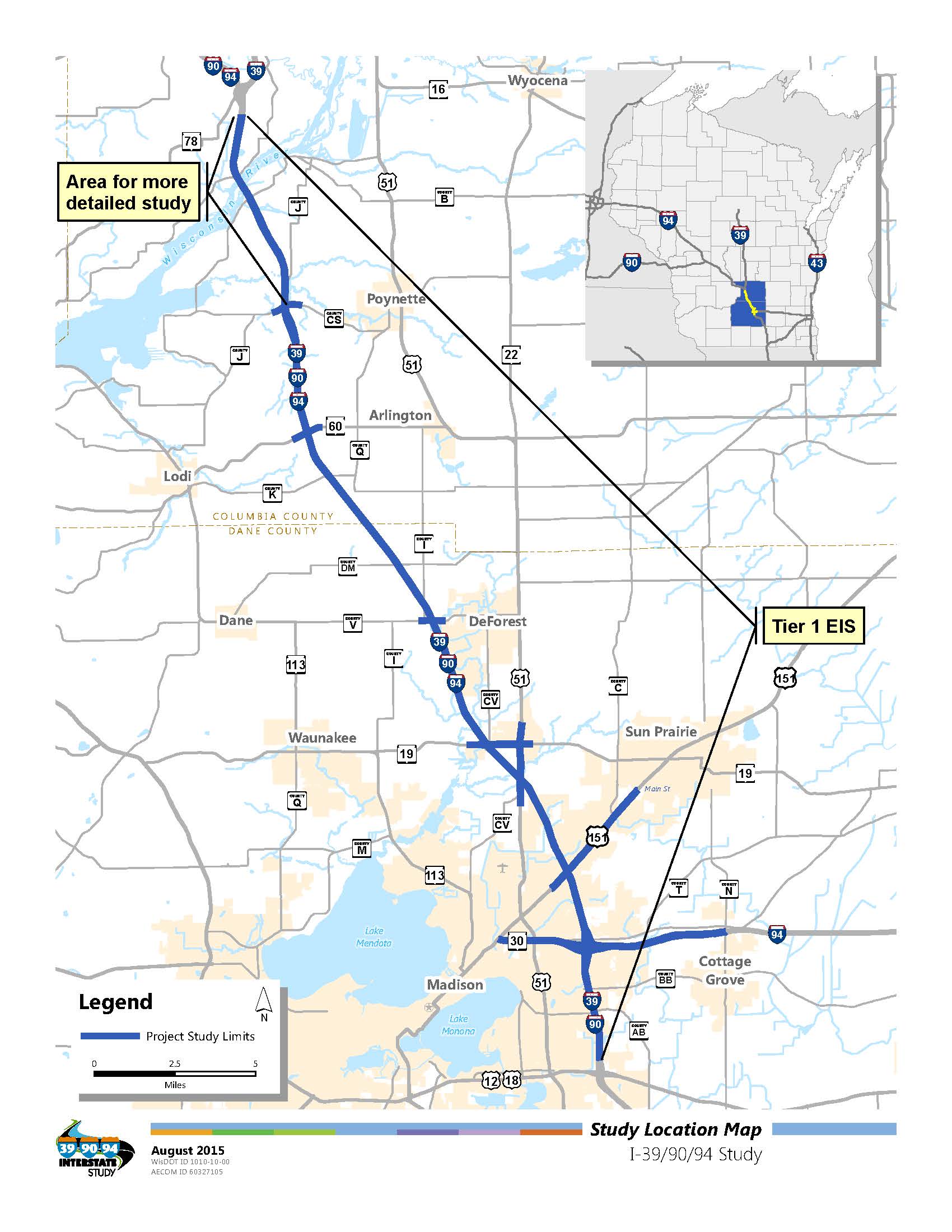
Insert project background description

* 1. Agency Coordination Prior to the Coordination Plan

Include relevant information

* 1. Project Location Map

1. Location Map



# Section 2

1. Agency Roles – Lead/Cooperating/Participating
   1. Agency Definitions and Responsibilities

The standard responsibilities for each Lead, Cooperating, and Participating Agency invited to participate in the environmental review process for this project are as follows:

**Lead Agency**: USDOT-FHWA is the Federal Lead Agency and WisDOT is the State Lead Agency for this project. As “Joint Lead Agencies” their responsibilities include managing the environmental review and documentation process; preparing the Tier 1 EIS, and providing opportunities for the public and the involvement of federal, state and local agencies.

As the Federal Lead Agency, FHWA will invite other affected or interested federal agencies and Native American Tribes to participate in the project’s environmental review process.

The State Lead Agency, WisDOT, will invite other affected or interested state and local agencies to participate in the process. WisDOT is responsible for investigating project corridors and alternatives, implementing the environmental review process and preparing the Tier 1 EIS.

FHWA must oversee the environmental review process and concur that the process, as implemented by WisDOT, satisfies applicable federal laws and guidance.

**Cooperating Agency**: A Cooperating Agency is any federal agency, other than a Lead Agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American Tribe may, by agreement with the lead agencies, also become a Cooperating Agency.

Cooperating Agencies shall use their knowledge and expertise to assist the Lead Agencies in identifying issues of concern regarding the project’s potential impacts, and provide meaningful and timely input throughout the environmental review process. A Cooperating Agency’s failure to respond in a timely manner will be indication that the Lead Agencies have fulfilled the coordination step with the agency for that issue. Cooperating Agencies may adopt the final project environmental document to fulfill their agency’s documentation needs for permits or approvals that they issue. Agencies anticipated to be Cooperating Agencies are shown in Table 2-1.

**Participating Agency**: Participating Agencies include federal, state or local agencies that have an interest in the project. These agencies agree to identify issues of concern regarding the project’s potential impacts, and provide meaningful and timely input on purpose and need, corridors and alternatives analysis methodologies, and the range of corridors/ alternatives to be studied. For the Project/Study title several agencies were invited to be Participating Agencies as shown in Table 2-1.

* 1. WisDOT-WDNR Cooperative Agreement

Chapter 30 of the Wisconsin Statutes (Navigable Waters, Harbors and Navigation) establish an alternative process for WisDOT and the WDNR to interact on State transportation projects. State transportation projects are coordinated with and reviewed by the WDNR through interdepartmental liaison procedures known as the WisDOT-WDNR Cooperative Agreement. This process engages both agencies in progressive discussions and reviews throughout the transportation development process, and culminates in a “concurrence letter” from the WDNR at the conclusion of final design activities. Coordination with and concurrence from the WDNR during this project’s environmental review process precedes and supplements the WDNR’s review and concurrence role during the final design process. WisDOT will not commence construction activities until WDNR concurrence on final design is received.

Nothing in this Coordination Plan, or in FHWA’s environmental coordination process (23 U.S.C. 139), is designed or intended to replace or supplant the steps, activities or expectations expressed in the WisDOT-WDNR Cooperative Agreement, nor does participation in this environmental review process in any way affect the WDNR’s need or ability to perform review and provide concurrence during final design activities.

* 1. List of Agencies, Contacts, and Roles

The intent of coordination with federal, state, and local agencies as well as interested Native American Tribes is to cooperatively identify important environmental or cultural resources and potential impacts, and to resolve issues that could delay the environmental process or result in denial of approvals required to implement the proposed project. A more complete list of agency expectations is included in Section 3.1.

The agencies listed in Table 2-1 have been identified as Lead, Cooperating, and/or Participating Agencies or potentially interested Tribes. All the agencies and Tribes noted in the table have been invited by FHWA or WisDOT to be Participating or Cooperating Agencies. Additional agencies can be invited and added to the list of participants at any time, as appropriate.

| Agency Contact List | | |
| --- | --- | --- |
| **Agency Name** | **Contact Person**  **Name/Address**/**Phone Number** | **Project Role** |
| **Federal Agencies** | | |
| Federal Highway Administration (FHWA) |  | **Federal Lead Agency** |

| Agency Contact List | | | | | |
| --- | --- | --- | --- | --- | --- |
| **Agency Name** | **Contact Person**  **Name/Address**/**Phone Number** | | **Project Role** | |
| U.S. Army Corps of Engineers  (USACE) |  | | Cooperating Agency Invitation Date TBD | |
| U.S. Fish and Wildlife Service (USFWS) | Peter Fasbender  Area Supervisor  U.S. Fish & Wildlife Service  4101 American Boulevard East  Bloomington, MN 55425  (612) 725-3548  Peter\_Fasbender@fws.gov | | Participating Agency Invitation Date TBD | |
| U.S. Environmental Protection Agency  (USEPA) | Kenneth Westlake  Environmental Protection Agency Region 5  NEPA Implementation Section  (Mail Code E-19J)  77 W. Jackson Blvd.  Chicago, IL 60604  (312) 886-2910  Westlake.kenneth@epa.gov | | Cooperating Agency Invitation Date TBD | |
| U.S. Department of Agriculture, Natural  Resources Conservation Service (NRCS) |  | | Participating Agency Invitation Date TBD | |
| **State Agencies** | | | | | |
| Wisconsin Department of Transportation  (WisDOT) |  | | **State Lead Agency** | |
| Wisconsin Department of Natural  Resources (WDNR) |  | | Cooperating/  Participating Agency Invitation Date TBD | |
| Wisconsin State Historic Preservation Office/Wisconsin Historical Society (WHS) | Kimberly Cook, Historic Pres Specialist  Historic Preservation Division  Wisconsin Historical Society  816 State Street  Madison, WI 53706  (608) 264-6493  Kimberly.Cook@wisconsinhistory.org | | Participating Agency Invitation Date TBD | |
| Wisconsin Department of Agriculture,  Trade and Consumer Protection  (DATCP) | Alice Halpin  DATCP – Agricultural Impact Program  2811 Agriculture Drive, PO Box 8911  Madison, WI 53708-8911  (608) 224-4646  Alice.Halpin@wisconsin.gov | | Participating Agency Invitation Date TBD | |
| **Native American Tribes** | | | | | |
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| **Local Jurisdictions** | | | |
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# Section 3

1. Concurrence points and Agency Responsibilities
   1. Agency Expectations

**The expectations for Lead Agencies are:**

* Manage and coordinate the environmental review process, insuring that environmental information is available to public officials and citizens before decisions are made and before actions are taken.
* Prepare the environmental document in accordance with 23 CFR part 771 (FHWA Environmental Impact and Related Procedures) and 40 CFR parts 1500-1508 (Council on Environmental Quality Regulations for Implementing NEPA).
* Provide, as early as practicable, but no later than the appropriate project milestone, accurate and complete project information on purpose and need, environmental resources, corridors/alternatives and proposed methodologies.
* Identify and involve Cooperating and Participating Agencies.
* Develop the Coordination Plan.
* Provide the opportunity for public and agency involvement in defining the purpose and need, corridors to be evaluated, and selection of the Preferred Corridor or Preferred Reasonable Impact Alternative.
* Consult with and involve tribal governments in compliance with NEPA and Section 106 of the National Historic Preservation Act (NHPA).
  + Manage and facilitate the process of resolving issues.

**The expectations for Cooperating Agencies are:**

* Assist the lead agencies in identifying environmental or cultural resources of concern.
* Identify as early as practicable any issue or concern regarding the project’s environmental, cultural or socioeconomic impacts.
* Identify as early as practicable any issues that could substantially delay or prevent the granting of a permit or other approval needed for the project.
* Share information that may be useful to the joint lead agencies, cooperating, and participating agencies.
* Participate in meetings and field reviews.
* Provide timely comments on purpose and need, corridors to be evaluated, and selection of the Preferred Corridor or Preferred Reasonable Impact Alternative; as well as the Coordination Plan, Impact Analysis Methodologies, and potential project impacts as agreed to and reflected in Section 4 of this Plan.
* Review and comment on preliminary drafts of the Draft Tier 1 EIS (DEIS) and Final Tier 1 EIS (FEIS).
  + Participate as needed in issues resolution activities.

**The expectations for Participating Agencies are:**

* Assist the lead agencies in identifying environmental or cultural resources of concern.
* Identify as early as practicable any issue or concern regarding the project’s environmental, cultural or socioeconomic impacts.
* Share information that may be useful to the joint lead agencies, cooperating and participating agencies.
* Participate in meetings and field reviews as appropriate and invited.
* Provide timely comments on purpose and need, corridors to be evaluated, and selection of the Preferred Corridor or Preferred Reasonable Impact Alternative; as well as the Coordination Plan, Impact Analysis Methodologies, and potential project impacts as agreed to and reflected in Section 4 of this Plan.
* Review and comment on the Tier 1 DEIS and FEIS.
  + Participate as needed in issues resolution activities.
  1. Concurrence and Coordination Points, Information Requirements, and Responsibilities

To facilitate public and agency involvement in the environmental review process for the project, a number of coordination and concurrence points have been established. Coordination points (“check-in” points for a set of activities) occur when project review activities or milestones will eventually result in important decisions affecting the environmental review process and its outcomes.

Coordination points will involve exchanges of information and opinions between the Lead, Participating, and Cooperating Agencies and the public. This information exchange will often be accomplished by mail or email, but may also occur during face-to-face or public involvement meetings. Coordination points with agencies are typically established for the following activities:

* Project scoping activities
* Development of purpose and need statement
* Identification of the range of corridors for evaluation
* Collaboration on methodologies for analysis of corridors and/or reasonable impact alternatives
* Identification of the preferred corridor and/or reasonable impact alternative
* Completion of the Tier 1 DEIS
* Mitigation strategies
* Completion of Tier 1 FEIS
  + Completion of the record of decision (ROD) finalizing selection of the Preferred Corridor and/or Reasonable Impact Alternative and identification of subsequent Tier 2 environmental document(s).
  + Concurrence is a written determination by an agency participating in the NEPA/Section 404 Merger Agreement process that the information provided to-date is adequate to agree that the project can be advanced to the next stage of project development. Agencies agree not to revisit the previous process steps unless conditions change. Concurrence by an agency at a concurrence point does not imply that the project has been approved by that agency, nor that it has released its obligation to determine whether the fully developed project meets statutory review criteria. There are five formal concurrence points in the process. The formal concurrence points occur at the following junctures:
  + Concurrence Point #1: Final Purpose and Need statement for the project
  + Concurrence Point #2: Range of Alternative Corridors to be carried forward for preliminary study
  + Concurrence Point #3: Identification of the Preferred Corridor Alternative for addressing project purpose and need
  1. Agencies Declining Invitation to Participate

Pursuant to Section 139 of Title 23 of the United States Code (USC), a federal agency that chooses to decline to be a participating agency must specifically state in its response that it:

* Has no jurisdiction or authority with respect to the project.
* Has no expertise or information relevant to the project.
* Does not intend to submit comments on the project.

The non-federal agencies must formally accept the invitation in order to be considered as a participating agency. If an agency declines to be a participating agency, their response should state the reason for declining the invitation. If they choose not to be a participating agency, their comments regarding the process may be recorded through available public involvement venues (e.g. Policy Advisory Committees or Technical Advisory Committees). Non-federal agencies that do not respond to the invitation will not be considered a participating agency.

* 1. Impact Analysis Methodology

23 USC 139 requires Lead Agencies for proposed federally funded transportation projects to determine the appropriate methodology and level of detail for analyzing impacts of these proposed transportation projects in collaboration with other state and local agencies. The purpose of the IAM Report is to communicate and document the Joint Lead Agencies’ structured approach to analyzing impacts of the proposed transportation 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.

Impact Analysis Methodology for the Study Title is described in two reports, a General Impact Analysis Methodology Report, which is housed on the project’s website ([www.i399094@dot.wi.gov](http://www.i399094@dot.wi.gov)), and a Project Specific Impact Analysis Report is included as Appendix A in this Coordination Plan for Agency and Public Involvement.

The General Impact Analysis Methodology Report contains two sections: the first section, laws, regulations and guidelines; and the second section, general methodologies commonly used on proposed WisDOT transportation projects to define, identify, and determine potential impacts to the resource.

The Project Specific Impact Analysis Methodology Report, includes project specific methodologies

* 1. Issues Resolution Process

23 U.S.C. 139(h) identifies a three part issue resolution process (Issue Identification and Resolution) with three distinct processes: 1) a process to accelerate interim decision making prior to the Record of Decision; 2) to provide a revised issue resolution and referral process; and 3) a process to prescribe penalties to federal agencies for not making decisions within prescribed timelines. FHWA will develop guidance to address the implementation of these processes and make any necessary changes to the Coordination Plan.

The Lead, Cooperating, and Participating Agencies will work cooperatively to identify and resolve issues that could delay completion of the environmental review process or that could result in denial of any approvals required for the project under applicable laws.

Based on information received from the Lead Agencies, the Cooperating, and Participating Agencies shall identify, as early as practicable, any issues of concern regarding the project’s potential environmental, cultural or socioeconomic impacts. Issues of concern include any issues that could substantially delay or prevent concurrence, the granting of a permit or other approval that is needed for the project.

Each agency shall make its best effort to resolve disputes. Within 30 days of an agency(ies) identifying non-agreement a critical decision point, a “dispute resolution” meeting of designated agency representatives would be convened.

Dispute resolution meetings will be convened at an agreed upon location and time. At this meeting, an attempt will be made to resolve the concerns of the agency(ies) through consensus. This may include providing information or detail not previously provided. If the concerns are resolved at this meeting, the process is ended. If a resolution cannot be achieved within 30 days following the dispute resolution meeting, and the lead agencies determine that all information necessary to resolve the issue has been obtained and distributed, the lead agencies shall notify the heads of all participating parties, the project sponsor, the Governor, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives and the Council on Environmental Quality, and shall publish such notification in the Federal Register.

The environmental review and documentation process may continue whether or not attempts to reach agreement are successful. However, if the dispute remains unresolved, the agency(ies) in non-agreement retains its options to elevate its concerns through existing, formalized dispute elevation procedures at the appropriate point in the environmental review or permitting process.

See Appendix B for graphic representation of the issues resolution process.

# Section 4

1. Project Schedule
   1. Project Schedule and Negotiated Timeframes

The major milestones, coordination and concurrence points in the project’s environmental review process are listed in table 4-1 that follows, along with the timeframes in which they are anticipated to occur. The timeframes listed in the table must be discussed and negotiated with Cooperating and Participating agencies, and should not appear in this table as “final” until affected agencies agree they are appropriate and achievable. By agreeing to the timeframes listed below, agencies accept their responsibility to provide appropriate outputs and feedback within the allotted time.

**Project Schedule and Negotiated Timeframes**

| **StepNo.** | **Milestone or Concurrence Point** | **Information Provided or Action Taken** | **Contact/ Participant** | **Information or Action Requested** | **Number of Days to Complete Activity** | **Estimated Date of Completion** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Notice of Intent (NOI) and proposed project scope | NOI and proposed project scope | State and Federal review agencies through Federal Register Notice | NOI to prepare Tier 1 EIS and proposed project scope published in Federal Register | 7 calendar days |  |
| 2 | Cooperating and Participating Agencies Identified | Letters of invitation sent to potential Cooperating and Participating Agencies | Potential Cooperating and Participating Agencies | Written acceptance or written reason for non-acceptance | 30 calendar days |  |
| 3 | Draft Coordination Plan (CP) Distribution  Consensus on “Negotiated Timeframes” for agency reviews and project schedule | Draft CP circulated for review  Timeframes for agency reviews and project schedule | Cooperating and Participating Agencies | Provide comments on draft CP | 30 calendar days |  |
| 4 | Scoping with agencies on development of project Purpose and Need statement | Information on transition from standard EIS to Tiered EIS and project purpose and need | Potential Cooperating and Participating Agencies | Provide input on purpose and need and other Tier 1 EIS aspects | 30 calendar days |  |
| 5 | **Concurrence Point #1:** Purpose and Need statement  Agency Coordination (Agency Meeting or other contact) | “draft final” Purpose and Need Statement | Cooperating and Participating Agencies | Written comments or response on issues to be resolved | 30 calendar days |  |
| 6 | **Concurrence Point #2:** Range of Alternative Corridors and Corridor widths to be carried forward for study  Agency Coordination (Agency Meeting or other contact) | Description of corridor alternatives to be carried forward for study | Cooperating Agencies (and as deemed appropriate, Participating Agencies) | Written comments or response on issues to be resolved | 30 calendar days |  |
| 7 | Public Involvement Meeting (PIM) #1 | Information on project purpose and need, alternative corridors and impacts; Draft CP and IAM also made available | Public, local officials, Cooperating and Participating Agencies, Native American Tribes and other stakeholders | Provide comments on purpose and need, preliminary alternatives and impacts, and Draft CP and IAM | 14 calendar days after PIM (typical) |  |
| 8 | Finalize alternatives to be included in Draft Tier 1 EIS and identify Preferred Corridor Alternative (if deemed appropriate by FHWA and WisDOT at this point in the environmental process) | Final alternatives for Draft Tier 1 EIS  Potentially determine preferred corridor alternative for Draft Tier 1 EIS  Discuss subsequent Tier 2 level environmental documents related to preferred alternative | Cooperating Agencies (and as deemed appropriate, Participating Agencies, local officials, and the public) | Provide comments on final alternatives for Draft Tier 1 EIS | 30 calendar days |  |
| 9 | **Concurrence Point #3:** Selection of Preferred Corridor Alternative  Agency Coordination (Agency Meeting or other contact) | Selection of Preferred Corridor Alternative | Cooperating Agencies | Written Comments | 30 calendar days |  |
|  | **Concurrence Point #4:** Range of alternatives within the Preferred Corridor Alternative from County CS to I-90/94 / I-39/WIS 78 | Description of alternatives to be carried forward for detailed study within the Preferred Corridor Alternative from County CS to I-90/94 / I-39/WIS 78 | Cooperating Agencies (and as deemed appropriate, Participating Agencies) | Written comments or response on issues to be resolved | 30 calendar days |  |
| 10 | Public Involvement Meeting (PIM) #2 | Information on alternatives including Preferred Corridor Alternative to be included in Draft Tier 1 EIS | Public, local officials, Cooperating and Participating Agencies, Native American Tribes and other stakeholders | Comments on alternatives, including Preferred Alternative | 14 calendar days after PIM (typical) |  |
|  | **Concurrence Point #5:** Selection of Preferred Alternative within the Preferred Corridor Alternative from County CS to I-90/94 / I-39/WIS 78  Agency Coordination (Agency Meeting or other contact) | Selection of Preferred Alternative within the Preferred Corridor Alternative from County CS to I-90/94 / I-39/WIS 78 | Cooperating Agencies | Written Comments | 30 calendar days |  |
|  | Public Involvement Meeting (PIM) #3 | Information on alternatives including Preferred Corridor Alternative and Preferred Alternative within the Preferred Corridor Alternative from County CS to I-90/94 / I-39/WIS 78 to be included in Draft Tier 1 EIS | Public, local officials, Cooperating and Participating Agencies, Native American Tribes and other stakeholders | Comments on alternatives, including Preferred Alternative | 14 calendar days after PIM (typical) |  |
| 11 | Draft Tier 1 EIS approval | Final Draft Tier 1 EIS | FHWA | Document approval | 30 calendar days anticipated |  |
| 12 | Draft Environmental Impact Statement (DEIS) filed with EPA, availability notice published in Federal Register | Draft EIS | EPA filing section | Availability of Draft Tier 1 EIS published in Federal Register | 7 calendar days |  |
| 13 | Conduct Public Hearing | Information from Draft Tier 1 EIS on purpose and need, alternatives, Preferred Alternative (if identified), anticipated impacts and proposed mitigation measures | Public, local officials, Cooperating and Participating Agencies, Native American Tribes and other stakeholders | Provide comments on purpose and need, alternatives, recommended alternative (if identified), anticipated impacts and proposed mitigation measures | 45 calendar days[[2]](#footnote-2) |  |
| 14 | Draft Final Tier 1 EIS (FEIS) and Record of Decision (ROD) | Documentation of findings. Determine if FEIS and ROD should be combined or separate | FHWA/  WisDOT in consultation with the public, local officials, Cooperating and Participating Agencies, Native American Tribes and other stakeholders | Resolution of all significant unresolved issues | 30 calendar days anticipated |  |
| 15 | Final Tier 1 EIS/ROD approval[[3]](#footnote-3) | Final Tier 1 EIS/ROD | FHWA | Document approval | 30 calendar days anticipated |  |
| 16 | FEIS filed with EPA; Availability Notice published in Federal Register | Final Tier 1 EIS | EPA filing section | Availability of Final Tier 1 EIS published in Federal Register | 7 calendar days |  |
| 17 | Completion of the Record of Decision (ROD)  Follow up on substantive comments received on Final Tier 1 EIS (only if substantive comments received) | Distribution of responses to substantive comments received on Final Tier 1 EIS (final comment responses will be included in ROD) | Cooperating Agencies (and as deemed appropriate Participating Agencies, local officials, and the public) | Resolution of all significant unresolved issues | 30 Calendar days anticipated |  |
| 18 | Issuance of Record of Decision (ROD) | ROD Notice publication | Cooperating and Participating Agencies through Federal Register Notice | Acknowledge receipt of ROD within 30 days | 30 calendar days from notice of Final Tier 1 EIS in Federal Register or 45 calendar days from notice of Draft Tier 1 EIS in Federal Register (minimum) |  |
| 19 | Statute of Limitations (SOL) notice published in Federal Register announcing final action has been taken (ROD) in NEPA phase | SOL notice | Federal Register | SOL published in Federal Register announcing final action taken (ROD) in NEPA phase | 7 calendar days for SOL notice publication;  150 calendar days to file a claim |  |

# Section 5

5.0 Public Involvement

1. 1. Public Involvement Process

Public Involvement includes engaging key stakeholders, community members and the general public in the planning, design and development of proposed improvements. The general public involvement approach is based on the following objectives:

* Actively seek public input on the project’s proposed purpose and need, corridors and/or reasonable impact alternatives, and recommended course of action.
* Solicit, consider, answer and document public inquiries, suggestions, ideas and concerns in the decision making process.
* Provide opportunities for the public to affect major decisions before those decisions are made.
* Publicize project activities through a variety of communication venues.
  + Provide the public with efficient access to project information.
  1. Identification of Environmental Justice Communities and Outreach

FHWA’s 2015 guidance material[[4]](#footnote-4) on Environmental Justice will be referenced for this project. Identification of environmental justice communities in the project area will be based on income and race information from the 2010 U.S. Census and the most recent American Community Survey[[5]](#footnote-5). It will also be supplemented with information from local agencies/organizations and through public involvement activities. Special outreach, if needed, will be done through focus group meetings. Other opportunities to keep informed about the project include public involvement meetings, newsletters, and information posted on the project website.

* 1. Public Involvement Prior to the Coordination Plan

Description.

* 1. Public Involvement in document reviews

The Draft and Final Tier 1 EIS will be made available for public review. The updated Coordination Plan and Impact Analysis Methodology will also be made available at public involvement meetings and on the project website.

* 1. Additional Public Involvement Strategies

The Coordination Plan is a complementary document to the Public Involvement Plan (PIP), which describes the stakeholders and methods for disseminating project information and encouraging participation from interested individuals and organizations. The PIP will be the comprehensive “blueprint” of public involvement activities carried out during the environmental review process. The plan will be updated as needed if changes to the proposed process are made. The project will maintain two mailing lists: one consisting of potentially affected property owners of the study area, and a second list that consists of local government officials, elected officials, key stakeholders, agency representatives, NativeAmerican Tribes, meeting attendees, those who request information, and other study team contacts.

Project newsletters will be distributed to the mailing list to provide project information/updates and to announce PIMs and other study milestones. News releases will be provided to local media outlets to announce the meetings and availability of the Draft and Final Tier 1 EIS for public review.

Three public involvement meetings and a public hearing are proposed. Identical meetings will be held in two locations, one in Dane County and one in Columbia County. Other public outreach opportunities will include meetings with interest groups, neighborhood organizations, affected businesses and individual property owners as needed to resolve as many concerns as possible. The project website[[6]](#footnote-6) will contain information such as contacts, newsletters, reports, study schedule, upcoming meeting information, exhibits from public involvement meetings and other pertinent information.

* 1. Coordination with Local Officials

A *Policy Advisory Committee* (PAC), comprising elected officials from the Local Public Agencies listed below in this section, will be formed to provide community input during the I-39/90/94 Study. The PAC will assist WisDOT in providing input on corridor conditions, issues, and proposed alternatives. It is anticipated that the PAC will meet multiple times to evaluate corridor alternatives.

A *Technical Advisory Committee* (TAC), primarily made up of staff members from the local public agencies listed below, will be formed to provide technical input during the I‑39/90/94 Study. Depending on the coordination activities with federal and state officials, the TAC may also include representatives from resource agencies. The TAC will meet multiple times during the study to provide input on corridor conditions, issues, and proposed alternatives.

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| --- | --- |
| **Local Public Agencies** | |
| List of agencies | List of Agencies |
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* 1. Availability of Coordination Plan for Agency and Public Involvement

The Coordination Plan and the Impact Analysis Methodology Report will be sent to Cooperating and Participating Agencies and will be made available at the public involvement meetings and the public hearing. Any updates will also be circulated to the agencies and these documents will continue to be made available on the project website.

# Section 6

1. Native American Tribe Involvement and Consultation
   1. Tribal Notifications of Proposed Project

As part of the Tier 1 EIS activities, Native American Tribes will be notified about the project purpose and need, alternatives being considered, planned cultural resource investigations. This coordination serves two purposes: to facilitate government-to-government coordination, and also to comply with requirements under Section 106 of the National Historic Preservation Act. Tribes will be asked to provide input on cultural resources (historic properties) to aid in determining the initial Area of Potential Effect (APE) and will be notified of the cultural resources investigation results, if requested. Tribal consultation regarding effects to historic properties will depend on whether any significant cultural resources (historic properties) identified in the APE are being adversely impacted by proposed project actions. The Tribes will also be provided an opportunity to become Participating Agencies in the study and will be notified about PIMs and the public hearing.

* 1. Tribal Consultation on Project Area of Potential Effect (APE)

Tribal consultation regarding the project APE will be done as part of the notification discussed above in Section 6.1.

* 1. Tribal Consultation on Cultural Resources

Interested tribes will be notified of the results of the cultural resources investigations.

* 1. Tribal Consultation on Effects

Tribal consultation regarding effects to historic properties under Section 106 of the National Historical Preservation Act will depend on whether any significant cultural resources (historic properties) identified in the APE are being adversely impacted by proposed project actions.

# Section 7

1. Summary of Project Meetings to Date
   1. List of Project Meetings with Agencies and the Public

During preparation of the Draft Tier 1 EIS, FHWA and WisDOT will coordinate with numerous federal, state, and local agencies, Native American Tribes, private agencies, and local officials. Meetings and workshops will be held throughout the study and the Technical Advisory Committee (TAC) Policy Advisory Committee (PAC) will meet occasionally and be actively involved in the analysis and development of alternatives. Table 7-1 below will be updated as meetings occur.

Table 7.1

List of Project Meetings with Agencies or the Public

| Date | Meeting | Remarks |
| --- | --- | --- |
| Technical Advisory Committee | | |
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|  |  |  |
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| Policy Advisory Committee | | |
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| Miscellaneous Public Outreach | | |
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| Public Involvement Meetings and Public Hearing | | |
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| Local Officials | | |
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| State and Federal Agencies | | |
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## : Project Specific Impact Analysis Methodology

## : Formal Dispute Resolution Process

YES

Project sponsor notifies lead agency (ies) concerning

issue(s) that could substantially delay permit or approval, and sponsor’s desire to initiate issues resolution procedures

Federal lead agency contacts cooperating/participating

agencies to determine if any information necessary to resolve issue(s) is lacking

Federal lead agency determines that all information

necessary to resolve issue(s) has been distributed

FHWA Division Administrator convenes meeting to resolve

issue(s) with comparable officials at the lead, cooperating and participating agencies, and the sponsor’s organization

Meeting attendees

resolve issue(s) within 30 days of meeting

YES

Issue(s)

resolution process complete

NO

FHWA Division Administrator notifies heads of agencies,

proj sponsor, Governor, Committee on Environment and Public Works of the Senate, Committee on Transportation and Infrastructure of the House of Representatives and the CEQ, and publishes notice in the Federal Register

Issue(s) await

action by notified parties

NO

Issue(s)

resolved

Issue(s)

resolution process complete

1. National Environmental Policy Act (42 U.S.C. 4321 et seq.). http://www.epa.gov/compliance/nepa/ [↑](#footnote-ref-1)
2. Public Hearing to occur during the 45-day comment period. [↑](#footnote-ref-2)
3. FHWA is required to produce a combined FEIS/ROD unless certain conditions are not met. After the publication of the DEIS, FHWA will evaluate the requirements for combining the FEIS and ROD and if they are not met, FHWA will produce a separate FEIS and ROD, illustrated by steps 16 and 18. [↑](#footnote-ref-3)
4. http://www.fhwa.dot.gov/environment/environmental\_justice/resources/reference\_guide\_2015/section00.cfm [↑](#footnote-ref-4)
5. U.S. Census Bureau American Community Survey. http://www.census.gov/acs/www/ [↑](#footnote-ref-5)
6. www.i399094.dot.wi.gov [↑](#footnote-ref-6)