

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBOA11

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBOA11, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBOA11>

2. Mailing written comments to:

Division of Transportation Investment Management
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7913
Madison, WI 53707-7913

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

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Environmental Investigations Guidelines

for

Land Acquisition

March 2012



Wisconsin Department of Transportation
Bureau of Aeronautics
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❑ ENVIRONMENTAL INVESTIGATIONS FOR LAND ACQUISITION

WisDOT must consider impacts to the physical and cultural environment when undertaking land acquisition projects for airport development and operations. All fee simple land acquisitions must have a hazardous materials investigation prior to appraisal. Other assessments or reports that may be required include an environmental assessment (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement), an agricultural impact assessment for currently operating farms over 5 acres, and archeological and historical assessments.

All consultants doing environmental investigations work for airports should be familiar with Wisconsin Statutes Chapter 32.09; 40 CFR 312; FAA Orders 5100.37B, 1050.1E, 5050.4B and 1050.1E; Chapter Trans 400 Wisconsin Administrative Code, BOA Policy and Procedure Manual Procedures AES-10 and AES-11, and BOA *Environmental Investigations for Land Acquisition*. This guideline supplements the Wisconsin Department of Transportation, Bureau of Aeronautics (BOA), *Airport Owner's Guide to Land Acquisition*.

❑ HAZARDOUS MATERIALS SITE ASSESSMENT (FAA 5100-17, 1-13 and FAA 5100.37b, 2-28)

The state and the FAA will not typically participate in hazardous materials remediation or clean-up costs, therefore an adequate environmental audit for the presence of hazardous material and contamination should be conducted on property needed for a project. A Phase 1 Hazardous Material Site Assessment Summary, at a minimum, must be completed on any parcel of land for which fee simple interest will be acquired. All fee simple land acquisitions must have a hazardous materials investigation, including checking for asbestos in buildings, prior to appraisal. The appraiser may not condition the appraisal report with an assumption that the property is free of contamination.

Phase 1 - Initial Site Reconnaissance & Record Search

The purpose of this phase is to identify properties that may be contaminated, and if so, give a preliminary indication of the type of contamination which might be present. A site reconnaissance and record search will be conducted for each parcel that is expected to be acquired or where significant excavation is necessary. In many cases, the Hazardous Materials Assessment Site Summary (see Appendix A) will be all that is necessary to determine whether further work is needed.

Records of the Initial Site Reconnaissance & Record Search should be maintained for each parcel as appropriate. A summary should be prepared describing all parcels for which the evidence clearly shows that contamination is not an issue. The site reconnaissance and records search includes the following activities:

- **Records check** of federal, state, and local health and regulatory agencies (e.g. old right of way plats or company records). The investigator should check registrations and locations of UST's (underground storage tanks) and reports of known contamination - spills, leaks, landfills, super fund sites, etc.
- **Examination of aerial photographs.** The investigator should research aerial photos of the land being evaluated to identify potential problem areas that are difficult to see from ground level.

- **Interview of local residents/officials.** Local officials, neighbors or long-time local residents often have knowledge of present and past situations or problems that could indicate potential contamination.
- **Identification of other potential sources of site contamination.** This could include asbestos in buildings, lead based paint on structures, chemicals used in industry, pesticides, fertilizers, and herbicides used in farm operations, etc. Asbestos inspections must be contracted to companies specializing in this work.
- **Field review.** During field visits to the project, each parcel to be affected by the project must be viewed to verify or refute the potential for contamination. These parcels should be photographed to help record the information for future use.

If the Initial Site Reconnaissance & Record Search finds evidence of potential contamination, the project should be re-examined to determine if the property can be avoided. If the Bureau concurs that avoidance is not feasible, a specialty consultant can be hired to conduct subsequent hazardous materials phase investigations as required. The specialty consultant will review site characteristics, complete field work and record search, assess data, and prepare a report for subsequent phases of the hazardous materials assessment. The Bureau will review the report and distribute copies to the airport sponsor and the Wisconsin Department of Natural Resources.

ENVIRONMENTAL ASSESSMENT

All land acquisition projects require an environmental assessment (see table). Environmental project assessments identify, evaluate and, if necessary, propose mitigation measures for the project's social, economic and environmental effects.

Environmental Assessment for Land Acquisition (FAA Order 1050.1E, 310b & 310r)

Size of parcel (total acreage for project)	Needed for a specific project that requires an EA	Needed for a specific project that requires a catex	Speculative purchase
Greater than 3 acres	EA	catex	EA
Less than 3 acres	catex	catex	catex

Note: There must be no Extraordinary Circumstances involved with the action.

Environmental documents identify a recommended course of action and serve as decision documents for airport projects. The environmental assessment will involve one of three types of environmental documents:

- **Environmental Report (ER/catex)** - ERs document coordination with affected resource agencies and confirms that the project is categorically excluded from requiring an EIS. (See Appendix B)

- **Environmental Assessment (EA)** - The EA is used to determine whether a project needs an Environmental Impact Statement (EIS) to fully document its effect upon the quality of the environment.
- **Environmental Impact Statement (EIS)** - The EIS is used to discover and disclose the effects of Major Projects. If it is determined that an EIS is not needed, a Finding of No Significant Impact (FONSI) is prepared and approved. Both the National and Wisconsin Environmental Policy Acts require an EIS for projects with significant effects on the quality of the human environment. EIS' are prepared according to federal/state requirements depending on how the project is funded. The main parts of an EIS include the purpose and need for the proposed action, project alternatives, environmental consequences, and public and resource agency comments.

Draft EIS (DEIS) - The DEIS discusses the "No Action" alternative and a range of reasonable "Build" alternatives along with their effects. The DEIS also includes and documents public involvement and resource agency issues and concerns, and measures to minimize harm caused by the project. The DEIS is published and sent to affected members of the public and resource agencies. A public hearing is also held during the public availability period to give the public the opportunity to express their comments directly.

Final EIS (FEIS) - The FEIS includes public and agency comments and mitigation measures, and identifies the recommended alternative and reasons for its selection. Finally, at least 30 days must pass from the time the FEIS is published before a Record of Decision can be made. The Record of Decision (ROD) identifies the mitigation measures that will be taken, and is the final environmental approval that is needed before an action analyzed in the EIS may proceed to final design and construction.

☐ **AGRICULTURAL IMPACT ASSESSMENT**

The Department of Agriculture, Trade and Consumer Protection (DATCP) must be notified of any project which may involve the acquisition of an interest in land from a farm operation through the use, actual or potential, of eminent domain powers. Acquisition of easements, fee simple rights to property and leasehold interests may all trigger the need for an Agricultural Impact Statement (AIS) if the property interests COULD be acquired by an agency or unit of government through condemnation.

An Agricultural Impact Statement must be prepared if the project involves an interest in more than 5 acres of any farm operation, or involving an interest in 5 or fewer if the acquisition/condemnation would have a significant effect on any farm operation as a whole. A "farm operation" means "any activity conducted solely or primarily for the production of one or more agricultural commodities in sufficient quantity to be capable of contributing materially to the operator's support."

DATCP has 60 days to prepare the AIS once they have all the necessary information. There is a preparation fee, which must be paid prior to DATCP publishing the AIS. The acquiring agency/sponsor may NOT negotiate with, or make a jurisdictional offer to a landowner, until 30 days after the AIS is published and distributed to the required recipients.

❑ ARCHEOLOGICAL/HISTORICAL ASSESSMENT

An archeological/historical assessment shall be performed in accordance with generally accepted standards of the profession and requirements contained in the Wisconsin Department of Transportation Facilities Development Manual. An initial archeological investigation shall be accomplished to determine if undisturbed archeological materials or sites are present on properties or easements proposed to be acquired for this project. The initial investigation shall consist at least of a records search, field review, surface survey and shovel testing as is appropriate, and completion of the Bureau's form entitled Archeological Survey Field Report (see Appendix B). Other forms and reports may be required by the State Historic Preservation Office (SHPO). If warranted, complete the Section 106 review and tribal notification.

If no materials are found, or if the materials found consist solely of an "isolated find" and/or "widely scattered finds", or if the site is disturbed sufficiently to disqualify it for National Register consideration, the investigation shall be considered complete. The Archeological Survey Field Report, with appropriate supportive material and/or report, shall document completion of the investigation and shall be submitted to the Bureau and SHPO for review and approval. If warranted, complete a Wisconsin Archeological Codification File form.

When important or potentially significant archeological material is found: (1) Obtain authority to proceed with further testing in order to determine the eligibility of said materials; (2) Notify the Bureau that significant or potentially significant archeological materials have been found. If the authority to proceed with further testing is obtained: upon completion of the testing, submit a report following the format and guidelines of the Wisconsin Archeological Survey's *Guidelines for Public Archeology in Wisconsin*. As is appropriate, also submit a completed National Register of Historic Places Registration form (National Park Service Form #10-900).

If significant or potentially significant archaeological materials have been found, provide the Bureau with:

- (1) the Bureau's project exhibits on which are shown the approximate site limits relative to the right of way and easements of the proposed project;
- (2) the Archeological Survey Field Report;
- (3) the Archeological Site Inventory Form and Codification Form; and
- (3) an opinion, supported by evidence, as to whether or not further investigations are warranted for the purpose of determining the site's eligibility for the National Register of Historic Places.

The Bureau shall determine the need for a formal report following the format and guidelines of the Wisconsin Archeological Survey's *Guidelines for Public Archeology in Wisconsin*. Copies of the appropriate reports, forms, exhibits, and other materials sent to the SHPO should be provided to the Bureau.

□ RESOURCES

Federal Aviation Administration - FAA Orders

<http://www.faa.gov/airports/resources/publications/orders/>

Wisconsin Dept. of Transportation, Bureau of Environmental Services

(extranet) <http://dotnet/dtid-bees/extranet/environment/formsntools/>

Wisconsin Dept. of Transportation, Bureau of Aeronautics, Engineering Forms and Documents

<http://www.dot.wisconsin.gov/business/engrserv/airports/forms-documents.htm>

on this website: BOA hazmat template, catex report and checklist, EA materials, Section 106 review

Wisconsin Dept. of Transportation, Facilities Development Manual – Chapter 21

Phase 1 Hazardous Material Assessments

<http://roadwaystandards.dot.wi.gov/standards/fdm/21-35.pdf>

Phase 1 Hazardous Material Assessment Site Summary (see Appendix A for BOA specific template)

<http://roadwaystandards.dot.wi.gov/standards/fdm/21-35-005att.pdf>

Wisconsin Dept. of Agriculture, Trade and Consumer Protection -

Agricultural Impact Notice Instruction Sheet

http://datcp.wi.gov/uploads/Environment/pdf/ais_notification.pdf

Wisconsin Archeological Society –

Guidelines for Public Archeology in Wisconsin

<http://www4.uwm.edu/Org/was/WASurvey/guidelines.html>

APPENDIX A

WisDOT BOA Phase 1 Hazardous Materials Assessment Site Summary

Attach supporting documentation and figures. Include additional information as necessary.

Airport: _____

BOA PROJECT ID: _____

County: _____

1. Property Information

Site Name(s) _____

Owner's Name: _____

Owner's Address: _____

Include site photographs and a site map showing areas of concern.

Owner's Phone: _____

BOA Parcel Number (if known): _____

Current Land Use: _____

Include plat map showing parcel.

Past Land Use: _____

Property Address: _____

Include historic aerial photos of site. Clearly outline site.

Include historic as-builts and plat maps. Clearly outline site.

2. Project Requirements

(Stop at the end of Section 2 if acquisition and excavations are not planned for this (these) parcel(s).)

Acquisition Requirements:

NONE TOTAL TAKE: PARTIAL ___ acres

Excavation Requirements (*include depth, if known*):

Within Current Airport Property NO YES ___ feet

Within Proposed Airport Property NO YES ___ feet

Utility/Storm Sewer Excavations NO YES ___ feet

Easements:

NO AVIGATION CZ&AVIGATION PLE TLE

3. Potential Contamination Via Database Search and Interviews (*Check All That Apply*)

a. DCOM Registered Tanks: ASTs USTs / In-Use Abandoned / Gas Fuel Oil Diesel Other Products

b. Identified DCOM LUST Site: NO YES DCOM ID Number ___ If Closed, Specify Date ___/___/___

c. Identified WDNR LUST Site: NO YES WDNR FID/BRRTS Number ___ If Closed, Specify Date ___/___/___

d. Identified WDNR ERP Site: NO YES WDNR FID/BRRTS Number ___ If Closed, Specify Date ___/___/___

e. Former Gas Station On: Sanborn Maps DOT Plans Business Directories Aerial Photographs Interviews

f. Contamination identified during utility or other excavation in area NO YES, at ___ feet. (**indicate location on site map**)

g. Other Potential Hazmat Concerns: Abandoned Waste Disposal Site Landfill Other (**Describe**)

Comments: _____

4. Visual Evidence of Contamination (*Check All That Apply*)

a. Evidence of Tanks : NONE / ASTs USTs / In-Use Abandoned / Gas Fuel Oil Diesel Other

Distance of Former or Current Tanks from Proposed Right of Way: _____ feet

b. Drums Present Stained Soils Odor Sheen on Surface Water Areas of Excavation

c. Other Evidence: Stressed Vegetation Ponds/Basins/Sumps Areas of Fill Soil Borings Monitoring Wells

Comments: _____

5. Suspected Migration of Contaminants (*Check All That Apply. Attach Supporting Documentation.*)

a. Property Is A Contaminant Source NO Yes

b. Adjacent Property Is A Contaminated Source NO Yes - Site Name: _____

c. Type of Contamination: Gasoline Diesel Fuel Oil Chlorinated Solvents Other: ___

d. Contaminated Soils w/in Proposed Right of Way NO Yes, at a depth of ___ feet to ___ feet

e. Contaminated Groundwater w/in Proposed Airport Property NO Yes, Groundwater depth at ___ feet below ground

6. Recommendations (*Check All That Apply.*)

Provided project requirements do not change, no additional hazardous material investigation is required.

Standard Special Provisions are required and sufficient information is available (**Provide Details**).

Conduct Additional Hazardous Material Investigation: Phase 2 Phase 2.5 Phase 3 Phase 4

7. Prepared By: _____

Date: ___/___/___

8. Approved By: *title*: _____

Date: ___/___/___

APPENDIX B

ARCHAEOLOGICAL SURVEY FIELD REPORT

Wisconsin Department of Transportation
DT1978 6/2007 (Replaces ED864)

PROJECT INFORMATION

Project ID	Highway/Street	County	SHSW Compliance Number
Project Termini		Project Size miles	acres
Township(s)	Town/Range	Sections	
Project Type			
<input type="checkbox"/> Reconstruction <input type="checkbox"/> Reconditioning <input type="checkbox"/> Bridge <input type="checkbox"/> Wetland Mitigation <input type="checkbox"/> Other			
Landowners Contacted - If No, Explain <input type="checkbox"/> Yes <input type="checkbox"/> No			Permits Obtained - If Yes, Attach <input type="checkbox"/> Yes <input type="checkbox"/> No

LITERATURE SEARCH

Previously Reported Sites in Project Area <input type="checkbox"/> Yes <input type="checkbox"/> No	Archaeology and Records Literature Search <input type="checkbox"/> Attached	Cemetery in Project Area <input type="checkbox"/> Yes <input type="checkbox"/> No
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FIELDWORK

Dates of Field Work	Crew Size	Area Surveyed acres
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SURVEY TECHNIQUES - Attach project plans showing survey coverage.

<input type="checkbox"/> Shovel Testing acres interval	<input type="checkbox"/> Surface Collection acres interval	<input type="checkbox"/> Other - Describe
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Describe Visibility

LAND USE – Describe. Also, attach map, showing location.

Were there area(s), which were not surveyed? If yes, show on project plans and explain.

Yes No

Were there area(s), which were extensively impacted? If yes, show on project plans and explain.

Yes No

Comments

ISOLATED FINDS – Describe. Also, attach map, showing location.

I certify that the literature search and all fieldwork conducted for this report was done according to the Wisconsin Archeological Survey Guidelines. No archeological sites were identified in the project area.

(Print Name of Firm or Institution)

(Print Name of Archaeologist)

(Signature of Archaeologist)

(Date)

Note: Current archaeological methods may not detect buried sites or burial areas. If artifacts, or human remains are discovered during construction, immediately stop construction in that area and notify the Wisconsin Department of Transportation, Bureau of Equity & Environmental Services.