

APPENDIX B
MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

WisDOT ID 5304-02-01
MADISON BELTLINE
PLANNING AND ENVIRONMENT LINKAGES (PEL) CORRIDOR STUDY
US 12/14/18/151
US 14–County N
Dane County

Purpose

The Planning and Environment Linkages (PEL) approach is being used on the Madison Beltline Corridor Study. The purpose of this Memorandum of Understanding (MOU) is to foster a proactive working relationship between the Federal Highway Administration (FHWA), the Wisconsin Department of Transportation (WisDOT), federal and state environmental agencies, and Native American tribes throughout the PEL process. This working relationship will help achieve the integration of planning and environmental review. The PEL approach is also intended to encourage early coordination and cooperation between these agencies to help make informed decisions, avoid delays and duplication of effort, head off potential conflicts, and to bring about planning and future project development decisions that reflect environmental values from the beginning.

Adoption of Planning Products for Use in National Environmental Policy Act (NEPA) and Wisconsin Environmental Policy Act (WEPA) Proceedings

The use of the PEL approach is consistent with federal legislation. Moving Ahead for Progress in the 21st Century Act (MAP-21), Sec. 1310 provides that “the federal lead agency (FHWA) for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of a project.” Regulations at 23 CFR 450 Planning Assistance and Standards are supportive of MAP-21, Sec. 1310, specifically 23 CFR 450.318 Transportation Planning Studies and Project Development. The PEL approach is intended to streamline the corridor planning, future project development, and environmental review process. Planning products and decisions that may be adopted into environmental review include goals and objectives, transportation needs, travel demand forecasts, local land use, population and employment, preliminary screening of transportation alternatives and the elimination of unreasonable alternatives, cataloging of natural and built environmental conditions, environmental resources and environmentally sensitive areas, potential environmental effects, impacts to agricultural resources, and potential programmatic level mitigation activities, among others.

Any planning products or partial products adopted as part of the PEL process used in the Madison Beltline Corridor Study must be developed through a federally approved planning process using analytical methods that are reasonable and scientifically acceptable and include active consultation with appropriate federal and state resource agencies and Native American tribes. These entities and the general public must be provided an appropriate opportunity to participate in the planning process leading to an adopted planning product and given an opportunity to review and comment on the planning product that is documented in sufficient detail. Any adopted planning product may be incorporated directly into the environmental review process document.

Early Coordination and Cooperation Activities

MAP-21 (Sec. 1320) also provides that all federal agencies with relevant jurisdiction in environmental review should cooperate with each other and other agencies on environmental review and future project delivery activities at the earliest practicable time to avoid delays and duplication later in the process, head off potential conflicts, and ensure that planning and future project development decisions reflect environmental values. Agency advice and technical assistance on environmental matters are expected to help in all these ways during the Madison Beltline PEL corridor study. MAP-21 encourages the lead agency to establish a memorandum of agreement (in this case, a MOU) to accomplish the early coordination activities.

Early agency coordination activities in this PEL process will include, to the maximum extent practicable, the following:

- Technical assistance and agreement on the methods for identifying potential environmental impacts and mitigation issues in an integrated fashion.
- Evaluating the appropriateness of using specific planning products and decisions in later environmental reviews. These planning products must be developed using analytical methods that are reasonable, scientifically acceptable, and appropriate for this stage of the planning process.
- The preliminary screening of alternatives and elimination of unreasonable alternatives.
- The identification and elimination from detailed study in the environmental review process of the issues that are not significant or that have been covered by prior environmental reviews.
- The identification of other environmental review and consultation requirements so that the lead and cooperating agencies may prepare, as appropriate, other required analyses and studies concurrently with planning activities.
- The identification of other agencies with jurisdiction over any permits related to potential future projects of any and all relevant information that will reasonably be required for the future project.
- The reduction of duplication between requirements under NEPA and state and local planning and environmental review requirements, unless the agencies are specifically barred from doing so by applicable law.
- The establishment of timelines for the completion of agency actions during the planning and environmental review processes.
- Other appropriate factors.

Agreement

The signatories to this MOU are committed to providing pertinent information and performing meaningful and efficient planning and environmental analyses that are pertinent to the decision-making process on the Madison Beltline PEL corridor study. This coordination and cooperation, supported by effective public involvement, will address the corridor's transportation needs but also be supportive of resource and regulatory agencies' goals and initiatives. Early coordination and cooperation among all interested parties are essential to the success of future plans, NEPA/WEPA requirements, and future projects.

The level of involvement in the PEL study is at the discretion of the resource and regulatory agency. It is anticipated that participation will include attending approximately five meetings over a two-year period, with the associated review of meeting materials, culminating with review of

the PEL Study Report. It is the study team's responsibility to recognize the resource agencies' staffing and other constraints when scheduling meetings and requesting input. Agencies agree that completed PEL process steps, findings, and decisions should not be revisited without reasonable cause. Reasons could include but are not limited to the new discovery of or substantial change in impact to a resource over which the agency has regulatory responsibility, newly enacted federal and state laws or regulations, and a broadly supported stakeholder request. When such a request is made, the study team shall collaborate with the resource agencies to reach a mutually acceptable decision. This MOU does not replace the regulatory agencies' responsibilities under federal and state laws and regulations and does not supersede any existing agreements. Any signatory to the MOU may terminate its participation herein at any time provided the signatory gives 90 days of written notice to FHWA as the lead agency.

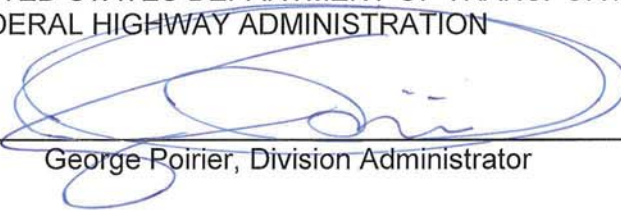
We, the undersigned, agree to support the PEL approach, as described in this MOU, on the Madison Beltline PEL corridor study. This includes our commitment to and active participation in the PEL approach including assistance on the provision of environmental data, identification of environmental effects and potential mitigation, guidance on environmental regulations, preliminary screening of transportation alternatives and the elimination of unreasonable alternatives, review of study findings, and acceptance or acknowledgement that the completed PEL process and findings results in the inclusion of adopted planning products in proceedings relating to the environmental review (NEPA/WEPA) process of a potential future project. Our endorsement of the PEL approach is an active, supportive, and positive statement that we are dedicated to meeting both the spirit and intent of this MOU.

This MOU sets forth the intention of the following agencies to engage in a coordinated and cooperative interagency process for a PEL approach to the Madison Beltline PEL corridor study and potential future project development.

Signatories

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION

By:


George Poirier, Division Administrator

Date 7-7-15

WISCONSIN DEPARTMENT OF TRANSPORTATION

By:


Mark Gottlieb, Secretary

Date 7-6-15

(Signatories continued on page 4 of 4)

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Madison Beltline PEL Study MOU

Signatories (continued)

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION

By: _____ Date _____
Marisol Simon, Regional Administrator for Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____ Date _____
Kenneth Westlake, NEPA Implementation Section, Region 5

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

By: _____ Date _____
Tamara Cameron, Chief, Regulatory Branch

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____ Date _____
Peter Fasbender, Area Supervisor

NATIONAL PARK SERVICE

By: _____ Date _____
John Madden, Superintendent, Ice Age National Scenic Trail

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By:  _____ Date 10/22/13
Cathy Stepp, Secretary

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: _____ Date _____
Ben Brancel, Secretary

WisDOT ID 5304-02-01
Madison Beltline PEL Study MOU

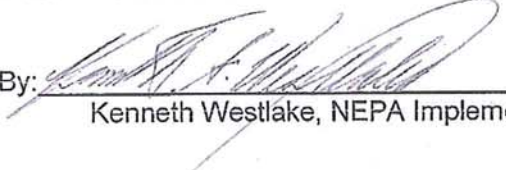
Signatories (continued)

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION

By: _____
Marisol Simon, Regional Administrator for Region 5

Date _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By:  _____
Kenneth Westlake, NEPA Implementation Section, Region 5

Date OCT 28 2013

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

By: _____
Tamara Cameron, Chief, Regulatory Branch

Date _____

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____
Peter Fasbender, Area Supervisor

Date _____

NATIONAL PARK SERVICE

By: _____
John Madden, Superintendent, Ice Age National Scenic Trail

Date _____

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____
Cathy Stepp, Secretary

Date _____

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: _____
Ben Brancel, Secretary

Date _____

WisDOT ID 5304-02-01
Madison Beltline PEL Study MOU

Signatories (continued)

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION

By: _____ Date _____
Marisol Simon, Regional Administrator for Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____ Date _____
Kenneth Westlake, NEPA Implementation Section, Region 5

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

By: _____ Date _____
Tamara Cameron, Chief, Regulatory Branch

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____ Date _____
Peter Fasbender, Area Supervisor

NATIONAL PARK SERVICE

By: _____ Date _____
John Madden, Superintendent, Ice Age National Scenic Trail

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____ Date _____
Cathy Stepp, Secretary

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: Ben Brancel Date 10-16-13
Ben Brancel, Secretary

WisDOT ID 5304-02-01
Madison Beltline PEL Study MOU

Signatories (continued)

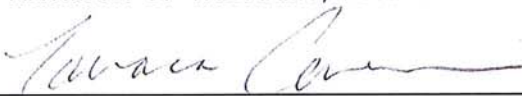
UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION

By: _____ Date _____
Marisol Simon, Regional Administrator for Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____ Date _____
Kenneth Westlake, NEPA Implementation Section, Region 5

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

By:  Date 6-11-14
Tamara Cameron, Chief, Regulatory Branch

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____ Date _____
Peter Fasbender, Area Supervisor

NATIONAL PARK SERVICE

By: _____ Date _____
John Madden, Superintendent, Ice Age National Scenic Trail

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____ Date _____
Cathy Stepp, Secretary

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: _____ Date _____
Ben Brancel, Secretary

WisDOT ID 5304-02-01
Madison Beltline PEL Study MOU

Signatories (continued)

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION

By: _____ Date _____
Marisol Simon, Regional Administrator for Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____ Date _____
Kenneth Westlake, NEPA Implementation Section, Region 5

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

By: _____ Date _____
Tamara Cameron, Chief, Regulatory Branch

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____ Date _____
Peter Fasbender, Area Supervisor

NATIONAL PARK SERVICE

By:  _____ Date Oct 20, 2013
John Madden, Superintendent, Ice Age National Scenic Trail

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____ Date _____
Cathy Stepp, Secretary

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: _____ Date _____
Ben Brancel, Secretary

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Madison Beltline PEL Study MOU

Signatories (continued)

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION

By: Marisol Simon
Marisol Simon, Regional Administrator for Region 5

Date 4-14-2014

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____
Kenneth Westlake, NEPA Implementation Section, Region 5

Date _____

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

By: _____
Tamara Cameron, Chief, Regulatory Branch

Date _____

UNITED STATES FISH AND WILDLIFE SERVICE

By: _____
Peter Fasbender, Area Supervisor

Date _____

NATIONAL PARK SERVICE

By: _____
John Madden, Superintendent, Ice Age National Scenic Trail

Date _____

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____
Cathy Stepp, Secretary

Date _____

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: _____
Ben Brancel, Secretary

Date _____