

MEMORANDUM OF AGREEMENT  
FOR THE REVIEW OF HIGHWAY PROJECTS UNDERTAKEN  
BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION

Purpose

The purpose of this agreement is to provide the basis for a balanced consideration of environmental and transportation needs during the development of highway projects undertaken by the Virginia Department of Transportation. Following early notification of project initiation and a determination of project significance (refer to Appendix II), state funded projects will be coordinated with state natural and historic resource agencies for review in accordance with the additional process described herein. Federal transportation projects will be processed in accordance with existing procedures established by the Federal Highway Administration and the U.S. Army Corps of Engineers for proposed projects requiring either a federal license or utilizing federal funds. The state natural and historic resource agencies are participants in the federal review process.

It is essential for the Commonwealth of Virginia to continue to protect its historic and natural heritage while providing a safe and efficient transportation infrastructure to meet the needs of the citizens of Virginia. This can best be accomplished through the implementation of a formal review process. The Secretary of Transportation and the Secretary of Natural Resources commit their respective agencies to carry out this process, to be referred to as the State Environmental Review process (SERP), as provided by this memorandum of agreement.

The intent is to provide state natural and historic resource agencies an opportunity to review and comment on appropriate projects and categories of projects to address the environmental impact of the project; any adverse environmental effects which cannot be avoided if the project is undertaken; the measures proposed to minimize the impact of the project; any alternatives to the proposed construction; and any irreversible environmental changes which would be involved in the project.

State natural and historic agencies will be afforded the opportunity to review projects from the conceptual stage of project planning through the completion of construction (refer to Appendices I and III). The purpose of this consultation will be to ensure a meaningful evaluation of the potential impacts to the environment prior to final commitment to a transportation project.

The agencies participating in this process are responsible for recommending a mutually satisfactory resolution of issues. The Memorandum of Agreement establishes the Interagency Environmental Coordination Committee (IECC) as the basis for this process.

#### Authority

This Memorandum of Agreement is created pursuant to Code of Virginia Section 10.1-1188(b).

#### Applicability

The provisions of this agreement are binding upon the participating agencies within the Secretariats of Transportation and Natural Resources. Each participating agency will designate one representative from their agency to be a member of the Interagency Environmental Coordination Committee to participate in the State Environmental Review Process. Other state agencies with an interest are invited to participate in the process.

#### Agency Responsibility

It shall be the responsibility of the Interagency Environmental Coordination Committee to implement the commitments in this agreement. Program management responsibilities are designated as follows:

The Virginia Department of Transportation will:

- Provide the Interagency Environmental Coordination Committee early notification of project initiation.
- Provide preliminary environmental information for project review.

- When necessary, schedule and conduct meetings on the third Tuesday of each month for the Interagency Environmental Coordination Committee at a prearranged location and time to provide resource agencies an opportunity to review and comment on transportation project proposals; this process complements existing coordination meetings conducted for transportation projects requiring federal permits or utilizing federal funds.
- Prepare and distribute minutes of the meetings to participating agencies.
- Elevate unresolved environmental issues first to the Commissioner and subsequently to the Secretary of Transportation.
- Maintain a record of consultation for the purpose of evaluating the process.
- Provide qualified and consistent representation empowered to enter into agreement on individual projects.

The Interagency Environmental Coordination Committee will:

- Provide the Virginia Department of Transportation with, or access to, existing databases or inventory information relevant to individual projects for impact assessment within 30 days of early notification.
- Provide project comments and guidance consistent with the agencies' jurisdiction and the participants' designated area of expertise.
- Identify specific agency concerns for early resolution.
- Provide the Virginia Department of Transportation with a response to the Preliminary Environmental Inventory within 15 days of its distribution.
- Provide support in resolving issues directly related to an agency's area of responsibility.
- Participate in the scheduled Interagency Environmental Coordination Committee meetings; provide qualified and consistent representation empowered to enter into agreement on individual projects.

- Elevate unresolved environmental issues first to the agency head and subsequently to the Secretary of Natural Resources.

To support the administrative process, the Interagency Environmental Coordination Committee will provide the Virginia Department of Transportation with copies of, or access to, their respective databases, when available, for use in preparing the preliminary environmental inventory. The database will be updated as appropriate to provide accurate information. If the Interagency Environmental Coordination Committee is unable to provide the Virginia Department of Transportation with database information, they will provide information for a project in response to the early project notification.

The process will be evaluated annually by appointees of the secretaries to determine its benefit upon the transportation planning process and its impact to the natural, historic and human environment. This evaluation will be forwarded to the Secretary of Transportation and the Secretary of Natural Resources.

No alteration, amendment or modification in the provisions of this agreement shall be effective unless stated in writing and signed by both secretaries and attached hereto. Appendices may be modified as necessary with the approval of all representatives of the Interagency Environmental Coordination Committee.

When this Memorandum of Agreement is signed by the Secretary of Transportation and the Secretary of Natural Resources, both parties will carry out the stipulations of the agreement.

  
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The Honorable Ronald P. Hamm, Secretary of Natural Resources

11/27/01  
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Date

  
\_\_\_\_\_  
The Honorable Shirley J. Ybarra, Secretary of Transportation

11/09/01  
\_\_\_\_\_  
Date

## APPENDIX I

### DETAILS OF THE STATE ENVIRONMENTAL REVIEW PROCESS

1. The Virginia Department of Transportation will provide annually, upon request, the environmental and historic resource agencies (known as the Interagency Environmental Coordination Committee, or IECC) copies of the Virginia Transportation Development Plan for interstate, urban and primary highways; and will provide any county's secondary road plan as requested.
2. The Virginia Department of Transportation will provide the IECC agencies early notification of project initiation for projects meeting the criteria established by each agency which affect resources under their jurisdiction and authority. The IECC agencies affected by the project will respond to the early notification within 30 days of receipt by providing the Virginia Department of Transportation with early inventory information.
3. The information that the Virginia Department of Transportation receives from the IECC agencies will be combined with the results of a preliminary field review to complete an environmental inventory for the project.
4. If requested by a participating agency, any project may be submitted to the scoping process and presented at a meeting for all IECC agencies. If, at this point or later, it is determined that a project requires a federal action, it will be coordinated through the Federal Highway Administration under the National Environmental Policy Act or the U.S. Army Corps of Engineers under the Section 404 permit process. The state agencies comprising the Interagency Environmental Coordination Committee are participating members in the federal project review process.
5. Scoping is an early and continuing process for determining the range of issues to be addressed on a project and for identifying the significant issues, if any, related to the proposed project. Scoping also identifies and eliminates from detailed study the issues that are not significant.

The scoping process will be accomplished through a meeting administered by the Virginia Department of Transportation. All IECC agencies should attend the meeting. Project presentation at the meetings will include information on alternatives, environmental impacts, and avoidance or minimization efforts.

Agency comments will be made at the meeting or in writing within 15 days following the meeting. Following receipt of comments, the Virginia Department of Transportation will prepare minutes of the meeting and distribute them to the IECC agencies. Projects will be presented to resource agencies for review and comment in accordance with the process outlined in Appendix II. The scoping process will extend from project initiation through completion of construction and will include continuous coordination with the Interagency Environmental Coordination Committee, the evaluation of environmental impacts for alternative alignments and the review of construction activities. The scoping activities will interface with the Virginia Department of Transportation project development process, which includes a series of actions such as plan development, informational meetings and public hearings, right of way acquisition, Commonwealth Transportation Board approvals, and advertisement for construction.

Agency comments not resolved during the scoping process will be presented first to the Commissioner of the Virginia Department of Transportation and the head of the affected environmental and historic resource agency(ies). If necessary, the Secretary of Transportation and the Secretary of Natural Resources will address yet unresolved issues prior to advancement of the project to a location decision or final commitment for advertisement.

## APPENDIX II

### TRANSPORTATION ENVIRONMENTAL REVIEW ACTION

