

VIRGINIA DEPARTMENT OF TRANSPORTATION

# ENVIRONMENTAL DIVISION

## INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

<p><b>DIRECTED TO:</b>  District Environmental Planners  District Environmental Managers  District Assistant Environmental Managers  District Locally Administered Project Coordinators</p>	<p><b>AUTHORITY:</b>  VDOT's Stewardship and Oversight Agreement with Federal Highway Administration</p>
<p><b>GENERAL SUBJECT:</b>  Environmental Review for Locally Administered Projects</p>	<p><b>NUMBER:</b>  IIM-ED-1202</p>
<p><b>SPECIFIC SUBJECT:</b>  Applicable Roles and Responsibilities for the Environmental Review for Locally Administered Projects</p>	<p><b>DATE:</b>  11/02/2023</p> <p><b>SUPERSEDES:</b>  N/A</p>
<p><b>ENVIRONMENTAL DIVISION APPROVAL:</b></p> <p style="text-align: center;">Christopher J Swanson  For Public Distribution  2023.11.02 12:44:09-04'00'</p>	<p><b>LOCAL ASSISTANCE DIVISION APPROVAL:</b></p> <p style="text-align: center;"><b>Russell A. Dudley</b>  Digitally signed by Russell A. Dudley  Date: 2023.11.03 07:55:07 -04'00'</p>

**BACKGROUND**

The Environmental Division within the Virginia Department of Transportation (VDOT) is responsible for ensuring a project's compliance with state and federal environmental laws, regulations and executive orders per [VDOT's Stewardship and Oversight Agreement with the Federal Highway Administration \(FHWA\)](#). By regulation, the FHWA retains National Environment Policy Act (NEPA) approval authority on all federally funded projects and requires that VDOT oversee environmental compliance on its behalf, even if a project is administered by a local government. Findings within the following environmental program areas fall within FHWA's oversight and are used to support a NEPA decision. These program areas include,

but are not limited to NEPA, Threatened and Endangered species (T&E), and Cultural Resources (CR). This memorandum applies to VDOT and locality staff who are completing, submitting and/or, reviewing relevant environmental reviews of locally administered projects (LAPs) with a focus on NEPA, T&E, and CR documentation and procedural requirements.

## PURPOSE

The purpose of this memorandum is to define the roles and responsibilities during the environmental review of LAPs for VDOT Environmental and Local Assistance (LA) staff, localities, and consultants completing applicable environmental services for localities on the behalf of VDOT, for federally funded projects.

## SCOPE & APPLICABILITY

This memorandum is applicable for LAPs when the locality and/or the locality's consultant is completing environmental review on behalf of VDOT. VDOT environmental staff, VDOT LA project coordinators (PC), consultant staff & locality staff preparing and/or reviewing environmental documents shall adhere to applicable NEPA, T&E and CR procedures outlined within this I&IM, in addition to other environmental laws, regulations, agreements and manuals.

This Instructional and Informational Memorandum (I&IM) expands upon Chapter 15 (Environmental Requirements) of the LAP manual to establish clear and concise VDOT environmental requirements for projects. While localities are required to ensure compliance on all their projects, this I&IM focuses on federally funded projects.

## REQUIREMENTS

For VDOT Environmental staff to apply the appropriate level of resources to LAPs, the following procedures shall be followed to document VDOT and locality compliance with relevant environmental laws, regulations, agreements, and executive orders.

- **NEPA Coversheet:** When the locality is responsible for preparing the NEPA document and supporting documentation for an LAP, the locality shall submit the *NEPA Coversheet* along with the NEPA document itself and required supporting documentation. The purpose of the *NEPA coversheet* is for the locality to attest to the accuracy and completeness of the NEPA document and supporting documentation, as well as to serve as a project management tool for locality Project Managers (PM) when reviewing deliverables prior to submission to VDOT.

*VDOT responsibilities:*

- The VDOT LA PC shall provide a *NEPA Coversheet* to locality staff at the **project kick-off and/or scoping meeting**, either digitally or as a printed version.
- Upon receipt of NEPA Documents (End of Activity 25), VDOT Environmental staff shall review the *NEPA Coversheet* for completeness and verify that all required supporting documentation identified in Appendix A of this I&IM has been provided by the locality.

*Locality responsibilities:*

- **Prior to submission of the NEPA document and supporting documentation**, the locality PM shall review the *NEPA Coversheet* for completeness and verify that all required supporting documentation identified in Appendix A of this I&IM are included.
  - The *NEPA Coversheet* shall be accurately completed, signed, and submitted by the locality PM with Programmatic Categorical Exclusions (PCE), Categorical Exclusions (CE), or applicable Environmental Assessments (EA) level NEPA documents.
  - **Even after VDOT approval of the NEPA document**, it is the responsibility of the locality to ensure that any changes made throughout project development and construction that may affect the NEPA decision are reviewed by the locality and communicated to VDOT staff to confirm the NEPA decision is still valid. The locality should coordinate changes to project scope, footprint, limits of disturbance, right of way (temporary or permanent) and/or environmental impacts with VDOT staff so that the NEPA document is accurate and meets the prescribed criteria for each NEPA document class of action. Insufficient coordination for these types of changes may negatively impact the project schedule and budget.
  - All supporting documentation shall follow the Project Administration Agreement (PA) documentation retention policies and should be saved within the locality's project files.
- **Environmental Plans, Specifications, and Estimates (PS&E) form (EQ-199):**  
Localities shall submit the *EQ-199* to the VDOT LA PC prior to advertisement in support of the NEPA re-evaluation and environmental certification for advertisement. The *EQ-199* replaces the previous *EQ-555*; VDOT no longer requires, accepts, or reviews the *EQ-555* upon the effective date of this I&IM.

*VDOT responsibilities:*

- VDOT LA PC shall distribute the signed and completed *EQ-199* to the District Environmental Manager (DEM) for review, as defined in Chapter 12 and 15 of the LAP Manual
- VDOT Environmental staff shall review the *EQ-199* for completeness and verify that all required supporting documentation has been provided by the locality.

### *Locality responsibilities*

- EQ-199 shall be accurately completed and signed by the locality PM. The locality will include the EQ-199 with the submittal of the VDOT PS&E work package. For LAPs that require a PM-130 form, the EQ-199 shall be submitted to the VDOT LA PC at the same time as the PM-130 and/or the PS&E Package submittal to VDOT.
- All documentation shall follow the PA documentation retention policies and should be saved within the locality's project files.
- **Appendix A - Required Supporting Documentation:** A comprehensive list of required documentation that shall be submitted with the NEPA document is listed in Appendix A of this I&IM. The environmental review period, as defined in Chapter 15 of the LAP manual, of any NEPA document and/or supporting documentation shall not begin until all required documentation is accurately and comprehensively submitted to VDOT environmental staff. Incomplete, inaccurate, or excessive LAP documentation may negatively impact the project schedule and budget.

### *VDOT Responsibilities*

- VDOT environmental staff, via the VDOT LA PC, shall return inaccurate or incomplete NEPA forms and supporting documentation submitted to VDOT, unless a different document deliverable schedule and/or environmental project review approach was agreed upon with the locality and the DEM.
- Any unnecessary documentation submitted to VDOT, that is not identified in Appendix A should not be reviewed by Environmental staff, including providing feedback on formatting and/or personal preference.

### *Locality responsibilities*

- Localities shall ensure all documentation has been prepared and reviewed by qualified personnel for quality, completeness, and accuracy. NEPA documents, T&E project review packages and Department of Historic Resources (DHR) concurrence documents shall adhere to example documents posted on the VDOT Environmental external site ([Environmental Programs](#)).
- Consultants conducting environmental services for a locality are required to complete applicable environmental certification modules in VDOT University. [IIM-ED-110](#) provides more information on the environmental certification requirements for consultants.

## PROCEDURES/REPORTING

Once documentation has been reviewed for completeness, VDOT Environmental staff shall

upload all required documents and supporting documentation to the Comprehensive Environmental Data and Reporting system (CEDAR) project file.

OTHER INFORMATION

- [Environmental Programs Webpage](#)

## Appendix A

### Required Supporting Documentation for LAPs

#### PCEs:

- Identification of environmental justice (EJ) populations and subsequent analysis shall be conducted using direction in-place at the time of the analysis. Refer to [IIM-ED-714](#) for further clarification.
- Documentation of plans review (email correspondence or equivalent) to confirm scope and right-of-way impacts
  - Project plans shall be submitted and be retained in ProjectWise. When there are no project plans, straight line sketches shall be submitted and retained in ProjectWise.
- Complete Department of Historic Resources (DHR) effect determination letter with signature, if applicable (will not be applicable if there is no potential for impacts to historic properties). Required documentation includes the body of the letter and the concurrence signature from DHR.
- *T&E FEDERAL coordination:*
  - United States Fish Wildlife Service (USFWS) self-certification letter including the Information for Panning and Consultation Official Species List ( IPaC OSL) within the last 6 months or USFWS correspondence documenting level of consultation. See the [Virginia USFWS Field Office Website](#) for additional details
  - National Oceanic Atmospheric Administration (NOAA) concurrence letter if NOAA jurisdiction is applicable.
  - Copy of correspondence documenting level of Endangered Species Act (ESA)
  - Essential Fish Habitat (EFH) consultation, if EFH jurisdiction is applicable, and/or NOAA completed programmatic verification form, whichever is applicable.
- *T&E STATE coordination:*
  - Department of Wildlife Resources (DWR) submittal package and comments received.
  - Department of Conservation and Recreation –Department of Natural Heritage (DCR-DNH) initial report received after submitting through Natural Heritage Data Explorer (NHDE) or the Information Services Order form and 30-day review comment letter, if applicable.
- Documentation of GIS review for properties subject to Section 4(f) of the Department of Transportation Act of 1966 (memorialized in 23 CFR 774).
- Documentation of GIS review for properties subject to Section 6(f) of the Land and Water Conservation Act, as well as other lands that have special requirements (e.g., conservation easement, deed restrictions, covenants, etc.).

- For Hazardous Materials, all hazardous material issues have been identified and will be addressed, as needed. This should be documented in the EQ-121.
- Documentation that the project meets fiscal constraint requirements (a screenshot of the Statewide Transportation Improvement Program (STIP) would be appropriate).
- Map of the project area

**CEs:**

- Signed NEPA document concurrence form.
- Identification of EJ populations and subsequent analysis shall be conducted using direction in-place at the time of the analysis. Refer to [IIM-ED-714](#) for further clarification.
- Documentation of plans review (email correspondence or equivalent) to confirm scope and right-of-way impacts.
  - Project plans do not need to be provided and should remain in the locality's project files.
- Complete DHR effect determination with signature, if applicable (will not be applicable if there is no potential for impacts to historic properties). Required documentation includes the body of the letter and the concurrence signature from DHR.
- *T&E FEDERAL coordination*
  - USFWS self-certification letter including IPaC OSL within the last 6 months or USFWS correspondence documenting level of consultation. See the [Virginia USFWS Field Office Website](#) for additional details.
  - NOAA concurrence letter if NOAA jurisdiction is applicable.
  - Copy of correspondence documenting level of ESA or EFH consultation (if EFH jurisdiction is applicable), and/or copy of NOAA completed programmatic verification form, whichever is applicable.
- *T&E STATE coordination*
  - DWR submittal package and comments received.
  - DCR-DNH initial report received after submitting through NHDE or the Information Services Order form and 30-day review comment letter, if applicable.
- Documentation of GIS review for properties subject to 4(f) and 6(f), as well as other lands that have special requirements (e.g., conservation easement, deed restrictions, covenants, etc.)
- Documentation that the project meets fiscal constraint requirements (a screenshot of the STIP would be appropriate)
- Map of the project area

- Final NEPA concurrence form, reviewed by VDOT and signed by FHWA.
- Documentation of coordination with agencies listed in the Coordination section of the CE form.
- Documentation of coordination with the County/Town/City planning office and Mayor/County Administrator for the Socioeconomics section
- Documentation of coordination with the local Parks and Recreation department to support Section 4(f) and Section 6(f) section.
- For Hazardous Materials, all hazardous material issues have been identified and addressed, as needed. This should be documented in the EQ-121
- Approximate quantities of streams and wetlands impacted should be documented as applicable.
- Documentation of GIS search for agricultural/open space lands
- Documentation of coordination with United States Department of Agriculture's Natural Resource Conservation Service (USDA NRCS) and a final CPA-106 as applicable (this will not apply if a project will not have impacts to farmland)
- Documentation to support info in the Right of Way and Relocations section
- Documentation of coordination with local planning office, County Administrator, or review of Comprehensive Plan to support the Cumulative and Indirect Impacts section.
- Public involvement section should note when public involvement is anticipated/scheduled.

### **Build/No Build EAs**

- All LAP EAs must follow [VDOT's EA Outline Governance Document](#) and provide succinct documentation consistent with the findings in the EA.