

# 2040 Long Range Transportation Plan

Adopted: April 15, 2013



## APPENDIX H CONSULTATION & MITIGATION

# Consultation and Mitigation Discussion

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SAFETEA-LU requires Metropolitan Long Range Transportation Plans (LRTPs) to be developed, *as appropriate*, in consultation with State and local agencies regarding land use management, natural resources, environmental protection, conservation, and historic preservation. The consultation shall involve, *as appropriate*, comparing available plans, maps or inventories. {References include: 23 USC 134(i) 4, 135(f) 2(D), 134(g) 1, 135(b) 2, and 134(g) 3.}

SAFETEA-LU also requires LRTPs to include a generalized discussion of potential environmental mitigation activities and potential mitigation areas, including activities that may have greatest potential. The mitigation discussion shall be developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies. (References include: 23 CFR 134(i) 2(B), 135(f) 4, and 134(g) 3(B).)

FAMPO has developed a consultation contact list comprised of various state agencies which include but are not limited to:

- Virginia Department of Agriculture and Forestry
- Virginia Department of Conservation and Recreation
- Virginia Department of Emergency Management
- Virginia Department of Environmental Quality
- Virginia Department of Forestry
- Virginia Department of Game and Inland Fisheries
- Virginia Marine Resources Commission
- Virginia Department of Agriculture and Consumer Services

SAFETEA-LU also requires LRTP's to include a generalized discussion of potential environmental mitigation activities and potential mitigation areas, including activities that may have greatest potential. The mitigation discussion shall be developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies. The Virginia Department of Transportation has developed a Draft Environmental Mitigation Discussion for the use of all MPO's in the Commonwealth. This Mitigation Discussion can be used as is or can be tailored to fit each MPO's specific needs. FAMPO will use the Potential Environmental Discussion as is. The Environmental Mitigation Discussion was also sent to the above agency contact list.

The Virginia Department of Transportation has provided all of the MPO's in the Commonwealth with a "consultation checklist" for Environmental Mitigation/Consultation as well as Public Participation. Elements of this checklist are:

- Develop draft environmental mitigation discussion using discussion and table provided below and on the following pages.

- Send mitigation discussion and the LRTP electronically to resource agencies.
- Request in writing a:
  - Comparison of the LRTP with appropriate conservation plans/inventories.
  - Identification of sensitive areas.
  - Review of draft mitigation discussion and recommendations for enhancement by mitigation agencies
- Modify mitigation discussion as appropriate.
- Document contacts and comments or responses received.

### **Potential Mitigation Discussion**

Metropolitan transportation planning is a regional process that is used to identify the transportation issues and needs in metropolitan areas. In metropolitan areas over 50,000 in population, the responsibility for transportation planning lies with designated Metropolitan Planning Organizations (MPO). This planning process is a collaborative effort between the member jurisdictions, the Virginia Department of Transportation, transit operators, and other modal representatives. During the plans development, the MPO examines land development patterns, demographics, travel patterns and trends to identify existing and future transportation problems. The MPO then identifies alternatives to meet current and projected future demands that will provide a safe and efficient transportation system that meets the needs of the traveling public while limiting adverse impacts to the environment. This region is designated as an MPO area and all the jurisdictions in this region work together to develop a constrained long-range transportation plan.

The Long Range Transportation Plan (LRTP) for this region identifies and recommends a capital investment strategy to meet the existing and future transportation needs of the public over the next 20 years. The inclusion of a recommended improvement in the long range transportation plan represents preliminary regional support for that improvement. The LRTP is a decision-making tool to determine which projects should be implemented. Transportation improvements go through several steps from conception to implementation and take many years to successfully complete.

The consideration and recommendations made during the planning process are preliminary in nature. Detailed environmental analysis conducted through the National

Environmental Policy Act (NEPA) does not apply to long range transportation plans. With exceptions for regional ambient air quality, offsetting environmental impacts during the long-range planning process is not required. While detailed environmental analysis is not required, it is important to consult with environmental resource agencies during the development of a long-range transportation plan. This interagency consultation provides an opportunity to compare transportation plans with environmental resource plans, develop a discussion on potential environmental mitigation activities, areas to provide the mitigation, and activities that may have the greatest potential to restore and maintain the environment.

Detailed environmental analysis of individual transportation projects occurs later in the project development process as the improvement approaches the preliminary engineering stage. At this stage, project features may

be narrowed and refined, and the environmental impacts and environmental mitigation strategies can be appropriately ascertained. ***Virginia's State Environmental Review Process*** directs the project-by-project interagency review, study and identification of environmental permit-processing, and NEPA studies. Usually, a variety of environmental documentation, permit and mitigation needs are identified and environmental findings are closely considered and evaluated. Common project environmental mitigation measures (required silt-fence barriers, precautions to control dust, etc) are managed using ***Virginia's Road and Bridge Standards*** that apply to all construction activities. Special environmental concerns, however, may differ widely by project and location. As environmental studies are conducted and undergo public and interagency review, needed mitigation plans are specified and committed to within the environmental documents on the particular transportation project or activity. Environmental management systems then are used to monitor, and ensure compliance with, the environmental mitigation commitments.

Potential environmental mitigation activities may include: avoiding impacts altogether, minimizing a proposed activity/project size or its involvement, rectifying impacts (restoring temporary impacts), precautionary and/or abatement measures to reduce construction impacts, employing special features or operational management measures to reduce impacts, and/or compensating for environmental impacts by providing suitable, replacement or substitute environmental resources of equivalent or greater value, on or off-site. Where on-site mitigation areas are not reasonable or sufficient, relatively large off-site compensatory natural resource mitigation areas generally may be preferable, if available. These may offer greater mitigation potential with respect to planning, buffer protection and providing multiple environmental habitat value (example: wetland, plant and wildlife banks).

Mitigation activities and the mitigation areas will be consistent with legal and regulatory requirements relating to the human and natural environment. These may pertain to neighborhoods and communities, homes and businesses, cultural resources, parks and recreation areas, wetlands and other water sources, forested and other natural areas, agricultural areas, endangered and threatened species, and the ambient air. The following table on the following page illustrates some potential mitigation activities and potential mitigation areas for these resources:

**POTENTIAL ENVIRONMENTAL MITIGATION STRATEGIES**

<b>Resource</b>	<b>Key Applicable Requirements</b>	<b>Potential Mitigation Activities for Project Implementation</b>	<b>Potential Mitigation Areas for Project Implementation</b>
<b>Neighborhoods, Communities, Homes and Businesses</b>	Uniform relocation Assistance and Real Property Acquisition Policy Act at 42 USC 4601 Et seq.	Impact avoidance or minimization; context sensitive solutions for communities (appropriate functional and/or esthetic design features.	Mitigation on-site or in the general community. (Mitigation for homes and businesses is in accordance with 49 CFR 24
<b>Cultural Resources</b>	National Historic Preservation Act at 16 USC 470	Avoidance, minimization; landscaping for historic properties; preservation in place or excavation for archaeological sites; Memoranda of Agreement with the Department of Historic Resources; design exceptions and variances; environmental compliance monitoring.	On-site landscaping of historic properties, on-site mitigation or archeological sites; preservation in-place
<b>Parks and Recreation Areas</b>	Section 4(f) of the U.S. Department of Transportation Act at 49 USC 303	Avoidance, minimization, mitigation; design exceptions and variances; environmental compliance monitoring.	On site screening or on-site replacement of facilities; in some cases, replacement of affected property adjacent to existing.
<b>Wetlands and Water Resources</b>	Clean Water Act at 33 USC 1251-1376; Rivers and Harbors Act at 33 USC 403	Mitigation sequencing requirements involving avoidance, minimization, compensation (could include preservation, creation, restoration, in lieu fees, riparian buffers); design exceptions and variances; environmental compliance monitoring.	Based on on-site/off-site and in-kind/out-of-kind sequencing requirements; private or publicly operated mitigation banks used in accordance with permit conditions
<b>Forested and Other Natural Areas</b>	Agricultural and Forest District Act (Code of VA Sections 15.2-4305; 15.2-4307-4309; 15.2-4313); Open Space Land Act (Section 10.1-1700-1705,1800-1804)	Avoidance, minimization; Replacement property for open space easements to be of equal fair market value and of equivalent usefulness; design exceptions and variances; environmental compliance monitoring	Avoidance, minimization; Replacement property for open space easements to be of equal fair market value and of equivalent usefulness; design exceptions and variances; environmental compliance monitoring