

VERGENNES PLANNING AND ENVIRONMENT LINKAGES (PEL) STUDY

Agency Coordination Plan

July 29, 2021 (Last Updated April 2023)



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Acronyms

ACP	Agency Coordination Plan
ACRPC.....	Addison County Regional Planning Commission
ADA.....	Americans with Disabilities Act
EIS.....	Environmental Impact Statement
FHWA.....	Federal Highway Administration
NEPA	National Environmental Policy Act
PEL	Planning and Environment Linkages
PIP	Public Involvement Plan
VDHP	Vermont Division for Historic Preservation
VTrans	Vermont Agency of Transportation

1. Introduction

1.1 PURPOSE OF AGENCY COORDINATION PLAN

The Vermont Agency of Transportation (VTrans), in cooperation with the Federal Highway Administration (FHWA), is preparing a Planning and Environment Linkages Study (Vergennes PEL Study) to evaluate transportation alternatives to reduce the impacts of large trucks on VT Route 22A in Downtown Vergennes, while also enhancing the quality of life and economic vitality for residents in the City and surrounding towns. The PEL study will build off previous planning efforts completed over the last twenty-five years that considered alternatives at different levels of detail. Two of the primary outcomes will be the preparation of a statement of purpose and need and the identification of a list of reasonable transportation alternatives that may move forward for evaluation in a future environmental review as required in the National Environmental Policy Act (NEPA). NEPA compliance is required whenever a federal agency proposes an action, grants a permit, or agrees to fund or authorize any other entity to undertake an action that has the potential to affect environmental resources. Another important outcome will be coordination of reasonable transportation alternatives with local land use visioning; the result of which would be advanced through separate environmental reviews. The Vergennes PEL Study will also include an implementation plan to serve as a roadmap for implementation, including next steps for the future NEPA, local land use planning recommendations, and identification of project financing strategies.

Consistent with the provisions of both Title 23 United States Code (U.S.C.) Section 139(f)(4)(E) and 23 U.S.C. 168, VTrans intends to use information and decisions developed in the Vergennes PEL Study (such as the statement of purpose and need, environmental resource impacts that are potentially moderate or severe, and the elimination of unreasonable alternatives) to be carried forward into future environmental reviews under NEPA. Portions of the Vergennes PEL Study are intended to be adopted or incorporated by reference into the NEPA documentation for project(s) resulting from this study. While final conclusions for alternatives are made during the NEPA process, by following the PEL approach, the Vergennes PEL Study can narrow the range of alternatives by identifying those that are not feasible (i.e., those that have fatal flaws) or do not meet the purpose and need for the project. The alternatives development and screening process during this PEL process can also help identify recommended and feasible options, which can move forward to conceptual design ahead of initiating a NEPA review. Importantly, before VTrans and FHWA can eliminate alternatives as unreasonable during the PEL, they must obtain the concurrence of the federal agencies with jurisdiction over a permit or approval required for a project in the corridor, confirming that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other federal law.

The environmental provisions in 23 U.S.C §139 require that lead agencies establish a plan for coordinating public and agency participation and comment on the environmental review process for a project. In advance of future environmental reviews, this Agency Coordination Plan has been developed to define the roles and guide coordination activities through the duration of the Vergennes PEL Study with interested, involved agencies that may be cooperating and participating agencies under NEPA in future environmental review(s). VTrans will use information developed in the Vergennes PEL Study to

inform the NEPA process for capital projects that are initiated subsequent to this study. Integrating transportation planning and environmental screening early leads to value-added projects that have undergone stakeholder and public review with a collaborative interagency approach. This method lends itself to early problem identification and solving, requiring less duplication of effort in the NEPA process and potentially accelerating project delivery and minimizing overall costs.

1.2 STUDY OVERVIEW

In May 2019, the VT 22A Truck Route Study was completed by the Addison County Regional Planning Commission (ACRPC) in partnership with VTrans in response to renewed interest in addressing the impact of trucks passing through VT 22A in Downtown Vergennes. It is the most recent study which evaluated several alternatives and recommends moving forward with a new bypass road on the west side of Vergennes with connections to VT 22A north and south of Downtown.

As the study evolved, the City of Vergennes recognized the potential opportunities a new road could provide and reframed the truck route alternative as the Vergennes Economic Corridor. VTrans recommended that a PEL Study be conducted to consider how transportation alternatives would support the land use and economic development visions of Vergennes and surrounding communities and evaluate alternatives including those explored in previous planning efforts and others that may emerge through a comprehensive planning process. The recommendation was supported by Vergennes and the six proximate municipalities.

PEL provides a collaborative and integrated approach to transportation decision making that considers benefits and impacts of proposed transportation system improvements to the environment, community, and economy during the transportation planning process. The Vergennes PEL Study includes robust public engagement to help inform the planning decisions to be made during the Study. When completed, the PEL Study will improve the efficiency of the NEPA environmental review process by supporting the adoption of purpose and need and a preliminary range of reasonable alternatives. The PEL Study will also support a more efficient environmental review by identifying potential environmental impacts that require detailed analyses in a future environmental review.

2. Lead/Cooperating/Participating Agencies

2.1 LIST OF AGENCIES, ROLES AND RESPONSIBILITIES

The goal of this Agency Coordination Plan is to provide a framework for facilitating federal and state agency involvement in the PEL process. This framework includes opportunities to obtain agency input regarding data collection and methodologies to screen alternatives and to inform agencies about the study's activities, progress, and key decision points. As part of the Vergennes PEL Study, VTrans intends to carry forward decisions concurred upon by the agencies into subsequent NEPA environmental reviews for projects in this corridor. VTrans seeks to obtain written or verbal agreement from agencies on the framework in this Agency Coordination Plan.

For projects potentially subject to NEPA, the lead agency is responsible for ensuring that the environmental review process is conducted properly and in accordance with all applicable environmental regulations. For potential roadway improvement projects in the Vergennes PEL Study corridor, the FHWA will serve as federal lead agency upon initiation of NEPA environmental review, with VTrans serving as the sponsoring agency and joint lead agency under 23 U.S.C. section 139. For the purposes of the Vergennes PEL Study, VTrans is the lead state agency with FHWA advising as the lead federal agency under NEPA for future environmental studies. VTrans, in cooperation with FHWA, each have responsibilities for this PEL study. VTrans will manage the PEL review and documentation process; prepare all study reports and other documents; and provide opportunities for likely NEPA cooperating and participating agency involvement and public involvement. FHWA will participate in the Vergennes PEL Study process and, if satisfied at the conclusion of the study, will provide its concurrence that information and data developed for the Vergennes PEL Study can be used in subsequent NEPA environmental reviews for projects in this corridor. For the Vergennes PEL Study, VTrans, in cooperation with FHWA, will invite agencies that may be likely cooperating or likely participating agencies under NEPA to participate in the PEL process.

According to Council on Environmental Quality (CEQ) regulations (40 CFR § 1508.1(e)) and FHWA regulations (23 CFR 771.111(d)), "Cooperating agency" means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or a tribal government, when the effects are in areas of interest for the purpose of Section 106 under the National Historic Preservation Act with a federally recognized Native American tribe, may, by agreement with the lead agencies, also become a cooperating agency. CEQ regulations also state (40 CFR § 1501.8) that an agency may request cooperating agency status, if applicable. Cooperating agencies have the responsibility to:

- Provide input on defining the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis
- Identify issues that could substantially delay or prevent granting of permit/approval
- Participate in coordination meetings and joint field reviews
- Provide timely review and comments on pre-draft or pre-final environmental documents

- Prepare mitigation recommendations

As defined in 23 U.S.C. Section 139, “Participating agencies” are those federal, state, or local agencies or federally-recognized tribal governmental organizations with an interest in the study. The definition for determining participating agency status is broader than the standard for cooperating agency status. Therefore, cooperating agencies are, by definition, participating agencies, but not all participating agencies are cooperating agencies. Non-governmental organizations and private entities cannot serve as participating agencies. The role of participating agencies is to:

- Provide input on defining study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis
- Participate in coordination meetings and joint field reviews, as appropriate
- As requested by FHWA, provide timely review and comments on certain pre-draft or pre-final environmental documents
- Provide timely comments on unresolved issues

Generally, cooperating agencies have a higher degree of authority, responsibility, and involvement in the environmental review process than participating agencies. Concurrence is required from likely cooperating agencies. Both likely participating and likely cooperating agencies are and will continue to be consulted throughout the Vergennes PEL Study process to update them on the status of the study and discuss areas of concern.

Table 2-1 lists the lead agencies as well as the agencies that have been invited to serve as likely cooperating or likely participating agencies for the Vergennes PEL Study, with their applicable area of jurisdiction or expertise. Any federal agency that is likely to be invited by the lead agency to participate in a future environmental review process for a project will be designated as a participating agency by the lead agency unless it declines in writing; other agencies must accept in writing. VTrans requires written documentation be provided as part of the PEL study when likely cooperating agencies choose not to participate in the PEL study.

Table 2-1 List of Invited Cooperating and Participating Agencies

AGENCY	ROLE	RESPONSIBILITIES
Federal Agencies		
Federal Highway Administration	Lead Agency	Manage environmental review process under NEPA; oversee PEL process, planning products and final PEL report; arbitrate and resolve issues
U.S. Army Corps of Engineers	Cooperating Agency	Coordination related to USACE NEPA and Clean Water Act Section 404 and Rivers and Harbors Act Section 10 permitting
U.S. Coast Guard	Cooperating Agency	Coordination related to USCG permitting
U.S. Environmental Protection Agency	Participating Agency	Coordination related to NEPA; Section 309 of the Clean Air Act; and Clean Water Act requirements (permitting and sole source aquifer)
U.S. Fish and Wildlife Service	Participating Agency	Coordination related to NEPA and Section 7 of the Endangered Species Act
U.S.D.A. - Natural Resource Conservation Service	Participating Agency	Coordination related to agricultural land
Federal Emergency Management Agency	Participating Agency	Coordination related to resilience and floodplain issues
Tribal Nations		
Stockbridge-Munsee Band of Mohican Indians	Participating Agency	Coordination related to archaeological resources; possible participation in Section 106 process
Penobscot Nation	Participating Agency	Coordination related to archaeological resources; possible participation in Section 106 process
Narragansett Nation	Participating Agency	Coordination related to archaeological resources; possible participation in Section 106 process
Cayuga Nation	Participating Agency	Coordination related to archaeological resources; possible participation in Section 106 process
Mashantucket Pequot Tribe	Participating Agency	Coordination related to archaeological resources; possible participation in Section 106 process
State Agencies		
Agency of Transportation	Lead Agency	Manage environmental review process; prepare PEL Study and Final PEL Report; provide opportunity for public and agency involvement; arbitrate and resolve issues
Agency of Natural Resources	Participating Agency	Various permits and reviews
Agency of Commerce and Community Development, Vermont Division for Historic Preservation	Participating Agency	Coordination related to Section 106 of the National Historic Preservation Act; possible participation in Section 106 process
Agency of Commerce and Community Development, Department of Housing and Community Development	Participating Agency	Coordination related to land use and planning
Agency of Agriculture, Food and Markets	Participating Agency	Coordination related to agricultural land
Agency of Administration, Buildings and General Services	Participating Agency	Coordination with Job Corps property
Local and Regional Agencies		
City of Vergennes	Participating Agency	Municipal coordination and participation in Policy Committee
Town of Addison	Participating Agency	Municipal coordination and participation in Policy Committee
Town of Ferrisburgh	Participating Agency	Municipal coordination and participation in Policy Committee

AGENCY	ROLE	RESPONSIBILITIES
Town of New Haven	Participating Agency	Municipal coordination and participation in Policy Committee
Town of Panton	Participating Agency	Municipal coordination and participation in Policy Committee
Town of Waltham	Participating Agency	Municipal coordination and participation in Policy Committee
Town of Weybridge	Participating Agency	Municipal coordination and participation in Policy Committee
Addison County Regional Planning Commission	Participating Agency	Regional coordination and participation in Policy Committee

2.2 AGENCY CONTACT INFORMATION

Table 2-2 lists the primary point of contact for each of the likely cooperating and participating agencies and for the likely Native American Tribal Governments identified for interagency coordination for the Vergennes PEL Study.

Table 2-2 Agency Contact Information

AGENCY	NAME	ADDRESS
Federal Highway Administration	Christopher Jolly	christopher.jolly@dot.gov
	Elizabeth Shipley	Elizabeth.Shipley@dot.gov
	Jacqueline DeMent	jacqueline.dement@dot.gov
U.S. Army Corps of Engineers	Michael Adams	michael.s.adams@nae02.usace.army.mil
U.S. Coast Guard	Gary Croot	gary.t.croot@uscg.mil
U.S. Environmental Protection Agency	Beth Alafat	alafat.beth@epa.gov
	Tim Timmermann	Timmermann.Timothy@epa.gov
	Nathan Margason	Margason.Nathan@epa.gov
U.S. Fish and Wildlife Service	Andrew Millikenn	Andrew_Millikenn@fws.gov
U.S.D.A. - Natural Resource Conservation Service	Obediah Racicot	Obediah.Racicot@vt.usda.gov
Federal Emergency Management Agency	David Robbins	David.robbins@fema.dhs.gov
	Eric Kuns	Eric.Kuns@fema.dhs.gov
	Christian Paske	christian.paske@fema.dhs.gov
Stockbridge-Munsee Band of Mohican Indians	Tribal contact will be part of the ongoing consultation with FHWA, as part of the government to government consultation. FHWA staff will lead consultation with tribal nations.	
Penobscot Nation		
Narragansett Nation		
Cayuga Nation		
Mashantucket Pequot Tribe		
Agency of Transportation	Katharine to confirm whether this should be her or Jesse Devlin	
Agency of Natural Resources	Billy Coster	Billy.Coster@vermont.gov
Agency of Commerce and Community Development Vermont Division for Historic Preservation	Laura Trieschmann	Laura.Trieschmann@vermont.gov
	Scott Dillon	Scott.dillon@vermont.gov
	Yvonne Benney Basque	yvonne.basque@vermont.gov
Agency of Commerce and Community Development, Department of Housing and Community Development	Chris Cochran	Chris.Cochran@vermont.gov
	Amy Tomasso	Amy.Tomasso@vermont.gov
Agency of Agriculture, Food, and Markets	Ryan Patch Air Rockland-Miller	Ryan.patch@vermont.gov Ari.rockland-miller@vermont.gov
Buildings and General Services Vermont Agency of Administration	Eric Pembroke	Eric.Pembroke@vermont.gov

AGENCY	NAME	ADDRESS
City of Vergennes	Dickie Austin Ian Huizenga	aldermandickie@gmail.com huizengavcc@gmail.com
Town of Addison	Jeff Nelson	jnelson@mavt.net
Town of Ferrisburgh	Clark Hinsdale	clark.hinsdale@FerrisburghVT.org
Town of New Haven	Mike Audy	maudy@greenmountainfeeds.com
Town of Panton	Mary Rudd	rudds@mavt.net
Town of Waltham	Tim Glassberg	tim.glassberg@gmail.com
Town of Weybridge	Brenda Jaring Dan James	Clerk@townofweybridge.org Dan.James@MonumentFarms.com
Addison County Regional Planning Commission	Adam Lougee	alougee@acrpc.org

3. Agency Coordination

In anticipation of initiating future NEPA environmental reviews for projects in the Vergennes PEL Study corridor, VTrans, in cooperation with FHWA, will collaborate with likely cooperating and participating agencies in reviewing and refining the Vergennes PEL Study purpose and need, preliminary range of alternatives, and methodologies for documenting environmental conditions, and assessing impacts. While consensus is not required in the development of impact assessment methodologies, VTrans, in cooperation with FHWA, will consider the views of the agencies with relevant interests before making a decision on a particular methodology. After collaboration has taken place, VTrans, in cooperation with FHWA, will make the decision on the methodology and level of detail to be used.

The agencies will be notified of the availability of the key Vergennes PEL Study documents as described in Table 3-1 and given the opportunity to provide comment. Agency comments will be incorporated into the study documents, as appropriate. After the conclusion of the Vergennes PEL Study, VTrans, in cooperation with FHWA, expect to implement recommendations as funding becomes available.

3.1 AGENCY INVOLVEMENT ACTIVITIES

Regular coordination with FHWA, likely Cooperating Agencies, and likely Participating Agencies will occur through a combination of periodic interagency working group meetings and email correspondence at key milestones (see schedule, Table 3-1). Meetings are anticipated to be virtual.

Table 3-1 Schedule of Key Study Milestones

AGENCY MEETING / MILESTONE	DATE
Kick off – review of Agency Coordination Plan	Summer 2021
Data Collection	Fall 2021
Purpose and Need*	Winter 2021
Alternatives Screening*	Spring 2022
Initial Screening Tech Memo	Winter 2022
Secondary Screening	Spring 2023
Alternatives Refinement – Plans / Typical Sections	Spring 2023
Transportation and Environmental Impact Analysis	Winter 2023
Alternatives Evaluation Tech Memo	Spring/ Summer 2024

* Concurrence points

3.2 ADDITIONAL STATUTORY CONSULTATION AND REVIEW OBLIGATIONS

As the lead agency, FHWA follows a policy of managing the NEPA project development and decision-making process as an "umbrella" under which all applicable environmental laws, executive orders, and regulations are considered and addressed prior to the final project decision and document approval. As noted in Section 1.1 of this Agency Coordination Plan, before VTrans and FHWA can use the PEL approach to eliminate alternatives from detailed consideration under NEPA, they must obtain the concurrence of the federal agencies with jurisdiction over a permit or approval required for a project in

the corridor, confirming that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other federal law. Examples of such permits and approvals include Clean Water Act permits issued by the U.S. Army Corps of Engineers and U.S. Coast Guard bridge permits.

Additionally, some statutes contain requirements that may be applicable to projects in the corridor though the requirements are often met in tandem with completing environmental reviews under NEPA. For example, Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties that are listed or meet the eligibility criteria for listing in the National Register of Historic Places. Similarly, regardless of whether NEPA applies to a project, Section 4(f) of the U.S. Department of Transportation Act of 1966 requires consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development. As a part of the Vergennes PEL Study, VTrans, in cooperation with FHWA, will work with the Vermont Division for Historic Preservation (VDHP) to identify likely Section 106 consulting parties and will also send letters to federally-recognized Native American tribes to initiate Government-to-Government outreach. Tribal contact will be part of the ongoing consultation with FHWA, as part of the government to government consultation. Other agencies will not contact the tribal nations directly about this PEL Study.

As part of this PEL Study, and in cooperation with FHWA, VTrans will provide opportunities for coordination and comment to the relevant federal agencies and to official(s) with jurisdiction over any Section 4(f) resource that may be affected by potential projects in the Vergennes PEL Study corridor. Potential Section 4(f) historic sites will be identified through the Section 106 process, in coordination with VDHP.

3.3 PUBLIC AND STAKEHOLDER INVOLVEMENT ACTIVITIES

VTrans, in cooperation with FHWA, will seek out the involvement of community leaders, elected officials, and other stakeholders in the Vergennes PEL Study corridor. It is anticipated that these individuals and organizations will assist VTrans, in cooperation with FHWA, in understanding and addressing local concerns, including those of the environmental justice communities that could be affected by the study. The Vergennes PEL Public Involvement Plan (PIP) provides detailed descriptions of the stakeholder involvement activities that will be undertaken, including elected official briefings, public workshops, stakeholder meetings, Environmental Justice and Limited English Proficiency engagement, and various outreach methodologies and material (newsletters, flyers, presentations, etc.).

4. Revision History

Table 4-1 **Revision History**

VERSION	DATE	NAME	DESCRIPTION
1	July 29, 2021	WSP	Draft Agency Coordination Plan for Technical Committee Review
2	September 13, 2021	WSP	Updated contact for USCG and email address for EPA
3	October 25, 2021	WSP	Updated agency contacts
4	November 15, 2021	WSP	Added Buildings and General Services
5	February 12, 2022	WSP	Removed direct tribal contacts
6	April 4, 2023	WSP	Updated agency contacts