

## **DRAFT Bowers Hill Interchange Study Working Group Minutes – August 28, 2020**

Pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic and to protect the public health and safety of the Working Group members, staff, and the general public, the Bowers Hill Interchange Study Working Group meeting was held electronically via Webex. These electronic meetings are required to complete essential business on behalf of the region. A recording of the meeting is available on the website.

### Attendance:

Troy Eisenberger – Chesapeake  
Bryan Stilley – Newport News  
Deborah Mangiaracina – Norfolk  
Carl Jackson – Portsmouth  
LJ Hansen - Suffolk  
Jason Souders - Suffolk  
Todd Halacy – VDOT  
Samba Secka – VDOT  
Scott Smizik – VDOT  
Eric Stringfield – VDOT  
Nina Ullrich – VDOT  
Barbara Nelson - VPA  
Mike Kimbrel – HRTPO  
Rob Case - HRTPO  
Keith Nichols – HRTPO  
Kevin Page - HRTAC

The meeting started at 9:30 am.

- Mr. Kimbrel read through the introduction detailing that this was an electronic meeting.
- Item 2 – Approval of Agenda
  - Carl Jackson made a motion to approve the agenda, and Jason Souders seconded. The agenda was approved.
- Item 3 – Public Comments
  - No comments from the public were received prior to the meeting.
- Item 4 – Approval of Minutes
  - The minutes of the June 11, 2020 meeting were reviewed. Troy Eisenberger made a motion to approve the minutes and Carl Jackson seconded. The minutes were approved on a roll call vote.

- Item 5 – Study Background
- Item 6 – NEPA, the Merged Process, and One Federal Decision
- Item 7 – Ongoing Activities
- Item 8 – Next Steps
  - Scott Smizik made a presentation on the Bowers Hill Interchange Study Environmental Impact Statement, which included Items 5-8 on the agenda.
  - Study background information provided by Mr. Smizik included:
    - October 2016 – HRTPO and HRTAC identified a recommended preferred alternative for Hampton Roads Crossing Study (HRCS) Supplemental Environmental Impact Statement (SEIS).
      - The Bowers Hill interchange and several portions of I-664 were considered under the HRCS and determined to be operationally independent.
    - 2017 - HRTAC provided funding to study the Bowers Hill interchange and included it as a priority project.
    - April 4, 2019 – FHWA/VDOT issued the Bowers Hill Environmental Assessment for public comment.
    - Late 2019 – VDOT, HRTPO, and HRTAC advanced plans for the Hampton Roads Express Lane Network (HRELN).
    - Early 2020 – HRTPO notified VDOT of plans to modify the scope of the Bowers Hill study to extend the study area and consider how the HRELN would interact with the study area.
    - Spring 2020 – VDOT opened discussions with FHWA about completing an Environmental Impact Statement (EIS) that will comply with the One Federal Decision policy.
  - NEPA, the Merged Process, and One Federal Decision
    - Mr. Smizik noted that this study will likely be an Environmental Impact Statement (EIS), with the decision being made in 2021. For this study, VDOT and FHWA are the lead agencies. There are also cooperating agencies, such as the US Army Corps of Engineers, and participating agencies, which include localities, HRTPO, and HRTAC.
    - Mr. Smizik added that VDOT is planning to use a merged process for NEPA and the Clean Water Act (Section 404), which streamlines the permitting process. VDOT has used this stepwise process for 4-5 years and had success with it. There are five concurrence points: study methodologies, Purpose and Need, range of alternatives, recommended preferred alternative, and compensatory mitigation plan.
    - Mr. Smizik added that there will be monthly NEPA meetings that cooperating and participating agencies will participate in.
    - Mr. Smizik described the One Federal Decision Policy (OFD), which was implemented by the current administration. OFD requires that the NEPA process be completed in two years, and permits be issued within 90 days of the Record of Decision (ROD). The local Army Corps of Engineers office interprets the rule as to require issuing permits at the same time as the ROD.

- VDOT is anticipating receiving all permits at the same time NEPA is complete, which is expected to be in Spring/Summer 2023 even though funding is not expected to be available until after 2030. Permits may need to be revisited over that time.
- Ongoing Activities
  - Agency coordination – Mr. Smizik noted that VDOT is currently working with cooperating and participating agencies, and will seek concurrence on methodologies from agencies at the September NEPA agency meeting.
  - Property access and field work – VDOT has sent out notification letters to adjacent landowners. Collecting information on wetlands could start as early as next week.
  - Public outreach –
    - Mr. Smizik noted that the first newsletter went out earlier this month, and future newsletters will be produced monthly. There is also an email distribution list.
    - The study website has been updated, and more substantial updates will be made to the site in mid-September.
    - An online public survey will be launched with the website update.
  - Data collection – Mr. Smizik mentioned that boots will be on the ground next week to start collecting data. With FHWA expected to issue a Notice of Intent this upcoming spring, that gives a 2-year clock to complete the EIS (2023).
- Next Steps
  - NEPA Agency meeting – September 9<sup>th</sup>
    - This meeting will include requesting concurrence on methodologies from agencies and begin discussion of Purpose and Need.
  - Website updates and survey launch – Mid-September
  - Working group meeting – September 25<sup>th</sup>
  - Request concurrence on Purpose and Need from agencies – November NEPA Agency meeting
- Mr. Smizik wrapped up the presentation and opened the floor for questions. Troy Eisenberger asked about questions the city is receiving, particularly regarding property access letters. Mr. Eisenberger asked who those questions should go to, and Mr. Smizik responded that he should send them to Kaelyn Davis.
- Mr. Eisenberger asked about the federal requirements for meetings, particularly virtual meetings. Mr. Smizik replied that FHWA considers virtual meetings acceptable for these first few steps. Public feedback will be required with the Notice of Intent in spring 2021, and while that is traditionally done in person it is not required. When the draft EIS is issued, however, an in-person meeting will be required.
- Mr. Eisenberger asked if VDOT thinks this will be an EIS, or if there is a chance it will go back to an EA. Mr. Smizik replied that he thinks it will be an EIS, based on the geography of the project and significant impacts to the corridor. It would probably only revert to an EA if all of the improvements could fit into the existing right-of-way.

- Mr. Eisenberger asked what other projects are going through this process, and Mr. Smizik replied that the Martinsville Southern Connector is going through this merged process.
- Mike Kimbrel thanked Mr. Smizik for providing this information to the working group today, and asked about the meeting currently scheduled for September 25<sup>th</sup>. Mr. Smizik replied that it would be helpful to have the September meeting, which would occur after the September NEPA Coordination meeting. Discussion on the study's Purpose and Need can be initiated at the September meeting. There was concurrence with the working group to have the September 25<sup>th</sup> meeting.

The meeting adjourned at 10:10 am.

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