



# The National Agricultural Law Center

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## State “Mini”-NEPA Statutes: *Virginia*



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# A National Agricultural Law Center Research Publication

## State “Mini”-NEPA Statutes: Virginia

### VA Code §§ 10.1-1188 to 1192

*Current through 2025 Regular Session.*

#### **VA Code § 10.1-1188. State agencies to submit environmental impact reports on major projects.**

A. All state agencies, boards, authorities and commissions or any branch of the state government shall prepare and submit an environmental impact report to the Department on each major state project.

"Major state project" means the acquisition of an interest in land for any state facility construction, or the construction of any facility or expansion of an existing facility which is hereafter undertaken by any state agency, board, commission, authority or any branch of state government, including public institutions of higher education, which costs \$500,000 or more. For the purposes of this chapter, authority shall not include any industrial development authority created pursuant to the provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the 1964 Acts of Assembly. Nor shall it include the Virginia Port Authority created pursuant to the provisions of § 62.1-128, unless such project is a capital project that costs in excess of \$5 million. Nor shall authority include any housing development or redevelopment authority established pursuant to state law. For the purposes of this chapter, branch of state government shall include any county, city or town of the Commonwealth only in connection with highway construction, reconstruction, or improvement projects affecting highways or roads undertaken by the county, city, or town on projects estimated to cost more than \$2 million. For projects undertaken by any locality costing more than \$500,000 and less than \$2 million, the locality shall consult with the Department of Historic Resources to consider and make reasonable efforts to avoid or minimize impacts to historic resources if the project involves a new location or a new disturbance that extends outside the area or depth of a prior disturbance, or otherwise has the potential to affect such resources adversely.

Such environmental impact report shall include, but not be limited to, the following:

1. The environmental impact of the major state project, including the impact on wildlife habitat;



2. Any adverse environmental effects which cannot be avoided if the major state project is undertaken;
3. Measures proposed to minimize the impact of the major state project;
4. Any alternatives to the proposed construction; and
5. Any irreversible environmental changes which would be involved in the major state project.

For the purposes of subdivision 4, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

B. For purposes of this chapter, this subsection shall only apply to the review of highway and road construction projects or any part thereof. The Secretaries of Transportation and Natural and Historic Resources shall jointly establish procedures for review and comment by state natural and historic resource agencies of highway and road construction projects. Such procedures shall provide for 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.

#### **VA Code § 10.1-1188.1. Department of Transportation to consider wildlife corridors.**

The Department of Transportation (VDOT) shall, as part of the environmental review it conducts for a road or highway construction project, include in an environmental impact statement a list of any existing terrestrial or aquatic wildlife corridor identified in the Wildlife Corridor Action Plan (the Plan) created pursuant to Article 8 (§ 29.1-578 et seq.) of Chapter 5 of Title 29.1 that will be affected by such construction project. In the design options for any road or highway construction project that threatens wildlife connectivity in a corridor identified in the Plan, VDOT shall consider measures for the mitigation of harm caused by such road to terrestrial and aquatic wildlife.

#### **VA Code § 10.1-1189. Department to review report and make statement to Governor.**

Within sixty days of the receipt of the environmental impact report by the Department, the Department shall review and make a statement to the Governor commenting on the environmental impact of each major state facility. The



statement of the Department shall be available to the General Assembly and to the general public at the time of submission by the Department to the Governor.

**VA Code § 10.1-1190. Approval of Governor required for construction of facility.**

The State Comptroller shall not authorize payments of funds from the state treasury for a major state project unless the request is accompanied by the written approval of the Governor after his consideration of the comments of the Department on the environmental impact of the facility. This section shall not apply to funds appropriated by the General Assembly prior to June 1, 1973, or any reappropriation of such funds.

**VA Code § 10.1-1191. Development of procedures, etc., for administration of chapter.**

The Department shall, in conjunction with other state agencies, coordinate the development of objectives, criteria and procedures to ensure the orderly preparation and evaluation of environmental impact reports required by this article. These procedures shall provide for submission of impact statements in sufficient time to permit any modification of the major state project which may be necessitated because of environmental impact.

**VA Code § 10.1-1192. Cooperation of state agencies.**

All departments, commissions, boards, authorities, agencies, offices and institutions within any branch of the state government shall cooperate with the Department in carrying out the purposes of this article.

