

SOIL CONSERVATION SERVICE/FEDERAL HIGHWAY ADMINISTRATION

MEMORANDUM OF UNDERSTANDING ON COORDINATION  
OF HIGHWAY PROJECTS IN ALASKA

A. PURPOSE:

The purpose of this Memorandum of Understanding is to assure early coordination of highway projects with the Soil Conservation Service as based upon the National Environmental Policy Act, Section 101(b) (4), which provides that we are to preserve important aspects of our national heritage, and 7 CFR Part 657 where SCS is concerned about any action that tends to impair the productive capacity of American agriculture, and CEQ memorandum dated August 20, 1976, providing guidance in preparing impact statements where prime and unique farmland is impacted by major agency actions.

B. DEFINITIONS:

- 1) SCS – This shall mean the State Conservationist for the Soil Conservation Service in Alaska.
- 2) FHWA – This shall mean the Division Administrator of the Federal Highway Administration in Alaska.
- 3) HA – this shall mean the Highway Authority, i.e., Alaska Department of Transportation and Public Facilities.
- 4) Lead Agency – The Federal Highway Administration is recognized as the lead agency in Alaska for highway projects constructed with Federal-aid funds.
- 5) Federally-Aided Highway Projects – Highway and bridge projects constructed with the assistance of FHWA-administered funds.
- 6) Environmental Document – An environmental impact statement, environmental assessment, categorical exclusions, or reevaluation prepared under the direction of the FHWA during development of a highway project.
- 7) Certification – A statement contained in the environmental document that certifies that the project complies with applicable laws and regulations.

C. AUTHORITY AND AGREEMENT:

The SCS must review and comment on all activities falling under the memorandum dated October 20, 1978, by the Secretary of Agriculture relating to a Statement on Land Use Policy, and is consistent with the responsibilities assigned the Secretary under the provisions of 7 U.S.C. 1010 and 7 U.S.C. 2204.

The SCS will intercede in decision-making by other Federal Agencies where conversions of Important Farmlands, Forest Lands, and Prime Rangeland are caused or enabled by an Agency of the Federal Government, or where conversions require Federal licensing or approval. Intercession will be through review and comment on draft environmental impact statements or proposals for actions of Federal Agencies or Federally assisted actions. A significant number of these projects are constructed with the assistance of Federal funds administered by FHWA.

It is also agreed that the procedures set forth in this Memorandum of Understanding will be utilized to strengthen the early coordination between the SCS and FHWA prior to and during the development of the highway project and environmental process. It is the intent of this Memorandum of Understanding that the results of the actions taken will satisfy the requirements of both the SCS and FHWA.

**D. RESPONSIBILITY OF THE FHWA:**

The FHWA shall be responsible for the preparation of the environmental documents as appropriate in accordance with applicable Department of Transportation orders and the Code of Federal Regulations, Title 23, Part 771. These documents shall demonstrate, where applicable, consideration of and compliance with NEPA rules and regulations implementing that order under 7 CFR 657. The regulations are attached to and a part of this Memorandum of Understanding.

As the lead agency, the FHWA shall be responsible for assuring the Prime and Unique Farmlands are coordinated with the SCS during project development.

The FHWA shall Certify as to the compliance with (7 CFR 657) in each environmental document where applicable.

Procedures will also be implemented provide consultation with SCS concerning subsequent design and construction changes that may be proposed affecting Prime and Unique Farmlands.

Where the consultations between the FHWA/HA and SCS identify areas of disagreement that have not been resolved, the FHWA Division Administrator shall meet with the SCS Regional Director to seek resolutions of the disagreement.

**E. RESPONSIBILITY OF THE SCS:**

The SCS will cooperate with and provide guidance to the HA during the highway project development. Specific areas of environmental concern shall be identified as well as recommending alternative solutions to those concerns. The SCS will coordinate with the Alaska Department of Natural Resources proposed solutions that will be mutually acceptable within their areas of responsibility.

The SCS will review the final Environmental Document where applicable concurrently with the FHWA, and request a meeting with the FHWA Division Administrator, when necessary, to seek resolution of concerns.

The environmental processing by FHWA of Environmental Documents will ordinarily be accepted by SCS as satisfactory compliance with 7 CFR 657 for the purpose of processing Federal permits.

F. TERMS OF AGREEMENT:

The terms of this agreement will become effective upon the signature of both the approving officials of the respective Agencies entering into this agreement. This agreement will remain in effect until terminated by mutual agreement or a thirty (30) day advance written notice by either party of the specified termination date.

Concur: /s/ \_\_\_\_\_  
State Conservationist  
Soil Conservation Service  
in Alaska

Concur: /s/ \_\_\_\_\_  
Division Administrator  
Federal Highway Administration

Date: 5/6/85

Date: 4/15/85