



U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

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<http://www.fhwa.dot.gov/wadiv>

type date here

[Route Code] /[File Number]

*[Insert Agency Representative]
[Insert Agency Address]*

**Invitation to Become a Cooperating
Agency on *[Insert Project Name]***

Dear [Click and type Last Name] :

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) are initiating an Environmental Impact Statement (EIS) for the proposed *[Insert Project Name]* in *[Insert county]*. In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act, we are requesting *[insert name of agency]* to be a cooperating agency. This request is based on your agency's *[Insert type of jurisdiction, permitting action, approval, or expertise – be specific if it is a particular permit or approval action that is likely to be required state that here]*. Designation as a cooperating agency does not imply that your agency supports the proposed project.

[Insert a paragraph briefly describing the project location, the purpose, potential alternatives, and potential environmental impacts. If enclosing graphics, reference them here]

Your agency's involvement as a cooperating agency should entail those areas under its *[(jurisdiction) or (expertise)]*. Should your agency choose to assume cooperating status, your agency's specific responsibilities as a cooperating agency will include: *[Include all that apply]*

- Participation in the NEPA scoping and environmental review process by *[be specific about any standing committees, draft document review, etc that is planned]*
- Providing comments on the project's purpose and need, goals and objectives, methodologies, and range of alternatives.
- Assisting in the development of a project coordination plan, including a project schedule.
- Providing (on request of the lead agency) information and assisting with the preparation of environmental analyses including portions of the NEPA documents relevant to your agency's jurisdiction or area of special expertise.

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- Providing staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
- Identifying, as early as practicable, any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the transportation project.
- Conducting an independent review of the NEPA documents prepared for this project.

[Include this paragraph only if cooperating agency status is based on agency having jurisdiction for permit.] As a cooperating agency, you have the right to expect that the NEPA document will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your agency's requirements are not being met. We expect that, at the end of the NEPA process, the EIS will satisfy your NEPA requirements including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and our subsequent Record of Decision (ROD) as our decision-making documents and as the basis for the permit application. We expect the permit application to proceed concurrently with the EIS approval process.

Should *[insert name of agency]* choose to decline cooperating agency status in part or in whole, *[insert name of agency]* is obligated to respond to this request in writing and provide a copy of your response to the Council on Environmental Quality (40 C.F.R. 15.1.6(c)).

As a cooperating agency, *[insert name of agency]* would also, by definition, be considered a participating agency pursuant to Section 6002 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Public Law 109-59, 8/10/2005]. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, *[insert name of agency]* responsibilities would include (as they relate to your area of expertise):

- Providing meaningful and early input on the purpose and need, range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
- Participating in coordination meetings and joint field reviews as appropriate.
- Providing timely review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Should *[insert name of agency]* choose to decline cooperating agency status; your agency will automatically be considered participating. If *[insert name of agency]* should choose to decline both cooperating and participating status *[insert name of agency]* must submit a written response stating that *[insert name of agency]*:

- 1) Has no jurisdiction or authority with respect to the project
- 2) Has no expertise or information relevant to the project, and
- 3) Does not intend to submit comments on the project.

We look forward to your response to our request for your agency to be a cooperating agency and/or a participating agency, and to working with you on this transportation project. The favor of your reply is requested by *[Insert date – should be no more than 30 days from date of letter]*. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[Insert name, agency, title, and phone number]*.

Thank you for your cooperation and interest in this project.

Sincerely,

Area Engineer

Enclosure *Attach a map of the project location and Attach the Project NOI if applicable. If either is enclosed they should be referenced in the letter itself.*

cc: