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## Environment

### NEPA Regulatory Framework and Process

# Agency Coordination

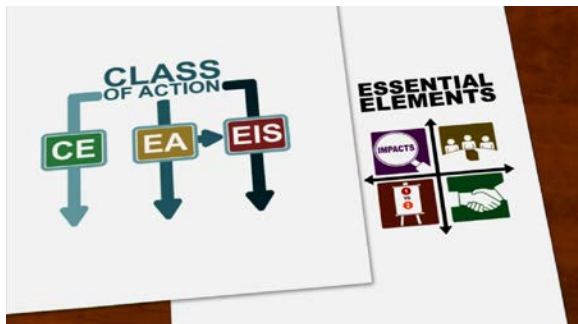
[www.fhwa.dot.gov/federal-aidessentials](http://www.fhwa.dot.gov/federal-aidessentials)

*An overview of requirements for coordinating with other agencies during the NEPA process for Federal-aid projects*



The National Environmental Policy Act, also known as NEPA, is an environmental law that established the decision-making process agencies must follow prior to the design and construction of transportation projects that use Federal funding or require Federal approval.

Following the right process, or class of action, is vital to properly completing the NEPA process. The significance of your project's impacts on the human and natural environment, not the project's size or cost, determines the project's appropriate class of action – whether you are going to do a categorical exclusion, (a “CE”), an environmental assessment, (an “EA”), or an environmental impact statement, (an “EIS”).



The significance of the project's impacts also helps you identify the requirements for other essential elements, such as documentation, agency coordination, public involvement, and environmental commitments.

This module will present an overview of the agency coordination essential element.

If your transportation project creates air quality concerns, crosses streams or wetlands, or affects historic properties or wildlife habitat, you will be required to coordinate with other agencies during the NEPA process. This occurs because other Federal, State, and in some cases, even local government agencies have regulatory responsibilities for resources under their jurisdiction and must ensure your project complies with their requirements.

For example, the U.S. Fish and Wildlife Service must be consulted when projects have the potential to impact endangered species or their habitats. Your State Historic Preservation Officer is consulted on projects involving historic properties.



Through consultation with other agencies, project sponsors identify the regulatory responsibilities of the agencies and how to comply with their requirements. If you begin the process early in the project, you may be able to simultaneously satisfy various agencies' requirements with combined studies and joint public involvement efforts.

In order to illustrate these points, let's examine some successful practices for agency coordination and your responsibilities in the process.

A critical initial step in your coordination efforts is to identify the agencies that have a regulatory responsibility or interest in your project. A consultation with your State department of transportation, the State DOT, may be necessary to compile this list and identify contact information.

On small projects, you might contact agencies individually to discuss the project and any compliance requirements. For larger projects, however, you might be required to host an initial scoping meeting and invite representatives from each agency to attend. During this meeting, you'll learn from each agency what it considers important and the appropriate methodologies for evaluating resources the agency has concerns about.



These initial discussions are also a good opportunity to identify when the agencies and the public will have an opportunity to review and comment on studies, determine completion dates for certain activities, and identify dates for any future public meetings.

For complex projects, the project sponsor is required to assemble this information into a formal coordination plan for the project.

To see how agency coordination works, let's look at a bridge replacement project.

The bridge crosses over a small stream and several historic properties are located near the roadway approaching the bridge.



A call to the State DOT's local agency liaison reveals that an endangered mussel is also present under the bridge. Therefore, the liaison recommends conducting a scoping meeting with the Federal Highway Administration and the following agencies:

- The U. S. Army Corps of Engineers
- The State Department of Water Quality
- The U.S. Fish and Wildlife Service
- The State Fish and Game Commission
- The State Historic Preservation Officer

During the scoping meeting, the U.S. Army Corps of Engineers and the State Department of Water Quality describe the uses and quality of the water resource and what actions the project sponsor must take in order to get a permit for the project.

The U.S. Fish and Wildlife Service and the State Fish and Game Commission provide information about the endangered mussels living in the stream. They also provide guidance for conducting mussel surveys and identify best practices to minimize impact to the species.

Lastly, the State Historic Preservation Officer, or SHPO, provides information on the importance of the historic properties. The SHPO discusses the steps the project sponsor must complete to comply with the National Historic Preservation Act. The SHPO identifies contacts at the local historical society for inclusion on any future discussions about minimizing impacts to the properties.



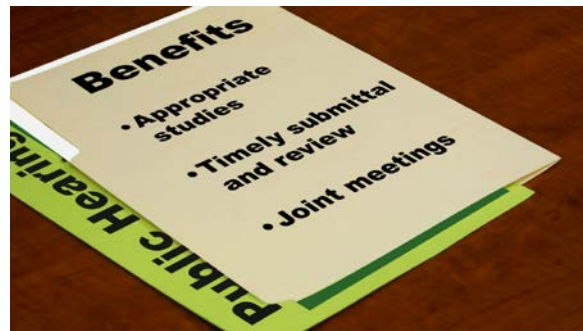
After the meeting, the project manager and the State DOT develop a coordination plan that details what must be done to comply with environmental requirements. Their plan provides timeframes for the:

- Completion of necessary studies
- Agency review and comment on the studies
- Proposed dates for a joint public hearing

These early coordination activities and the resulting coordination plan saved the project sponsor time and effort in a streamlined environmental review and public involvement process.

Coordinated efforts like these result in:

- Environmental studies being conducted at the right time and with the desired methodologies
- Documents or studies being submitted and reviewed in a timely manner
- Public involvement requirements of the agencies being jointly satisfied with a single public meeting



As the project sponsor, it is your agency's responsibility to comply with all aspects of NEPA, coordinate with agencies, and satisfy the requirements of permitting agencies.

Your State DOT has considerable knowledge and expertise in all areas of NEPA compliance and can help you recognize which agencies you should contact during your early project development and scoping activities. It may also have templates and other resources to help you develop a coordination plan.

Therefore, it's essential that you engage the State DOT and, when appropriate, FHWA early and throughout your project's entire process.

### Additional Resources

- Link to FHWA's Office of Planning, Environment, and Realty Web site  
<http://www.fhwa.dot.gov/environment/index.htm>
- Agency coordination requirements contained in FHWA's Environmental Review Toolkit  
<http://environment.fhwa.dot.gov/projdev/tdminterag2.asp>
- Conflict resolution tools contained in FHWA's Environmental Review Toolkit  
<http://www.environment.fhwa.dot.gov/strmlng/es2conflict.asp>
- Resource agency collaboration tools contained in FHWA's Environmental Review Toolkit  
[http://www.environment.fhwa.dot.gov/ecological/eco\\_entry.asp](http://www.environment.fhwa.dot.gov/ecological/eco_entry.asp)
- Subject matter contacts contained in FHWA's Environmental Review Toolkit  
<http://www.environment.fhwa.dot.gov/strmlng/es6contacts.asp>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00025 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.