APPENDIX E AGENCY COORDINATION PLAN TEMPLATE

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Agency Coordination Plan

[___(TITLE HERE)____ Environmental Impact Statement]

[Project Logo(s)]

Prepared for:

Colorado Department of Transportation

[Federal Highway Administration (Colorado Division)]

In cooperation with

[List cooperating agencies]

PROJECT # **[Here]**

DATE **[Here]**

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1.0 PURPOSE OF AGENCY COORDINATION PLAN

[NOTE TO THE CDOT PROJECT MANAGER: This document is established to serve as a template for you to develop a project-specific Coordination Plan for your project. Please read it carefully. Sections in red and using brackets are instructions to the CDOT project manager or are to be filled in for each specific project. However, the entire document should be reviewed thoroughly to ensure it accurately reflects the details of the project. All instructions and red, bold text in brackets [ ] should be removed prior to sending to the Project Management Team (PMT). The PMT may elect to use this process for Environmental Assessments (EA) as well; therefore, Environmental Impact Statements (EIS) and EA documents will be referred to herein as NEPA documents. If utilizing this template for an EA, please delete references to a 'Draft' NEPA Document. The advantage to using the coordination plan for an EA is to have it completed in the event that an EA may need to be elevated to an EIS at any point.] [The following BEGINS TEMPLATE:]

This Coordination Plan meets one of several requirements under Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) of 2005. All Environmental Impact Statements (EIS) for which the Notice of Intent (NOI) was published in the *Federal Register* after August 10, 2005, must follow SAFETEA-LU's requirements. Section 6002 of SAFETEA-LU requires preparation of a Coordination Plan for projects requiring an EIS as defined by the National Environmental Policy Act (NEPA). This Coordination Plan establishes an approach for coordinating agency (Federal Lead, Joint Lead, Cooperating, and Participating) and public participation including comment during the environmental review process. This Coordination Plan defines the process by which the Project Management Team (PMT) will communicate information about the [insert project name here] NEPA project to the Federal Lead, Cooperating, Participating and other interested agencies and to the public. The PMT consists of an assigned Project Manager from the CDOT Region, a CDOT Region Planning and Environmental Manager (RPEM) or their designee, a CDOT Headquarters Environmental Programs Branch (EPB) NEPA partner, the consultant (as needed), the Operations Engineer from the Federal Highway Administration (FHWA) Colorado Division assigned to the project, and local agency representatives [agency]. The plan also identifies how input from agencies and the public will be solicited and considered.

The [insert agency name here] is expected to provide funding for this project; therefore, [insert agency name here] serves as the Lead Agency for the project. CDOT, as the direct recipient of federal funds for the project, is a Joint Lead Agency. The City of _____ and _____ County [name partners here], who are subrecipients of Federal funds may be invited to serve as Joint Lead agencies. The parties listed above are part of a project-designated PMT for this project.

This Coordination Plan:

- Provides a brief project background description.
- Identifies Lead, Joint Lead, Cooperating, and Participating agencies to be involved in agency coordination.
- Identifies the responsibilities of Lead, Joint Lead, Cooperating, and Participating agencies.
- Establishes collaboration at key points throughout the NEPA process. Examples of collaboration points (at the PMT's discretion) include but are not limited to defining the project's purpose and need, determining the project alternatives to be evaluated, determining input on the selection of the Preferred Alternative, soliciting input on mitigation strategies, and providing input to the [Draft and] Final NEPA documents as appropriate.
- Identifies the public involvement activities that will also provide opportunities for agency involvement.

2.0 PROJECT BACKGROUND

The _____ [insert project name here] NEPA document is being prepared to address transportation needs in the City(ies) of _____ an_____ County(ies). The Study Area for this project is bound by [name Highway _____ on the west, _____ on the east , _____ on the north and _____ on the south]. The location of the Study Area is shown in Figure 1. Other key roads in the Study Area include _____, _____, _____, _____, and _____.

As a part of this study, a draft purpose and need statement has been prepared and is being refined based on input from agencies and the public. The Purpose of the project, as currently defined, is to [insert project purpose here: e.g., satisfy an increase in forecasted traffic demand while improving safety consistent with best design practices, etc.]

Proposed improvements will take into account the requirements and needs of CDOT and the FHWA, the City(ies) of _____, _____ County(ies) and residents, along with the consideration of the social, environmental and cultural resource impacts of these improvements. The needs of the project, as currently defined, are to [insert project needs here: e.g., satisfy an increase in forecasted traffic demand while improving safety consistent with best design practices, etc.]

Reasonable alternatives to be evaluated could include [insert applicable alternatives below]:

- No-Build (always required in NEPA as a baseline "alternative")
- Transportation System Management (TSM) activities
- Upgrades to the existing roadways
- One or more alternatives that would construct a new roadway on new location

The alternatives to be investigated in the NEPA document will be developed and refined based on input from agencies and the public during the initial coordination and scoping period along with subsequent agency and public involvement opportunities. Chapter 4, Section 4.7 of the NEPA Manual provides guidance for alternatives analysis.

3.0 AGENCY RESPONSIBILITIES

Under SAFTEA-LU, the Lead Agency (or Joint Lead Agency), listed in Tables 1 and 2 has the responsibility to:

- Identify and involve Cooperating and Participating Agencies, and Tribal governments
- Develop a Coordination Plan
- Provide opportunities for public and Participating Agency involvement in defining the purpose and need
- Provide opportunities for public and Participating Agency involvement in determining the range of alternatives
- Collaborate with Participating Agencies in determining methodologies and the level of detail for the analysis of alternatives
- Provide increased oversight in managing the process and resolving issues

The responsibilities listed above are in addition to those responsibilities that the Lead Agency has traditionally performed for transportation projects listed in 23 Code of Federal Regulations (CFR) part 771 and 40 CFR parts 1500 – 1508.

The Cooperating and Participating Agencies, listed in Table 3 and 4, for this project have roles and responsibilities that include, but are not limited to:

- Participating in the NEPA process starting at the earliest possible time, especially with regard to development of the purpose and need statement, range of alternatives, methodologies and the level of detail for the alternatives analysis
- Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts and to participate in the issue resolution process
- Responding in writing to the letter of invitation within [30 days] from receipt to decline or accept the role and involvement
- Providing meaningful and timely input on unresolved issues
- Participating in the scoping process
- Reviewing and providing comment on the Preferred Alternative and the NEPA document
- Other additional responsibilities identified by the PMT

In addition to the roles and responsibilities listed above, Cooperating Agencies may have additional responsibilities that are not required of Participating Agencies. Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. [For example, projects being dictated by the NEPA/404 merger may have the US Army Corps of Engineers acting as a Cooperating Agency.] Distinctions for Cooperating Agencies include:

- Assuming, by request of the Lead Agency, responsibility for developing information and preparing environmental analyses including portions of the NEPA document for which the Cooperating Agency has special expertise

- Adoption of the NEPA document without recirculation after an independent review and the Cooperating Agency concludes that its comments and suggestions have been satisfied

The Participating Agencies will have defined opportunities for meaningful participation in the decision-making process for the project. Specific opportunities are provided via the agency collaboration points that have been defined for this project.

[Use the following paragraph if this Coordination Plan is being prepared retroactively for a project]:

Because this project was already underway prior to August 10, 2005, the initial agency coordination and the agency and public scoping process for this project has already occurred during [indicate months or years here]. This initial coordination provided input from agencies and the public to help determine the purpose and need for the project, input on potential concept alternatives to be considered and identification of issues that need to be examined as part of the NEPA document process.

A meeting was conducted in [insert appropriate month and year here] for those agencies that agreed to be Cooperating and Participating Agencies, listed in Table 3 and 4. Those agencies were provided with a copy of the draft purpose and need for their review and provided comments by [insert appropriate date here].

4.0 INITIAL COORDINATION

This section details the process to include various agencies in this Coordination Plan.

4.1 Notice of Intent

Following project initiation, the Lead Agency, with assistance from the Joint Lead Agency, [prepared a Notice of Intent (NOI) for the Federal Register indicating the plan to prepare an EIS, as required by the Council on Environmental Quality (CEQ) Regulations (40 CFR 1501.7)] or [notified the public of their intent to begin the NEPA process]. The NOI was published in the Federal Register on [insert appropriate date here]. Media releases were sent to project area newspapers, providing notification of the preparation of the NEPA document. The newspapers included: the Denver Post and [insert local newspapers here].

[Use the following paragraph if this Coordination Plan is being prepared retroactively (after August 10, 2005) for a project]:

Because this project was already underway prior to August 10, 2005, this project falls within the retroactive timeframe since the NOI to prepare an EIS was published by FHWA in [insert date here]. There are steps in the SAFETEA-LU process associated with this Coordination Plan that will occur out of sequence from what would normally occur. On [insert date here], in conformance with the provisions specified in Section 6002 of SAFETEA-LU, CDOT formally notified FHWA in writing of its intent to initiate the EIS process for this project. Additional guidance on developing Coordination Plans for Agency and Public Involvement has been received and this document has been prepared to fulfill Section 6002 requirements.

4.2 Lead Agency and Joint Lead Agency

The [insert agency name here] is expected to provide funding for this project; therefore, [insert agency name here] serves as the Lead Agency for the project. The City(ies) of _____ and _____ County(ies) [name partners here], who have contributed to funding for this project, are also Joint Lead agencies that are providing overall guidance and management of this project. CDOT [and others as appropriate], is the project sponsor receiving SAFETEA-LU funds and is therefore a Joint Lead Agency. The information for Joint Lead Agency(ies) that have agreed to participate is listed below in Table 2.

The contact information for Lead Agency(ies) that have agreed to participate is listed below in Table 1. [Note to CDOT project managers: federal funding as noted in this example paragraph is only one of many potential "federal nexus" reasons for FHWA to be the lead agency for this project. Please be sure to use the appropriate federal nexus (for example, new federal interstate interchange, federal permits, etc.)]

Table 1 Lead Agency

Lead Agency	Contact Person / Title	Phone	E-Mail

Table 2 Joint Lead Agency

Joint Lead Agency	Contact Person / Title	Phone	E-Mail

4.3 Cooperating and Participating Agencies

The Joint Lead Agency sent letters at the beginning of the project to [insert number of agencies here] agencies to invite them to become a Cooperating Agency or Participating Agency for this project. Responses to the letters resulted in [insert number here] Cooperating Agencies and [insert number here] Participating Agencies.

4.3.1 Cooperating Agencies

Cooperating Agencies are those government agencies specifically requested by the Lead or Joint Lead Agency to participate during the environmental evaluation process for the project. FHWA's regulations (23 CFR 771.111[d]) require that those federal agencies with jurisdiction by law (with permitting or land transfer authority) be invited to be Cooperating Agencies for a NEPA document. In addition, the Lead and Joint Lead Agency may request other agencies to become Cooperating Agencies. Cooperating Agencies are also invited to be Participating Agencies. Cooperating Agency invitations for this project were accepted by those listed in Table 3. If determined appropriate by the PMT, the Cooperating Agencies may be offered the opportunity for review and comment on project documents.

Table 3 Cooperating Agencies

Cooperating Agency	Agency Role	Contact Person / Title	Phone	E-Mail

If, during the project, new information indicates that an agency not previously invited to be a Cooperating Agency does indeed have authority, jurisdiction, acknowledged expertise or information relevant to the project, then the Joint Lead Agency, in consultation with the Lead Agency, will promptly extend an invitation. The Joint Lead Agency, in consultation with the Lead Agency, will consider whether this new information affects any previous decisions on the project.

4.3.2 Participating Agencies

SAFETEA-LU (Section 6002) created a new category of involvement in the environmental review process for NEPA documents, known as Participating Agencies. These are federal and non-federal governmental agencies that may have an interest in the project because of their jurisdictional authority, special expertise and/or statewide interest in the project. There are [insert number here] federal and state agencies that have agreed to be Participating Agencies for this project. Participating Agency invitations for this project were accepted by those listed in Table 4. If determined appropriate by the PMT, the Participating Agencies may be offered the opportunity for review and comment on project documents.

Table 4 Participating Agencies

Participating Agency	Agency Role	Contact Person / Title	Phone	E-Mail

If, during the project, new information indicates that an agency not previously invited to be a Participating Agency does indeed have authority, jurisdiction, acknowledged expertise or information relevant to the project, the Joint Lead Agency, in consultation with the Lead Agency, will promptly extend an invitation to that agency to be a Participating Agency. The Joint Lead Agency, in consultation with the Lead Agency will consider whether this new information affects any previous decisions on the project.

4.4 Other Interested Agencies and Organizations

4.4.1 Local Agencies and Organizations

Other agencies and organizations may be identified as having an interest in the project through the public involvement process or for permit, approval, certification, or concurrence purposes. For example, an agency may have information on a particular resource within the project area that would be useful to the PMT. Meetings with these agencies and organizations may occur to discuss topical information, but their overall role is expected to be minimal. The PMT will inform these agencies of major decisions and solicit them for information as necessary.

4.4.2 Non-Participating Agencies and Organizations

Several agencies were invited to be Participating Agencies, but for various reasons declined. These agencies will still be involved with the NEPA process by being on the project mailing list, will be points of contact for data required for the NEPA document, and will be furnished copies, or portions of, the [Draft and] Final NEPA document for review and comment as determined appropriate by the PMT.

4.5 Environmental Streamlining Collaboration Points

To reduce delay in the environmental review process, the following collaboration points are recommended to occur after the Lead, Joint Lead, Cooperating, and Participating Agencies have been identified. However, once the agencies are identified and the collaboration process has begun, it is not too late for other agencies to participate that were not initially identified, assuming the existing agencies already committed to the process agree to including these additional agencies. It is recommended, although not required, that a Draft Coordination Plan be in place prior to beginning the collaboration process. The agencies listed in Table 1 through 4 are expected to be involved in the following five collaboration points in the environmental review process for the [insert project name here] NEPA document:

- Collaboration Point 1 - Purpose and Need
- Collaboration Point 2 – Project Alternatives to be Evaluated
- Collaboration Point 3 – [Draft] NEPA Document
- Collaboration Point 4 – Preferred Alternative and Preliminary Mitigation
- Collaboration Point 5 - Final NEPA Document

The process for coordination associated with each collaboration point for this project is summarized below; however, specific directions are listed in the referenced NEPA Manual chapters. The collaboration points discussed below are provided as milestones and are not meant to take the place of other NEPA and permitting requirements necessary.

4.5.1 Collaboration Point 1 - Purpose and Need

Chapter 4 of the CDOT NEPA Manual provides detailed guidance on how to develop a purpose and need statement. It is recommended that the purpose and need statement be defined after participating and cooperating agencies are identified.

The purpose of this collaboration point is to ensure that Cooperating and Participating Agencies have a meaningful opportunity to provide input on the purpose and need statement. Once provided the purpose and need statement, the PMT and the Cooperating and Participating Agencies are provided [30 days] from receipt to review and provide a response on the project purpose and need statement. [adjust language here as appropriate to this project] At the end of the 30 day review period, CDOT will receive comments from the Lead Agency with a statement of support or statement of non-support. If determined appropriate by the PMT, comments may also be provided from the Cooperating and Participating Agencies. CDOT assumes that those agencies from which it has not received a response at the end of the [30 day] period have no comments that need further consideration.

Based on the output of Collaboration Point 1, the project consultant will revise, as appropriate, the purpose and need statement.

4.5.2 Collaboration Point 2 – Project Alternatives to be Evaluated

Chapter 4 of the CDOT NEPA Manual provides specific guidance for how CDOT prefers to conduct alternatives analysis.

The purpose of this collaboration point is to ensure that Cooperating and Participating Agencies have a meaningful opportunity to provide input during alternatives development and screening. Based on the output of Collaboration Point 1, the project consultant will prepare a "Project Alternatives to be Evaluated" information package. It is important for appropriate agencies to have been involved with the development of the alternatives that are presented in the package. The information package will be forwarded to the PMT, and the Cooperating and Participating Agencies.

The information package may include the following:

- Revised purpose and need statement
- Description of the evaluation criteria that will be used to evaluate the effectiveness of an alternative in meeting the purpose and need of the project and explanation of how those evaluation criteria will be used
- Description of any other factors, besides purpose and need, that will be considered in the screening of alternatives, such as cost and environmental factors
- Methodologies to be used and level of detail required in the analysis of each alternative
- A summary table of project alternatives to be evaluated and their effectiveness in addressing the purpose and need of the project
- A map showing the location of the project alternatives

- Qualitative results of the preliminary alternatives analysis and environmental screening (based on existing data sources and GIS inventories)
- Discussion and agreement of the elements of the No-Build Alternative

The PMT and appropriate Participating and Cooperating Agencies, will be given a [30 day] period from receipt of the package to review and provide a response. [adjust language here as appropriate to this project] At the end of the 30 day review period, CDOT will receive comments from the Lead Agency with a statement of support or statement of non-support. If determined appropriate by the PMT, comments may also be provided from the Cooperating and Participating Agencies. CDOT assumes that those agencies from whom it has not heard at the end of the [30 day] period have no comments that need further consideration.

The output of Collaboration Point 2 will be a decision from the PMT, the Cooperating and Participating Agencies on:

- Appropriate methodologies to be used and the level of detail required in the analysis of each alternative
- The alternatives to be carried forward into the [Draft] NEPA document
- Any revisions to the purpose and need statement
- The scopes and study methodologies to be used and the level of detail anticipated in the analysis of each alternative

4.5.3 Collaboration Point 3 – [Draft] NEPA Document

Chapter 8 of the CDOT NEPA Manual should be referenced for the distribution and review procedures of NEPA documents prepared for CDOT projects. Review options for the [Draft] NEPA document should be established during the scoping process. [A 30 day review period is recommended by SAFETEA-LU; however, the project team may adjust as necessary.]

Based on the output of Collaboration Point 2 the project consultant will prepare a [Draft] NEPA document. Upon completion of the [Draft] NEPA document, the PMT will determine which agencies, if any, will be given the opportunity to review and comment. Those agencies not provided with an official comment and review period of the document may be provided a status meeting. The status meeting can serve as a check-in with the agencies to explain the status of the document and to address issues specific to their areas of interest and responsibility. Alternately, agencies may be provided with sections of documents, technical reports, or modeling results to review and provide comments. It is the discretion of the PMT to decide what and how information is disseminated for review and comment.

The PMT, and the appropriate Cooperating and Participating Agencies, if any, will be given a 30 day period from receipt of the [Draft] NEPA document to review and provide a response. [adjust language here as appropriate to this project] At the end of the 30 day review period, CDOT will receive comments from the Lead Agency with a statement of support or statement of non-support. If determined appropriate by the PMT, comments may also be provided from the Cooperating and Participating Agencies. CDOT assumes that those agencies from whom it has not heard from at the end of the [30 day] period have no comments that need further consideration.

The output of Collaboration Point 3 will be concurrence from the PMT, the Cooperating and Participating Agencies on:

- The adequacy of the [Draft] NEPA document
- Specification as to whether additional information is needed to fulfill other applicable environmental reviews or consultation requirements
- Specification on any additional information needed to comment adequately on the [Draft] NEPA document analysis of site-specific effects associated with the granting or approving by the agency of necessary permits, licenses, or entitlements

Based on FHWA's approval of the Draft NEPA document for circulation, one or more public meetings will be conducted during the 45-day review in accordance with NEPA requirements and requirements in the project's Public Involvement Plan. [adjust timeframes and number of hearings as appropriate for this project]. Project teams should follow the project specific Public Involvement Plan and the guidance provided for stakeholder involvement in Chapter 7 of the CDOT NEPA Manual

4.5.4 Collaboration Point 4 – Preferred Alternative and Preliminary Mitigation

Chapter 9 of the CDOT NEPA Manual should be referenced for mitigation measures specific to impacted resources.

Based on the output of Collaboration Point 3, along with the PMT's consideration of any issues, concerns, and opportunities identified during the public meetings, the project consultant will prepare a "Preferred Alternative and Preliminary Mitigation" information package. The information package will be forwarded to the PMT, and the appropriate Cooperating and Participating Agencies, as determined appropriate. It is the discretion of the PMT how, and to whom, the information package is disseminated for review and comment.

The information package may include the following:

- Narrative describing the various elements of the Preferred Alternative
- Rationale for recommending the Preferred Alternative
- A preliminary mitigation summary describing the various elements of the proposed mitigation including a map locating the elements of the Preferred Alternative and preliminary mitigation

The Lead Agency, the PMT, the Cooperating and Participating Agencies will be given a [30 day] period from receipt of the package to review and provide a response. At the end of the 30 day period, CDOT will receive a statement of support or statement of non-support, with comments, if provided. CDOT will assume concurrence from those agencies from whom it has not heard at the end of the [30 day] period.

The output of Collaboration Point 4 will include concurrence among the Lead, Joint Lead, the PMT, the Cooperating and Participating Agencies on:

- Recommendation of the Preferred Alternative and preliminary mitigation. When avoidance of impacts to a resource is not practical, the Cooperating and Participating Agencies with jurisdiction by law or special expertise will assist the PMT and the project consultant in determining or reviewing appropriate and practical mitigation, including all practical measures to minimize harm. If an agency determines that it does not have enough information to make a recommendation on mitigation measures, it will comment to that effect. If the project impacts are deemed substantial by a regulatory or resource agency to the extent that permits would probably

be denied, the Agencies that are party to this Coordination Plan will advise the Lead agencies to modify the project to reduce impacts.

Based on the output from Collaboration Point 4, the PMT will recommend a Preferred Alternative.

4.5.5 Collaboration Point 5 – Final NEPA document

Chapter 8 of the CDOT NEPA Manual should be referenced for review and distribution procedures for NEPA documents prepared for CDOT projects.

Based on the output of Collaboration Point 4 and the comments received from the public hearing on the [Draft] NEPA document, the project consultant will prepare a Final NEPA document. This document will be circulated to the Cooperating and Participating Agencies for their review and comment. Based on Lead Agency's approval, the Final NEPA document will be made available for public and agency review for a minimum of 30 days [NOTE to PMT—the length of the public review period must be approved by FHWA]. This period is the last period during which comments on the environmental evaluation process will be received from the public and agencies. Upon addressing the comments received in the comment period, the Final NEPA document will be forwarded by the PMT to the Lead Agency with a request for decision document.

4.6 Other Opportunities for Agency Involvement

Chapter 7 of the CDOT NEPA Manual provides guidance on public and stakeholder involvement.

Beyond the collaboration points outlined herein, the [insert name of project here] NEPA document also includes other strategies for encouraging agency input and involvement. The project's Public Involvement Plan was developed to include agencies, and stakeholders, in meaningful ways such as:

- to solicit input
- develop two-way communication
- document opinions
- achieve informed consent for the document's findings and recommendations

The Public Involvement Plan should be referenced for project specific strategies to disseminate information to the public. The following public involvement elements provide for such opportunities and are meant to reflect those commitments from the Public Involvement Plan [add or delete the following elements as necessary to match Public Involvement Plan].

4.6.1 Newsletters

The PMT will distribute project-related newsletters. These newsletters will provide important information on purpose and need, alternatives development/evaluation, results and next steps. The newsletters will be mailed to stakeholders such as property owners, public officials, elected officials, agencies and any other interested individuals.

4.6.2 Agency and Public Scoping Meetings

The PMT will prepare for and conduct an agency scoping meeting for Cooperating and Participating Agencies, and for those federal, state and local agencies not part of the PMT. Following the agency meeting, a public scoping meeting will be conducted.

4.6.3 Project Website

The PMT will maintain and update a project website [insert web site link here]. In addition to containing project information, this site will allow stakeholders to sign-up to receive project update information.

4.6.4 Project Information Meetings

Agencies/stakeholders will be invited to all public project meetings.

4.6.5 Project Management Team Workshops

Because the PMT is composed of several entities workshops will be conducted to present information and make decisions. As needed or requested, agencies and stakeholders may attend these workshops.