

WORKING AGREEMENT

Among

The United States Coast Guard

The United States Army Corps of Engineers

The United States Environmental Protection Agency

The United States Fish and Wildlife Service

The National Oceanic and Atmospheric Administration

and

The Federal Highway Administration

**To Coordinate and Improve Planning, Project Development, and the National
Environmental**

**Policy Act Review and Permitting for Major Infrastructure Projects Requiring the
Preparation of an Environmental Impact Statement**

I. Parties

The Parties to this Working Agreement (Agreement) are: the U.S. Coast Guard; the U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; the U.S. Fish and Wildlife Service; the National Oceanic and Atmospheric Administration; and the Federal Highway Administration.

II. Purpose

This Agreement does not have binding legal authority on the Parties. The purpose of this Agreement is to accelerate and coordinate the planning, environmental review, permitting, and decision-making for Federal Highway Administration projects that meet the definition of major infrastructure projects to achieve the goals of Executive Order 13807 on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure (E.O. 13807) by:

- a. Engaging the Parties in a collaborative and integrated approach to transportation decision-making that considers benefits and impacts of proposed transportation system improvements to the environment during the transportation planning process, and that uses the information, analysis or products developed during planning to inform the environmental review process;
- b. Concurrently conducting the environmental evaluation and processing of relevant environmental permit application materials; and
- c. Preparing a coordinated environmental document that satisfies National Environmental Policy Act (NEPA) requirements for all Parties and results in a shared, or joint,

environmental impact decision document where practicable, and a concurrent environmental impact decision document to the extent allowable¹.

III. Authority

The Parties enter into this Agreement pursuant to the authority of E.O. 13807.

IV. Definitions

- a. Major Infrastructure Project, as defined in E.O. 13807, means an infrastructure project for which multiple authorizations by Federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an EIS under NEPA, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project.
- b. State DOT/Highway Agency (HA) means that State department charged by its laws with the responsibility for highway construction.
- c. Project Sponsor means the agency or other entity, including any private or public entity, that seeks approval of the Secretary [of Transportation] for a project. [23 U.S.C. 139]

V. Agency Coordination

The attached chart, which has been agreed to by the Parties and is subject to future modifications after further agreement by the Parties, outlines a general coordination process for Federal Highway Administration major infrastructure projects. The Parties also agree upon the approach described below:

- During the planning and early coordination stage, prior to the NEPA scoping process, each agency will establish an individual(s) who will be the main points of contact (POCs) for the project under review.
- Each agency will participate in early coordination meetings for projects the FHWA/State DOT/HA has identified as high-priority major infrastructure projects to discuss issue identification and resolution.
- Where sufficient information has been generated prior to NOI publication and the NEPA scoping process, determine whether a programmatic agreement and/or general permit would apply to the action.
- Identify information required and/or applications needed for agency determinations as early as practicable, and comment and/or concur on NEPA documents in a timely manner.
- Use the eNEPA collaboration tool to share project information and documents for review.

¹ U.S. Army Corps of Engineers regulations require a 30-day period between publication of a Final Environmental Impact Statement and issuance of a Record of Decision.

- If outstanding issues cannot be resolved, the agency's POCs who are signatories (or his/her designee(s)) to this Agreement will facilitate discussions at the appropriate decision-making level as early in the NEPA process as possible to resolve the issue.

Gloria M. Shepherd

Gloria M. Shepherd
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Federal Highway Administration

01/26/2018

Date



Thomas Smith
Chief, Operations and Regulatory Division
U.S. Army Corps of Engineers

Feb 15, 2018

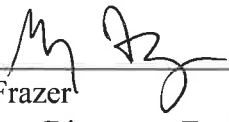
Date



Michael D. Emerson
U.S. Coast Guard
Director, Marine Transportation Systems

15 FEB 2018

Date



Gary Frazer
Assistant Director – Ecological Services
U.S. Fish and Wildlife Service

2/21/18
Date

Donna Wieting

Donna S. Wieting
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National Oceanic and Atmospheric Administration

2/16/18

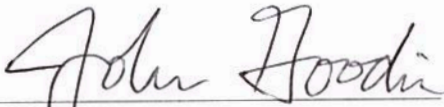
Date



Rob Tomiak
Director
Office of Federal Activities
U.S. Environmental Protection Agency

2/12/2018

Date



John Goodin
Acting Director
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency

15 FEBRUARY 2018

Date