

## **APPENDIX A**

# Agency and Tribal Coordination

## AGENCY COORDINATION

Agency coordination has played a significant role throughout the Columbia River Crossing (CRC) National Environmental Policy Act (NEPA) process, from defining the Purpose and Need to development of the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS). Because the project is located in two states, cities, and counties, it requires coordination and outreach with numerous federal, state, and local agencies. In addition, the project is composed of three major structural components: a bridge, transit and highway. Thus, various agencies have a wide range of expertise and jurisdictional authority.

For the purpose of this chapter, “regulatory agency” refers to any federal, state or local agency from which a permit is anticipated or approval is needed for a build alternative. The CRC project team has, and continues to, communicate with regulatory agencies throughout the NEPA process and to identify permits and approvals needed for construction.

The CRC project team works extensively with regulatory agencies and local jurisdictions, structured into three designated agency groups: the Interstate Collaborative Environmental Process group (InterCEP), Cooperating Agencies, and Participating Agencies. The InterCEP group is composed of federal and state regulatory agencies that will likely have permit or approval authority over certain components of this project. Cooperating Agencies are federal agencies invited to participate in the development of this Environmental Impact Statement (EIS) and may use this document to help their permit or approval decision making. The Participating Agency group, as defined in the transportation bill reauthorization, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), includes representatives from a variety of local and state agencies and tribal governments with an interest in the project.

### **Interstate Collaborative Environmental Process Group**

In August 2005, the project team convened a workshop of federal, state and local resource agencies from Oregon and Washington. The goal of the workshop was to initiate early agency coordination and to begin developing an agency coordination process for the project’s NEPA review. The NEPA process for this project has been enriched due to the early agency participation in the preparation of NEPA analyses, including: identifying all applicable information early in the analytical process; applying technical expertise and additional staff support; increasing communication and reliability; avoiding duplication with other federal, state, tribal, and local procedures; and establishing a mechanism for addressing intergovernmental issues. Other benefits of enhanced agency participation include fostering intra- and

intergovernmental trust (e.g., partnerships at the community level) and a common understanding and appreciation for various governmental roles in the NEPA process.

On January 25, 2006, the InterCEP Agreement was signed by Washington Department of Transportation (WSDOT), Oregon Department of Transportation (ODOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and 12 resource agencies from Oregon, Washington, and the federal government (see attachment). This agreement formally established the InterCEP group, defined obligations of the signatory agencies and the CRC team, and described the process for communication and collaboration within this group.

The following resource agencies signed the InterCEP Agreement:

- National Marine Fisheries Service (NMFS)
- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service (USFWS)
- Washington State Department of Ecology (Ecology)
- Washington State Department of Fish and Wildlife (WDFW)
- Washington State Department of Archaeology and Historic Preservation (DAHP)
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Department of State Lands (DSL)
- Oregon State Historic Preservation Office (SHPO)
- Oregon Department of Environmental Quality (DEQ)

The InterCEP Agreement integrated the procedures and requirements for many existing coordination agreements. WSDOT and ODOT, in conjunction with FHWA, have existing agreements and procedures in their respective states to aid in coordinating certain state and federal regulatory programs with the NEPA process on state and federal highway projects. These agreements are, in Oregon, the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS), and, in Washington, the Signatory Agency Committee (SAC) Agreement. The SAC Agreement also integrates the Washington State Environmental Policy Act (SEPA) into the process.

The goal of InterCEP is to allow the CRC project to efficiently plan, design, and build a solution that successfully addresses the project's goals and meets state and federal environmental regulations. The purposes of InterCEP are to:

- Establish an integrated review process for all stages of the NEPA process;
- Establish a timeline that identifies key decision points and potential conflicts as early as possible;
- Establish an open dialogue for discussion at major turning points (i.e., comment and concurrence points); and
- Integrate the NEPA process and other environmental reviews and approvals as early as possible into the scoping and transportation planning processes.

The InterCEP Agreement designates project milestones at which signatory agencies will provide the project team with formal concurrence or comment. Comment points represent specific points in the project process at which resource agencies are asked to provide written advisory comments. Concurrence points represent milestones in the project at which resource agencies are asked to provide a written concurrence on that stage of the project. Concurrence means that the resource agency has determined that

there is adequate information for the topic under consideration for this stage of the project development and that agency concerns were adequately addressed by the project team.

These milestones include those listed in the following table:

InterCEP Milestone	Action
Project Purpose and Need Statement	Concurrence for the U.S. Army Corps of Engineers, and Comment for other resource agencies
Evaluation Criteria	Concurrence
Methodologies to be used for analyzing alternatives and impacts	Comment
Range of alternatives to be considered in the DEIS	Concurrence
Preliminary DEIS	Comment
Preferred Alternative	Concurrence
Conceptual Mitigation Plan	Concurrence
Preliminary Final EIS	Comment

Below is a timeline of meetings and milestones.

Year	Meetings	InterCEP Milestone	Topic of Discussion
2005	August		<i>2-day Kick-off Workshop</i> : Initial Coordination Discussion; brainstorming of Draft Agreement and Operating Procedures
	October		Draft InterCEP Agreement Review
	December		<i>Finalize InterCEP Agreement</i> ; Review draft Purpose and Need and Evaluation Criteria
2006	January	<b>Comment Point: Project Purpose and Need</b> (Concurrence point for Corps of Engineers only)	Coordinate signing of InterCEP Agreement; Reach agreement on Purpose and Need, Evaluation Criteria
	March		Preliminary Methods and Data Reports, Step A Screening
	April	<b>Concurrence Point: Evaluation Criteria/ Framework</b>	<i>Finalize Evaluation Criteria</i> (Step A Screening)
	June	<b>Comment Point: Methods for Analyzing Impacts</b>	Preliminary Methods and Data Reports for Built Environment, Cultural Environment, and Natural Environment
	July		<i>Finalize</i> Methods and Data Reports; Begin Alternative Packaging Process
	August		Review Performance Measures
	September		Review Component Packaging Process
	October		Present Alternative Packages; preliminary screening results
	December		Alternative screening results; Proposed DEIS Alternatives

Year	Meetings	InterCEP Milestone	Topic of Discussion
2007	February	<b>Concurrence Point: Range of Alternatives</b>	Concurrence on DEIS Alternatives
	May		Field Trip of Project Alternatives
	June		Sub-group regarding Endangered Species and In-water work
	July		Technical Report Findings for Water Quality, Ecosystems, Wetlands, Hazardous Materials, Geology & Soils, Acquisitions, Land Use, Neighborhoods, Economics, Visual & Aesthetics, Public Services
	August		Updated Technical Report Findings for Water Quality, Ecosystems, Wetlands, Hazardous Materials, Geology & Soils
	October		Focused Discussion on Mitigation for Endangered Species; Technical Report Findings for Acquisitions, Land Use, Neighborhoods, Economics, Visual & Aesthetics, Public Services
	November		Technical Report Findings on Environmental Justice, Air Quality, Noise & Vibration, Traffic and Transit
2008	March	<b>Comment Point: Preliminary DEIS</b>	Distributed document for review
	April		Discuss Preliminary DEIS
	May		Formal review of DEIS
	June		Discuss public comment on DEIS
	August		Discuss the Locally Preferred Alternative (LPA)
	September		Review a draft outline of the Conceptual Mitigation Plan Pre-ESA Consultation Meeting to discuss potential habitat modification as a result of the CRC LPA, focusing on potential impacts to the Columbia River by the two-bridge (Stacked Transit/Highway Bridge [STHB]) design
	October		Pre-ESA Consultation Meeting to discuss potential Induced Effects as a result of the CRC project
	November		Discuss regulatory permitting requirements such as CWA Section 404 and 401, State of Oregon and State of Washington regulatory permitting, US Coast Guard permitting
	2009		January
February		Pre-ESA Consultation Meeting to discuss hydroacoustic impacts that would occur during project construction	
March		Concurrence on Locally Preferred Alternative Wetlands and Waterways Subgroup Meeting Pre-MMPA Letter of Authorization Application	
April		Pre-BA Meetings – hydroacoustics, project construction	
May		Pre-BA Meetings – project construction and demolition	
June		Pre-BA Meetings – stormwater and indirect effects Pre-BA Meetings – In-water work and fish runs	
July		Wetlands and Waterways Subgroup meeting – impacts to aquatic resources	
August		Wetlands and Waterways Subgroup meeting – mitigation and accounting methods	
September		Wetlands and Waterways Subgroup meeting – mitigation and accounting methods	

Year	Meetings	InterCEP Milestone	Topic of Discussion
	October		Pre-BA Meetings – conservation measures Pre-BA Meetings – fish runs
	November		Pre-BA Meetings – conservation measures
	December		Pre-BA Meetings – fish runs and hydroacoustic impacts Pre-BA Meetings – conservation measures
2010	January		Wetlands and Waterways Subgroup meeting – water quality standards and conditions
	February		Wetlands and Waterways Subgroup meeting – update to impacts to aquatic resources and mitigation
	March		Pre-BA Meetings – fish runs and hydroacoustic impacts
	April		Wetlands and Waterways Subgroup meeting – in-water work window and compensatory mitigation
	May	<b>Concurrence Point: Conceptual Mitigation Plan</b>	Concurrence on Conceptual Mitigation Plan
	June		Wetlands and Waterways Subgroup meeting – on-site meeting at the proposed compensatory mitigation site; Washington side
	July		Pre-MMPA meeting to coordinate the Letter of Authorization application submittal
	August		Wetlands and Waterways Subgroup meeting – proposed compensatory mitigation site; Oregon side
	October		Wetlands and Waterways Subgroup meeting – pre-application meeting for proposed CRC Test Pile Project and geotechnical study
	December		BA Consultation Meeting to discuss Terms and Conditions of the upcoming Biological Opinion and define the mechanism for the BO process and future coordination with NMFS
2011	January		Wetlands and Waterways Subgroup meeting – update on proposed off-site compensatory mitigation sites
	March		Pre-401 Water Quality Certification meeting to discuss regulatory requirements
	March		Wetlands and Waterways Subgroup meeting – preliminary results on recently completed Test Pile Project
	May		MMPA project update and how project changes will/will not affect prior LOA application
	May		Wetlands and Waterways Subgroup meeting – project updates, results from Test Pile Project, preliminary results on sediment characterization study in North Portland Harbor and Columbia River
	June		Wetlands and Waterways Subgroup meeting – workshop on FEIS review and comment
	July		Wetlands and Waterways Subgroup meeting – workshop on FEIS review and comment
	August		Wetlands and Waterways Subgroup meeting – pre-application meeting for state and federal regulatory permits
	September		Wetlands and Waterways Subgroup meeting – pre-application meeting for state and federal regulatory permits

## Cooperating Agencies

Cooperating Agencies have an elevated status in the NEPA process, which includes an opportunity to contribute expertise in the development of methodology and analysis of impacts associated with project alternatives. In accordance with NEPA regulations, and upon request of a lead federal agency, any other federal or state agency which has jurisdiction or a special expertise with respect to any environmental issue may become a Cooperating Agency.

The Cooperating Agencies are:

- U.S. Army Corps of Engineers (USACE)
- U.S. Coast Guard (USCG)
- U.S. General Services Administration (GSA)
- Federal Aviation Administration (FAA)
- Washington State Department of Archaeology and Historic Preservation (DAHP)
- National Park Service (NPS)

Beginning in 2005, the project team met with each of the Cooperating Agencies on a one-on-one basis to gather information and seek advice on project development and potential build concepts. Each Cooperating Agency played a key role in developing the build alternatives analyzed in the DEIS and reviewed in this FEIS.

## Participating Agencies

On August 10, 2005, President George W. Bush signed into federal law the SAFETEA-LU. The designation of Participating Agency was established in accordance with SAFETEA-LU to create specific coordination opportunities for a broader array of public agencies and tribal governments. The CRC project team sent invitation letters to a comprehensive list of local and state agencies and tribal governments with potential interest in the CRC project. The following entities agreed to become Participating Agencies:

- City of Vancouver
- Clark County Community Development Department
- Clark County Public Utilities (CPU)
- Confederated Tribes of Grand Ronde
- Cowlitz Indian Tribe
- Portland Bureau of Development Services
- Portland Bureau of Environmental Services
- Portland Bureau of Water Works
- Portland Bureau of Transportation
- Portland Development Commission
- Portland Fire & Rescue
- Portland Office of Neighborhood Involvement
- Portland Parks and Recreation
- Portland Bureau of Planning and Sustainability
- Portland Police Bureau

- Vancouver Housing Authority
- Washington Department of Natural Resources

The project team met with Participating Agencies throughout the development of the DEIS to update members on the project’s progress and solicit feedback on various documents and decision points. Following the publication of the DEIS, the project team continued to meet with these agencies, but often on specific issues. While the project team met regularly with the City of Portland Technical Advisory Committee (composed of representatives of all City of Portland Bureaus) and the City of Vancouver, meetings with agencies such as the Department of Natural Resources occurred to discuss the specific issue of drilling and aquatic archaeology. Coordination with Tribes occurred throughout the development of the EIS as described below.

## InterCEP Meeting Record

The InterCEP Agreement was formed to provide early coordination and preliminary agency agreement on the NEPA process and other environmental review and approvals. During the course of the InterCEP meetings it became necessary to form smaller working groups to address specific environmental approvals. Endangered Species Act (ESA) conferencing with staff from NMFS, USFWS, ODFW and WDFW became “Pre-Biological Assessment” (Pre-BA) meetings. The Wetlands and Waterways Subgroup was formed to address project impacts to aquatic habitats and compensatory mitigation with the regulatory agencies involved. The In-Water Work Subgroup and Conservation Measures Subgroup were formed to address specific regulatory aspects under the Clean Water Act Section 404 and ESA. Marine Mammals Protection Act (MMPA) conferencing with staff from NMFS was necessary prior to submittal of the MMPA Letter of Authorization application and became MMPA meetings.

Unless otherwise noted, these meetings took place at the CRC office.

Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
8/23-24/05	Federal: USFWS OR, NOAA OR, NOAA WA, USACE WA, USACE OR, EPA WA State: WDOE, WDFW, DAHP, DEQ, DSL, ODFW, DLCD, SHPO Local: Metro, TriMet, C-TRAN, RTC	FHWA Division Administrators, WSDOT and ODOT Administrators, CRC Co-Directors, Deputy Director, Environmental Manager and staff  WSDOT SW Region HQ	Workshop to introduce the project and to environmental and regulatory agencies. Build upon the CETAS and SAC processes to establish process, coordination and timeline to move project through FEIS to the ROD.
10/21/05	Federal: USFWS OR, NOAA OR, NOAA WA, USACE WA, USACE OR, EPA WA, EPA OR State: WDOE, WDFW, DAHP, DEQ, DSL, ODFW, DLCD, SHPO Local: Metro, TriMet, C-TRAN, RTC, COV, BES	CRC Director, Environmental Manager and staff  WSDOT SW Region HQ	Building from August 23-24 workshop, begin the draft agreement to coordinate their agency’s involvement in the NEPA review.
12/1/05	Federal: USFWS OR, NOAA WA, USACE OR, EPA OR State: WDOE, WDFW, DAHP, DEQ, DSL, ODFW, DLCD, SHPO Local: Metro, TriMet, C-TRAN, RTC, COV, BES and BDS	FHWA and FTA Division Administrators, WSDOT & ODOT Administrators, CRC Director & Deputy Director, Environmental Manager and staff  WSDOT SW Region HQ	Meeting to resolve four topics: 1) the Purpose and Need, 2) the coordination agreement, 3) Evaluation Criteria, and 4) the new team website. Participants also chose a team name: InterCEP.



Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
1/12/06	Federal: USFWS OR, NOAA WA, USACE OR, EPA WA, EPA OR State: WDOE, WDFW, WSDOT, DAHP, DEQ, DSL, ODFW, ODOT, DLCD, SHPO Local: Metro, TriMet, C-TRAN, RTC, COV, BES, BDS and PDOT	FHWA Division Administrators, CRC Deputy Director, Environmental Manager and staff  WSDOT SW Region HQ	Meeting to discuss six topics: 1) the importance of the I-5 corridor, 2) freight needs, 3) the Purpose and Need, 4) how InterCEP fits in with other CRC groups, 5) the InterCEP Agreement, and 6) the Evaluation Criteria.
3/8/06	Federal: USFWS OR, NOAA WA, USACE OR, EPA WA, EPA OR State: WDOE, WDFW, WSDOT, DAHP, DEQ, DSL, ODFW Local: Metro, TriMet, BES	CRC Environmental Manager and staff  David Evans and Associates 2100 SW River Parkway Portland OR 97201	Meeting to discuss three topics: 1) the Evaluation Criteria 2) the Methods and Data Reports, and 3) the initial screening of components (Step A screening). Other topics included an update on Tribal coordination, an overview of Participating Agency coordination, an update on the project schedule and anticipated InterCEP involvement.
4/12/06	Federal: USFWS OR, NOAA WA, USACE OR, EPA WA, EPA OR State: WDOE, WDFW, WSDOT, DAHP, DEQ, DSL, ODFW, SHPO Local: TriMet, C-TRAN	CRC Environmental Manager and staff  David Evans and Associates 2100 SW River Parkway Portland OR 97201	CRC staff met with InterCEP members to present staff recommendations resulting from the initial screening of components (Step A Screening). Other topics included a wrap-up of the Evaluation Criteria thanking InterCEP signatories for their concurrence, and a brief update on the revised schedule for the Methods and Data Report (MDR).
6/14/06	Federal: NOAA WA, EPA OR, FHWA and Cowlitz Tribe State: WDOE, WDFW, DAHP, DEQ, DSL, ODFW, ODOT, SHPO Local: TriMet, BOW and PDOT, COV	CRC Environmental Manager and staff  WSDOT SW Region HQ	Meeting with InterCEP and Participating Agencies, primarily to discuss the Methods and Data Reports (MDRs). The MDRs outline the approach for assessing environmental effects in the technical reports that will be used to create the Environmental Impact Statement (EIS).
7/12/06	Federal: NOAA OR, USACE OR, EPA WA, EPA OR State: WDOE, WDFW, DEQ, DSL, ODFW, DLCD, ODOT Local: C-TRAN, COV	FHWA Division Administrators, CRC Environmental Manager and staff  WSDOT SW Region HQ	Meeting with InterCEP and Participating Agencies to discuss the Methods and Data Reports (MDRs) that were not covered in the previous meeting and to provide an overview of the Alternatives Packaging effort currently underway.
8/9/06	Federal: USFWS OR, NOAA WA, EPA OR State: WDOE, WDFW, DAHP, DEQ, DSL, DLCD Local: TriMet	CRC Environmental Manager and staff  WSDOT SW Region HQ	Meeting with InterCEP to discuss the performance measures being used in the screening of component packages. The current phase in the development and screening of alternatives seeks to refine and narrow a broad range of component packages to a short list of alternatives to be analyzed in greater detail in the Draft Environmental Impact Statement (DEIS).
10/11/06	Federal: NOAA WA, USACE OR State: WDOE, WDFW, DAHP, DEQ, DSL, DLCD, ODOT, SHPO Local: Metro, TriMet	FHWA Division Administrators, CRC Environmental Manager and staff  WSDOT SW Region HQ	Meeting with InterCEP to discuss the recent memo that outlines issues related to replacing or reusing the existing I-5 bridges, review the alternative packages being evaluated and provide an update on the project's coordination with tribes.



<b>Date</b>	<b>Natural Resource Agency</b>	<b>CRC Staff &amp; Meeting Location</b>	<b>Purpose</b>
12/13/06	Federal: USFWS OR, NOAA OR, USACE OR State: WDFW, DAHP, DEQ, DSL, ODFW, DLCDC, SHPO, ODOT Local: Metro, TriMet	FHWA Division Administrators, CRC Environmental Manager and staff  WSDOT SW Region HQ	Meeting focused on presenting the final results of the alternatives screening process and staff recommendations on the range of alternatives to advance into the DEIS.
2/14/07	Federal: USFWS OR, USACE OR State: WDOE, WDFW, DSL, DLCDC, SHPO, ODOT Local: TriMet	FHWA Division Administrators, CRC Environmental Manager and staff  WSDOT SW Region HQ	Meeting served as the concurrence point meeting for the InterCEP concurrence point on the range of alternatives to be evaluated in the DEIS.
5/9/07	Federal: USFWS OR, USACE OR, NOAA WA State: WDOE, WDFW, DAHP, DEQ, ODFW, SHPO, ODOT Local: COV	FHWA Division Administrators, CRC Environmental Manager and staff	InterCEP field trip of project area.
6/13/07	Federal: USFWS OR, USACE OR, NOAA OR State: WDOE, WDFW, WSDOT, ODFW Local:	CRC Deputy Director, Environmental Manager and staff	In place of the monthly InterCEP meeting, several InterCEP agencies with regulatory interest in in-water work met with project staff to discuss construction methods for the river crossing.
10/10/07	Federal: USFWS OR, USACE OR, NOAA OR State: WDOE, WDFW, WSDOT, ODFW Local:	CRC Deputy Director, Environmental Manager and staff	Several InterCEP agencies with regulatory interest in in-water work met with project staff and Glen Flemming of Caltrans. Glen led a discussion on the use of "bubble curtains" as a method for reducing acoustic damage to aquatic species during pile driving.
11/14/07	Federal: USFWS OR, USACE OR State: WDOE, WDFW, WSDOT Local:	CRC Environmental Manager and staff	Meeting was to provide interested InterCEP members with a brief project and timeline update, as well as a preview of the Traffic, Transit, and Environmental Findings.
4/9/08	Federal: USFWS OR, NOAA OR, USACE OR, EPA OR State: WDOE, WDFW, DEQ, DSL, ODFW, DLCDC Local: COV, C-TRAN	FHWA and FTA Division Administrators, CRC Deputy Director, Environmental Manager and staff	Meeting was for InterCEP members to provide their preliminary feedback on the CRC Preliminary Draft EIS that they received on March 28th. Most members focused their review on the Environmental Effects chapter.
6/11/08	Federal: USFWS OR, NOAA OR State: WDOE, WDFW, DEQ, ODFW Local:	CRC Environmental Manager and staff	Meeting was to provide InterCEP members an overview of Public Involvement to-date, specifically in regards to Draft EIS, and the upcoming LPA process. Questions regarding the in-water work and a preliminary permitting timeline arose, and the project team asked that these discussions be delayed until after the selection of the LPA.

Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
8/13/08	Federal: USFWS OR, NOAA OR, USACE OR, EPA OR State: WDOE, WDFW, DAHP, DEQ, ODFW, DLCD Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	Meeting was to update InterCEP members on the Locally Preferred Alternative (LPA) that was approved by project sponsors in July and to begin brainstorming the process of producing a conceptual mitigation plan that will act as a concurrence point, when paired with the LPA, for the InterCEP group.
9/10/08	Federal: USFWS OR, NOAA OR, USACE OR, EPA OR State: WDOE, WDFW, DAHP, DEQ, ODFW, DSL, DLCD Local:	CRC Environmental Manager and staff	Meeting was to review a draft outline of the Conceptual Mitigation Plan and agree on the potential membership of the various InterCEP sub-groups that will be employed to flesh out the mitigation plan. According to the InterCEP Agreement, InterCEP members shall concur on the Locally Preferred Alternative (LPA) with this Conceptual Mitigation Plan.
9/23/08	Federal: USFWS OR, NOAA OR State: WSDOT, WDFW, ODOT, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering	Pre-BA Meeting to discuss potential habitat modification as a result of the CRC LPA, focusing on potential impacts to the Columbia River by the two-bridge (Stacked Transit/Highway Bridge) and three-bridge designs. The discussion was prefaced with the goal of the project being to avoid an adverse habitat modification. Portions of the meeting were used to get everyone familiar with the types of habitat in the Columbia River and to discuss potential mitigation measures for potential impacts to these habitats.
10/14/08	Federal: USFWS OR, NOAA OR State: WSDOT, WDFW, ODOT, ODFW Local:	FHWA Division Administrators, FHWA and FTA Division, CRC Environmental Manager and staff	Pre-BA Meeting to discuss potential Induced Effects as a result of the CRC project and how this information should be presented in the Draft EIS. After reviewing the impacts, as presented in the DEIS, the agencies agreed that the BA should not repeat the NEPA analysis, and should instead illustrate how induced effects would impact aquatic species.
11/13/08	Federal: USFWS OR, NOAA OR, EPA OR, USACE OR, USCG State: WDOE, DSL, ODFW, DEQ Local:	CRC Director, Environmental Manager and staff	Meeting was to discuss regulatory permitting requirements such as CWA Section 404 and 401, State of Oregon and State of Washington regulatory permitting, US Coast Guard permitting and compensatory mitigation.
1/21/09	Federal: USFWS OR, NOAA OR, USACE OR State: WDFW, WDOE, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Meeting was to go through a list of construction activities compiled by the CRC bridge engineers and determine what is and what is not considered in-water work by the agencies. The list of construction activities and the agencies' questions and comments regarding each are located in the matrix of Potential In-Water Work Activities.

Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
2/24/09	Federal: USFWS OR, NOAA OR, USACE OR State: WSDOT, WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	Pre-BA Meeting focused on how the BA should evaluate elements of the project that could cause incidental take. Discussion topics included whether and how to quantify impacts to in-stream habitat and fish exposure from fish salvage, hydroacoustic impacts, and stormwater. Agency staff indicated that certain types of impacts require quantification, while others should be discussed qualitatively. Quantification of impacts, including in-water structures, is being updated based on new design information.
3/11/09	Federal: USFWS OR, USACE OR, NOAA OR State: WDOE, WDFW, DEQ, ODFW, SHPO, DSL Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	Meeting was to provide InterCEP with a project update and discuss the next InterCEP concurrence point, the LPA with a conceptual mitigation plan. It was suggested splitting up this concurrence point into 2 points due to the expected time delay between the two; the group concurred.
3/18/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA Division Administrators, CRC Environmental Manager and staff	Pre-BA meeting to reach a consensus among members on the times of year when each ESA-listed fish species is present in the CRC Action Area.
3/18/09	Federal: NOAA WA and NOAA Maryland State: Local:	CRC Environmental Manager and staff	MMPA Meeting was to determine the best strategy to pursue to meet the NEPA requirements for the NMFS Office of Protected Resources (PR) to issue a marine mammal authorization for seals and sea lions during construction of the Columbia River Crossing bridges.
3/25/09	Federal: USFWS OR, NOAA OR, EPA OR, USACE OR State: WDFW, DSL, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	Wetlands and Waterways Subgroup Meeting was to review what was discussed at the last Wetlands and Waterways Subgroup meeting on November 13, 2008, and start discussions on what qualify as permanent versus temporary impacts. Additionally, CRC outlined a plan for developing a framework for evaluating potential mitigation measures.
3/25/09	Federal: NOAA WA and NOAA Maryland State: Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	MMPA Meeting following up on ideas for addressing NEPA compliance for the MMPA authorizations that were proposed at the previous meeting. Three options: 1) NOAA becomes a cooperating agency. CRC prepares a limited scope EA, to give more opportunity for public comment on marine mammals, before FEIS. 2) NOAA becomes a cooperating agency. CRC prepares a limited scope EA after FEIS 3) Move forward with FEIS as planned, but issue the BO with an ITS (incidental take statement) covering all listed species except Steller sea lions.

<b>Date</b>	<b>Natural Resource Agency</b>	<b>CRC Staff &amp; Meeting Location</b>	<b>Purpose</b>
4/15/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to walk through the methods that will be included in the project description for bridge demolition. Discuss measures proposed to minimize impacts from various project elements to fish and habitats.
5/6/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW, ODOT Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting discussion of hydroacoustics and the area of effect from pile driving associated with the construction and demolition of the Columbia River and North Portland Harbor bridges. The purpose of the meeting was to increase CRC and resource agency understanding of the hydroacoustic impacts from the project and discuss potential impacts from pile driving sound pressure levels to listed species potentially present in the area of effect.
5/20/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to walk through potential bridge construction methods for the Columbia River and North Portland Harbor bridges. Potential fish exposure pathways were discussed, as well as potential measures to minimize impacts from various project elements.
6/3/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local: PDOT, COV	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to walk through the highway and transit facility designs, and discuss how the stormwater runoff produced by the project may be treated.
6/17/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW, ODOT Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to discuss the evaluation of potential land use changes from this project, and resultant impacts to listed species and habitat that will be presented in the BA. This approach is based on guidance that FHWA, working with NMFS, USFWS, local agencies, and WSDOT, developed to analyze indirect effects of transportation projects for ESA assessments.
6/30/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW, ODOT Local:	FHWA and FTA Division Administrators, CRC Director, Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to discuss the primary ecological and project constraints for the Columbia River bridges and review the in-water work impact pathways that are most critical to fish. New information provided at this meeting included the sequencing of the construction of the Columbia River bridges, as well as the feasibility of construction under those sequences.
7/29/09	Federal: USFWS OR, NOAA OR, EPA OR, USACE OR State: WDFW, DSL, ODFW Local:	FHWA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup Meeting to discuss impacts to aquatic resources, walk through construction minimization measures currently proposed and introduce the topic of compensatory mitigation. CRC staff presented a set of criteria on which mitigation concepts will be judged and the group provided initial thoughts on what types of mitigation projects or approach may be preferred.

Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
8/5/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW, ODOT Local:	FHWA and FTA Division Administrators, CRC Deputy Director, Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to get resource agency acceptance on the project team's approach to modeling exposure of listed fish species to potential hydroacoustic impacts, as well as agreement on which in-water work activities the project team could reasonably expect to get a variance from the in-water work window in order to construct and schedule.
8/5/09	Federal: NOAA OR State: Local:	CRC Environmental Manager and staff	Pre-BA Meeting to discuss the evaluation of potential land use changes from this project, and resultant impacts to listed species and habitat. Presentation the same as was given June 17, 2009.
8/26/09	Federal: USFWS OR, NOAA OR, EPA OR, USACE OR State: WDFW, DSL, ODFW Local:	FHWA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup Meeting to introduce the concept of mitigation accounting to the group, and discuss a few examples of this, including the Willamette Partnership and Willamette Partnership's Salmon Habitat Credit Calculator. The project team is attempting to determine which mitigation accounting tool would best satisfy the project's need to evaluate and rank possible mitigation projects.
9/30/09	Federal: USFWS OR, NOAA OR, USACE OR State: WDFW, DSL, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup Meeting reviewed three proposed topics by CRC: to obtain concurrence on the conceptual conservation measures guidelines, review the Salmon Habitat Credit Calculator and Rapid Assessment, and introduce the concept of a working group to refine the mitigation and conservation measures accounting approach for fish impacts.
9/30/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Pre-BA Meeting to gather natural resources agency input for fish run-timing and commit to a working group with CRC in a collaborative manner to get to consensus on CRC's Hydroacoustic Impact Assessment Model (or agreed upon variant) to determine most sensitive time periods and work together to determine weeks with no pile driving and/or weeks with limited pile driving.
10/15/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA Division Administrators, CRC Environmental staff	Conservation Measures Work Group, a working group of Wetlands and Waterways, met to develop a Salmonid Habitat Credit Calculator with criteria specific to the CRC project based on the COTE (Counting on the Environment) Salmon Credit Calculation Method.

Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
10/28/09	Federal: NOAA OR State: Local:	FHWA Division Administrators, CRC Environmental staff	Pre-BA meeting for CRC to explain the status of their moving fish modeling and presented results based on preliminary data of fish-run timing. An overview of the moving fish model, the “exposure factor”, modeling assumptions and an explanation of how the numbers produced by the model were generated and what they mean. CRC requested feedback on model assumptions and the preliminary estimates of incidental take from potential injury due to impact pile driving.
11/3/09	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental staff	Conservation Measures Work Group, a working group of Wetlands and Waterways, met to discuss the purpose of the Conservation Measures Working Group, and outcomes of the previous meeting. The group briefly discussed updates to the conservation measure guidelines and criteria CRC proposed and CRC presented on the conservation measures site selection process and showed a series of example sites through the rapid assessment and conservation measure process.
12/3/09	Federal: USFWS OR, NOAA OR State: WSDOT, ODFW Local:	FHWA Division Administrators, CRC Environmental staff	Conservation Measures Work Group, a working group of Wetlands and Waterways, met to share results of the first example sites run through the Rapid Assessment and to review needs and options for the crosswalk. The group reviewed the criteria and goals from the Conservation Measure Guidelines with the intent of reaching concurrence with the agencies on the content and applicability of the Guidelines. Presentation on the Rapid Assessment, the crosswalk process, and habitat assessment.
12/15/09	Federal: NOAA OR State: Local:	FHWA and FTA Division Administrators, CRC Environmental staff	Pre-BA Meeting for CRC to provide NOAA Fisheries with fish run and hydroacoustic impact project and model updates, assumptions and input data. Provide NOAA Fisheries with model output to date based on a project schedule that avoids as many listed species as possible and produces a constructible project.
12/17/09	Federal: USFWS OR, NOAA OR State: WDFW, WSDOT, ODFW Local:	FHWA Division Administrators, CRC Environmental Manager and staff	Conservation Measures Work Group, a working group of Wetlands and Waterways, met to get concurrence on approach to methodology to use the Conservation Measures Guidelines and Rapid Assessment methodology to prioritize potential conservation measures. Also to get Work Group concurrence on use of a ‘crosswalk’ as a means to rate or evaluate fisheries restoration/ enhancement actions or sites as a means to offset project-related impacts to ESA-listed fish.

<b>Date</b>	<b>Natural Resource Agency</b>	<b>CRC Staff &amp; Meeting Location</b>	<b>Purpose</b>
1/7/10	Federal: State: WDOE, DEQ Local:	CRC Environmental staff	Meeting to present DEQ and WDOE the updated project description and schedule as well as the construction methods in order to obtain feedback on the likely water quality conditions that would be incorporated in a 401 Certification.
2/24/10	Federal: USFWS OR, NOAA OR, USACE OR State: WDFW, DSL, ODFW Local:	FHWA Division Administrators, CRC Environmental Manager and staff, CRC Engineering staff	Wetlands and Waterways Subgroup Meeting to update the Subgroup on CRC's efforts to further reduce project impacts to aquatic resources, preliminary evaluation of potential compensatory mitigation for CWA 404 impacts and obtain feedback from the group on compensatory mitigation approach and update the Subgroup on the status of the Conservation Measures Work Group and CRC's proposed methodology to evaluate conservation measures commensurate with the impacts.
3/25/10	Federal: USFWS OR, NOAA OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	Pre-BA Meeting for CRC to provide NOAA Fisheries, WDFW and ODFW with fish run models for concurrence with CRC models, assumptions and input data.
4/28/10	Federal: USFWS OR, NOAA OR, USACE OR State: WDFW, DSL, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental Manager and staff	Wetlands and Waterways Subgroup Meeting to discuss resource agency's policy decision on CRC's proposed in-water work window. Presentation on proposed compensatory mitigation sites.
6/30/10	Federal: USACE OR, EPA OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup field trip of proposed compensatory mitigation site in Washington.
7/15/10	Federal: NOAA Marine Mammals, NOAA OR	FHWA and FTA Division Administrators, CRC Environmental staff	MMPA meeting to get best method to obtain an MMPA authorization coverage beyond the 5 year rulemaking authorization. Discuss mitigation measures, Federal Register notices, schedule coordination and timing.
8/25/10	Federal: NOAA OR, USACE OR State: ODSL, ODFW, WDFW Local:	FHWA and FTA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup meeting to discuss proposed compensatory mitigation site in Oregon.
10/27/10	Federal: USFWS OR, USACE OR State: WDFW, ODFW, ODSL Local:	FHWA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup pre-application meeting for proposed CRC Test Pile Project and geotechnical study.
12/8/10	Federal: NOAA OR	FHWA and FTA Division Administrators, CRC Environmental staff	BA Consultation Meeting to discuss Terms and Conditions of the upcoming Biological Opinion and define the mechanism for the BO process and future coordination with NOAA Fisheries.
1/26/11	Federal: NOAA OR, USFWS OR State: WDFW, ODFW Local:	FHWA and FTA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup meeting to discuss upcoming Test Pile Project and sediment characterization study.



Date	Natural Resource Agency	CRC Staff & Meeting Location	Purpose
3/9/11	Federal: NOAA OR State: DEQ, WDOE Local:	FHWA Division Administrators, CRC Environmental staff	Pre-401 Water Quality Certification meeting to discuss regulatory requirements.
3/23/11	Federal: USACE OR State: WDFW, ODFW, ODSL Local:	FHWA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup meeting – preliminary results on Test Pile Project.
5/11/11	Federal: NOAA OR, NOAA OPR, NOAA Marine Mammals	FHWA Division Administrators, CRC Environmental staff	MMPA project update and how project changes will/will not affect prior LOA application.
5/25/11	Federal: NOAA OR, USFWS OR, USACE OR State: ODSL, WDFW Local:	CRC Environmental staff	Wetlands and Waterways Subgroup meeting – project updates, results from Test Pile Project, preliminary results on sediment characterization study in North Portland Harbor and Columbia River.
6/29/11	Federal: USFWS OR, USACE OR State: WDFW, ODFW, ODSL Local:	FHWA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup meeting - workshop on FEIS review and comment.
7/27/11	Federal: USFWS OR, USACE OR State: WDFW, ODSL Local:	FHWA & FTA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup meeting - workshop on FEIS review and comment.
8/24/11	Federal: USACE OR, USCG State: ODSL, ODFW, WDFW, WDOE	FHWA Division Administrators, CRC Environmental staff	Wetlands and Waterways Subgroup meeting – pre-application meeting to clarify inter-agency coordination for Section 404 and 401.

## TRIBAL CONSULTATION

Below is a summary of the CRC tribal consultation plan. The CRC Government-to-Government Tribal Consultation Plan details how this project team is coordinating with tribal governments.

WSDOT, ODOT, FHWA, and FTA are committed to government-to-government consultation with tribes on projects that may affect tribal rights and resources. The CRC tribal consultation process is designed to encourage early and continued feedback from, and involvement by, tribes potentially affected by the CRC project, and to ensure that their input will be incorporated into the decision-making process. Although tribal consultation and government-to-government tribal consultation is being undertaken as a distinct outreach effort, tribal involvement is also occurring during agency coordination and public involvement.

### Goals for Tribal Consultation

- To achieve a respectful engagement between the needs of the tribes and states as supported by numerous federal and state agreements and executive orders, including Presidential Executive Order 13175 Consultation and Coordination with Indian Tribal Governments, Washington State Centennial Accord, WSDOT Executive Order 1025 Tribal Consultation, and Oregon Revised Statutes 182.162 Relationship of State Agencies with Indian Tribes.

- To achieve compliance with legally required steps under the National Environmental Policy Act, Section 106 of the National Historic Preservation Act, SAFETEA-LU, and other applicable state and federal laws.
- To resolve effects this project may have on the rights of tribes which they reserved under treaties with the United States, as supported by the Constitution of the United States. Reach full and fair settlement on any tribal treaty-related issues associated with the CRC project in a manner that is compatible with the mutual interests of the tribes, ODOT, WSDOT, FTA, and FHWA, and with the objectives of the project.
- To achieve a richer and lasting understanding of the area and build durable relationships between WSDOT, ODOT, and the affected tribes who are or will be engaged in consultation for other projects.
- For the CRC project team and tribes to engage in an open exchange of information about the project, its potential impacts, and appropriate mitigation.

## **Tribal Consultation Approach**

The CRC has a designated tribal liaison for this project, who is also the statewide WSDOT Tribal Liaison. The statewide tribal liaison for ODOT is assisting in tribal consultation efforts, when necessary. Other DOT team members may participate in the ongoing government-to-government dialogue, but consultants will not. Consultants will assist in preparing for meetings with the tribes, but all contact will be through DOT staff on the project. All communication with tribes is coordinated through the CRC Tribal Liaison to ensure that information is managed internally and integrated into the government-to-government dialogue with the tribes. All tribal consultation and the results from these efforts are documented in the project's administrative record and are summarized under Tribal Consultation Activities on the following pages.

The general approach to government-to-government consultation for the CRC project is as follows:

- Meet with representatives of affected tribes to review broad issues. CRC staff met with interested tribes early in the environmental review process in order to establish the following information:
  - An understanding of the aspects of the CRC project that are likely to interest the tribes.
  - Preliminary information about the potential for the project to affect tribal land, historical or cultural resources, fishing and other aquatic resources, or any other issues of tribal concern.
  - An initial agreement regarding the process for the government-to-government consultations.
- Engage in both formal and technical consultation with tribal staff. At the request of the tribes, project staff will formally meet with cultural and natural resource committees, and will involve technical staff in working group meetings concerning applicable issues (e.g., identification of fish and wildlife habitat).
  - At the request of interested tribes, the project team will meet with the Tribal Council and appropriate committees at major project milestones.
  - Technical staff will be invited to all working group meetings that the tribe may have an interest or expertise in.
  - The consultation process will integrate both formal and informal contact with the Tribal Council and tribal staff, respectively.
- Seek to resolve issues in parallel with project planning and permitting activities. CRC staff will keep the interested tribes fully informed throughout the project planning, permitting, and development process. In acknowledgement that CRC must afford the interested tribes with more than the opportunity to participate as members of the general public in the planning and permitting process, CRC has initiated the following actions to ensure effective government-to-government consultation:

- Seek tribal input regarding alternatives and opportunities to avoid, reduce, or otherwise mitigate the effects of the CRC project on tribal interests.
- Seek tribal comment throughout the project's environmental review, permitting, and regulatory review processes.

## TRIBAL CONSULTATION ACTIVITIES

The following summarizes the tribal consultation the CRC project has engaged in through June, 2011.

The CRC project team has conducted extensive consultation with interested tribes since December 2005. The project's Environmental Manager led the consultation effort until they arranged to have a Tribal Liaison dedicated to the project in January 2007. This report summarizes the following:

- Who we are consulting with and why?
- Summary of consultation activities to date
- Current/upcoming consultation efforts
- Key tribal concerns
- Tribal meeting record
- Upcoming tribal meetings

### Who are we consulting with and why?

To determine which tribes to consult with, the CRC project team met with WSDOT and ODOT Tribal Liaisons. They also submitted a formal letter to the Oregon Commission on Indian Services requesting their input as required by Oregon law. Nine federally recognized tribes and one non-federally recognized tribe were identified through those efforts.

The NPS has a list of approximately 35 tribes and tribal organizations that have members buried within Fort Vancouver. The CRC project team sent a letter to each of these tribes to determine if they were interested in consulting on this project. Only the Spokane Tribe responded and requested to be a consulting party. These tribes (except Spokane) are not being consulted on this project. However, if human remains are found on federal property within Fort Vancouver, the NPS is the lead for complying with the Archaeological Resources Protection Act (ARPA) and Native American Graves Protection and Repatriation Act (NAGPRA). If the remains are determined to be post-contact Native Americans, the park service will notify all 35 tribes and tribal organizations of the find.

The following is a list of the eleven tribes we are actively consulting with on this project. Ten of these tribes received a formal letter initiating consultation in December 2005, although one of the recipients (the Nisqually Indian Tribe) did not begin consultation until May 2011. Although the Confederated Tribes of the Colville Reservation were not originally sent the invitation in 2005, they requested to consult on the project in October of 2009. Four of the eleven tribes have treaty fishing rights on the Columbia River.

Federally Recognized Tribes include:

- Cowlitz
- Grand Ronde
- Nez Perce (Treaty Tribe)

- Siletz
- Spokane
- Umatilla (Treaty Tribe)
- Warm Springs (Treaty Tribe)
- Yakama (Treaty Tribe)
- Colville
- Nisqually

Non-Federally Recognized Tribes include:

- Chinook

The project team is consulting with both the natural and cultural resource offices of each affected tribe. We periodically present/meet with tribal councils and committees when requested.

### **Consultation Activities to Date**

- Initiated consultation with the tribes in December 2005.
- Conducted face-to-face meetings with each tribe (see meeting record below).
- Sent invitations to be Participating Agencies under SAFETEA-LU to all the tribes in March 2006. The Grand Ronde and Cowlitz Tribes accepted.
- Held several meetings to solicit input on methods for analyzing impacts to resources in the DEIS, which the Cowlitz and Grand Ronde both attended.
- Consulted with tribes on the following products:
  - Purpose and Need statement
  - Method and data reports
  - The range of alternatives
  - Area of Potential Effects for Section 106
  - Tribal consultation plan
  - Over-water geotechnical boring Plan
  - Inadvertent Discovery Plan
  - Jurisdictional wetlands and waters technical report
  - Geology and Soils technical report
  - Water quality and soils technical report
  - Hazardous materials technical report
  - Ecosystems technical report
  - Acquisitions and Relations technical report
  - Historic Resources technical report
  - Archaeological technical report
  - Draft research design for archaeological discovery field investigations

- The CRC project hosted a History Seminar on March 20, 2007. The purpose of the seminar was to educate the project team about the significant history of the area. Each tribe sent a speaker to tell their history/experience in the area. There were also four non-tribal historians that presented on the non-tribal and environmental history of the project area.
- Coordinated with the Grand Ronde (as requested) to participate in the pedestrian archeology survey in July 2007 and observe cultural resources monitoring for geotechnical borings in February 2008.
- Consulted with tribes and agencies (including FHWA, FTA, NPS, DAHP, SHPO, and WSDOT and ODOT archaeologists) on an Inadvertent Discovery Plan (IDP) for any ground disturbing activity on the project. Held two intertribal/interagency meetings to review the plan. Consulted on four drafts of the plan before it was “finalized” in October 2007. The plan is ready to apply to ground-disturbing activities such as testing. This is a living document that we will amend in the future as needed. It will likely be revised before construction.
- Held multi-tribal/agency meetings to discuss preliminary findings for the natural and cultural resource discipline reports.
- Held pre-DEIS meetings with individual tribes between November and January, and then consulted on the DEIS.
- Held meetings to discuss fish issues, including the in-water work window negotiations, construction sequencing and timing, the process for developing conservation measures, and the proposed review process for the Biological Assessment for the tribes.
- Hosted an intertribal meeting with presentations by NPS and CRC. The purpose of the meeting was to look at detailed archaeological information in relation to the detailed CRC design maps.
- Hosted a leadership meeting, including the leaders of tribes, FHWA, FTA, WSDOT, ODOT, City of Portland, City of Vancouver, National Parks Service, Washington and Oregon Governor’s Offices and others. Developed contracts with the Warm Springs and Umatilla tribes to conduct oral history studies for the project area.
- Developed service contracts with interested tribes to conduct cultural resource monitoring during ground-disturbing activities on the project. Contacted interested tribes about timing of ground-disturbing activities.
- Consulted on the on-land geotechnical borings plan and associated cultural resources monitoring plan.
- Consulted on the FEIS.
- Submitted a draft of the archaeological technical report to the tribes for review.
- Hosted a meeting to discuss the Section 106 Memorandum of Agreement (MOA) and treatment plan, after having sent a copy for tribal review.

### **Current/Upcoming Consultation Activities**

- Consultation on updated Inadvertent Discovery Plan.
- Consultation on development of Archaeological Treatment Plan.
- Consultation on Monitoring Plan.
- Consultation on the development of mitigation items listed in the Section 106 MOA.

### **Key Tribal Concerns and Positions Expressed to Project Team**

- The high probability of disturbing human remains through project testing and construction.
- The high probability of disturbing cultural resources and sacred sites through project testing and construction.

- Impacts to fish and other marine life through project construction. Significant impacts to aquatic life could affect treaty fishing rights upstream.
- During the pre-DEIS meetings tribes were asked if they were willing to enter into agreements to address disinterment and reburial of remains if they were found in parts of the project that would be impossible to avoid/design around. The tribes were not willing to enter into advanced decision making agreements. The context of the find will greatly affect the tribes support or opposition to disinterment (such as how many burials, how old, etc.). The tribes have talked about general principals such as the first priority is to rebury in place, the second is to rebury nearby in a protected location.

## Tribal Meeting Record

Unless otherwise noted, these meetings took place at the tribal offices.

Date	Tribe (and Staff Level)	Agency Staff	Purpose
11/9/05	Cowlitz Natural and Cultural Resources Staff	Co-Directors, Deputy Director, Environmental Manager	To introduce the project to the tribe and hear initial concerns about cultural and natural resources in the project area.
12/9/05	Grand Ronde Natural and Cultural Resources Staff	Co-Directors, Deputy Director, Environmental Manager	To introduce the project to the tribe and hear initial concerns about cultural and natural resources in the project area.
2/21/06	Umatilla Cultural Resources Sub-Committee	Environmental Manager	To present initial baseline cultural resource information to the sub-committee and introduce the project.
3/3/06	Grand Ronde Tribal Council	FHWA Division Administrators, Project Co-Directors, Deputy Director, Environmental Manger	To discuss the project and Tribal Council involvement.
3/7/06	Nez Perce Natural Resource Sub-Committee	Co-Director, Deputy Director, Environmental Manager	To present initial baseline natural resource information to the sub-committee and introduce the project.
3/14/06	Umatilla Natural Resources Sub-Committee	Environmental Manager	To present initial baseline natural resource information to the sub-committee and introduce the project.
5/17/06	Spokane THPO	Environmental Manager	To present initial baseline cultural resource information and introduce the project.
9/28/06	Yakama, Grand Ronde, Cowlitz and Siletz Staff (Portland)	Environmental Team, WSDOT and ODOT Tribal Liaisons and Archeologists	To discuss preliminary screening findings for natural and cultural resources.
11/3/06	Yakama, Grand Ronde, Spokane, Nez Perce, Cowlitz and Siletz Staff (Portland)	WSDOT Tribal Liaison	The tribes wanted a chance to discuss how they will coordinate amongst themselves.
12/05/06	Nez Perce	Co-Director, Deputy Director, Environmental Manager	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.
1/4/07	Grand Ronde Deputy Director, Cultural Resources Staff	Deputy Director, Environmental Manager, CRC Tribal Liaison	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.



<b>Date</b>	<b>Tribe (and Staff Level)</b>	<b>Agency Staff</b>	<b>Purpose</b>
1/8/07	Cowlitz Council Member, Cultural Resources Staff	Deputy Director, Environmental Manager, CRC Tribal Liaison	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.
1/24/07	Umatilla Tribe Natural and Cultural Resource Staff	Environmental Manager, CRC Tribal Liaison	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.
1/25/07	Warm Springs Tribe Cultural and Natural Resources Staff	Environmental Manager, CRC Tribal Liaison	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.
2/5/07	Yakama Nation Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, WSDOT SWR Tribal Liaison	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.
2/27/07	Intertribal/Interagency Cultural Resources meeting (Portland)	Cultural resources managers from Grand Ronde, Cowlitz, Spokane and Yakama tribes. CRC Environmental Manager, CRC Tribal Liaison, FHWA, FTA, NPS, Oregon and Washington SHPOs, WSDOT and ODOT archaeologists, CRC cultural resources consultants Parametrix and Heritage Resource Associates	The purpose of the meeting was to discuss: Inadvertent discovery plan Scope of work for archaeology survey Introduce the cultural resources consultant (Parametrix) and archaeological consultant (Heritage Research Associates (HRA) to the tribes.
3/1/07	Siletz Tribe Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison	Project update; Recommendations for the range of alternatives to be studied for the project; An inadvertent discovery plan; Discuss the preliminary cultural resources findings from the screening analysis conducted.
3/20/07	Chinook, Cowlitz, Grand Ronde, Nez Perce, Siletz, Spokane, Umatilla, Warm Springs, Yakama (Vancouver)	Representatives from project team, federal agencies, and other project partners	History Seminar. Give the project team and its partners an opportunity to learn about the significant and diverse history of the project area.
6/5/07	Cowlitz, Umatilla Cultural Resources Staff (all tribes invited). (Vancouver)	CRC Tribal Liaison	Discuss human remains examination protocols with tribes.
7/24/07	Grand Ronde Ceded Lands Coordinator (all tribes invited). (Portland)	Project team	Interagency meeting to discuss the natural resources discipline reports.
8/6/07	Umatilla (all tribes invited). Grand Ronde tried to call in, but there was difficulty with phones. (Portland)	Project team	Interagency meeting to discuss the cultural resources discipline reports.
9/10/07	Cowlitz (all tribes invited). (Vancouver)	Project team	Interagency meeting to discuss the cultural resources discipline reports.



	<b>Date</b>	<b>Tribe (and Staff Level)</b>	<b>Agency Staff</b>	<b>Purpose</b>
1				
2				
3	9/27/07	Cowlitz and Grand Ronde Natural Resources Staff (all tribes invited). (Vancouver)	Project team	Interagency meeting to discuss the natural resources technical reports.
4				
5				
6	10/15/07	Grand Ronde Natural Resources Staff	Project environmental manager and CRC Tribal Liaison	Discuss the possibility of contracting with Grand Ronde to conduct an oral history study.
7				
8	11/19/07	Cowlitz Tribe Natural and Cultural Resources Staff	Deputy Director, Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the DEIS, technical report findings.
9				
10	11/20/07	Grand Ronde Tribe Natural and Cultural Resources Staff, Tribal Manager; some Tribal Council Members may sit in	Project Director, Deputy Project Director, Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the DEIS, technical report findings.
11				
12				
13	12/4/07	Umatilla Tribe Natural and Cultural Resources Staff, Cultural Committee	Project Deputy Director, Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the DEIS, technical report findings.
14				
15				
16	12/5/07	Warm Springs Tribe Cultural Resources Staff, Policy Support staff	Project Deputy Director, Environmental Manager, CRC Tribal Liaison	
17				
18				
19	12/17/07	Spokane Tribe THPO and interested members of the Cultural Committee	Assistant Project Deputy Director, Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the DEIS, technical report findings.
20				
21	12/18/07	Nez Perce Tribe Natural and Cultural Resources Staff and Natural Resource Committee	Assistant Project Deputy Director, Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the DEIS, technical report findings.
22				
23				
24	1/8/08	Chinook Tribe Cultural Resource Committee	Project director, deputy director, CRC tribal liaison, technical staff	Project introduction; Discuss the DEIS, technical report findings.
25				
26	3/15/08	Cultural Resources offices from nine tribes invited	NPS, CRC, FHWA, FTA, DAHP, SHPO, WSDOT, ODOT	Examine and discuss archaeological sites on Ft. Vancouver in relation to detailed CRC design maps.
27				
28				
29	4/1/08	Tribal leadership and technical staff invited	Leadership from project leads and resources agencies	Build relationships at the leadership level.
30				
31	<i>No formal tribal meetings occurred between these dates.</i>			
32	9/29/2009	Columbia River Inter-Tribal Fish Commission (CRITFC)	Environmental Manager, CRC Tribal Liaison	Provide a project update, and discuss the BA.
33				
34	10/5/2009	Cowlitz Tribe Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Provide a project update, discuss the BA, and archaeology update.
35				
36	10/12/2009	Grand Ronde Tribes Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, HRA Archaeologist	Provide a project update, discuss the BA, and archaeology update.
37				
38	10/15/2009	Spokane Tribe THPO	Environmental Manager, CRC Tribal Liaison	Provide a project update, technical report findings.
39				
40	10/20/2009	Warm Springs Tribes	Environmental Manager, CRC Tribal Liaison, HRA Archaeologist	Provide a project update, discuss the BA, and archaeology update.
41				
42	11/3/2009	Nez Perce Tribe Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the BA, and archaeology update.
43				
44	11/3/2009	Siletz Tribes Cultural Resource Staff	Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the BA, and archaeology update.
45				
46	1/5/2010	Umatilla Tribes Natural and Cultural Resources Staff	Project Director, Environmental Manager, CRC Tribal Liaison, HRA Archaeologist	Provide a project update, discuss the BA, and archaeology update.
47				
48	5/17/2010	Colville (conference call)	Environmental Manager, CRC Tribal Liaison	Project overview with focus on cultural resources.
49				
50	7/7/2010	Columbia River Inter-Tribal Fish Commission (CRITFC)	Environmental Manager, CRC Tribal Liaison, CRC technical staff, FHWA Division staff	Discuss project BA and status (in consultation with NMFS).
51				
52				

Date	Tribe (and Staff Level)	Agency Staff	Purpose	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52
8/24/2010	Columbia River Inter-Tribal Fish Commission (CRITFC), Warm Springs Natural Resource Staff	Environmental Manager, CRC Tribal Liaison, CRC technical staff, FHWA and FTA Division staff	Workshop to discuss Pacific Lamprey in project area.	
8/25/2010	Cowlitz Tribe Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Provide a project update, discuss the FEIS and Cultural Resources (CR) technical report.	
9/22/2010	Spokane Tribe Natural and Cultural Resources Staff	CRC Tribal Liaison	Provide a project update, discuss the FEIS and CR technical report.	
10/18/2010	Umatilla Tribe Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Provide a project update, discuss the FEIS and CR technical report.	
10/18/2010	Chinook Tribe Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Provide a project update, discuss the FEIS and CR technical report.	
10/19/2010	Warm Springs Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the FEIS and CR technical report.	
10/19/2010	Nez Perce Tribe Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison	Provide a project update, discuss the FEIS and CR technical report.	
11/1/2010	Siletz Tribe Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Provide a project update, discuss the FEIS and CR technical report.	
11/15/2010	Grand Ronde Tribe Natural and Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Provide a project update, discuss the FEIS and CR technical report.	
11/29/2010	Chinook Tribe	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Project update: Section 106 concept paper, BA overview.	
11/29/2010	Cowlitz Tribe	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager, CRC staff	Discuss tribe's questions related to natural resource mitigation.	
12/3/2010	Grand Ronde Tribe	Environmental Manager, CRC Tribal Liaison, CRC technical staff, FHWA Division staff	Project update: Section 106 concept paper, BA overview.	
12/14/2010	Columbia River Inter-Tribal Fish Commission (CRITFC)	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Discuss CRITFC's questions and concerns related to compensatory mitigation.	
1/24/2011	Siletz Tribe Cultural Resources Staff	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Project update: Section 106 concept paper, BA overview.	
2/15/2011	Nez Perce Tribe Natural Resource Committee	Environmental Manager, CRC Tribal Liaison	Project overview on natural resources.	
2/17/2011	Chinook, Colville, Cowlitz, Grand Ronde, Nez Perce, Siletz, Spokane, Umatilla, Warm Springs, Yakama	Project director, Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager, WSDOT Archeologist, EPA, NPS, FHWA, FTA, DAHP, SHPO, WSDOT, ODOT	Tribal Leadership Meeting.	
4/22/2011	Columbia River Inter-Tribal Fish Commissioners Meeting	Environmental Manager, CRC Tribal Liaison, CRC technical staff	Project update: discuss the FEIS, Section 106 concept paper, BA overview.	
4/25/2011	Inter-Tribal Cultural Resources Meeting	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Project update; discuss environmental and cultural issues.	

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<b>Date</b>	<b>Tribe (and Staff Level)</b>	<b>Agency Staff</b>	<b>Purpose</b>
5/10/2011	Nisqually Tribal Council	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Project overview on cultural and natural resources.
5/25/2011	Nisqually Tribal Council and Elders	Environmental Manager, CRC Tribal Liaison	Project overview and site tour.
6/13/2011	Cowlitz Tribal Council	Environmental Manager, CRC Tribal Liaison	Project update; discuss draft Section 106 MOA.
6/30/2011	Grand Ronde Tribal Council	Environmental Manager, CRC Tribal Liaison	Project update; discuss draft Section 106 MOA.
8/4/2011	Colville Tribe	Environmental Manager, CRC Tribal Liaison, CRC Cultural Resources Manager	Project update; discuss inadvertent discovery plan.

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ATTACHMENT

InterCEP Agreement

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SUITE 300  
VANCOUVER, WA 98660  
360-737-2726 | 503-256-2726

**INTERSTATE 5  
COLUMBIA RIVER CROSSING**

**INTERSTATE COLLABORATIVE ENVIRONMENTAL  
PROCESS AGREEMENT**





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**Acronyms**

- 2 CETAS .....Collaborative Environmental and Transportation Agreement  
3 for Streamlining  
4 CRC.....Columbia River Crossing  
5 EIS.....Environmental Impact Statement  
6 FHWA.....Federal Highway Administration  
7 FTA.....Federal Transit Administration  
8 InterCEP.....Interstate Collaborative Environmental Process  
9 NEPA .....National Environmental Policy Act  
10 ODOT .....Oregon Department of Transportation  
11 ROD .....Record of Decision  
12 SAC.....Signatory Agency Committee  
13 SEPA.....State Environmental Policy Act  
14 WSDOT .....Washington State Department of Transportation

1 **Terms and Definitions**

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3 Unless the context requires otherwise, the following terms in this agreement shall  
4 have these meanings:

5 **Agency Representative**, means the individual designated as a Signatory Agency's  
6 primary point of contact for this agreement. This individual is responsible for  
7 coordinating his/her agency's involvement in the coordination process.

8 **Bridge Influence Area**, refers to the area approximately between Columbia  
9 Boulevard in Portland and State Route 500 in Vancouver as identified by the Final  
10 Strategic Plan for the I-5 Transportation and Trade Partnership.

11 **Comment Point**, refers to a specific point or topic in the NEPA process at which the  
12 Resource Agencies in the agreement will be asked to provide advisory comments. See  
13 Section VI.B. of the agreement.

14 **Concurrence**, when used in reference to a Resource Agency's response to a  
15 concurrence point, means that in the Resource Agency's opinion the project topic is  
16 appropriate and will not interfere with the agency's ability to ultimately approve or  
17 permit the project. Concurrence on a concurrence point represents that each of the  
18 following criteria are met: 1) the Resource Agency has determined that there is  
19 adequate information for the topic under consideration for this stage of the project  
20 development; 2) the concurrence is consistent with the agency's applicable statutes  
21 and regulations; and 3) concerns were adequately addressed by NEPA Leads and  
22 Project Sponsors following a non-concurrence (if applicable).

23 **Concurrence Point**, refers to a specific work product or milestone in the NEPA  
24 process at which the Resource Agencies in the agreement will be asked to give a  
25 response of concurrence, non-concurrence or waiver. See Section VI.D. of the  
26 agreement.

27 **Interstate Collaborative Environmental Process Agreement**, refers to this  
28 agreement.

29 **Interstate Collaborative Environmental Process Group**, refers to all the Signatory  
30 Agencies to this agreement.

31 **Methods Reports** (aka Methods and Data Reports), when used in reference to a  
32 comment point, is the document that describes the methods that will be used to collect  
33 data, evaluate impacts and identify mitigation for the CRC project alternatives.

34 **NEPA Leads**, refers to those Federal agencies that have assumed lead agency status  
35 under 40 CFR 1501.5 for the project's NEPA process. For the CRC project the NEPA  
36 Leads are FHWA and FTA.

37 **Non-Concurrence**, when used in reference to a Resource Agency's response to a  
38 concurrence point, means that in the Resource Agency's opinion one or more of the  
39 criteria allowing concurrence is not being met and that the project, if it proceeded  
40 under the current concurrence point element, would likely not be able to receive final  
41 approval or permits from that agency.

- 1 **Preferred Alternative and Conceptual Mitigation Plan**, when used in reference to  
2 a concurrence point, means the project proponents' preferred alternative and proposed  
3 mitigation measures associated with that alternative, as defined by 40 CFR  
4 1502.14(e) and (f).
- 5 **Preliminary Draft EIS**, when used in reference to a comment point, means an initial  
6 version of the document required by 40 CFR 1502.9(a).
- 7 **Preliminary Final EIS**, when used in reference to a comment point, means an initial  
8 version of the document required by 40 CFR 1502.9(b).
- 9 **Project Sponsors**, refers to the Oregon and Washington State Departments of  
10 Transportation, who are sharing the primary responsibility of managing the CRC  
11 project within the scope of this agreement process. For the purposes of this agreement  
12 ODOT and WSDOT are representing other project proponents (including C-TRAN,  
13 RTC, Metro, Tri-Met, City of Portland and City of Vancouver).
- 14 **Purpose and Need**, when used in reference to a comment or concurrence point,  
15 means an initial version of the statement required by 40 CFR §1502.13 describing the  
16 underlying purpose and need to which the agency is responding in proposing the  
17 alternatives.
- 18 **Resource Agencies**, refers to those federal and state agencies from which it is  
19 anticipated a future build alternative would need a permit or other approval. See  
20 section IV.A.3 for a list of Resource Agencies. For the purposes of this agreement  
21 Resource Agencies includes only the Signatory Agencies.
- 22 **Signatory Agencies** refers to those agencies that have signed this agreement in  
23 section IX.
- 24 **Topic**, refers to the subject of a particular comment or concurrence point (i.e. Purpose  
25 and Need).
- 26 **Waive**, when used in reference to a Resource Agency's response to a concurrence  
27 point, means that in the Resource Agency's opinion its participation in the  
28 concurrence point is not necessary at this point in the project or that the concurrence  
29 point topic is outside its jurisdictional scope or expertise.



## **Interstate 5 Columbia River Crossing Bi-State Agreement**

### **I. INTRODUCTION**

The Interstate 5 Columbia River Crossing (CRC) project will be addressing transportation needs in the I-5 Columbia River Crossing Bridge Influence Area, located in the Portland, Oregon and Vancouver, Washington metropolitan area.

The I-5 CRC alternatives will lie within the jurisdictions of both states, thus this project will benefit from an approach that coordinates the federal, state and local regulatory requirements and programs applicable in each state. The Washington State Department of Transportation (WSDOT) and Oregon Department of Transportation (ODOT), each in conjunction with the Federal Highway Administration (FHWA), have existing agreements and procedures in their respective states to aid in coordinating certain state and federal regulatory programs with the National Environmental Policy Act (NEPA) process on state and federal highway projects. These agreements are, in Oregon, the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS), and, in Washington, the Signatory Agency Committee (SAC) Agreement. The SAC agreement also integrates the Washington State Environmental Policy Act (SEPA) in the process. Because the I-5 Columbia River crossing project will evaluate both highway and transit alternatives, the Federal Transit Administration (FTA) and the FHWA will be co-lead agencies for NEPA compliance. Therefore, the coordination process also needs to integrate the procedures and requirements of FHWA and FTA.

In August 2005, project proponents convened a workshop of federal, state and local agencies from Oregon and Washington. The goal of the workshop was to initiate early agency coordination, and to begin developing an agency coordination process for the project's NEPA review. This agreement was initiated through the workshop and finalized through subsequent collaboration.

### **II. GOALS**

The Signatory Agencies are committed to implementing this agreement in a manner that accomplishes the following principles for the process and project:

#### Agreement Process

- Build on the successes of the CETAS and SAC agreements and other regional collaboration efforts.
- Implement a coordination process in compliance with NEPA requirements.
- Integrate the NEPA/SEPA process with subsequent permitting requirements, including section 404(b)(1) of the Clean Water Act.
- Use frequent and early communication.
- Use sound information, good science and agency and community input to make intelligent decisions.
- Implement a collaboration process that is efficient and cost effective and that integrates transportation, environmental and land use planning objectives.



- Develop a process and alternatives that reflect all participating agencies' missions and input.
- Accommodate broad advisory input from each agency but limit agreement-related authority to each agency's respective legal authority.
- Develop and meet efficient and realistic timelines.

CRC Project Outcome

- Develop alternatives that have strong community support and are able to serve the region's future growth and quality of life.
- Use collaboration to develop alternatives that accommodate multimodal transportation needs and resource protection in innovative and effective ways.
- Develop a project that will be "permissible" by the agencies with permitting/approval authority.
- Effectively implement the policy of avoidance, minimization and mitigation of impacts to affected resources.
- Strive to achieve the project's vision and values.

**III. APPLICABILITY**

A. Agreement Limited to I-5 Columbia River Crossing Project

This agreement is limited to agency coordination efforts related to the Interstate 5 Columbia River Crossing project.

B. Scope of Coordination

This agreement establishes a process for coordination of the NEPA and SEPA process and the various federal, state and local regulatory programs administered by the Signatory Agencies. This agreement will coordinate the Signatory Agencies' involvement in the NEPA/SEPA planning process, including the ultimate development of an Environmental Impact Statement (EIS) and Record of Decision (ROD). The purpose of this agreement is to coordinate between the NEPA Leads/Project Sponsors and the Resource Agencies and is not intended as a forum for resolving issues amongst the NEPA Leads and Project Sponsors. NEPA Leads and Project Sponsors will use other forums for developing the NEPA work products used in this agreement's collaboration process and will use other forums for coordinating with participating agencies that are not signatories to this agreement. The process outlined by this agreement effectively ends when a final EIS and ROD have been issued for the project. However, the Signatory Agencies may continue to use the collaborative framework of this agreement through project permitting, construction and ongoing monitoring as agreed to by the parties.

C. Limitation on Affect of Agreement

This agreement is intended to facilitate the coordination of the environmental review process and does not create rules or regulations, the violation of which, would create a cause of action or proof of violation of existing Federal or state statutes or regulations by any signatory party or third party. Evidence of a signatory party's failure to follow this agreement or the obligations under it including any actions taken or presented under the agreement's issue resolution process, shall not be evidence under the administrative record or otherwise of a party's failure to meet its obligations under any Federal, state or local law or regulation.

**IV. SIGNATORY AGENCIES AND TENETS OF PARTICIPATION**

A. Signatory Agencies

The parties to this agreement and the members of the **Interstate Collaborative Environmental Process (InterCEP)** group include the NEPA Leads, Project Sponsors and Resource Agencies.<sup>1</sup>

1. NEPA Leads

The NEPA Leads are the federal agencies that have the ultimate responsibility for the project's NEPA compliance. They share management responsibilities with the Project Sponsors. NEPA Leads are the:

Federal Highway Administration (FHWA);  
Federal Transit Administration (FTA);

2. Project Sponsors

The Project Sponsors are the state transportation departments who are the proponents of the project. They share management responsibilities with the NEPA Leads. Project Sponsors are the:

Oregon Department of Transportation (ODOT);  
Washington State Department of Transportation (WSDOT);

3. Resource Agencies

The Resource Agencies are the federal and state agencies from which it is anticipated a future build alternative would need a permit or other approval. These agencies will be asked to provide early coordination, comment and/or concurrence on the project through the process described in this agreement. Resource Agencies are the:

National Marine Fisheries Service;

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<sup>1</sup> NEPA Leads and Project Sponsors are coordinating with tribal authorities through a separate, parallel process.

U.S. Army Corps of Engineers;  
U.S. Environmental Protection Agency;  
U.S. Fish and Wildlife Service;  
Oregon Department of Environmental Quality;  
Oregon Department of Fish and Wildlife;  
Oregon Department of Land Conservation and Development;  
Oregon Department of State Lands;  
Oregon State Historic Preservation Office;  
Washington State Department of Archaeology and Historic  
Preservation;  
Washington State Department of Ecology; and  
Washington State Department of Fish and Wildlife.

**B. Tenets of Participation**

All Signatory Agencies agree to follow the processes described in this agreement including consistent meeting attendance and timely participation in the decision making process. As part of participation all Signatory Agencies are responsible for providing sufficient and appropriate staff with the needed expertise and authority to proceed with the timely resolution of the agreement process. Specific roles and responsibilities of NEPA Leads, Project Sponsors and Resource Agencies are further defined below in Section V and VI.

Participation in this agreement does not imply endorsement of the project. Nothing in this agreement or its appendices is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the agencies involved.

All participating federal Resource Agencies with offices in both the states of Oregon and Washington agree to make efforts to coordinate their participation in this agreement, such as appointing one office to represent the agency on the CRC project, so as to minimize jurisdictional overlap and to provide a single person as the agency's primary point of contact.

Each Signatory Agency shall identify a single person as that agency's primary point of contact for the agreement process who will be responsible for representing the agency in the process. Other staff may be used in a technical or supporting role as needed. See *Appendix A: Contacts* for a list of agency representatives. Agency representatives should have sufficient authority to represent the agency during meetings and participate in decision making. Representatives need not have signatory authority to formally respond to concurrence point requests, but it is the representative's responsibility to see that concurrence requests are reviewed by appropriate agency authorities within the process timeline.

## **V. IMPLEMENTATION PROCEDURES**

### **A. Agreement Management**

Project Sponsors have the overall responsibility of coordinating and facilitating the process described in this agreement.

#### **1. Implementation Coordinator**

Project Sponsors will provide an Implementation Coordinator. It is the responsibility of this coordinator to be a central point of contact for all Signatory Agencies and insure that all meeting notices and other necessary information are disseminated to participating agencies in a timely manner. This person will also be ODOT's and WSDOT's primary representative at meetings and during the decision making process.

#### **2. Facilitator**

Project Sponsors may provide for a facilitator at meetings and other points in the process as needed. The facilitator may be an agency staff person, contractor or other designee but will not be an agency's sole representative at the relevant meeting or process point and will not be an advocate for any agency while acting as facilitator but will strive to (1) ensure meetings are efficient, focused and productive, and (2) achieve consensus among participating agencies to the extent possible. The facilitator will work closely with the implementation coordinator to ensure appropriate collection and dissemination of information for the facilitated meeting or process point.

#### **3. Decision Documentation**

Project Sponsors are responsible for completely and accurately documenting all decisions that are made during the agreement process. This includes providing for note-taking during all meetings. All meeting summaries will be distributed to all Signatory Agencies with any substantive decisions and assignments conspicuously marked. All Signatory Agencies shall have an opportunity to comment, within a specified timeframe, on the accuracy of any summaries disseminated.

Project Sponsors are responsible for the collection and dissemination of all requests for concurrence, comments received from Resource Agencies and responses to comments.

All notes and appropriate documents will be transmitted to the NEPA Leads by the Project Sponsors for the administrative record.

#### **4. Electronic Information System**

Project Sponsors are responsible for establishing and maintaining a web-based information repository that shall be the primary means of disseminating information to Signatory Agencies. All documents

necessary to implement the agreement process shall be located on this system and available to all Signatory Agencies. E-mail or other appropriate means shall be used to notify agency representatives when new information is added to the system.

## B. Meetings

### 1. Timing of Meetings

A meeting of the InterCEP group shall be held approximately on a monthly basis, depending on need, for the purpose of information sharing, monitoring of the process and addressing other project issues. The frequency of meetings may be adjusted over time. A scheduled meeting may be cancelled by the Project Sponsors up to one week before the meeting date.

At the request of any Project Sponsor, NEPA Lead or two or more Resource Agencies, additional meetings may be convened.

### 2. Meeting Agenda

Project Sponsors shall distribute a preliminary agenda approximately one month before a meeting or at the time of scheduling whichever is later. Agendas shall clearly outline items for discussion or resolution or actions requested of agency representatives at the next meeting. Agendas shall also indicate which Resource Agencies, if any, may not need to attend based on the planned topics of discussion. Excused Resource Agencies should communicate with the Implementation Coordinator to verify their attendance is not needed. Resource Agencies, however, may attend any meeting regardless of whether designated as excused or not. Agendas shall also clearly indicate if discussion topics are expected to be of such a technical matter that agency representatives may want to bring additional staff and if a specific decision will need to be made at the meeting. Agency representatives shall also review the meeting agenda topic descriptions to determine if additional agency staff/managers should attend.

Resource Agencies may request additions to the agenda of any scheduled meeting by submitting a "Request for Discussion" form (*Appendix C*) to the Implementation Coordinator at least 14 calendar days before a scheduled meeting. See section IV.D. Issue Resolution and *Appendix B* for more on this process.

### 3. Meeting Attendance

It is the responsibility of agency representatives to attend scheduled meetings unless it was indicated on that meeting's agenda that their presence is not warranted. Decisions will not be revisited because an agency, absent during the relevant meeting, objects to the outcome. If an agency representative knows they will not be able to attend a meeting they

shall inform the Implementation Coordinator prior to the meeting. Although not preferred, representatives that cannot attend in person may be able to connect to the meeting via conference call, with adequate notice.

If an agency representative cannot attend a meeting during which a concurrence point presentation is scheduled, a makeup presentation may be scheduled with that representative at the discretion of the Project Sponsors.

#### 4. Proxy

If an agency representative is unable to attend a scheduled meeting he/she may send a proxy representative from his/her agency or coordinate with a separate Signatory Agency to represent them. Proxy representatives should have sufficient authority and knowledge in order to fully represent the agency in the process and any decision making. Agencies sending proxy representatives should consider, as needed, sending written instructions or opinion on scheduled discussion or decision topics.

#### C. Workgroups and Off-line Meetings

Workgroups may be formed by the Project Sponsors to address any issue they believe needs more focused or technical attention than is available within the scheduled InterCEP meetings. Any Signatory Agency(ies) may recommend the formation of a workgroup or single offline meeting and make recommendations regarding the composition of the workgroup. Workgroups shall be composed of all Signatory Agencies relevant to the topic available to attend and can be staffed with the existing agency representatives or other staff as needed. Generally it is expected that workgroups will report back to the primary committee on meeting results and any action that may be needed as a result of the workgroup's effort. Workgroups will make regular progress reports during scheduled InterCEP meetings.

#### D. Issue Resolution

The purpose of this issue resolution process is to provide a means to resolve disagreements between Signatory Agencies. The intention is to expeditiously resolve issues at the lowest level of the organizations through collaboration and consensus. Alternative issue resolution forums (e.g., facilitation or mediation) can be used in this process.

##### 1. Triggers

The issue resolution process may be initiated by any Signatory Agency for the following reasons: there is a disagreement on the interpretation of this agreement; a Resource Agency gives a response of non-concurrence to a request for concurrence; or any other dispute in the process that cannot be resolved by a consensus of agency representatives.

## 2. Process

The issue resolution process involves first an informed discussion amongst agency representatives and then, if a resolution can not be reached, the sequential elevation of the issue to higher levels of authority within the agencies until a resolution is achieved. See *Appendix B: Issue Resolution Process* for details on the elevation sequence, process and timeline.

## VI. COMMENT AND CONCURRENCE PROCESS

### A. Comment and Concurrence Points

Comment and concurrence points are specific milestones or decisions in the project process at which the NEPA Leads and Project Sponsors will request Resource Agencies to provide specific comments or concurrence on the project at that stage.

### B. Comment Points

Comment points represent specific points in the project process at which Resource Agencies will be asked to provide written, advisory comments to NEPA Leads and Project Sponsors. Participation in comment points by resource agencies does not represent an endorsement of the project. Comments received by NEPA Leads and Project Sponsors at these points are advisory only and treatment of advisory comments does not trigger the issue resolution process. The comment points for this agreement are:

- i. Purpose and Need (For all Resource Agencies except the Corps of Engineers)
- ii. Methods and Data Reports
- iii. Preliminary Draft EIS
- iv. Preliminary Final EIS

In order to support the collaborative process, Resource Agencies should comment on, amongst others, the following issues if appropriate:

- The appropriateness of the specific comment point topic;
- How the comment point topic will impact further development and ultimate completion and approval of the EIS and ROD by the project NEPA Leads;
- How the comment point topic would be consistent or inconsistent with the agency's ability to ultimately approve or permit the project;
- How the specific comment point topic will support the best possible project and environmental outcome.

Resource Agencies should focus comments on the element's interaction with resources under that agency's legal jurisdiction or expertise and on how that element may impact the agency's ultimate approval or permitting of the project.

### C. Comment Point Process

The purpose of the comment point process is to provide Resource Agencies with several opportunities to provide early input on the comment point topic and allow the NEPA Leads and Project Sponsors to refine the topic if needed.

#### 1. Initial Comment Opportunity

The NEPA Leads and Project Sponsors shall submit an initial comment package at least 20 calendar days prior to a scheduled meeting at which the comment point topic will be discussed. The initial comment package should provide agencies with sufficient information regarding the comment point to allow substantive comments before or during the meeting presentation.

Resource Agencies are expected to review the initial comment package and may provide NEPA Leads and Project Sponsors with comments on the information in an initial comment package up to seven (7) calendar days before the scheduled meeting presentation.

#### 2. Comment Point Meeting and Discussion

NEPA Leads and Project Sponsors shall make a comment point presentation at a scheduled InterCEP meeting of the signatory agencies. The presentation shall describe the comment point topic and how it relates to the overall project. The presentation shall indicate any changes to the comment point topic since the distribution of the initial comment package. NEPA Leads and Project Sponsors shall allow for Resource Agencies to comment on and discuss the presentation and initial comment package at the meeting.

#### 3. Final Comment Opportunity

After the comment point meeting, NEPA Leads and Project Sponsors shall submit a final comment package to each Resource Agency for written comments.

The information in the final comment package should represent the current version of the relevant topic based on previous Resource Agency input during the initial comment opportunity and meeting and indicate any changes to the comment point topic since the distribution of the initial package.



#### 4. Response to Final Comment Package

Within 20 calendar days of receiving a final comment package, a Resource Agency may provide in writing on a form provided by the Project Sponsors, any further advisory comments on the comment point topic.

NEPA Leads and Project Sponsors shall provide a response to any advisory comments within 45 calendar days of receipt. Advisory comments and responses to them do not trigger the issue resolution process as they are only advisory in nature and do not constitute conditional approval.

#### D. Concurrence Points

Concurrence points represent specific points in the project process at which Resource Agencies will be asked to provide a written concurrence on that stage of the project to NEPA Leads and Project Sponsors. Concurrence on a Concurrence Point means that the information submitted for a particular concurrence point meets the definition of “Concurrence” in this Agreement. The Concurrence Points for this agreement are:

- i. Purpose and Need (For Corps of Engineers only)<sup>2</sup>
- ii. Evaluation Criteria
- iii. Range of Alternatives to be considered in the Draft EIS
- iv. Preferred Alternative and Conceptual Mitigation Plan

Concurrence Points shall follow the process established in the remainder of Section VI.

#### E. Pre-Concurrence Coordination

The purpose of pre-concurrence coordination before the submittal of a formal concurrence point is to allow early identification of issues that may prevent a Resource Agency from being able to concur on the point in question.

##### 1. Pre- Concurrence Package

A pre-concurrence package is an important element of the process because it provides Resource Agencies an opportunity to assist the NEPA Leads and Project Sponsors to provide as complete a concurrence package as possible. NEPA Leads and Project Sponsors will submit a pre-concurrence package to Resource Agencies at least 20 calendar days prior to a scheduled meeting at which the concurrence presentation will be made. The pre-concurrence package should provide agencies with sufficient

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<sup>2</sup> The U.S. Army Corps of Engineers was given concurrence authority on the Purpose and Need Statement due to permit authority under Section 404 of the Clean Water Act and interactions between NEPA and Section 404(b)(1) guidelines.

information regarding the concurrence point to allow substantive comments before or during the concurrence presentation.

Resource Agencies are expected to review the pre-concurrence package and may provide NEPA Leads and Project Sponsors with comments on the information in a pre-concurrence package up to seven (7) calendar days before the scheduled concurrence presentation.

## 2. Concurrence Point Meeting and Discussion

NEPA Leads and Project Sponsors shall make a concurrence point presentation at a scheduled InterCEP meeting. The presentation shall describe the concurrence point topic and how it relates to the overall project. The presentation shall indicate any changes to the concurrence point topic since the distribution of the pre-concurrence package. NEPA Leads and Project Sponsors shall allow for Resource Agencies to comment on and discuss the presentation and pre-concurrence package at the meeting. The intent of the meeting is to increase all participants' understanding of the proposed concurrence point and any concerns, in order to reach a collaborative decision. Following the presentation and discussion, the Resource Agencies at the meeting will be polled to determine whether (a) each agency is ready to receive a formal concurrence request, or (b) any agency needs additional dialogue with the group before making a concurrence decision. At the request of any Resource Agency, a second meeting on the concurrence point will be scheduled. Any Resource Agency(ies) requesting the additional meeting will specify, in their request, their concerns to be addressed at the meeting.

### F. Formal Concurrence Request

After the concurrence point meeting(s), NEPA Leads and Project Sponsors shall submit a formal concurrence request to each Resource Agency for written concurrence on the particular project stage.

The information in the concurrence request should represent the current version of the relevant project element based on previous Resource Agency input during the pre-concurrence coordination and the outcome of any prior decisions or concurrence and comment points under this agreement.

### G. Response to Concurrence Request

#### 1. Response Process

Within 20 calendar days of receiving a formal concurrence request a Resource Agency shall provide in writing on a form provided by Project Sponsors, one of the following responses:

- i. Concurrence
- ii. Non-Concurrence
- iii. Waive

If the Project Sponsors make significant substantive changes to the concurrence topic after the concurrence request has been delivered, then the 20-day review period will start again once the changes have been provided in writing to the Resource Agencies.

If there has been only one concurrence presentation meeting prior to the formal concurrence request, a Resource Agency may request in writing a ten (10) calendar day extension.

If a Resource Agency's response is non-concurrence, it shall be accompanied by a detailed explanation of the reasons for non-concurrence and the specific authority (i.e., law, statute, administrative rule, etc.) upon which the non-concurrence decision has been based.

A non-concurrence response shall commence the issue resolution process of Section V.D. of this agreement.

If any Resource Agency has not provided a written response before the 20 day deadline (30 days if an extension was granted), Project Sponsors shall issue that agency a written notice, accompanied by a telephone call to the agency representative, that it has not responded to a concurrence request and if it does not provide a response within ten (10) calendar days the agency will waive its participation on that concurrence point. If the NEPA Leads and Project Sponsors do not receive a written response of Concurrence, Non-concurrence or Waiver within 30 calendar days (40 if an extension was granted) of the resource agencies receiving the concurrence request, the Project Sponsors shall inform the Resource Agency in writing that they have been deemed to have waived participation in this concurrence point.

## 2. Effect of Concurrence

Concurrence on a concurrence point means that each of the following criteria are met: 1) the Resource Agency has determined that there is adequate information regarding the topic under consideration for this stage of the project development; 2) the concurrence is consistent with the agency's applicable statutes and regulations; and 3) concerns were adequately addressed by NEPA Leads and Project Sponsors following a non-concurrence (if applicable).

Once a Resource Agency has provided concurrence on a given point it agrees not to revisit that project topic unless there is substantial new information or substantial changes have occurred to the project, the environment or relevant laws and regulations.

Concurrence is not legal approval and does not preclude a Resource Agency from denying later project approval or permitting. Concurrence does, however, preclude an agency from later revisiting the project decisions made at the particular concurrence point. Concurrence does not diminish, modify, or otherwise affect the statutory or regulatory authorities of the agencies involved.

### 3. Effect of Non-Concurrence

Non-concurrence on a concurrence point is appropriate if a Resource Agency has determined that one or more of the criteria allowing concurrence is not being met and that the project, if it proceeded under the current concurrence point element, would likely not be able to receive final approval or permits from that agency.

The grounds for a Resource Agency's non-concurrence shall be limited to the agency's legal authority. A Resource Agency should only provide a non-concurrence if it believes it would be unable to provide final approval to the project.

Non-concurrence by any Resource Agency prevents the project from continuing to the next concurrence point request under this agreement until the issue is resolved. Non-concurrence does not prevent NEPA Leads and Project Sponsors from continuing to advance the project development process.

### 4. Waiver

A Resource Agency may choose to waive a concurrence point. Waiver may be appropriate if an Agency believes that its participation in the concurrence point is not necessary at this point in the project or that the concurrence point topic is outside its jurisdictional scope or expertise.

A waiver has the same procedural effect as a concurrence in that it allows NEPA Leads and Project Sponsors to proceed to the next comment or concurrence point (assuming all resource agencies have concurred or waived). By responding with a waiver the Resource Agency agrees not to revisit that project topic unless there is substantial new information or substantial changes have occurred to the project, the environment or laws and regulations.

### 5. Advisory Comments

Advisory comments may be provided with any response to a concurrence request. Such comments are submitted for informational purposes only and do not represent a conditional response. Advisory comments are appropriate if the Resource Agency has comments that are:

- i. About the concurrence point that were not severe enough to warrant non-concurrence;
- ii. Outside the agency's regulatory authority;
- iii. Beyond existing minimum standards for resource protection; or
- iv. The Resource Agency wishes to provide early substantive input and recommendations for a subsequent stage of the process.

NEPA Leads and Project Sponsors shall provide a response to any advisory comments within 45 calendar days of receipt. NEPA Leads and Project Sponsors' treatment of advisory comments does not trigger the issue resolution process.

## **VII. MONITORING, REPORTING AND ADAPTIVE MANAGEMENT**

### **A. Monitoring and Evaluation**

The signatory agencies will monitor the success of the agreement process and modify it as necessary to improve it. A workgroup shall be formed to monitor and evaluate the success of this agreement. The monitoring and evaluation workgroup will give annual progress reports at a scheduled InterCEP group meeting. The subgroup shall consider topics including, but not limited to: minor editorial correction to the agreement; more substantive proposals for improvement in the agreement process; how to monitor and measure the success of the agreement process; changes to the agreement process to reflect monitoring results; and continuation of monitoring and evaluation.

### **B. Annual Report**

Project Sponsors shall prepare an annual report and distribute it to all Signatory Agencies. The report shall include the progress of the project to date and how the process established by this agreement has impacted the project. The report shall also address the goals developed for this agreement. The reporting time period will be from January 1 to December 31 of each year.

## **VIII. EFFECTIVE DATE, AGREEMENT MODIFICATION AND TERMINATION**

### **A. Effective Date of Agreement**

This agreement becomes effective upon the signature of the NEPA Leads, Project Sponsors and at least four Resource Agencies. The agreement is only effective for those agencies that have signed the agreement. The agreement becomes effective for any other listed Signatory Agency on the date of their respective signatures.

**B. Agreement Modification**

This agreement may be modified upon approval of all Signatory Agencies. Revisions may be proposed by any Signatory Agency. Proposals for modifications will be circulated to all Signatory Agencies for a 30-day period of review. Approval of such proposals will be indicated in writing. This provision does not prevent agencies from entering into supplemental agreements to address issues of limited concern affecting only a portion of the Signatory Agencies.

**C. Agreement Termination**

Any Signatory Agency may choose to withdraw from this agreement upon 30-days written notice to the other parties of this agreement. Withdrawal of any Signatory Agency does not affect the continued use of the agreement by the remaining signatory agencies.

IX. SIGNATURES

Daniel M. Mathis  
Federal Highway Administration, Washington

02/07/06  
Date

[Signature]  
Federal Highway Administration, Oregon

Feb 7, 2006  
Date

[Signature]  
Federal Transit Administration

2/17/06  
Date

[Signature]  
Oregon Department of Transportation

\_\_\_\_\_  
Date

[Signature]  
Washington State Department of Transportation

\_\_\_\_\_  
Date

Michael R. Crouse  
National Marine Fisheries Service

2/28/06  
Date

[Signature]  
U.S. Army Corps of Engineers

6 MAR '06  
Date

[Signature]  
U.S. Environmental Protection Agency


2/12/06  
Date

[Signature]  
U.S. Fish and Wildlife Service

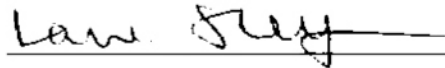
04/04/06  
Date

[Signature]  
Oregon Department of Environmental Quality

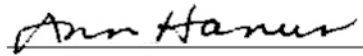
2/14/06  
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Oregon Department of Fish and Wildlife

3/13/06  
Date

  
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Oregon Department of Land Conservation and Development

Jan. 25, 2006  
Date

  
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Oregon Department of State Lands


1/31/06  
Date

  
\_\_\_\_\_  
Oregon State Historic Preservation Office

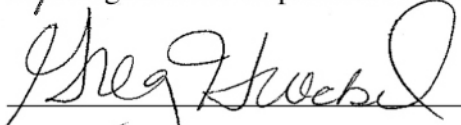
3 Mar 06  
Date

  
\_\_\_\_\_  
Washington State Department of Archaeology and  
Historic Preservation

1/25/06  
Date

  
\_\_\_\_\_  
Washington State Department of Ecology

2/26/06  
Date

  
\_\_\_\_\_  
Washington State Department of Fish and Wildlife

1/25/06  
Date





## APPENDIX A: SIGNATORY AGENCY CONTACTS

<b>Agency</b>	<b>Name</b>	<b>Email</b>	<b>Role</b>	<b>Phone #</b>
CRC Team	Heather Gundersen	gundersenh@columbiarivercrossing.org	Agreement Coordinator	360-737-2726
Federal				
FHWA - OR	Jeff Graham	jeffrey.graham@fhwa.dot.gov	Primary - OR	503-587-4727
FHWA - OR	Michelle Eraut	michelle.eraut@fhwa.dot.gov	Alternate - OR	503-587-4716
FHWA - WA	Gary Hughes	gary.hughes@fhwa.dot.gov	Primary - WA	
FHWA - WA	Sharon Love	sharon.love@fhwa.dot.gov		
FHWA - WA	Steve Saxton	steve.saxton@fhwa.dot.gov	Alternate - WA	
FTA	Linda Gehrke	linda.gehrke@fta.dot.gov	Primary	
	Thomas Radmilovich	thomas.radmilovich@fta.dot.gov	Alternate	
FTA	Radmilovich	thomas.radmilovich@fta.dot.gov	Alternate	
EPA	Patty Betts	pbet461@ecy.wa.gov	Alternate	360-407-6925
EPA	Yvonne Vallette	vallette.yvonne@epa.gov	Primary	503-326-2716
NOAA	Michael Grady	michael.grady@noaa.gov	Alternate	206-526-4645
NOAA	Neil Rickard	neil.rickard@noaa.gov	Primary	360-753-9090
USFWS	David Leal	david_leal@fws.gov	Primary	503-231-6179
USACE	Susan Sturges	susan.m.sturges@usace.army.mil	Primary	503-808-4381
Oregon State				
DLCD	Bob Cortright	bob.cortright@state.or.us	Alternate	503-373-0050 ext. 241
DLCD	Matt Crall	matthew.crall@state.or.us	Primary	503-373-0050 ext. 272
ODFW	Tom Murtagh	tom.murtagh@state.or.us	Primary	503-657-2000 ext. 241
ODOT	Joyce Cohen	cohen.joyce@deq.state.or.us	Primary	503-229-6916
ODOT	Susan Haupt	susan.haupt@odot.state.or.us	Alternate	
ODSL	Mike McCabe	mike.mccabe@state.or.us	Primary	503-378-3805 ext. 255
OR DEQ	Ann Levine	levine.ann@deq.state.or.us	Alternate - Land	
OR DEQ	Dick Pedersen	pedersen.dick@deq.state.or.us	Primary	
OR DEQ	Marianne Fitzgerald	fitzgerald.marianne@deq.state.or.us	Alternate - Air	503-229-5946
OR DEQ	Tom Melville	melville.tom@deq.state.or.us	Alternate - Water	503-229-5845
OR SHPO	Kirk Ranzetta	kirk.ranzetta@state.or.us	Primary	503-986-0678
OR SHPO	Lucie Tisdale	lucie.tisdale@state.or.us	Alternate	503-986-0683
Washington State				
Ecology	Iloba Odum	iodu461@ecy.wa.gov	Alternate	360-690-7170
Ecology	Terry Swanson	tswa461@ecy.wa.gov	Primary	360-407-6789
WA DAHP	Matthew Sterner	matthew.sterner@dahp.wa.gov	Alternate	
WA DAHP	Russell Holter	russell.holter@dahp.wa.gov	Primary	360-583-3533
WDFW	Sam Kolb	kolbssk@dfw.wa.gov	Alternate	360-906-6729
WDFW	Teresa Eturaspe	eturatea@dfw.wa.gov	Primary	360-902-2575
WSDOT	Phil Kauzloric	kauzlop@wsdot.wa.gov	Primary	

## **APPENDIX B: ISSUE RESOLUTION PROCESS**

### **I. INTRODUCTION**

The purpose of this issue resolution process is to provide a means to resolve disagreements within the scope of the Interstate Collaborative Environmental Process (InterCEP) Agreement between Signatory Agencies. The intent is to expeditiously and systematically resolve issues at the lowest level of the involved agencies through a consensus building process before triggering an elevation to higher levels. Alternative issue resolution processes (e.g., facilitation or mediation) can be used.

### **II. ISSUE RESOLUTION PROCESS TRIGGERS**

- A. Written non-concurrence at any of the concurrence points (Resource Agency needs to provide detailed reason(s) for its non-concurrence). See Section III.B of this appendix for the process.
- B. A disagreement on the interpretation of the agreement. See Section III.A of this appendix for the process.
- C. Any other dispute in the process that cannot be resolved by a consensus of agency representatives. See Section III.A for process.

### **III. ISSUE RESOLUTION PROCESSES AND TIMELINES**

#### **A. Initial Issue Discussion for Issues Not Involving Non-Concurrence**

The intent of the initial issue discussion process is to focus discussions amongst agency representatives in order to resolve issues and avoid unneeded issue elevations. When any Signatory Agency believes that there is an unresolved or emerging issue under their agency's purview that needs attention, the agency representative may request discussion of that issue during the next scheduled InterCEP meeting or through a forum agreed upon with the Project Sponsors.

- 1. To initiate the request, the initiating agency will fill out the "Request for Discussion" form (Appendix C) and submit it to the Implementation Coordinator at least 14 calendar days prior to the next scheduled InterCEP meeting to allow time to adjust the meeting agenda to accommodate time for discussion (if the initiating agency requests that the issue be presented through the InterCEP group).
- 2. The purpose of the "Request for Discussion" form is to save time by having a clear statement of the issue to be addressed, to identify which agencies or project specific interests need to be involved in the resolution discussion, to establish a timeframe for resolution, and to track the progress in resolving the issue.
- 3. Other Signatory Agencies will receive a copy of the "Request for Discussion" form in their meeting agenda submitted at least seven (7)

calendar days prior to the scheduled InterCEP meeting (or an alternative forum agreed to by the initiating agency and the Project Sponsors). Signatory Agencies may add to the articulation of the problem and submit a revised “Request for Discussion” form to the Implementation Coordinator at least five (5) calendar days before the scheduled InterCEP meeting (or alternative forum).

4. Sufficient time will be made available on the scheduled InterCEP meeting agenda to adequately present the issue and allow the discussion to work towards resolution with the Signatory Agencies. The issue will be presented by the agency representative requesting discussion.
5. If the issue is resolved during the InterCEP meeting, this will be noted on the “Request for Discussion” form, including a statement of the decision and the rationale for that decision. This will also be documented in the meeting minutes. Additional time for discussion of the issue may be scheduled during subsequent InterCEP meetings (or alternative forums) if there is consensus from the participants that additional discussion is necessary to resolve the issue before seeking elevation.
6. If the issue is not presented or discussed through a InterCEP meeting, but through some alternative forum (conference call, site visit, etc.) then the outcome will be noted on the “Request for Discussion” form, including a decision for resolution or not of the issue, and key discussion points raised. Copies of the “Request for Discussion” form will be provided to the other Signatory Agencies.
7. If the issue is not resolved to the satisfaction of the initiating agency, the agency representative shall inform the Implementation Coordinator that the agency is initiating the issue elevation process (see Section III.C. of this appendix).

#### B. Initial Non-concurrence Discussion

1. Within ten (10) calendar days of receiving a written non-concurrence, the Project Sponsors and Implementation Coordinator will consult with the non-concurring agency’s representative and any other Signatory Agencies’ representatives needed to resolve the issue. If the issue(s) cannot be resolved, the agencies involved will proceed to the issue elevation process (see Section III.C).
2. If the issue(s) causing the non-concurrence can be resolved, the Project Sponsors and non-concurring agency will each provide the other Signatory Agencies written documentation that outlines the issues and their resolution. If the project changes are substantial, the NEPA Leads and Project Sponsors will submit a revised concurrence point package to the Resource Agencies immediately. If the project changes appear minimal and non-substantive, the NEPA Leads and Project Sponsors must verify

this determination with all Resource Agencies. Within 15 calendar days of receipt of the determination request, each Signatory Agency will decide if the changes to the project, needed to achieve issue resolution, are significant enough to warrant revisiting the concurrence point.

NEPA Leads, Project Sponsors and nonconcurring Resource Agencies are strongly encouraged to consult with other agencies during the discussion process to pursue the resolution of non-concurrence issues without creating new issues of concern for other Resource Agencies.

### C. Issue Elevation Process

1. Step 1: The Implementation Coordinator begins the issue elevation process by informing all other Signatory Agencies that the issue elevation process is being initiated and describe in detail the reasons for initiation. The notice must also indicate which signatory agencies need to consult, either to resolve the issue or to determine how concerns can be best addressed.
2. Step 2: Within ten (10) calendar days of Step 1, the initiating agency, NEPA Leads, Project Sponsors and/or other Resource Agencies involved will develop and exchange questions or comments to be addressed in white papers and identify the change that is needed for issue resolution.
3. Step 3: Within 30 calendar days of Step 2, white papers will be developed and exchanged addressing each question or comment submitted and detailing concerns, and a meeting will be held with the next level of supervisors. The Implementation Coordinator will manage the issue resolution meeting unless any involved agency requests a mediator. The mediator may be a specialist from one of the Signatory Agencies or a contractor (contingent upon a project's budget).

Depending on the Signatory Agencies involved in the issue resolution process, the following individuals or their designees will participate at this step:

Emily Lawton – Federal Highways Administration

X – Federal Transit Administration

X – Oregon Department of Transportation

X – Washington Department of Transportation

X - National Marine Fisheries Service;

Donald Borda – U.S. Army Corps of Engineers;

X - U.S. Environmental Protection Agency;

X - U.S. Fish and Wildlife Service;

X - Oregon Department of Environmental Quality;

X - Oregon Department of Fish and Wildlife;

Bob Cortright - Oregon Department of Land Conservation and Development;

Eric Metz – Oregon Department of State Lands;

X - Oregon State Historic Preservation Office;

Russell Holter – Washington State Department of Archaeology and Historic Preservation;

X - Washington State Department of Ecology; and

Gayle Kreitman – Washington State Department of Fish and Wildlife.

If the issues cannot be resolved by project and agency staff at Step 3, the involved agencies will proceed to Step 4.

If the issue(s) can be resolved, and involved a non-concurrence, the Project Sponsors and nonconcurring agency will each provide the other Signatory Agencies written documentation that outlines the issues and their resolution. If the project changes are substantial, the NEPA Leads and Project Sponsors will submit a revised concurrence point package to the Resource Agencies immediately. If the project changes appear minimal and non-substantive, the NEPA Leads and Project Sponsors must verify this determination with all Resource Agencies. Within 15 calendar days of receipt of the determination request, each Signatory Agency will decide if the changes to the project, needed to achieve issue resolution, are significant enough to warrant revisiting the concurrence point.

NEPA Leads, Project Sponsors and nonconcurring agencies are strongly encouraged to consult with other agencies during the issue resolution process to pursue the resolution of non-concurrence issues without creating new issues of concern for other Resource Agencies.

4. Step 4: If resolution cannot be achieved at Step 3, a meeting will be held with the signatories of the agreement or their designees. This meeting will occur within 45 calendar days of the exchange of white papers (Step 3). (It is presumed that the signatories will reach an agreement on how to resolve the disputed issues).

If the issue(s) can be resolved, and involved a non-concurrence, the Project Sponsors and nonconcurring agency will each provide the other Signatory Agencies written documentation that outlines the issues and their resolution. If the project changes are substantial, the NEPA Leads and Project Sponsors will submit a revised concurrence point package to the Resource Agencies immediately. If the project changes appear minimal and non-substantive, the NEPA Leads and Project Sponsors must verify this determination with all Resource Agencies. Within 15 calendar days of receipt of the determination request, each Signatory Agency will

decide if the changes to the project, needed to achieve issue resolution, are significant enough to warrant revisiting the concurrence point.

NEPA Leads, Project Sponsors and nonconcurring agencies are strongly encouraged to consult with other agencies during the issue resolution process to pursue the resolution of non-concurrence issues without creating new issues of concern for other Resource Agencies.

Depending on the signatory agencies involved in the issue resolution process, the following people or their designees will participate at this step:

David Cox – Federal Highways Administration

X – Federal Transit Administration

X – Oregon Department of Transportation

X – Washington Department of Transportation

X - National Marine Fisheries Service;

Colonel Thomas E. O’Donovan – U.S. Army Corps of Engineers;

X - U.S. Environmental Protection Agency;

X - U.S. Fish and Wildlife Service;

X - Oregon Department of Environmental Quality;

X - Oregon Department of Fish and Wildlife;

Lane Shetterly - Oregon Department of Land Conservation and Development;

John Lilly – Oregon Department of State Lands;

X - Oregon State Historic Preservation Office;

Allyson Brooks – Washington State Department of Archaeology and Historic Preservation;

X - Washington State Department of Ecology; and

Don Haring – Washington State Department of Fish and Wildlife.

If resolution is not reached at Step 4 the Project Sponsors may choose to proceed ahead with the project.

**APPENDIX C: REQUEST FOR DISCUSSION FORM**

<b>Requestor's Name/Agency:</b>
<b>Issue(s) that require discussion- Specific Statement of each issue that needs to be resolved or decided:</b> (No more than one short paragraph per issue)
<b>Statement of need or concern of requestor's agency, related to the issue(s):</b>
<b>Solution proposed by requestor's agency (if known) and statement of why this solution is important to that agency:</b>
<b>Other potentially interested or affected agencies:</b>



**Proposed Discussion Forum:**

Next Scheduled InterCEP meeting  Date \_\_\_\_\_

Alternative Proposed Forum (please describe):

**The information below will be filled out following the discussion forum. The completed form will then be sent out to all the participants, and a copy will be sent to all of the signatory agencies.**

**Outcome:**

\_\_\_\_\_ Issue was resolved:

Decision:

Rationale for the decision:

\_\_\_\_\_ Issue was not resolved:

Additional discussion require (based on consensus of InterCEP members):

Next scheduled discussion date:

\_\_\_\_\_ Issue to be elevated:

Level to which issue will be elevated:

Notification date of elevation:

Means of notification of elevation to the next appropriate level:

**COMMENTS:**