

# Agency and Tribal Coordination

## Agency Coordination

Agency coordination played a significant role throughout the CRC NEPA process, from Purpose and Need to development of the Draft Environmental Impact Statement. 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 those federal, state and local agencies 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 in doing so identified 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 or 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 WSDOT, ODOT, FHWA, 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
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Archaeology and Historic Preservation
- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development
- Oregon Department of State Lands
- Oregon State Historic Preservation Office
- Oregon Department of Environmental Quality

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) in 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 purpose of InterCEP is 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 review and approvals as early as possible into the scoping and transportation planning processes.

The InterCEP Agreement designates project milestones at which signatory agencies 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:

<b>InterCEP Milestone</b>	
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 Draft EIS	Concurrence
Preliminary Draft EIS	Comment
Preferred Alternative and Conceptual Mitigation Plan	Concurrence
Preliminary Final EIS	Comment

Below is a timeline of meetings and milestones that have been met thus far in the process.

<b>Year</b>	<b>Meetings</b>	<b>InterCEP Milestone</b>	<b>Topic of Discussion</b>
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
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

Year	Meetings	InterCEP Milestone	Topic of Discussion
	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 Draft EIS</b>	Distributed document for review
	April		Discuss Preliminary Draft EIS
	May	<b>Draft EIS</b>	Formal review

## Cooperating Agencies

Cooperating Agencies have an elevated status in the NEPA process, which includes an opportunity to contribute expertise in the development in 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
- U.S. Coast Guard
- U.S. General Services Administration
- Federal Aviation Administration
- Washington State Department of Archaeology and Historic Preservation
- National Park Service

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.

## Participating Agencies

On August 10, 2005, President George W. Bush signed the into federal law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Participating Agency was established in accordance with SAFETEA-LU to create specific coordination opportunities for a broader array of public agencies and tribal governments. Invitation letters were broadly distributed to a comprehensive list of local and state agencies and tribal governments with potential interest in the CRC project. The following agencies agreed to become Participating Agencies:

- City of Vancouver
- Clark County Community Development Department

- Clark Public Utilities
- Confederated Tribes of Grand Ronde
- Cowlitz Indian Tribe
- Portland Bureau of Development Services
- Portland Bureau of Environmental Services
- Portland Bureau of Water Works
- Portland Department of Transportation
- Portland Development Commission
- Portland Fire & Rescue
- Portland Office of Neighborhood Involvement
- Portland Parks and Recreation
- Portland Planning Bureau
- Portland Policy Bureau
- Vancouver Housing Authority
- Washington Department of Natural Resources

The project team met with Participating Agencies throughout the EIS process. Meetings serve to update members on the project's progress and solicit feedback on various documents and decision points.

## **Tribal Coordination**

Below is a summary of the CRC tribal consultation plan. The Columbia River Crossing 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 coordination 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, and 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 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (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 Columbia River Crossing project in a manner that is compatible with the mutual interests of the tribes, ODOT, WSDOT, FTA, FHWA, and 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.

## **Consulting Tribes**

During the environmental review stage of this project, the project team is consulting with both the natural and cultural resource offices of each affected tribe. CRC staff periodically meet with tribal councils and committees as appropriate.

The CRC project team initiated formal consultation with the following tribes:

- Confederated Tribes of Grand Ronde
- Confederated Tribes of Umatilla
- Confederated Tribes of Warm Springs
- Cowlitz Tribe
- Nez Perce Tribe
- Siletz Tribe
- Spokane Tribe
- Yakama Nation
- Chinook (non-federally recognized)

The following tribes have treaty rights to the Columbia River:

- Confederated Tribes of Umatilla
- Confederated Tribes of Warm Springs
- Nez Perce Tribe
- Yakama Nation

## Tribal Consultation Approach

The CRC has a designated tribal liaison for this project. The statewide tribal liaisons for both WSDOT and ODOT are assisting in tribal coordination 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 February, 2008.

The Columbia River Crossing 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. Eight federally recognized tribes and one non-federally recognized tribe were identified through those efforts.

The National Park Service 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 National Park Service 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 nine tribes we are actively consulting with on this project. Each tribe received a formal letter initiating consultation in December 2005. Four of the nine tribes have treaty fishing rights on the Columbia River.

Federally Recognized Tribes:

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



- Siletz
- Spokane
- Umatilla (Treaty tribe)
- Warm Springs (Treaty Tribe)
- Yakama (Treaty Tribe)

#### Non Federally Recognized Tribes

- 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 4 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, Oregon and Washington SHPOs, WSDOT and ODOT archaeologists) on an Inadvertent Discovery Plan (IDP) for any ground disturbing activity on the project. Held two intertribal/interagency meeting to review the plan. Consulted on 4 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.

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

- Consult on the DEIS
- Host an intertribal meeting with presentations by the National Park Service and CRC. The purpose of the meeting is to look at detailed archaeological information in relation to the detailed CRC design maps.
- Host a leadership meeting, modeled after one hosted by the Alaskan Way Viaduct and Seawall Replacement project. The meeting will include 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. This meeting is scheduled for April 1, 2008.
- Develop contracts with tribes to conduct oral history studies for the project area. (Six tribes have expressed an interest. Four tribes have submitted scopes of work. Three tribes have declined).
- Develop service contracts with interested tribes to conduct cultural resource monitoring during ground disturbing activities on the project.
- Consult on the on-land geotechnical borings plan and associated cultural resources monitoring plan.

### **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 are asked if they were willing to enter into agreements to address disinterment and reburial of remains if they 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 located.

## Tribal Meeting Record

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

<b>Date</b>	<b>Tribes (and Staff Level)</b>	<b>Agency Staff</b>	<b>Purpose</b>
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
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
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.

<b>Date</b>	<b>Tribe (and Staff Level)</b>	<b>Agency Staff</b>	<b>Purpose</b>
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
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
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
12/5/07	Warm Springs Tribe: Cultural resources staff, policy support staff	Project deputy director, environmental manager, CRC tribal liaison	
12/17/07	Spokane Tribe: tribal historic preservation office 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
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
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
3/15/08	Cultural resources offices from 9 tribes invited	NPS, CRC, FHWA, FTA, DAHP, OR SHPO, WSDOT, ODOT	Examine and discuss archaeological sites on Ft Vancouver in relation to detailed CRC design maps.

## Upcoming Tribal Meetings

FHWA, FTA and DAHP have been notified of these meetings in accordance with the WSDOT Section 106 programmatic agreement.

<b>Date</b>	<b>Tribe (and staff level)</b>	<b>Agency Staff</b>	<b>Purpose</b>
4/1/08	Tribal leadership and technical staff invited	Leadership from project leads and resources agencies	Build relationships at the leadership level.
TBD (rescheduled from 12/11/07 & 1/23/08)	Yakama Nation: Cultural resources staff, natural resources staff	Deputy project director, environmental manager, CRC tribal liaison	Provide a project update, discuss the DEIS, technical report findings
TBD (rescheduled from 1/8/08)	Siletz Tribe: cultural resource manager (who is also tribal council and chair of the natural resources committee).	Project deputy director, environmental manager, CRC tribal liaison	Provide a project update, discuss the DEIS, technical report findings

## Permits and Approvals

Federal, state, and local permits and approvals for the project will be needed, including but not limited to the following:

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### **Water Quality, Wetlands and Shoreline**

Clean Water Act (CWA) Section 404 Permit  
Oregon Removal and Fill Permit  
Washington Hydraulic Project Approval  
CWA Section 401 Water Quality Certification  
CWA NPDES Permit  
Rivers and Harbors Act Section 9 Bridge Permit  
Rivers and Harbors Act Section 10 Waterway Structures Permit  
Sole Source Aquifer protection review  
Washington Shoreline Management Act Substantial Development Permit  
Floodplain Construction Permit  
Portland Environmental Zone Review

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### **Fish and Wildlife**

Endangered Species Act Section 7 Consultation  
Marine Mammal Protection Act  
Magnuson-Stevens Fishery Conservation Management Act  
Migratory Bird Treaty Act  
Oregon Endangered Species Act  
Washington Aquatic Lands Act

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### **Air Quality**

Air Quality Conformity Determination

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Indirect Source Permits

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### **Hazardous Waste**

Voluntary Cleanup Program Approval

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### **Archaeological and Historic Resources**

Section 106 Memorandum of Agreement  
Oregon Archaeological Excavation Permit

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### **Section 4(f)**

Section 4(f) Evaluation

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### **Public Utilities**

Use and occupancy agreements (if relocated)

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### **Federal Land Acquisitions**

Federal Land Transfer

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# **ATTACHMENT**

**InterCEP Agreement**







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**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**

2

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

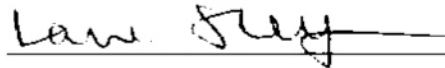
[Signature]  
Oregon Department of Environmental Quality

2/14/06  
Date

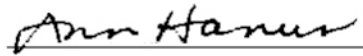


  
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Oregon Department of Fish and Wildlife

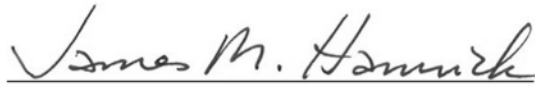
3/13/06  
Date

  
\_\_\_\_\_  
Oregon Department of Land Conservation and Development

Jan. 25, 2006  
Date

  
\_\_\_\_\_  
Oregon Department of State Lands


1/31/06  
Date

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

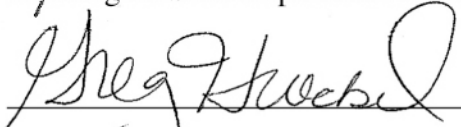
3 Mar 06  
Date

  
\_\_\_\_\_  
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:**