



ATTACHMENT 9.3.1 (12509-SPD EIS SOP)
Cooperating Agency Invitation Letter
(Template)

[Date]

REPLY TO

ATTENTION OF:

Regulatory Division

Mr./Ms. [Individual Name]

[Business Title]

[Agency Name]

[Address]

[Address]

Dear Mr./Ms. [Last Name]:

The U.S. Army Corps of Engineers (Corps), [insert district name] is initiating the preparation of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed [Project Name], located in [City, County, State]. Based on information provided by [Applicant's name] ("applicant") in its Department of the Army (DA) permit application, the proposed activities will require Corps authorization under [section 404 of the Clean Water Act/section 10 of the Rivers and Harbors Act of 1899/section 103 of the Marine Protection, Research and Sanctuaries Act of 1972]. The [insert district name] has assigned Corps File no. SPX-YEAR-xxxxx to the proposed project.

Your agency has been identified as an agency that may have an interest in the applicant's proposed project based on your jurisdiction by law and/or special expertise. As the lead Federal agency under NEPA, we invite you to be a cooperating agency with the Corps in the development of the EIS. Your designation as a cooperating agency does not imply you support the applicant's proposed project nor does it diminish or otherwise modify your agency's independent statutory obligations and responsibilities under applicable federal laws, regulations and Executive Orders.

The proposed project consists of [insert brief project description, relevant background information and project location information, as appropriate].

The applicant's stated project purpose is [insert applicant's purpose statement]. The Corps has determined the basic project purpose is [insert basic project purpose] and the NEPA and overall project purpose is [insert project purpose statement]. **[OR, if the Regulatory PM has not yet determined the basic and NEPA/overall project purposes, then: "The applicant's stated**

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project purpose is _____. However, the Corps has not yet determined the basic project purpose, NEPA or overall project purpose.”]

In accordance with the Council on Environmental Quality (CEQ) final implementing regulations for NEPA (40 C.F.R. § 1501.6 and § 1508.5), the Corps requests your assistance and participation in the NEPA process in the following ways:

- a. Attendance at and input during agency coordination meetings, including pre-scoping and scoping;
- b. Comment and feedback on the EIS schedule, overall scope of the document, significant issues to be evaluated in the EIS, environmental impacts, study and assessment methodologies, range of alternatives and proposed compensatory mitigation, if applicable;
- c. Guidance on relevant technical studies required as part of the EIS;
- d. Identification of issues related to your agency’s jurisdiction by law and special expertise;
- e. Participation, as appropriate, at public meetings and hearings;
- f. Review of the administrative and public drafts of the Draft EIS and Final EIS; and
- g. Adoption the Corps Final EIS, when needed to fulfill your independent NEPA obligations related to your Federal action and to reduce duplication with other Federal, State, Tribal and local procedures

Please provide your written acceptance or declination of this invitation on or before [insert date—usually 30 days from date of letter]. Should you decline to accept our invitation to be a cooperating agency, we advise that you provide a copy of your response to CEQ as specified at 40 C.F.R. § 1501.6(c). We look forward to working with your agency on the preparation of the EIS. If you have any questions or would like to discuss our respective roles and responsibilities during the NEPA process in more detail, please contact [Regulatory PM name] of my staff at [telephone number] or [email address].

Sincerely,

[Name]

[Title]

