

SAMPLE REQUEST FOR JOINT LEAD OR COOPERATING AGENCY STATUS

VIA U.S. MAIL
CERTIFIED/RETURN RECEIPT
CERTIFIED #

Federal Agency
Address

Re: Request to Participate in NEPA Process as Joint Lead or Cooperating Agency

Dear _____:

Pursuant to 40 C.F.R. § 1506.2(b), the purpose of this letter is to request that _____ **(name of local government)** be granted joint lead or cooperating agency status in the completion of the environmental assessment or environmental impact statement pursuant to the National Environmental Policy Act (NEPA) for the _____ **(name of project.)** Pursuant to the regulations implementing NEPA, to which all federal agencies must comply (40 C.F.R. § 1507.1) state and local governments may be granted lead agency status (see 40 C.F.R. §§ 1508.16 and 1508.12) or cooperating agency status when the state or local government has "special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." 40 C.F.R. § 1508.5. In this case, _____ **(name of local government)** has special expertise relating to the analysis of the federal agency's proposed decision on the physical environment, custom, culture and local tax base. For example, **add other information such as the existence of a local land use plan, or other information showing that your local government has special expertise which the federal government does not have. You may also want to describe why you believe the federal project will effect your local citizens, environment and tax base.**

Additionally, according to the regulations, federal agencies shall cooperate to the fullest extent possible with state and local agencies. The regulations specifically state:

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law. . . . such cooperation shall to the fullest extent possible include:

- (1) Joint planning processes.
- (2) Joint environmental research studies.
- (3) Joint public hearings (except where otherwise provided by statute).

(4) Joint environmental assessments.

(c) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.

(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

40 C.F.R. § 1506.2(b)(c)(d).

Thus, to ensure that the federal agency fully and adequately considers the affect of its proposed decision on the physical environment, customs, culture and tax base of the citizens of _____ county, _____ requests to be named as a joint lead or cooperating agency.

Thank you for your attention in this matter.

Sincerely: