In Reply Refer to:

6800 (NV*XXXXXX*)

Date

Memorandum

To:

[*Chose appropriate title/office for your response]*

Field Supervisor, Reno Fish and Wildlife Office, U.S. Fish and Wildlife Service,

Reno, Nevada

Field Supervisor, Southern Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service, Las Vegas, Nevada

Chief, Migratory Bird Program, U.S. Fish and Wildlife Service, Sacramento, California

Refuge Manager, U.S. Fish and Wildlife Service, (Name) National Wildlife Refuge, Nevada

From: District/Field Manager, District Name Bureau of Land Management, City, State

Subject: Request for Cooperating Agency Status for [*Insert Name of Project here]*

The Bureau of Land Management (BLM), Nevada [*Insert District or Field Office]*, is preparing an[*Insert either Environmental Impact Statement (EIS) or Environmental Assessment]* for a [*Insert type of project here (e.g. ROW, industrial powerline etc.)]* from [*Insert Name of Proponent]*. This application is filed under the [*Insert applicable authority under which the project falls (e.g.,* *Federal Land Policy and Management Act of 1976,* *As Amended* *(Public Law 94-579, 43 U.S.C. 1701 et seq.)*] and is located on [*private, state, and federal*] lands in [*Insert County(ies)]*, Nevada.

In accordance with the Council of Environmental Quality’s (CEQ) regulations (40 Code of Federal Regulations [CFR] 1501.6), the BLM, as the lead agency, is sending this letter to determine your interest and eligibility to participate as a cooperating agency in this process. Cooperating Agency status provides the opportunity for us to work together and to enhance the BLM’s planning and National Environmental Policy Act (NEPA) compliance efforts.

**Project Background**

*The author of the letter should use this section to provide a description of the proposed project in sufficient detail to assist FWS in determining if they wish to be a Cooperating Agency. Information to share may include: project description including timing and duration of activities and project map(s). Include if key habitat types (e.g., sagebrush or riparian habitat, seeps / springs, or groundwater) are anticipated to be affected. Use the Information for Planning and Consultation (IPaC) link (https://ecos.fws.gov/ipac/) to generate a draft list of federally listed and sensitive species, including specifically bald or golden eagles and Birds of Conservation Concern. Also include any additional federal and state listed or sensitive species. Provide this complete list of species as an attachment to this letter. Include information, if known, on how species or key habitat may be affected.*

**NEPA Compliance**

*The author of the letter should use this section to provide a description of the anticipated NEPA document required. This should include any of the following which may be applicable: lead agency, tiering to programmatic or earlier NEPA documents (i.e., by BLM and/or FWS), third party contractor, and land use plan amendments*.

**Invitation to Participate as a Cooperating Agency in the National Environmental Policy Act Process**

CEQ regulations state that state agencies, local governments, tribal governments, and other federal agencies may serve as cooperating agencies during the NEPA process if they have either jurisdiction by law or special expertise (40 CFR 1508.5).

Based on our preliminary evaluation, we believe that your agency may meet the cooperating agency criteria described in 40 CFR 1508.5. We are sending you this letter to determine your interest and eligibility to collaborate with us in a cooperating agency relationship on this EIS/EA. Your agency is being asked to participate with the EIS/EA preparation because your agency may have jurisdiction and/or special expertise such as statutory responsibility, agency mission, or related program experience relevant to the decision to be made.

The CEQ regulations implementing the NEPA (40 CFR 1500-1508) emphasize the use of such arrangements as a means of ensuring timely coordination with local, state, tribal, and federal agencies in the preparation of NEPA analysis and documentation. The BLM places great importance on working effectively with its governmental partners through the cooperating agency relationship.

Cooperating agencies may determine the level of their involvement consistent with their available staffing and resources. As a cooperating agency, your organization could participate in the process, assist in developing information to be included in the EIS/EA, develop and identify potential mitigation measures, and identify other pertinent information that could be useful in the preparation of the EIS/EA, as well as the overall project proposal. Please note that cooperating agency participation does not necessarily imply that your agency supports the proposed project.

Per the Department of the Interior (Interior) Deputy Secretary’s June 11, 2018, guidance: *Standardizing Intra-Department Procedures Replacing Individual Memoranda of Understanding for Bureaus Working as Cooperating Agencies,* it should be understood that a subsequent Memorandum of Understanding will not be necessary for Interior agencies accepting cooperating agency roles and responsibilities. However, a non-Interior cooperating agency must sign a Memorandum of Understanding with BLM. More information about the cooperating agency relationship, including the recently released *A Desk Guide to Cooperating Agency Relationships*, can be found on our cooperating agency web site: <https://www.blm.gov/sites/blm.gov/files/Services_CADRCooperatingAgencyGuide.pdf>.

**Response to this Letter**

Whether accepting or declining, we ask that you make every effort to respond to this request by submitting an official letter (or an email followed by an official letter) to BLM within 14 days of receipt of this letter. If you are interested in participating as a cooperating agency, include a description of how you have jurisdiction by law or special expertise under 40 CFR 1508.5, a description of your level of involvement, and include the name and contact information of your representative that will be the primary contact for this project. Please note that if FWS declines the invitation, this does not preclude the agency from commenting on the associated NEPA document through the public review and comment process. Please send your letter to:

Name [*use name from From: line]*

Bureau of Land Management

[*Insert Office from* Letterhead]

Address

Or send scanned memorandum electronically to: [*BLM will complete prior to sending letter*: *Insert email]*

We appreciate your consideration of this request and look forward to your response. If you have any questions regarding the project or the information presented in this memorandum please contact [*BLM will complete prior to sending letter:* *Name, XX Project Manager at Phone number or XX@blm.gov*.]

cc: Project Manager

DSD, Resources, Lands, and Planning

DSD, Minerals Management

Enclosure

1. Project Map
2. Draft IPaC Report
3. Species List