

Appendix A

AGENCY AND TRIBAL COORDINATION

This appendix documents how the Interstate Bridge Replacement (IBR) Program has collaborated with regulatory agencies and tribes as part of the National Environmental Policy Act (NEPA) process. Additionally, the following discussion summarizes the collaboration and coordination implemented to date and how these efforts will continue throughout the duration of the NEPA process. Roles and responsibilities of each agency or tribe, and the coordination that has occurred with each, are included as well.

Agency Coordination

Agency coordination has played a significant role throughout the IBR Program NEPA process, from defining the Purpose and Need to development of the Supplemental Environmental Impact Statement (SEIS). 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, light-rail transit, and a highway. Thus, various agencies have a wide range of expertise and jurisdictional authority.

For the purpose of the following discussion, *regulatory agency* refers to any federal, state, or local agency from which a permit is anticipated or approval is needed for the Modified Locally Preferred Alternative (LPA). The IBR Program team has and continues to communicate with regulatory agencies throughout the NEPA process to identify permits and approvals needed for construction. Previously, during the environmental review stage for the Columbia River Crossing (CRC) project, the project team engaged with regulatory agencies on a regular and ongoing basis. Agency engagement extended throughout the NEPA process for the CRC project, from defining the Purpose and Need to development of the Draft Environmental Impact Statement and Final Environmental Impact Statement (EIS), and it is described in detail in Appendix A of the CRC Final EIS. This effort continues under the IBR Program. The IBR Program team works extensively with regulatory agencies and local jurisdictions, which are organized into the following designated agency groups: lead agencies, cooperating agencies, and participating agencies.

Lead Agencies

A lead agency is the agency carrying out the federal action and is responsible for complying with the requirements of NEPA. In some cases, such as the IBR Program, more than one federal agency is designated as a federal lead agency. Federal agencies, together with state agencies, local agencies, and/or tribes, may act as joint lead agencies. Lead agencies prepare the environmental documentation for a project and oversee the NEPA process.

The federal lead agencies for the IBR Program include the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The federal lead agencies for the IBR Program are responsible for:

- Overseeing the coordination process (as codified in 23 USC § 139).
- Determining the level of NEPA documentation required to complete the NEPA process for the IBR Program.
- Providing guidance on the NEPA process, including resolving differences in agency procedures.
- Confirming the sufficiency of NEPA documentation.
- Providing legal sufficiency review of project documents.
- Participating in discussions involving other federal agencies.

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- Coordinating with FHWA and FTA headquarters to obtain “prior concurrence” on key NEPA decisions made by the FTA regional and FHWA division office.
- Leading consultation with other federal agencies for compliance with federal statutes (e.g., Endangered Species Act [ESA], National Historic Preservation Act [NHPA]).
- Overseeing tribal consultation.
- Making the final NEPA decision.

The federal lead agencies undertake additional responsibilities in conjunction with other nonfederal joint lead agencies for the IBR Program. Nonfederal joint lead agencies include the Oregon Department of Transportation (ODOT); Washington State Department of Transportation (WSDOT); local transit agencies Tri-County Metropolitan Transportation District (TriMet) and Clark County Public Transportation Benefit Area (C-TRAN); and regional metropolitan planning organizations Oregon Metro (Metro) and the Southwest Washington Regional Transportation Council (RTC). In conjunction with the federal lead agencies, the nonfederal joint lead agencies are responsible for:

- Providing timely, technical review and comments on the impact assessment methodologies, technical analyses, and environmental review documentation.
- Supporting the preparation and distribution of a NEPA coordination plan (including schedule), Draft SEIS, Final SEIS, and Record of Decision in compliance with the requirements of all applicable environmental laws, executive orders, and other related requirements.
- Supporting identification of a preferred alternative to be evaluated in the Final SEIS to the extent practicable.
- Supporting the public involvement activities, notifications of availability and distribution of environmental review documents, and posting of decisions related to the environmental review documents.
- Identifying any issues of concern regarding the Program’s environmental impacts and mitigation measures.
- Providing timely input on unresolved issues.
- Coordinating with Program staff to develop and maintain an administrative record for relevant Program decisions.
- Providing timely review of permit applications and authorizations that fall under the agency’s jurisdiction.

Lead agencies and their roles and responsibilities for the IBR Program are listed in Table A-1 and Table A-2.

Additional lead agency responsibilities are to be determined.

Table A-1. Federal Lead Agencies

Agency	Permits and Approvals
FHWA FTA	<ul style="list-style-type: none"> • Federal approval. • Compliance with federal laws and regulations. • Right-of-way permit (interstate) (FHWA).

Table A-2. Joint Lead Agencies

Agency	Permits and Approvals
ODOT WSDOT	<ul style="list-style-type: none"> • State approval. • Washington State Environmental Policy Act (SEPA) (WSDOT). • Program delivery via funding from the two state legislatures and potential federal funding sources. • Potential grant recipients for FTA (WSDOT) (to be determined). • Design, construction, and operation and maintenance of state and interstate highways according to respective Stewardship and Oversight Agreements. • Right-of-way encroachment permits.
Metro RTC	<ul style="list-style-type: none"> • Regional approval. • Maintenance of the regional and metropolitan transportation plans that include the IBR Program. • Program funding in Transportation Improvement Program. • Coordination, planning, and approval of investments in the transportation system.
TriMet C-TRAN	<ul style="list-style-type: none"> • Local approval of transit. • Design, construction, and operation and maintenance of the transit facility. • Potential grant recipients for FTA (TriMet) (to be determined).

Cooperating Agencies

A cooperating agency is any federal agency, other than a lead agency, that has jurisdiction by law (with permitting or land transfer authority) or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications may also become a cooperating agency by agreement with the lead agencies, as may a Native American tribe when the effects are on lands of tribal interest. Lead agencies specially request cooperating agencies to participate during the environmental evaluation process for a project. All cooperating agencies are also considered participating agencies.

Cooperating agencies are specifically requested by the lead agencies to participate during the environmental evaluation process for a project. Cooperating agencies have an elevated status in the NEPA process due to the independent actions these agencies may take that depend on the Program's NEPA analysis; this includes an opportunity to contribute expertise in the development of methodology and analysis of impacts. In addition, it is anticipated that cooperating agencies will use the Final SEIS to support their respective permit or approval decision-making. Cooperating agencies are also invited to be participating agencies.

Each cooperating agency will have the opportunity to participate in Program meetings, open houses, and workshops in addition to reviewing and providing comments on the following Program milestones and activities:

- Consult and concur with the lead agencies concerning the schedule in the *IBR NEPA Coordination Plan*.
- Participate in agency coordination meetings.

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- Provide input on the EIS analysis methodology memoranda within the areas of the cooperating agency’s expertise during the review period.
- Provide input on the administrative Draft SEIS, Final SEIS, and relevant EIS technical documentation.
- Provide adequate information for the cooperating agency to discharge its NEPA responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

Cooperating agencies for the IBR Program, along with their roles and responsibilities, are summarized in Table A-3.

Table A-3. Cooperating Agencies

Agency Name	Role	Permit and Approval Responsibilities
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries)	Federal permitting; agency with jurisdiction and special expertise on fish and wildlife.	<ul style="list-style-type: none"> • Endangered Species Act (ESA) Section 7 Consultation • Magnuson-Stevens Fishery Conservation and Management Act • Marine Mammal Protection Act • Biological Opinion
National Park Service (NPS)	Property owner; Agency with jurisdiction and special expertise on historic resources.	<ul style="list-style-type: none"> • National Historic Preservation Act (NHPA) Section 106 Consultation • Archaeological Resources Protection Act Permit • Fort Vancouver National Historic Site • U.S. Department of Transportation Act Section 4(f) Consultation • Section 6(f) of the Land and Water Conservation Fund Act Consultation • Federal Lands to Parks Concurrence
U.S. Army Corps of Engineers (USACE)	Federal permitting; agency with jurisdiction and special expertise on the Clean Water Act, water quality, and the levee and navigation channel.	<ul style="list-style-type: none"> • Section 401 of the Clean Water Act Water Quality Certification • Section 404 of the Clean Water Act Permit • Section 408 Authorization for Modification/Alteration of USACE Civil Works Projects (levee and navigation channel)
U.S. Coast Guard (USCG)	Federal permitting; Agency with jurisdiction and special expertise on navigable waterways.	<ul style="list-style-type: none"> • General Bridge Act of 1946 Permit
U.S. Environmental Protection Agency (EPA)	Federal permitting; Special expertise on the adequacy and the acceptability of the environmental impacts analysis.	<ul style="list-style-type: none"> • Sole Source Aquifer Protection Act • Clean Air Act
Washington State Department of Archaeology and Historic Preservation (DAHP)	State permitting; Special expertise on archaeology and historic resources.	<ul style="list-style-type: none"> • NHPA Section 106 Consultation • U.S. Department of Transportation Act Section 4(f) Consultation

Beginning in 2005 as part of the CRC project, the CRC project team met with each of the cooperating agencies to gather information and seek advice on project development and potential build concepts. Each cooperating agency played a key role in developing the build alternatives analyzed in the CRC Final EIS. The IBR Program's approach has been similar in that the Program has either met, or will meet, one-on-one with each of the cooperating agencies prior to publication of the Draft SEIS. Each cooperating agency has the opportunity to provide input on the Modified LPA as it relates to the respective agency's expertise, interest, and mandates.

Participating Agencies

Participating agencies are agencies that have a specific interest in a project. Non-governmental organizations and private entities cannot serve as participating agencies. Pursuant to 23 USC § 139, participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the IBR Program's potential environmental, social, or economic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the Program.

Designation as a participating agency does not imply Program support, and if applicable, does not provide an agency with increased oversight or approval authority beyond its statutory limits. Each participating agency will have the opportunity to participate in Program meetings, open houses, and workshops in addition to reviewing and providing comments on the following NEPA milestones and activities:

- Participate in the NEPA process starting at the earliest possible time. Participation includes providing comments and responses on NEPA documents, reviewing studies or methodologies on the areas within the special expertise or jurisdiction of the agency and advising on the level of detail for the analysis of impacts.
- Identify, as early as practicable, environmental issues of concern regarding the IBR Program.
- Provide meaningful and timely input on unresolved issues.
- Comment on the schedule in the *IBR NEPA Coordination Plan*.

Participating agencies may also contribute to other environmental compliance processes (e.g., NHPA Section 106, ESA) that are pertinent to agency interests or area(s) of expertise. Participating agencies and their roles and responsibilities are summarized in Table A-4.

Table A-4. Participating Agencies

Agency	Role	Permits and Approvals
Federal Aviation Administration (FAA)	Agency with jurisdiction, special expertise on aviation impacts.	<ul style="list-style-type: none"> • 7460-1 Permit for Permanent Obstruction • 7460-1 Permit for Construction Obstruction
U.S. Fish and Wildlife Service (USFWS)	Special expertise on fish and wildlife.	<ul style="list-style-type: none"> • Endangered Species Act Section 7 Consultation • Letter of Concurrence
U.S. General Services Administration (GSA)	Special expertise on federal lands.	<ul style="list-style-type: none"> • Federal Lands to Parks Concurrence

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Agency	Role	Permits and Approvals
City of Portland	Agency with jurisdiction, property owner, special expertise on city facilities and operations.	<ul style="list-style-type: none"> • Land Use Review (environmental, adjustment, design) • Historic Demolition Review • Noise Variance • Improvements in Right-of-way • Building Permit – Site Development • Sign Permit • Trade Permits – Electrical; Mechanical; Plumbing • Features on Park Lands • Tree removal permits (12-inches or larger)
City of Vancouver	Agency with jurisdiction, property owner, special expertise on city facilities and operations.	<ul style="list-style-type: none"> • Regional and local transportation, local land use, and local permits • Public Facilities Master Plan (Hybrid Approach) • Transportation Development Review • Traffic Impact Analysis • Shoreline permit or exemption approval • Critical Areas permit or exemption approval • Noise Permit • Building Permit • Trade Permit – Electrical; Mechanical; Plumbing • Temporary Use Permit • Access Closure • Sign Permit (Temporary) • Features on Park Lands • Tree removal permits
City of Gresham	Agency with jurisdiction	<ul style="list-style-type: none"> • Right-of-way Permits • Tree Permit • Design Review
Oregon Department of Environmental Quality (DEQ)	Agency with jurisdiction, special expertise on multiple environmental resources (air quality, water quality).	<ul style="list-style-type: none"> • Clean Water Act Section 401 Water Quality Certification • 1200-C construction stormwater permit • Air Quality Permit • Stationary Source Permit • Voluntary Cleanup Pathway approval
Oregon Department of Fish and Wildlife (ODFW)	Agency with jurisdiction, special expertise on fish and wildlife.	<ul style="list-style-type: none"> • Fish Passage Act Fish Passage Permit • Habitat Mitigation Policy

Agency	Role	Permits and Approvals
Oregon Department of Land Conservation and Development (DLCD)	Special expertise on statewide planning	<ul style="list-style-type: none"> • Oregon’s Statewide Land Use Planning Goals Compliance
Oregon Department of State Lands (DSL)	Agency with jurisdiction, special expertise on bridge easement and fish passage.	<ul style="list-style-type: none"> • Removal-Fill Permit • Lease/Bridge Easement Permit • Oregon Fish Passage Act Approval
Oregon State Historic Preservation Office (SHPO)	Special expertise on archaeology and historic resources.	<ul style="list-style-type: none"> • NHPA Section 106 Consultation • U.S. Department of Transportation Act Section 4(f) Consultation
Port of Portland	Special expertise on freight movement.	<ul style="list-style-type: none"> • Regional and local transportation, traffic impact analysis, local land use
Port of Vancouver USA	Special expertise on freight movement.	<ul style="list-style-type: none"> • Regional and local transportation, traffic impact analysis, local land use
Washington State Department of Ecology	Agency with jurisdiction, special expertise on multiple environmental resources (air quality, water quality, wetlands, contaminated sites).	<ul style="list-style-type: none"> • Clean Water Act Section 401 Water Quality Certification • Construction Stormwater General Permit • Air Quality Permit • Stationary Source Permit • Shoreline Management Act Approval
Washington State Department of Fish and Wildlife (WDFW)	Agency with jurisdiction, special expertise on waters under the state’s jurisdiction.	<ul style="list-style-type: none"> • Hydraulic Project Approval • Mitigation Policy (POL-M5002)
Washington State Department of Natural Resources	Agency with jurisdiction, special expertise on natural resources.	<ul style="list-style-type: none"> • Aquatic Lands Lease/Easement • Aquatic Use Authorization
Multnomah County Drainage District	Responsible for reducing flood risk by maintaining levee systems, managing drainage, and responding to emergencies.	<ul style="list-style-type: none"> • Development Review permit • Letter/Statement of No Objection Letter for the Section 408 Process

Note: Two agencies (the Washington State Recreation and Conservation Office and the Oregon Parks and Recreation Department) declined to serve as participating agencies.

The participating agencies identified in Table A-4 may also participate in other environmental compliance processes (e.g., NHPA Section 106, ESA) that are respective to agency interests (or area of expertise).

Ten federally recognized tribes with jurisdiction or other interests in the IBR Program study area will be involved in the IBR Program NEPA process. Each participating tribe will have a participating agency role in the

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development of the Program, including the following as it relates to each tribe's area of expertise or environmental issues of concern to their jurisdiction:

1. Provide meaningful and early input on methodologies and level of detail required in the alternatives analysis.
2. Participate in coordination meetings and joint field reviews as appropriate.
3. Provide timely review and comment on the technical reports to reflect the views and concerns of each respective tribe on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Participating federally recognized tribes in the IBR Program NEPA process include:

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of Siletz Indians of Oregon
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Cowlitz Indian Tribe
- Nez Perce Tribe
- Nisqually Indian Tribe
- Spokane Tribe of the Spokane Reservation Indians (Spokane Tribe of Indians)

In addition to the above, the Program is coordinating with the Chinook Indian Nation, which is not currently a federally recognized tribe. A tribe's designation as a participating agency does not replace formal government-to-government or Section 106 tribal consultation with federally recognized tribes. The approach to formal tribal consultation and tribal consultation activities to date are discussed below in the Tribal Consultation section of this appendix.

Agency Coordination Points and Responsibilities

Table A-5 identifies the key NEPA coordination points, as well as agency responsibilities, information provided, and anticipated timeframe. The lead agencies will provide reasonable advance notification to cooperating and participating agencies for expected review dates.

The IBR Program will routinely update the schedule and inform agencies and tribes of the timeframes identified below. Timeframes for review and/or comment will be established. Reviewers shall compile comments from their respective agencies and tribes and send a single set of comments to the IBR Program team when more than one staff member reviews a document. Federal permitting agencies will be able to track federal permits and timelines via the federal Permitting Dashboard.

Table A-5. Agency Coordination Points and Responsibilities

Coordination Point	Information or Activity Provided	Agency Responsible for Commenting	Comments Provided or Activity Conducted	Anticipated Timeframe
Cooperating and Participating Invitation Letters	Distribute invitation letters	Cooperating/ Participating	Review and respond	October 2022
NEPA Coordination Plan	Distribute Draft Coordination Plan	Cooperating/ Participating	Review and comment	October 2022
Issue Notice to Supplement (NTS)	Publish NTS in Federal Register	Cooperating	Review and comment	April 2023
Impact assessment methodologies	Distribute draft impact assessment methodologies	Cooperating/ Participating	Review and comment	October–December 2022
Draft SEIS (Administrative Draft)	Distribute Administrative Draft SEIS	Cooperating	Review and comment	July - October 2023
Biological Opinion for Endangered Species Act/Section 7	Distribute Final Biological Assessment	NOAA Fisheries, USFWS	Review and issue biological opinion or letter of concurrence	September 2023– September 2024
Draft SEIS	Distribute Draft SEIS	Participating	Review and comment	August 2024
Mitigation Plan	Included in the SEIS	Cooperating/ Participating	Review and comment	August 2024
Final Supplemental Environmental Impact Statement (Final SEIS) (Administrative Draft)	Distribute Administrative Draft Final SEIS	Cooperating	Review and comment	March 2025
Signing of the Programmatic Agreement for Section 106	Distribute Programmatic Agreement	FHWA, FTA, USACE, Oregon SHPO, Washington State DAH, WSDOT, ODOT, NPS	Review, comment, and sign	March – April 2025
Concurring Signatures on Programmatic Agreement for Section 106	Distribute Programmatic Agreement	<i>To be determined</i>	Review, comment, and sign if concurring party	March – April 2025
Final EIS	Distribute Final EIS	Participating	N/A	July 2025
Record of Decision (ROD)	Publish ROD	Federal Lead	Review and comment	September 2025

DAH = Department of Archaeology and Historic Preservation; ESA = Endangered Species Act; FHWA = Federal Highway Administration; FTA = Federal Transit Administration; N/A = not applicable; NOAA Fisheries = National Oceanic and Atmospheric Administration National Marine Fisheries Service; NPS = National Park Service; SEIS = Supplemental Environmental Impact Statement; SHPO = State Historic Preservation Office; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife

Technical Coordination with Agencies in Development of the Modified LPA

The IBR Program has worked in tandem with partner agency technical staff through focused technical working groups to develop, evaluate, refine, and identify design concepts, transit investments, and modeling and analytical approaches in development of the Modified LPA. Descriptions of these efforts with partner agencies follow.

Executive Steering Group

The IBR Program's design team collaborated with executive leadership and technical staff from local partner planning and transportation agencies to develop, evaluate, refine, and identify design concepts and transit investments for consideration by advisory groups and the community. These meetings served as a venue for developing a shared understanding of local conditions, needs, and planned transportation improvements. The Executive Steering Group identified design options for screening, contributed to desired outcomes, developed screening criteria, considered tradeoffs, and was engaged in the process of developing the Modified LPA.

The Executive Steering Group included executive leadership from the IBR Program and the following 10 partner agencies:

- ODOT
- WSDOT
- Local transit agencies C-TRAN and TriMet
- Regional metropolitan planning organizations Metro and RTC
- Cities of Portland and Vancouver
- Ports of Portland and Vancouver

Travel Demand Modeling Working Group

Representatives from the IBR Program, ODOT, WSDOT, C-TRAN, TriMet, the Cities of Vancouver and Portland, the Ports of Vancouver and Portland, Metro, and RTC met to review and discuss methods and assumptions related to travel demand modeling being used in support of analysis for the IBR Program. This group met approximately monthly starting in June 2021 to discuss many aspects of the demand model process including data collection, land use, travel markets, regional data analysis, tolling (for the IBR Program, as well as modeling assumptions made by the Oregon Toll Program), definition of model assumptions for screening of highway and transit options, and post-processing for traffic analysis. The group also reviewed screening criteria and analysis related to transportation modeling to support the evaluation of design options.

Transit Options Technical Session

Representatives from the IBR Program, C-TRAN, TriMet, the Cities of Vancouver and Portland, Ports of Vancouver and Portland, Metro, and RTC developed and refined an array of transit scenarios (including mode, alignment, stations, and operations) and their varying performance and operating measures. This technical team was convened under the name of the Transit Options Technical Session and met eight times between October 2021 and February 2022.

Climate Technical Working Group

The IBR Program invited climate and planning staff from each of the partner agencies to join ODOT and WSDOT climate specialists for discussions on strategies to support shared climate goals. The climate technical working group meetings are held monthly and cover topics such as methods to assess greenhouse gas emissions associated with the Program, greenhouse gas reduction goals and targets, and the need for mutually supportive policies and programs to support shared climate goals. Future meetings will address design refinements, the environmental study, and construction means and methods, as well as investigate potential mitigation or offsets.

Tribal Consultation

Below is a summary of the IBR Government-to-Government tribal consultation activities. The summary details how this Program 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 IBR tribal consultation process is designed to encourage early and continued feedback from, and involvement by, tribes potentially affected by the IBR Program and to ensure that their input is 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 concurrently with agency coordination and public involvement.

Goals for Tribal Consultation

The primary goal of tribal consultation within the IBR Program is to achieve meaningful engagement with tribes concerning the IBR Program, and it is supported by numerous federal and state agreements and executive orders, including but not limited to, the following:

- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
- President Biden’s Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships
- Washington State Centennial Accord
- WSDOT Executive Order 1025, Tribal Consultation
- Oregon Revised Statutes 182.162 to 182.168, Relationship of State Agencies with Indian Tribes
- NEPA
- Section 106 of the NHPA

In addition to the federal and state executive orders, memorandums, and mandates for tribal consultation, it is FHWA and FTA’s goal to fulfill its Trust responsibilities to tribes. The best and most appropriate manner to learn of these concerns and obligations is through consultation and coordination with federally recognized tribes.

Consultation is an ongoing process that develops a richer and lasting understanding of the area while strengthening the relationship among FHWA, FTA, WSDOT, ODOT, and the consulting tribes. Lessons learned from the CRC project will be incorporated into the IBR Program. FHWA, FTA, and the IBR Program will, to the extent possible, seek to avoid and minimize the effects the IBR Program may have on tribal resources and to mitigate actions for all unavoidable impacts.

Tribal Consultation Approach

The IBR Program has a designated tribal liaison who will facilitate all communications with the consulting tribes. Other WSDOT and ODOT team members may participate in the ongoing government-to-government dialogue. FHWA and FTA have designated a federal tribal liaison who will oversee and participate in all activities and coordination undertaken by the IBR tribal liaison. The federal tribal liaison will review all requests for consultation, be invited to and attend all tribal and intertribal meetings, and coordinate review of consultation and coordination materials with other representatives from FHWA and FTA. At any time, tribes may request government-to-government consultation separately with the federal agencies.

Consultants will assist in preparing for meetings with the tribes, but all contact will be through the IBR tribal liaison, federal tribal liaison, and WSDOT and ODOT staff on the Program. All communication with tribes is coordinated through the IBR tribal liaison and federal tribal liaison to ensure that information is managed internally and integrated into the government-to-government dialogue with the tribes. Tribal consultation activities are documented in the Program's administrative record unless noted as sensitive or confidential.

The general approach to government-to-government consultation for the IBR Program is as follows:

- Meet with representatives of consulting tribes to review broad issues.
- Consult and coordinate with tribal leadership and staff per each tribe's preference. At the request of the tribes, FHWA, FTA, and the IBR Program team will meet with respective tribal representative or entities including, but not limited to, cultural and natural resource staff.
- Incorporate tribal input into Program planning and permitting activities. FHWA, FTA and the IBR Program team will keep the consulting tribes fully informed throughout the Program planning, permitting, and development process. The FHWA, FTA and the IBR Program team recognize and respect that consulting tribes, as sovereign entities, are afforded opportunities for engagement in the planning and permitting process, independent and separate from public outreach and other engagements with the public. FHWA, FTA, and the IBR Program team understand that input, feedback, and comment may be received through a variety of methods, including working groups, on-on-one technical meetings, formal consultation, and via written comment.

The following summarizes the tribal consultation in which the IBR Program has engaged through May 2024. The IBR Program team has conducted extensive consultation with interested tribes since September 2020. The ODOT Tribal Liaison led the consultation effort until the Program arranged to have a tribal liaison dedicated to the project in October 2022. FHWA and FTA designated a federal tribal liaison in September 2023.

Who are we consulting with and why?

During the environmental review stage for the CRC project, the project team consulted with both the natural and cultural resource offices of each affected tribe. CRC staff periodically met with tribal councils and committees as appropriate. This effort continues under the IBR Program.

In September 2020, government-to-government consultation was reinitiated when FHWA and FTA extended letters to the 21 tribes and Native Hawaiian Organizations that were contacted originally on the CRC project, four of which have adjudicated treaty fishing access rights along the Columbia River. In February 2022, as a result of consultation with the National Park Service (NPS), outreach was extended to an additional 17 tribes. Through that effort, 10 federally recognized tribes expressed an interest in consultation on the IBR Program.

The IBR Program team initiated formal consultation with the following federally recognized tribes:

- Confederated Tribes of Grand Ronde Community of Oregon

- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon
- Cowlitz Indian Tribe
- Nez Perce Tribe
- Confederated Tribes of Siletz Indians of Oregon
- Spokane Tribe of the Spokane Reservation Indians (Spokane Tribe of Indians)
- Confederated Tribes and Bands of the Yakama Nation
- Nisqually Indian Tribe

The Program team is also consulting with the Chinook Indian Nation, which is currently not a federally recognized tribe. The Program team is consulting with technical staff in various departments from each consulting tribe. The IBR Program periodically presents to/meets with tribal councils and committees when requested.

Consulting tribes will have the opportunity to identify issues of concern regarding the IBR Program's potential environmental or socioeconomic impacts; to participate in project meetings, open houses, and workshops; and will have the opportunity to review and provide comments on the project milestones and activities, including but not limited to:

- Design options development and screening report
- Tribal consultation plan
- Draft SEIS methods, data reports, and technical reports
- Section 106 documentation
- Section 4(f) analysis
- Biological assessment

Consultation Activities to Date

- Reinitiated consultation with the tribes in September 2020.
- Conducted face-to-face and virtual meetings with each tribe as well as intertribal meetings.
- Sent invitations to be participating tribes for the NEPA compliance process to 10 federally recognized tribes in November 2022.
- The consulting tribes were given the opportunity to review the following products:
 - Methods and data reports
 - Design options development and screening report
 - Area of Potential Effects for Section 106
 - Tribal consultation plan
 - All Draft SEIS technical reports
 - Draft research designs for archaeological discovery field investigations
 - Historic built environment baseline surveys

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- Historic built environment determinations of eligibility
- Historic built environment findings of effects
- IBR programmatic agreement
- Section 4(f) analysis
- Biological assessment