

Agency Coordination Plan

As part of the Environmental Review Process for

I-515 Downtown Access Project
Las Vegas, Nevada

Prepared by

Federal Highway Administration, Nevada Division
Nevada Department of Transportation



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FHWA Project Number: SPI-515-1(040)

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ACRONYMS AND ABBREVIATIONS

CFR	Code of Federal Regulations
Coordination Plan	Agency Coordination Plan
EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
I-515	Interstate 515
NDOT	Nevada Department of Transportation
NEPA	National Environmental Policy Act
NOI	Notice of Intent
ROD	Record of Decision
US 95	United States Highway 95
U.S.C.	United States Code

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1.0 INTRODUCTION

1.1 PURPOSE OF THE COORDINATION PLAN

The environmental review process for the Las Vegas Downtown Access Project must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. This Agency Coordination Plan (Coordination Plan) has been prepared in compliance with United States Code (U.S.C.) Title 23 Section 139 to describe the steps in the project's environmental review process. The environmental review process is described in the Federal Highway Administration's (FHWA's) environmental regulations (Code of Federal Regulations [CFR] Title 23 Section 771) and conforms to the requirements of the National Environmental Policy Act (NEPA).

The purpose of this Coordination Plan is to communicate how and when the lead agencies—FHWA and the Nevada Department of Transportation (NDOT)—will coordinate public and agency participation and comments in the environmental review process for the Downtown Access Project. The goal is to perform agency coordination according to the One Federal Decision process per the 2017 Executive Order 13807, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*.

This Coordination Plan:

- Identifies the early agency coordination efforts.
- Identifies cooperating and participating agencies to be involved in the study.
- Establishes the timing and form of agency involvement in defining the need for the project, the range of alternatives to be investigated, and impact assessment methodologies, as well as reviewing the Draft Environmental Impact Statement (EIS), the identification of the preferred alternative, and mitigation strategies.
- Establishes the timing and form to obtain public input on the project's purpose and need, study area, range of alternatives to be investigated, issues of concern, environmental features, and the findings presented in the Draft EIS.
- Describes the communication methods for informing the community about the project.

This Coordination Plan outlines how the lead agencies have divided responsibilities for compliance with various aspects of the environmental review process, such as sending invitation letters to agencies to participate. The Coordination Plan also identifies concurrence points and project milestones, and it establishes a schedule and timeframes for input and review by the participating and cooperating agencies, the public, and Native American tribes.

NDOT will share this Coordination Plan with the federal, state, and local agencies, local units of government, and Native American tribes that have expressed interest in the proposed project. Copies of the draft Coordination Plan will be sent to the interested parties for review and comment. NDOT will

share a copy of the completed Coordination Plan with the public through the project website, at public information meetings, and by request.

New regulations, policy, and guidance may require changes to the Coordination Plan and other aspects of the environmental review process. Over the course of the project, NDOT will periodically update this Coordination Plan to reflect these and other major changes to the project schedule and other items, as required. NDOT will forward copies of updates to agencies and make them available to the public through the project website, at public information meetings, and by request.

1.2 PROJECT BACKGROUND

FHWA and NDOT are proposing a planning and environmental study known as the Downtown Access Project to evaluate transportation deficiencies and potential improvements along Interstate 515 (I-515)/United States Highway 95 (US 95), located in Las Vegas, Nevada (Figure 1). The study area extends along I-515/US 95 from N. Mojave Road (eastern limit) to Rancho Drive (western limit). The study limits include the east approach of I-515 and the I-15/US 95/I-515 system interchange, locally known as the Las Vegas Spaghetti Bowl. The study limits include the recently reconstructed Spaghetti Bowl to address traffic congestion on I-515 through the Spaghetti Bowl and to assess the effects of proposed improvements on the adjacent sections of the freeways. The recent improvements to ramps and I-15 will not be affected. Northern and southern study limits along I-15 are Alta Drive on the south and Bonanza Road on the north. Northern and southern study limits along I-515 will vary by resource but will extend far enough to assess potential traffic, socioeconomic and environmental impacts from improving I-515 and necessary changes to local streets.

The purpose of the Downtown Access Project is to address deteriorating bridges, improve traffic operations, and reduce crashes. The factors that demonstrate the need for improvements in the study area are:

- The deteriorated structural and functional condition of bridges along I-515 in the project study area
- Poor traffic operation along I-515 between Rancho Drive and Eastern Avenue caused by high traffic volumes
- Crash rates that are 30 percent higher than other urban freeways in Nevada
- The importance of I-515/US 93/US 95 in the regional transportation system

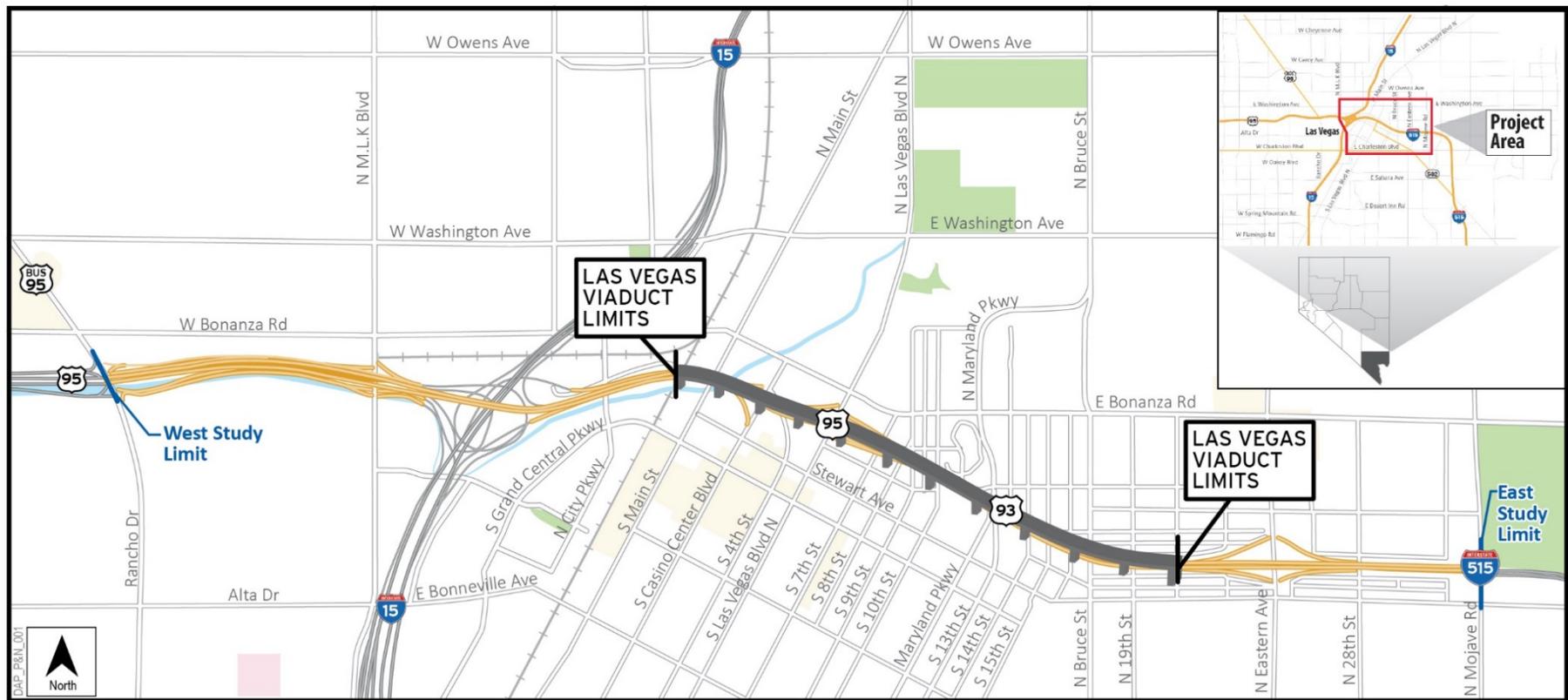


Figure 1. Study Area

The Downtown Access Project will provide necessary NEPA and design studies to determine appropriate measures to address the roadway and bridge deficiencies and accommodate future travel demands.

The EIS will discuss why the project is needed, the alternatives NDOT and FHWA considered (including a no build alternative), the affected environment, environmental consequences of the build alternatives, and the results of coordination with agencies and the public. The EIS will also demonstrate compliance with applicable environmental laws and regulations and will be made available for public review.

1.3 INITIAL AGENCY COORDINATION

NDOT has notified FHWA of its intent to prepare an EIS for this project. The early coordination/scoping process will be initiated to obtain comments and input from agencies and the public to help refine the purpose and need for the project, alternatives to be evaluated, and the issues that will be examined as part of the EIS process.

1.3.1 Initial Coordination/Intent to Study Letter

NDOT will send initial coordination letters via email to the Native American tribes and federal, state, and local agencies to notify them of the beginning of the study. The letters will contain a project summary and project location map. The purpose of this outreach will be to:

- Introduce the project
- Solicit interest in being a cooperating or participating agency

1.3.2 Pre-Notice of Intent (Pre-NOI) Scoping

NDOT will consult with the cooperating and participating agencies on several documents:

- Obtain concurrence on the draft “Why is this Project Needed” from cooperating agencies (Concurrence Point 1).
- This Draft Agency Coordination Plan.
- Draft Impact Assessment Methodologies. This document will describe the proposed methods to be used for analyzing the impacts of the alternatives by environmental resource topic.
- Permitting approach and timetable.
 - FHWA and NDOT will develop a draft permitting timetable that identifies the actions and milestones for necessary environmental reviews and authorizations. To the extent possible, the permitting timetable will establish a schedule of no more than 2 years from publication of the NOI to receive all required authorizations.
 - Recommended procedures and timing for resource surveys/studies.
 - Minimum requirements for complete permit applications, and an identification of the earliest possible point when the application could be submitted.
 - Procedures for integrating NEPA processes to meet permitting milestones.

- Potential avoidance, minimization, and mitigation strategies.
- Concept study. The engineering concept study will identify the preliminary range of alternatives that could address the project needs and that are feasible and reasonable.

1.3.3 Agency Scoping Process

Cooperating and participating agencies, tribes, and other federal, state, and local agencies will be invited to an agency scoping meeting in Las Vegas, Nevada. The scoping meeting may be held on-line rather than in person. FHWA and NDOT will describe the scope of the project, why the project is needed, the project's environmental setting, and the study schedule. The agency and tribal representatives will be asked to provide initial input on the project and pre-NOI documents submitted for review, and to identify potentially significant environmental issues. For potential impacts that would require a permit or agency approval, agencies will be asked to identify potential mitigation strategies to meet regulatory requirements.

After the meeting an agency scoping summary report will be posted to the project website.

Based on input from the agencies at this meeting, FHWA and NDOT will submit the proposed permitting timetable to each cooperating agency for comment. Agencies will have 10 business days to comment or propose an alternative permitting schedule that will still meet the 2-year schedule, unless special circumstances or applicable law make the 2-year schedule impractical.

Cooperating agencies will be requested to provide written concurrence on the range of alternatives to be carried forward in the EIS at this time, prior to presenting them to the public (Concurrence Point 2).

1.3.4 Public Scoping Process

The first public information meeting will occur at or about the same time as the agency scoping meeting. This meeting will serve as a public scoping meeting. FHWA and NDOT will describe the scope of the project, why the project is needed, the project's environmental setting, and the study schedule. The public will be given the opportunity to provide initial input on each of these points. Input received at the public information meeting will be documented in a scoping summary report.

1.3.5 Notice of Intent

Following the early coordination and scoping, FHWA, with assistance from NDOT, will prepare a Notice of Intent to Prepare an Environmental Impact Statement, as required by Council on Environmental Quality regulations 40 CFR 1501.7. The NOI will be published in the *Federal Register*.

2.0 AGENCY AND TRIBAL ROLES

2.1 AGENCY ROLES AND RESPONSIBILITIES

The intent of coordination with tribal, federal, state, and local agencies is to cooperatively identify important environmental or cultural resources and potential impacts, as well as to resolve issues that could delay the environmental process or that could result in denial of approvals required to implement the proposed project. The general responsibilities for lead, cooperating, and participating agencies in the environmental review process for this project are described below, and specific task expectations are described in Section 3.

2.1.1 Lead Agencies

The U.S. Department of Transportation-FHWA is the Federal Lead Agency and NDOT is the State Lead Agency for this project. As “joint lead agencies,” their responsibilities include managing the environmental review and documentation process, preparing the EIS, and providing opportunities for public and participating/cooperating agency involvement.

As the Federal Lead Agency, FHWA will invite other affected or interested federal agencies and Native American tribes to participate in the project’s environmental review process. The State Lead Agency, NDOT, will invite other affected or interested state and local agencies to participate in the process. NDOT is responsible for investigating project alternatives, implementing the environmental review process, and preparing the environmental document. FHWA must oversee the environmental review process and concur that the process, as implemented by NDOT, satisfies applicable federal laws and guidance.

2.1.2 Cooperating Agencies

Cooperating agencies include any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. State or local agencies with similar qualifications, or Native American tribes when effects are on lands of tribal interest, may also become cooperating agencies by agreement with the lead agencies.

Cooperating agencies will use their knowledge and expertise to assist the lead agencies in identifying issues of concern regarding the project’s potential impacts and provide meaningful and timely input throughout the environmental review process. If a cooperating agency fails to respond in a timely manner, the lead agencies will assume they have fulfilled the coordination step with the agency for that issue. Cooperating agencies may adopt the lead agency’s final environmental document to fulfill their environmental documentation requirements for issuing permits or other approvals.

The list of cooperating agencies depends on the permits and approvals that will be needed. If new information reveals the need to request another agency to serve as a cooperating agency, the joint lead agencies will invite that agency.

2.1.3 Participating Agencies

Participating agencies include tribes and federal, state, and local agencies that have an interest in the project. These agencies agree to identify issues of concern regarding the project’s potential impacts, and

to provide meaningful and timely input on the purpose and need, range of alternatives, and impact analysis methodologies. Table 1 lists the agencies and Native American tribes that were invited to be participating and/or cooperating agencies for the Downtown Access Project and which agencies accepted the invitation.

Table 1. List of Agencies, Contacts, and Roles

Agency	Point of Contact	Responsibility
Federal Highway Administration (FHWA)	Abdelmoez Abdalla	Lead Agency
Nevada Department of Transportation (NDOT)	Ryan Wheeler	Lead Agency
Las Vegas Paiute Colony	Curtis Anderson	Participating (invited)
Moapa Band of Paiutes Business Council	Vickie Simmons	Participating (invited)
Pahrump Paiute Tribe	Kim Jim	Participating (invited)
Bureau of Indian Affairs, Western Regional Office	Chip Lewis	Declined
Bureau of Land Management, Southern Nevada District, Las Vegas Field Office	Shonna Dooman	Declined
Federal Railroad Administration	Amanda Ciampolillo	Declined
U.S. Army Corps of Engineers, Reno Field Office	Jennifer C. Thomason	Cooperating
U.S. Department of Housing and Urban Development, Las Vegas Field Office	Phyllis Hargrove	Participating
U.S. Environmental Protection Agency, Region 9	Carolyn Mulvihill	Cooperating
U.S. Department of the Interior, Office of Environmental Compliance, Region 9	Janet Whitlock	Declined
U.S. Fish and Wildlife Service, Southern Nevada Office	Glen Knowles	Declined
Nevada State Historic Preservation Officer	Rebecca Palmer	Declined
Nevada Division of Environmental Protection	Greg Lovato	Participating (invited)
City of Las Vegas	Mike Jenssen	Participating
Clark County	Denis Cederburg	Participating
Regional Transportation Commission of Southern Nevada	M.J. Maynard	Participating (invited)
Southern Nevada Regional Housing Authority	Chad Williams	Participating

Additional agencies can be invited and added to the list of participants at any time, as appropriate.

2.2 NATIVE AMERICAN TRIBE INVOLVEMENT AND CONSULTATION

As part of the EIS activities, the lead agencies will initiate government-to-government consultation with the following Native American tribes to notify them of the need for the project, alternatives being considered, and planned cultural resource investigations, and to request their aid in determining the Area of Potential Effect for historic properties, areas of interest, and any traditional cultural properties in the study area:

- Las Vegas Paiute Tribe
- Moapa Band of Paiutes
- Pahrump Paiute Tribe

If necessary, a separate coordination plan will guide the lead agencies' coordination efforts with the tribes.

3.0 AGENCY COORDINATION

3.1 AGENCY EXPECTATIONS

Lead agencies are expected to:

- Manage and coordinate the environmental review process, ensuring that environmental information is available to public officials and citizens before decisions are made and before actions are taken.
- Prepare the EIS in accordance with 23 CFR 771 (FHWA Environmental Impact and Related Procedures) and 40 CFR 1500-1508 (Council on Environmental Quality Regulations for Implementing NEPA).
- Provide, as early as practicable, accurate and complete project information on why the project is needed, environmental resources, alternatives, proposed impact analysis methodologies, and mitigation measures.
- Identify and involve cooperating and participating agencies.
- Develop the Agency Coordination Plan.
- Provide opportunity for public and agency involvement in defining why the project is needed, alternatives carried forward for detailed study, and identification of a preferred alternative.
- Collaborate with cooperating and participating agencies in determining impact analysis methodologies and the level of detail for the analysis of alternatives and mitigation measures.
- Consult with and involve Native American tribal governments in compliance with NEPA and Section 106 of the National Historic Preservation Act.
- Manage and facilitate the process of resolving issues.

Cooperating agencies are expected to:

- Provide required written concurrence at Concurrence Points (Section 3.2)
- Assist the lead agencies in identifying environmental, community, or cultural resources of concern.
- Identify, as early as practicable, any issue or concern regarding the project's environmental, community, cultural, or socioeconomic impacts.
- Identify, as early as practicable, any issues that could substantially delay or prevent granting of permits or other approvals needed for the project.
- Share information that may be useful to the joint lead agencies, cooperating agencies, and participating agencies.

- Participate in meetings and field reviews.
- Provide timely concurrence at milestones on the need for the project, alternatives carried forward for detailed study, and identification of a preferred alternative.
- Provide comments on the Agency Coordination Plan, impact analysis methodologies, potential project impacts, and mitigation measures in a timely manner.
- Review and comment on the Administrative Draft EIS, Draft EIS, Final EIS, and Record of Decision (ROD).
- Participate as needed in resolving issues.

Participating agencies are expected to:

- Assist the lead agencies in identifying environmental or cultural resources of concern.
- Identify, as early as practicable, any issue or concern regarding the project's environmental, cultural, or socioeconomic impacts.
- Share information that may be useful to the lead agencies, cooperating agencies, and other participating agencies.
- Participate in meetings and field reviews as appropriate and when invited.
- Provide comments on the need for the project, Agency Coordination Plan, impact analysis methodologies, project alternatives, potential impacts, and mitigation measures in a timely manner.
- Review and comment on the Draft EIS and Final EIS.
- Participate as needed in resolving issues.

3.2 CONCURRENCE POINTS

Concurrence is a statement by a cooperating agency that the information to date is adequate for the project to advance to the next stage of project development. Agencies agree not to revisit the previous process steps unless conditions change. Concurrence by an agency at a concurrence point does not imply that the project has been approved by that agency or that it has released its obligation to determine whether the fully developed project meets statutory review criteria. Concurrence by an agency means confirmation from that agency that information is sufficient for that stage of the NEPA process, and that the NEPA environmental review process may proceed to the next stage. In accordance with the One Federal Decision Memorandum of Agreement, there are three concurrence points in the process:

1. The purpose and need for the project
2. The range of alternatives to be carried forward for detailed analysis in the EIS
3. Identification of the preferred alternative

The process for coordinating at each of the concurrence points is discussed below. For each concurrence point, the agencies will be given 30 days from receipt of the package to review and provide a response, and a reminder will be sent to the agencies 10 days before the end of the review period. At the end of the 30-day period, FHWA and NDOT will receive a concurrence, a non-concurrence, a request for a 15-day time extension, or a request for cessation of formal concurrence from each agency. FHWA and NDOT will assume concurrence from those agencies from which it has not received a response at the end of the 30-day period. The three concurrence points are described below.

Participating agencies will be asked to review and comment at each of these concurrence points as well. They may be asked to provide concurrence; however, their concurrence is not required for the NEPA environmental review to proceed.

3.2.1 Concurrence Point 1—Need for the Project

Based on comments received during the public and agency scoping process, FHWA and NDOT will prepare and forward to the cooperating and participating agencies a document called “Why is this Project Needed?”.¹ NDOT will revise the document based on the output of Concurrence Point 1. This concurrence point will precede the publication of the NOI for the project.

3.2.2 Concurrence Point 2—The Alternatives to be Carried Forward for Analysis in the EIS

Based on the output of Concurrence Point 1, as well as on input received from the public on alternatives and any general alternatives analysis conducted during the project development process, FHWA and NDOT will prepare a project alternatives package to share with the participating and cooperating agencies. This concurrence point will precede the publication of the NOI for the project.

3.2.3 Concurrent Point 3—Identification of the Preferred Alternative

Based on the results of Concurrence Point 2, input received from the public, and the analysis of cost, impacts, and effectiveness of alternatives in addressing the project needs, FHWA and NDOT will identify a preferred alternative. FHWA and NDOT will notify cooperating and participating agencies and ask them to concur. FHWA and NDOT will request written concurrence on the preferred alternative from all agencies whose authorization is required for the project. Based on the input received from this concurrence point, FHWA and NDOT will identify their preferred alternative in the Draft EIS.

3.2.4 Other Consultation

When avoidance of impacts to a resource is not practicable, cooperating and participating agencies with jurisdiction by law or with special expertise will assist FHWA and NDOT in determining appropriate and practicable mitigation, including all practicable measures to minimize harm. After a preferred alternative has been identified, FHWA and NDOT will develop a range of preliminary mitigation measures for the

¹ This is typically referred to as the “Purpose and Need Statement.” However, Chapter 1 of this EIS will be titled “Why is this Project Needed?” in an effort to improve readability for the lay person. Therefore, this Agency Coordination Plan uses similar wording.

foreseeable impacts and submit them to the participating and cooperating agencies. This will likely occur after the Draft EIS is published and before the Final EIS/ROD are signed.

If an agency determines that it does not have enough information to make a recommendation on mitigation measures, it will comment to that effect. If the project impacts are deemed substantial by a regulatory agency to the extent that permits would probably be denied, the participating agencies will advise the lead agencies to modify the project to reduce impacts. If this is not effective, the signatory agencies agree to implement an issue resolution process to see if the project can be appropriately modified.

3.3 ISSUE IDENTIFICATION AND RESOLUTION PROCESS

In 2012, the surface transportation bill known as MAP-21 clarified and enhanced 23 U.S.C. 139(h), Issue Identification and Resolution, with three distinct processes:

1. Accelerated interim decision-making prior to the ROD
2. A revised issue resolution and referral process
3. Prescribed penalties to federal agencies for not making decisions within communicated timelines

Guidance for implementing these processes is provided below. FHWA will continue to monitor the implementation of these processes and make changes to this Coordination Plan as needed. The lead agencies, cooperating agencies, and participating agencies will cooperate to identify and resolve issues that could delay completion of the environmental review process or that could result in denial of any approvals required for the project under applicable laws.

Based on information received from the lead agencies, the cooperating and participating agencies will identify, as early as practicable, any issues of concern regarding the project's potential environmental, community, cultural, or socioeconomic impacts. Issues of concern include any issues that could substantially delay or prevent concurrence, the granting of permits, or other approvals needed to implement the project.

Dispute resolution will be implemented when there is failure to reach concurrence at a concurrence point or when there is substantial disagreement at a critical decision point. The resolution process will first consist of an informal attempt by the lead agencies to reach concurrence/agreement among cooperating and participating agencies. Participants will include a representative of each of the federal agencies and appropriate state agencies. Each agency will make its best effort to resolve disputes. Within 30 days of an agency identifying non-concurrence at a critical decision point, a "formal dispute resolution" meeting of designated agency representatives will be convened.

A formal dispute resolution meeting will be convened at an agreed upon location and time. At this meeting, the parties will attempt to resolve agency concerns through consensus. This may include providing information or detail not previously provided. If the concerns are resolved at this meeting, the process is ended and the concurrence is formalized in the agreed-upon manner.

If a resolution cannot be achieved within 30 days following the formal dispute resolution meeting, the lead agencies will seek assistance from FHWA Headquarters in elevating the resolution process.

The environmental review and documentation process may continue whether or not attempts to reach concurrence are successful. However, if the dispute remains unresolved, the agency in non-concurrence retains its options to elevate its concerns through existing, formalized dispute elevation procedures at the appropriate point in the environmental review or permitting process.

4.0 PUBLIC INVOLVEMENT

Public involvement includes engaging key stakeholders, community members, and the public in the planning, design, and development of proposed improvements. A separate Public Involvement Plan was developed for this project that includes a comprehensive outline of public involvement activities to be carried out during the course of the project. The Public Involvement Plan is a living document and will be updated as the project progresses and new information on public or stakeholder outreach is obtained. The public involvement approach is based on the following objectives:

- Actively seek public input on the project’s purpose and need, alternatives, and recommended course of action.
- Solicit, consider, answer, and document public inquiries, suggestions, ideas, and concerns in the decision-making process.
- Provide opportunities for the public to affect major decisions before those decisions are made.
- Publicize project activities through a variety of communication venues, such as newsletters, news releases, a project website, and informational meetings.
- Provide the public with efficient access to project information.

Prior to the completion of the Draft EIS, a series of public meetings will be held to share results of technical studies. The purpose of the meetings is to share the preliminary findings of the technical investigations so the public can have meaningful input prior to the final preparation of the Draft EIS for circulation. Public meetings may be held on-line rather than in person.

Once FHWA and NDOT publish the Draft EIS, NDOT will hold public hearings to receive comments from the public on the official findings presented in the Draft EIS and on the project.

5.0 PROJECT SCHEDULE

Table 2 presents the anticipated schedule for the completing the EIS and issuing a ROD for this project. NDOT and FHWA may revise this schedule as the project moves forward.

Table 2. Project Schedule

Task	Expected Completion	Actual Completion
Concurrence Point 1 – Need for the Project	July 2020	July 2020
First Public Involvement Meeting/ Public Scoping Meeting	August-September 2020	August-September 2020
Agency Scoping Meeting	October-November 2020	
Concurrence Point 2 – Alternatives to be Carried Forward for Analysis in the EIS	April 2021	
Pre-NOI scoping complete	September 2020	
Publish Notice of Intent	October 2020	
Second Public Involvement Meeting	February 2021	
Concurrence Point 3 – Identification of the Preferred Alternative	February 2022	
Draft EIS	February 2022	
Public Hearing	March 2022	
Final EIS/ROD	September 2022	