



**US Army Corps
of Engineers®
Albuquerque District**

SPECIAL PUBLIC NOTICE

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District is issuing this special public notice regarding designating a lead federal agency for compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), and any other applicable federal law when projects involve multiple federal agencies with overlapping jurisdiction. The Public Law 118-5, June 3, 2023 (Fiscal Responsibility Act) directs, and regulations, and published agency guidance and memos strongly encourage, designating a lead federal agency who shall act on the behalf of other agencies to fulfill their collective responsibilities to be efficient and avoid duplicative processes, thus saving time and money. Not designating a lead agency can result in added costs and unnecessary delays to the proponent due to duplicative processes completed by other federal agencies (e.g., multiple memorandum of agreement documents for each federal agency to resolve the same adversely affected historic property).

DESCRIPTION: The enclosed fact sheet identifies the specifics relating to how this memorandum affects the Corps' Regulatory Program in Albuquerque District and where to find more information.

News Release

FACT SHEET

NEPA

- Fiscal Responsibility Act, P.L. 118-5
- 40 Code of Federal Regulations, Part 1501.7
- Council on Environmental Quality’s “40 Most Asked Questions About NEPA”

ESA

- 50 CFR Part 402, Interagency Cooperation – Endangered Species Act of 1973, as Amended

NHPA

- 36 CFR 800.2(a)(2), Lead Federal Agency – National Historic Preservation Act of 1966, As Amended; Final Rule (36 CFR 800, August 5, 2004).
- 33 CFR Part 325, Appendix C, Part 2(c) and the April 25, 2005 *Revised Interim Guidance for Implementing Appendix C of 33 CFR Part 325 with the Revised Advisory Council on Historic Preservation Regulations at 36 CFR Part 800, Part 6(b)*.
- The Advisory Council on Historic Preservation’s (ACHP) 2018 *Frequently Asked Questions About Lead Federal Agencies in Section 106 Review*.

News Release