

**NEPA / SECTION 404 MERGER PROCESS TRAINING FOR
PRACTITIONERS AND EXECUTIVES
Purpose of Merger Training 2012**

Background

The Section 404 NEPA Merger Process has been applied to surface transportation projects in the State of North Carolina since the original agreement integrating Section 404 permit requirements with the NEPA process was signed in May 1997. In May 2001, multiple state and federal agencies began an initiative to modify the original process to incorporate experience gained with years of use of the 1997 agreement, guidance from the USACE-NCDOT-NCDENR permit process improvement workshop, and incorporation of the streamlining provisions of the Transportation Equity Act for the 21st century (TEA-21). The modified agreement was signed in May/June 2005 by the primary signatory agencies [U.S. Army Corps of Engineers (USACE), N.C. Department of Transportation (NCDOT), Federal Highway Administration (FHWA) and N.C. Department of Environment and Natural Resources (NCDENR)]. The agreement was modified again in May of 2012, giving representatives from Rural Planning Organizations (RPO's) the authority to sign Merger concurrence forms.

Purpose of Training

The primary purpose of the Section 404/NEPA Merger Practitioners and Management training courses is to generally familiarize all practitioners, new staff and executive management with the Merger Process Implementation Guidance and May 2012 Memorandum of Understanding (MOU) between North Carolina Department of Transportation (NCDOT), Federal Highway Administration (FHWA), the U.S. Army Corps of Engineers (USACE) and the North Carolina Department of Environment and Natural Resources (NCDENR). In addition, the training is also expected to increase awareness of Merger Process improvements and foster interagency coordination amongst the process sponsor agencies and the partnering agencies.

A secondary purpose of the training is to make Merger concurrence meetings more efficient, reduce potential confusion at the meetings and to help develop more consistency in reaching concurrence points. The Section 404/NEPA Merger Process Implementation Guidance was developed to fully integrate NEPA and Section 404 procedures and to ensure that regulatory requirements under the Clean Water Act and other federal and state statutes are incorporated into the NEPA decision-making process for transportation projects. The need for this training is borne out of several factors, including formalization of the Merger Guidance and MOU, turnover of team members, and a potential lack of understanding and consistency at recent Merger meetings. The proposed training is expected to be consistent with the principles of environmental streamlining identified in the Transportation Equity Act of 2001 (TEA-21) and other NCDOT and FHWA process improvement initiatives.

The successful completion of the Merger Training Courses for Practitioners and Management will allow agency and local government planning participants to better understand the general concepts of consensus and concurrence and to increase the knowledge of Section 404/NEPA and other regulatory requirements (e.g., CAMA permit actions, historic preservation requirements, Section 7 Endangered Species Act requirements, etc.). Furthermore, the training will help clarify the different stages in transportation planning and design, help to develop a 'common language' for practitioners, and increase awareness that Merger is to be approached collaboratively to achieve win-win solutions. Ultimately, the training should foster interagency cooperation and team-building.

For both practitioners and management officials, the training should validate the current practice, help to address issues not detailed in the Merger Guidance and to potentially alleviate fears regarding the 'Elevation Process' for unresolved issues and concurrence points (Appendix B). The training courses will specifically provide the common language of Merger, the details of transportation planning and design, the integration of Section 404/NEPA requirements, the sequential steps in the concurrence point system, the information needs for the public and the review agencies, and the general methods to potentially avoid and minimize impacts to the human and natural environment.