

Merger01 Screening Process

Project Development and
Environmental Analysis Branch



Approved: 10/15/08
Version 1.1

[Contents]

[Purpose](#)

[Responsibility](#)

[Scheduling and Time Constraints](#)

[Procedures](#)

[Background](#)

[Policy, Regulatory, and Legal Requirements](#)

[Warnings and Precautions](#)

[Resources and Tools](#)

[Contacts](#)

[User Access](#)

[Flowchart](#)

[Glossary](#)

Purpose

The purpose of this procedure is to aid the Project Development Engineer (PDE) in determining if a project should go through the Merger01 Process.

Responsibility

It is the responsibility of the Project Development Engineer to screen all projects and to begin all necessary coordination.

Scheduling and Time Constraints

Please refer to the [Merger01 Process](#) for detailed information on scheduling. If an initial consultation meeting is needed, it should take place before the Project Scoping meeting, preferably after the data collection step. However, this meeting can take place at any point in the project planning process if new information becomes available that warrants it being considered for placement in the merger process.

Procedures

Refer to Information for Merger01 Screening Process for additional information

[Procedure for Screening New
Location or Widening Projects](#)

[Procedure for Screening Bridge
Replacement Projects](#)

[Procedure for Conducting an Initial
Consultation Meeting](#)

(If further screening assistance is
required)

Procedure 1: Screening New Location or Widening Projects

Step 1. Determine if the project will potentially require an Individual Section 404 permit (IP). Individual Section 404 Permits are required for “potentially significant” impacts to “Waters of the United States” from dredged or discharged fill material. Items to consider are:

- The amount of potential impacts to wetlands. This is a conservative estimate based on GIS level data, field visits, aerial photography, and any early agency comments.
- The amount of potential stream impacts.
- The quality of the resources potentially being impacted.

Meet with the NEU Environmental Specialist assigned to the project to discuss the early project data and receive their input concerning the impacts listed above.

If it is determined that an IP is likely to be required, then the project will likely be placed in the Merger01 Process. Proceed to Step 2. If an IP will not be required, proceed to Step 3.

Step 2. Analyze the severity of the potential wetland and stream impacts. Answer two questions:

- Could minimization efforts during preliminary design potentially reduce the impacts to a quantity that would not require an Individual Permit?
- Does the potential for conflict exist between efforts to avoid and minimize impacts to the human environment and efforts to avoid and minimize impacts to the natural environment?

If it is determined that the project would benefit from a collaborative effort to avoid and minimize impacts among various resources, then the project should be placed in the Merger01 process.

If the requirement for an Individual Section 404 Permit is borderline, the PDE should set up a [Consultation Meeting](#) to get input for a final call on placing the project in the Merger01 Process.

If it is determined the project would, in fact, benefit from a detailed evaluation of study alternatives, then the project should be placed in the Merger01 Process.

Step 3. Projects not requiring an IP will likely require a regional or nationwide Section 404 permit. Determine if the project potentially impacts one or more of the following:

- Critical Water Supply Area(s)
- One (1) or more acres of wetlands (direct impacts)
- 500 feet or more of stream (direct impacts)

If the project impacts one or more of the resources listed above, then an initial [Consultation Meeting](#) must be held to determine whether the project should be placed in the Merger01 Process. If the answer is no to all three, then the project does not need to be placed in the Merger01 Process.

Procedure 2: Bridge Replacement Projects

The screening process for bridge replacement projects requires the PDE to answer the following questions.

Step 1. Is Replace in Place, Offsite Detour the only alternative to be studied for replacing the existing structure? If yes, then the project does not need to be placed in the merger process. If no, proceed to Step 2.

Step 2. Does the project require or potentially require an Individual Permit (IP) from USACE? If yes, then hold a consultation meeting between NCDOT, USACE, NCDENR, and FHWA to determine the need for the project to be placed in the merger process. Follow the guidelines for the [Consultation Meeting](#). If no, then proceed to Step 3.

Step 3. Does the project involve potential impacts to or involvement with two or more *competing* resources, such as the ones listed below?

- Wetlands
- Buffer Rules
- Water Supply Critical Areas
- CAMA – Areas of Environmental Concern
- T&E species present
- Section 4(f)
- Section 106
- Section 6(f)
- Environmental Justice
- Unusually high level of public controversy
- Unusually high number of relocations for project type
- Compelling reason(s) to maintain traffic onsite
- U.S. Coast Guard Permit required, especially if modifications to the existing horizontal/vertical alignments are requested.

If yes, then an initial consultation meeting between NCDOT, USACE, NCDENR, and FHWA will be needed to determine the need for the project to be placed in the merger process. Follow the guidelines for the [Consultation Meeting](#). If no, then the project does not need to be placed in the merger process.

Procedure 3: Conducting a Consultation Meeting

Step 1. List the competing resources for the project and the regulatory agencies having jurisdiction over or representing the resources.

Step 2. Compile the attendee list for the meeting. At a minimum, the following agency representatives should be invited to participate in the consultation:

- USACE Merger Team Representative
- FHWA Merger Team Representative
- NCDENR Merger Team Representative

Other resource agency representatives that may also need to be included are:

- U.S. Fish and Wildlife Service
- HPO
- THPO
- NCDENR/DCM
- N.C. Department of Marine Fisheries
- N.C. Wildlife Resource Commission
- EPA

The following NCDOT representatives should be invited to participate in the consultation:

- Roadway Design Engineer
- Division Construction Engineer (or appropriate representative)
- NEU Project Manager
- HEU Staff (as applicable, i.e., historic architecture, archaeology, etc.)
- Structure Design Engineer (as applicable)
- Hydraulics Design Engineer (as applicable)

Step 3. Evaluate if emails or phone calls can be used to carry out the consultation between agencies. In general, this is appropriate for a certain level of impacts that do not require a detailed review of data. If this is not possible, then proceed with Step 4.

Step 4. Determine a list of available dates and times for the NCDOT staff and potential meeting sites. Coordinate with the appropriate agency representative to also obtain a range of available dates and times for each representative. Advise the attendees of the final meeting information. Use the NCDOT calendar for NCDOT staff.

Step 5. Compile known information about the project and produce handouts summarizing the information for distribution two weeks before the meeting. Write up an agenda for the meeting. The consultation meeting will likely be held before the results of detailed field delineations are available. Therefore information presented at this meeting should be readily available information from sources such as GIS, aerial photography and databases. The following information should be reviewed at the meeting and included in the distribution packet if possible:

- [Environmental Features Map](#)
- Project Description

- Existing traffic and future no-build average daily traffic
- List of resources potentially impacted in the Project Study Area

Step 6. Conduct the Consultation Meeting. In the meeting:

- Clearly state the purpose of the meeting, which is to determine the need for the project to go through the merger process, not to decide upon a preferred alternative, study area, purpose and need, etc.
- Review the existing conditions and the resources that are of concern. Review the problem that the project is trying to solve. Be sure to emphasize that you are not there at this point to agree on purpose and need.
- Review the potential impacts of the project
- Discuss the potential conflicts between the various resources. In the discussions, it is important to consider the potential for conflicts within the project setting between natural resources and socio-economic (human) resources and the intensity of the impacts to both resources.
- Discuss if the project would benefit from a collaborative effort to avoid and minimize impacts among various resources.
- Remind all of the attendees of the following:
 - For projects that do not go through the merger process, NCDOT will still be fulfilling the avoidance and minimization requirements.
 - Resource agencies will have the opportunity to review these projects through the normal NEPA and permitting process when the EA is circulated for comments or when the CE is signed.
 - For projects designated by the USACE, FHWA, NCDENR and NCDOT, NCDOT can hold a meeting with the appropriate agencies to obtain their input on the adequacy of the proposed avoidance and minimization measures prior to circulating the EA for comments or when the CE is signed.

If a decision is reached at the meeting, proceed to Step 7. If not, proceed to Step 8.

Note:

Step 7. After the meeting, the Project Development Engineer will document the results and provide copies to representatives of the FHWA, USACE, NCDENR, and to the other meeting attendees. The documentation should indicate the information reviewed, potential project impacts, the reason(s) the project will or will not be included in the merger process, and whether or not a future team meeting(s) will be held to review the project.

Step 8. If the project team members for USACE, FHWA, NCDENR, and NCDOT cannot reach agreement, the decision will be referred to the USACE's NCDOT Coordinator, FHWA's Operations Engineer, NCDENR Deputy Secretary or designee, and NCDOT's Manager of the Project Development and Environmental Analysis Branch for resolution.

Background

On May 14, 1997, the Wilmington District of the USACE, the North Carolina Division of FHWA and NCDOT signed an Interagency Agreement that provided procedures to integrate NEPA and Section 404 for transportation projects in North Carolina. These procedures were called the Merger Process.

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 listed below.

- U.S. Army Corps of Engineers (USACE),
- N.C. Department of Transportation (NCDOT),
- Federal Highway Administration (FHWA)
- N.C. Department of Environment and Natural Resources (NCDENR).

The current [Merger01 Process](#) is the result of this collaborative effort and the screening processed outlined in this procedure is the first step in determining the need for a project to be taken through the merger process. Refer to Additional Information for Merger01 Screening Process.

Policy, Regulatory, and Legal Requirements

Refer to the [Merger01 Process, Laws Related to Merger01](#)

Warnings and Precautions

Early recognition of projects that would benefit from following the Merger01 Process prevents project delays.

Resources and Tools

- [Merger01 Process](#)
- [Additional Information for Project Screening](#)

Contacts

- For suggestions to change this procedure contact: Karen Capps (919) 715-7299
- For questions about performing this procedure contact: Eric Midkiff (919) 733-7844, ext. 232

