

---

---

**IDOT –FHWA**

**NEPA-404 Merger Process**

**Information for Project Teams**

---

---

## Contents

1. Introduction .....	4
2. Overview of the NEPA-404 merger process.....	4
What is the purpose of the NEPA-404 merger process? .....	4
Which agencies are involved in the NEPA-404 merger process? .....	4
Why are these resource and regulatory agencies involved in the NEPA-404 merger process?.....	5
What is the role of the signatory agencies in the NEPA-404 merger process? .....	6
What are the three concurrence points? .....	6
What does “concurrence” mean?.....	6
What is the role of the non-signatory agencies in the NEPA-404 merger process?.....	7
3. Projects in the merger process .....	7
Does my project have to go through the merger process? .....	7
Can a project “opt-out” of the merger process? .....	7
4. Logistics for merger meetings.....	8
When are merger meetings held? .....	8
Where are merger meetings held? .....	8
How is a project added to the merger meeting agenda? .....	9
When should the project team request that a project be added to the merger meeting agenda? .....	9
What is the “NEPA-404 merger meeting milestones for concurrence package submittals” table? .....	9
5. Development of concurrence and information packages .....	9
When is documentation required in advance of the merger meeting? .....	9
When is the documentation due? .....	9
Who reviews the concurrence packages? .....	10
To whom do I send the final concurrence package to? .....	10
Who sends the concurrence packages to the agencies? .....	10
What should be included in the “Purpose and Need” concurrence package?.....	10
What should be included in the “Alternatives to be Carried Forward” concurrence package? .....	11
What should be included in the “Preferred Alternative” concurrence package? .....	12
When should a project be presented for information-only?.....	12
What should be included in an information-only package?.....	13

What should be included in an opt-out package? .....	13
6. Merger meeting agency “pre-call” .....	13
What is the merger meeting agency pre-call? .....	13
Who participates in the merger meeting agency pre-call? .....	14
What does the project team do with questions or issues raised in the pre-call? .....	14
7. Developing the presentation for the merger meeting .....	14
How much time does the project team have to present the project? .....	14
Should the project team prepare a PowerPoint presentation? .....	14
Who should receive an electronic copy of the PowerPoint presentation and when should it be sent? .....	14
Should the project team bring other displays and materials for the presentation? .....	14
7. Expectations at the merger meeting .....	15
Who facilitates the merger meeting? .....	15
Who should make the presentation at the merger meeting and who should be there as part of the project team? .....	15
If concurrence is not given at the merger meeting, what happens next? .....	15
8. Expectations after the merger meeting .....	16
What is the “decision register”? .....	16
Who prepares the “decision register”? .....	16
Who is responsible for preparing draft meeting summaries? .....	16
When is the draft meeting summary due? .....	16
Who is responsible for distributing the draft meeting summaries to the merger meeting attendees for review? .....	16
Who is responsible for finalizing the meeting summaries? .....	17
9. Other issues to consider .....	17
What are some tips for success at the merger meeting? .....	17
Should a field review be scheduled with the resource agencies? .....	18
At what point in the project should a field review with the resource agencies be scheduled? .....	18
Appendix A: Process for taking a project to the merger meeting .....	19
Appendix B: NEPA-404 merger meeting milestones for concurrence package submittals (Example) .....	20
Appendix C: Merger meeting summary template .....	21

## **1. Introduction**

The information in this document provides answers to common questions about the National Environmental Policy Act-404 (NEPA-404) Merger Process. The target audience is project teams (district staff and their consultants responsible for the project) so they can better understand the purpose of the process, how the process operates, the expectations of the parties involved, and the requirements of the process. The information also is beneficial to project sponsors, Illinois Department of Transportation (IDOT) project development staff in the central office and in the district offices, local agencies, Federal Highway Administration (FHWA) staff, and regulatory and resource agencies.

The “NEPA-404 Merger Process Guidance for Project Teams” was developed jointly by IDOT and FHWA.

## **2. Overview of the NEPA-404 merger process**

### ***What is the purpose of the NEPA-404 merger process?***

The purpose of the NEPA-404 merger process is to coordinate the review of complex transportation projects (Environmental Assessments [EAs] and Environmental Impact Statements [EISs]) that impact wetlands and Waters of the U.S. requiring an individual Section 404 permit.

The process coordinates three decision points with resource and regulatory agencies in order to reach agreement (“concurrence”) before the project advances to the next stage of project development. The three decision points are the *purpose and need* for the project, *alternatives to be carried forward*, and the *preferred alternative*. By obtaining concurrence, it is not necessary to revisit those decisions at later stages of project development (design and construction) and during the permitting process.

Concurrence by an agency does not imply their endorsement of the project or release the agency from its obligation to determine if the project meets statutory review criteria. For example, while the U.S. Army Corps of Engineers (USACE) may concur at all three concurrence points, that concurrence is not their final agency approval. Their final agency approval occurs during the formal permit process for Clean Water Act Section 404 permitting, at which time USACE complete an evaluation in accordance with their regulatory requirements and make a final agency decision (permit or no permit). The USACE’s “obligation to determine if the project meets statutory review criteria” is only satisfied when the permit decision is made.

### ***Which agencies are involved in the NEPA-404 merger process?***

The signatories to the NEPA-404 merger agreement are:

- U.S. Army Corps of Engineers (USACE),
- U.S. Environmental Protection Agency (USEPA),
- U.S. Fish and Wildlife Service (USFWS),
- U.S. Coast Guard (USCG),
- IDOT, and

- FHWA.

State agencies invited by FHWA and IDOT to participate at the merger meetings are:

- Illinois Environmental Protection Agency (IEPA),
- Illinois Historic Preservation Agency (IHPA),
- Illinois Department of Natural Resources (IDNR), and
- Illinois Department of Agriculture (IDOA).

***Why are these resource and regulatory agencies involved in the NEPA-404 merger process?***

The NEPA-404 merger process facilitates meaningful coordination among the project sponsors and the resource and regulatory agencies resulting in better-informed and balanced transportation decisions. A brief overview of the resource and regulatory agencies roles and authorities on transportation projects are as follows:

USACE – The USACE has permit responsibilities under the Clean Water Act (Section 404 and 408) and the Rivers and Harbors Act of 1899 (Section 10). USACE’s Section 404 permit is not valid unless the IEPA 401 Water Quality Certification is issued. USACE also considers state listed species in its permit process in coordination with IDNR.

USEPA – The USEPA is required to review and comment on all EISs per Section 309 of the Clean Air Act. The USEPA’s reviews are primarily concerned with identifying and recommending appropriate measures to avoid and mitigate significant impacts and evaluate the adequacy of the information presented in the EIS. Under the Clean Water Act, USEPA has the authority to object to a proposed USACE Section 404 permit and also has the authority to veto a Section 404 permit issued by USACE.

USFWS – The USFWS has authority under the Endangered Species Act (Section 7 consultation for federal projects) to protect species that are federally listed as threatened or endangered. The USFWS also is charged with protecting “trust resources” under other federal statutes, such as the Migratory Bird Treaty Act.

USCG – The USCG has permit responsibilities under the Rivers and Harbors Act of 1899. USCG concerns usually involve navigation clearances, and specifically vertical navigation clearances. USCG provides the minimum required clearances if there is a change proposed to existing navigation clearances. USCG participates on bridge projects where they exercise jurisdiction and have a permit requirement.

IEPA – The IEPA has permit responsibility for Section 401 (i.e., Water Quality Certification) and 402 (i.e., National Pollutant Discharge Elimination System) of the Clean Water Act.

IHPA – The IHPA has a consultative role in the Section 106 review process under the National Historic Preservation Act, which requires each federal agency to identify and assess the effects their actions will have on historic resources.

IDNR – The IDNR has permit responsibilities under state law related to threatened and endangered species (incidental take permits) and construction in floodways of rivers, lakes, and streams and other water resources.

IDOA – The IDOA assists IDOT in preparing the Farmland Conversion Impact Rating Form (AD-1006), which serves to evaluate the impact of a project on agriculture and farmland.

***What is the role of the signatory agencies in the NEPA-404 merger process?***

The signatory agencies will:

- consider impacts to Waters of the U.S. (WOUS) early in project development,
- avoid adverse impacts to WOUS to the extent practicable,
- strive to achieve an overall no net loss of wetlands, as well as wetland values and functions,
- ensure that their concerns are appropriately considered as they are involved in key decision points in project development,
- concur with the key decision points presented, or if they do not concur, provide an explanation in writing why they do not concur, and
- review data and evaluations, and provide input on the adequacy of the avoidance, minimization, and mitigation analysis of alternatives.

***What are the three concurrence points?***

The three concurrence points are:

- purpose and need,
- alternatives to be carried forward, and
- preferred alternative.

***What does “concurrence” mean?***

As defined in the merger agreement, concurrence is confirmation from the agency that (1) the information to date is sufficient for this stage [of project development] and (2) the project may proceed to the next stage of project development (e.g., the next concurrence point, public release of an environmental document, completing NEPA, advancing to final design). Concurrence does not imply the resource or regulatory agency has endorsed the project or released its obligation to determine if the project meets statutory review criteria (for example, the USACE “releases its

obligation and determines if the project meets statutory review criteria” when it makes its permit decision).

Concurrence is usually received at merger meetings, but occasionally will be sought via e-mail after a merger meeting if additional data or information are needed for the agencies to make a decision.

IDOT and FHWA make every effort to achieve concurrence on each key decision point. However, if IDOT and FHWA determine that, after a good-faith effort to address an agency’s concerns, an impasse has been reached, then FHWA and IDOT may proceed to the next stage of project development without a resource agency’s concurrence.

FHWA does not provide verbal “concurrence” during the merger meeting process.

***What is the role of the non-signatory agencies in the NEPA-404 merger process?***

Non-signatory resource agencies are invited to all merger meetings to provide input regarding resources under their purview. For example, IDNR is important because an Office of Water Resources permit is required and is part of the Section 404 joint permit application. IEPA is responsible for issuing Clean Water Act Section 401 water quality certifications when individual Section 404 permits are required. Obtaining the state agencies’ perspectives during the merger process helps to ensure the project will meet the applicable requirements to receive a permit during the design and construction phase of the project.

Although not required by the merger agreement, FHWA requests the state agencies’ concurrence from those that are in attendance at the meeting. If a state agency does not concur, then IDOT and FHWA will work with the state agency to resolve their issues or concerns, but their non-concurrence does not prevent the project from advancing to the next stage of project development.

**3. Projects in the merger process**

***Does my project have to go through the merger process?***

A project is required to go through the merger process if:

- an Individual Section 404 permit from USACE is required; and
- the project is being processed as either an EIS or EA.

IDOT and FHWA may request to take any project through the merger process if they agree it will be beneficial for the project.

***Can a project “opt-out” of the merger process?***

In limited circumstances, a project may request to “opt-out” of the merger process. Opting-out means a project that normally would require going through the merger process, but due to project specific circumstances, the agencies agree there would be limited value to the project to complete the merger

process. Prior to requesting agency concurrence to opt-out of the merger process, IDOT and FHWA must agree that the project is a candidate to opt-out of the merger process.

The merger agreement allows a project to be excluded from the merger process under two circumstances:

- 1) signatory agencies agree that the project is not of sufficient complexity to warrant coordination through the merger process. A project may be considered not to be “of sufficient complexity to warrant coordination” if the project has the following characteristics:
  - there are few reasonable alternatives and the environmental impacts for all of the alternatives are similar; or
  - an individual 404 permit would be required, but the acreage of wetlands impacted is relatively small (but still exceeds the nationwide or regional permit requirements) or the quality of the wetland resources impacted is relatively low.
- 2) it is discovered late in project development (after the EA or final EIS is approved) that an individual Section 404 permit is required.

If the need for the individual permit is not recognized until after an EA or Final EIS is made publicly available, it would be impractical to revisit the three concurrence points during the NEPA process and would therefore be excluded from the process.

To opt-out of the merger process, the project team must document the reasons for the request, obtain agreement from IDOT and FHWA that the project is a candidate to opt-out, make a presentation at a merger meeting, and obtain concurrence from the resource agencies.

Opting-out of the merger process does not relieve a project from the need for any environmental permits, nor does it relieve a project from subsequent comments (such as during any public comment periods) by any of the resource or regulatory agencies.

#### **4. Logistics for merger meetings**

##### ***When are merger meetings held?***

Merger meetings are held in February, June, and September with specific dates set approximately two months prior to each meeting. Appendix A outlines the steps for taking a project to the merger meeting.

##### ***Where are merger meetings held?***

The merger meetings are normally held in Springfield and Chicago. The agencies and other attendees can choose to participate from either location. Additionally, a webinar and teleconference is made

available for those agencies that cannot make the meeting in person. The project team should always participate in person at one of the meeting locations.

***How is a project added to the merger meeting agenda?***

The project team should notify the appropriate IDOT central office project coordinators (either Bureau of Design and Environment (BDE) or Bureau of Local Roads and Streets (BLRS)) that they want to present their project at the next available merger meeting. IDOT will make the request that FHWA add the project to the agenda.

***When should the project team request that a project be added to the merger meeting agenda?***

The project team should submit the request to be added to the merger meeting agenda in advance of the first submittal date in the table titled “NEPA-404 merger meeting milestones for concurrence package submittals” (merger meeting milestone schedule).

***What is the “NEPA-404 merger meeting milestones for concurrence package submittals” table?***

This table identifies the date the IDOT (BDE or BLRS) and FHWA concurrence package review process must begin in advance of each merger meeting. It also establishes interim review and submittal dates and when FHWA will send the concurrence package to the merger agencies prior to the merger meeting. An example table is included in Appendix B. The most recent tables may be obtained through IDOT.

**5. Development of concurrence and information packages**

***When is documentation required in advance of the merger meeting?***

Documentation is required in advance of the merger meeting when a project team plans to present the following:

- request concurrence on purpose and need, alternatives to be carried forward, or preferred alternative,
- information-only presentation, or
- request to opt-out of the merger process.

***When is the documentation due?***

The merger meeting milestone schedule establishes dates when draft documentation must be sent to IDOT and FHWA for review. The merger meeting milestone schedule applies only to concurrence and opt-out packages. By following the merger meeting milestone schedule, it ensures that IDOT and FHWA have time to review and comment on the documentation before it is finalized and sent to the resource agencies. The resource agencies are given at least 30 days to review the documentation; therefore, the final documentation is normally due five weeks prior to the scheduled merger meeting date.

For information-only packages, prior review by IDOT and FHWA is not necessary. The information-only package is due to FHWA a minimum of five weeks prior to the scheduled merger meeting date. The information-only package will be included with the concurrence packages, which are sent to the agencies at least 30 days in advance of the merger meeting.

***Who reviews the concurrence packages?***

The project team will need to provide IDOT (district staff and BDE or BLRS) and FHWA the opportunity to review and comment on the concurrence package based on the merger meeting milestone schedule. IDOT and FHWA must be satisfied with the contents of the concurrence package before it is sent to the agencies or presented at the merger meeting. Anytime changes are required based on an IDOT or FHWA review, the project team should prepare:

- a track changes copy of the concurrence package,
- a disposition of comments received, and
- a clean copy (track changes accepted) of the concurrence package.

***To whom do I send the final concurrence package to?***

Once FHWA and IDOT are satisfied with the contents of the concurrence package, then the project team should send 15 paper copies of it to FHWA.

***Who sends the concurrence packages to the agencies?***

FHWA will send the agenda for the meeting along with all concurrence packages to the merger agencies a minimum of 30 days in advance of the merger meeting.

***What should be included in the “Purpose and Need” concurrence package?***

- Purpose and Need, including:
  - Project location (map, termini)
  - Describe the project’s logical termini
  - Project background (history, funding, planning studies, other projects in the area)
  - Need for the project (e.g., describe current and future deficiencies, capacity problems with Level of Service (LOS) shown on a map and/or in a table, specific safety issues, regional population and traffic forecasts)
  - Purpose of the project (link the purpose with the deficiencies described in the “need”)
- Timeframes agreement

- Endangered species list from USFWS website (obtained from the Information, Planning, and Conservation System website <https://ecos.fhwa.gov/ipac/>)
- List of agencies accepting, declining, or not responding to cooperating agency request

***What should be included in the “Alternatives to be Carried Forward” concurrence package?***

- Alternatives to be Carried Forward, including at a minimum:
  - Purpose and need (summary)
  - Alternatives considered (no-build, transportation system management, transit, build alternatives)
  - Evaluation of alternatives that do not meet purpose and need or have disproportionately high environmental impacts as compared to other alternatives and dismissed alternatives (except no-build). Use objective criteria and measures to document those alternatives that do not meet purpose and need.
  - Identification of the alternatives to be carried forward that will be studied in detail in the environmental document. For all alternatives that meet the purpose and need, all environmental impacts must be identified and quantified.
  - If Section 4(f) or Section 106 resources are in the project area, those should be identified. If impacts are proposed, include documentation of coordination with the owner with jurisdiction.
- List of agencies accepting, declining, not responding to cooperating agency request
- Updated timeframes agreement
- Wetland delineations, if available (on CD)
- Environmental surveys and reports, if available (on CD)

Maps need to clearly identify and label environmental resources, including aquatic resources (wetlands, streams, lakes, ponds), cultural resources (historic structures and historic districts), land use, farmlands, any known threatened and endangered species areas, forested areas, nature preserves, floodplains, groundwater resources, regulated waste sites, and existing transportation rights-of-way.

***What should be included in the “Preferred Alternative” concurrence package?***

- Preferred alternative, including at a minimum:
  - Purpose and Need (summary),
  - Alternatives to be Carried Forward documentation, and
  - Analysis of reasonable alternatives studied in detail and rationale for selecting the preferred alternative. Use tables to clearly show the factors considered in the decision-making process.
- Updated timeframes agreement
- If not submitted with the alternatives to be carried forward, then provide:
  - Wetland delineations (on CD); and
  - Surveys and reports (on CD, if available).
- If the preferred alternative was identified in the Draft Environmental Impact Statement, then include resource and regulatory agency comments on the Draft Environmental Impact Statement and the proposed responses to those comments.

***When should a project be presented for information-only?***

It can be beneficial for projects to be presented for information-only early in project development to introduce the project to the agencies and describe the project’s history as well as environmental resources in the project area. As project schedules permit, FHWA encourages this practice on all projects, as it helps the agencies become familiar with the project prior to the first concurrence point.

It also may be helpful to present the project for information-only throughout the development of the project in the following situations:

- On large, complex projects, an introductory/project scoping meeting is beneficial prior to the request for concurrence on purpose and need.
- The project is particularly large and/or complex and information-only meetings will aid the project team in achieving future concurrence points;
- There has been a long gap (e.g., more than two years) since the last concurrence point or information-only meeting and the agencies need to be informed of the latest developments on the project.

There may be other situations where making an information-only presentation is helpful and these situations should be discussed with IDOT and FHWA.

***What should be included in an information-only package?***

- Project description (include location, termini, county or counties the project is in, map, scope)
- Timeframes agreement
- Explanation of why the project is being presented (e.g., project introduction, update on project status, conceptual alternatives if identified, or update on public involvement activities, etc.). This should normally be less than two pages.
- Any other documentation, figures, or maps that may be helpful to the resource agencies to review.

***What should be included in an opt-out package?***

- Project description (include termini, counties, map, scope of work)
- Environmental Class of Action: (Will the project be an EA or EIS? Describe the resources in the project area and the potential environmental impacts.)
- Wetland delineation and expected wetland impacts: (describe the wetland impacts, total acreage, floristic quality index and quality)
- Alternatives: (describe the scope of alternatives that will be reasonable to evaluate. Are there only a few reasonable alternatives that can accomplish the purpose and need? If so, why? Do the reasonable alternatives have the same or very similar environmental impacts? If so, why?)
- Request to opt-out: Explain why the project should not go through the merger process (e.g., the number of reasonable alternatives is limited, the relative quantity and quality of water resources impacted is low)

**6. Merger meeting agency “pre-call”**

***What is the merger meeting agency pre-call?***

Approximately two weeks before the merger meeting, FHWA hosts a call with the resource and regulatory agencies to solicit any questions or concerns the agencies might have with projects on the merger meeting agenda that will be presenting for concurrence. FHWA documents the questions or concerns (if any) and provides those to the project team so that they can come prepared to the merger meeting to address the issues raised by the agencies.

The purpose of the call is to solicit questions and concerns so that they can be addressed at the merger meeting.

### ***Who participates in the merger meeting agency pre-call?***

The resource and regulatory agencies are invited to participate in the pre-call; however, if they do not have any questions or concerns with the projects being presented for concurrence, they may choose not to call in.

FHWA hosts the call and the IDOT central office coordinators also participate.

### ***What does the project team do with questions or issues raised in the pre-call?***

Once the project team receives a list of questions or concerns obtained through the pre-call, the project team should be prepared to address those issues at the merger meeting either through the presentation or by providing additional supporting documentation.

## **7. Developing the presentation for the merger meeting**

### ***How much time does the project team have to present the project?***

For projects presenting for concurrence, FHWA allots 60 minutes for the presentation and question and answer period. For projects presenting for information only, the total allotment is 30 minutes. If the project team expects to need more time, please make the request concurrent with the request to be put on the merger meeting agenda.

### ***Should the project team prepare a PowerPoint presentation?***

PowerPoint presentations are not required; however, most project teams choose to use a PowerPoint presentation to help guide the discussion. If your team chooses to use PowerPoint, please keep in mind your time limitations and that the agencies prefer to have plenty of time for questions, comments, and discussion. Generally, PowerPoint presentation should be less than 15-minuts to allow time for questions and discussion.

### ***Who should receive an electronic copy of the PowerPoint presentation and when should it be sent?***

The PowerPoint presentation should be sent to FHWA one week before the merger meeting to allow sufficient time for the FHWA to upload the presentation to the webinar site used for the meeting. The project team also should bring a copy of the presentation to the merger meeting as a backup.

### ***Should the project team bring other displays and materials for the presentation?***

It is beneficial for the project team to bring larger maps or displays to show specific characteristics of the project area. Also, project teams occasionally bring additional handouts to the merger meeting for the merger agencies to keep, such as copies of the presentation. Hard copy handouts of the concurrence package materials are not necessary unless there is new or supplementary information.

The project team should be aware that some agencies may be participating remotely and will not have the benefit of seeing these larger displays, maps, or additional handouts. To the extent possible, this material should be made available to all agencies, preferably in an electronic format, at least five business days ahead of the merger meeting.

Any hard copies should be printed two-sided, ensuring that all maps are in color, and information should be displayed in a manner that reduces the amount of printing needed (e.g., multiple PowerPoint slides per page).

## **7. Expectations at the merger meeting**

### ***Who facilitates the merger meeting?***

FHWA is the merger meeting organizer and is responsible for the following:

- organizing the meeting,
- securing audio and visual equipment,
- securing telephone conference number and webinar site,
- facilitating the meeting (including introductions, moderating the discussion, and polling the agencies for concurrence).

### ***Who should make the presentation at the merger meeting and who should be there as part of the project team?***

The IDOT district is responsible for the materials being presented and the district decides who makes the presentation. The presentation should be made by an IDOT district representative or a consultant on the project team.

The IDOT district is responsible to ensure appropriate staff is in attendance that can answer questions that may arise during the merger meeting so that concurrence can be obtained. At a minimum, the project team should send two people, one to speak and one to take notes. At least one person should be a district staff person working on the project.

If representatives from other entities or local agencies (other than IDOT or the project sponsor) would be helpful, pre-meeting coordination with IDOT and FHWA is required for their attendance. Sometimes, other entities or local agencies can help alleviate potential concerns by supporting the project, showing it will not adversely impact them, or will provide a benefit to them. For example, other entities or local agencies that may participate include airport authorities, forest preserves, park superintendents, etc.

### ***If concurrence is not given at the merger meeting, what happens next?***

IDOT and FHWA make every effort to achieve concurrence on each key decision point. Occasionally, one or more agencies may withhold or delay their concurrence, usually because more information is requested. IDOT and FHWA will work with the project team to address the resource agency's concerns in order to achieve concurrence. This may include providing additional information, follow-up one-on-one discussions with the agency(ies) not concurring, or additional

presentations at future merger meetings. If additional information is provided after the merger meeting that addresses the agency's concerns, then concurrence may be obtained via e-mail.

If IDOT and FHWA determine that, after a good-faith effort, an impasse on a concurrence point cannot be overcome, then IDOT and FHWA may proceed to the next stage of project development without an agency's concurrence. The project may continue without concurrence; however, issues that are unresolved in the NEPA phase of project development could cause delays in the permitting stage of project development.

## **8. Expectations after the merger meeting**

### ***What is the "decision register"?***

The decision register is a table prepared for each merger meeting. The purpose of the decision register is to capture, at a high level, the decisions reached (if any), and the next steps in the development of the project. The decision register is sent out within a few days after the merger meeting to all attendees to ensure the decisions made are captured appropriately. The decision register does not take the place of the merger meeting summary prepared by the project team, which more fully documents the discussion and decisions made during the merger meeting. The decision register table will contain the following information:

- a description of the project,
- decisions made at that meeting (e.g., concurrence, opt-out of the merger process), and
- the next steps to be taken (e.g., describe the project schedule including future concurrence points, public involvement, and release of environmental document).

### ***Who prepares the "decision register"?***

FHWA prepares the decision register and sends it electronically to all merger meeting participants.

### ***Who is responsible for preparing draft meeting summaries?***

The project team is responsible for preparing the draft meeting summary using the template in Appendix C.

### ***When is the draft meeting summary due?***

The project team must submit the draft meeting summary to IDOT within 10 days after the merger meeting is held. IDOT will submit the draft summary to FHWA.

### ***Who is responsible for distributing the draft meeting summaries to the merger meeting attendees for review?***

FHWA will collate and distribute all of the draft meeting summaries to all merger meeting attendees for review and comment. The review and comment period is normally 30 days.

### ***Who is responsible for finalizing the meeting summaries?***

FHWA will finalize the meeting summaries after working with IDOT to address any comments received on the draft meeting summaries. FHWA will distribute the final meeting summaries to all merger meeting attendees. The project team will retain a summary in the project file and ensure that any agreed upon actions will be included as appropriate in the EA or EIS.

## **9. Other issues to consider**

### ***What are some tips for success at the merger meeting?***

- Be sure that the documentation is consistent in describing impacts. For example, information in tables should match up with information in the text (e.g., the number of wetlands impacted as described in the text should match with the number of wetlands impacted as shown in tables).
- Be sure to provide the appropriate level of project background at the beginning of each presentation to lay the groundwork for the concurrence point being sought. Do not assume the resource agencies know the project as well as the project team. The first five minutes of each presentation should provide a concise and well-rehearsed background of the project.
- Be sure to invite resource and regulatory agencies to public meetings, CSS events, and public hearings. If the agencies have the time and resources to attend the meetings, it is a good opportunity for them to stay informed of the project.
- Conduct field reviews as appropriate (see guidance below) so the agencies can see the transportation issues the project is addressing and the environmental constraints that must be considered.
- For the Purpose and Need package, the project team needs to discuss why the transportation project is needed to get people and goods from point A to B; share what environmental and cultural features exist in the study area, and are likely to influence future decisions. Typically, the Environmental Survey Request (ESR) has been submitted before this point in the project development; but the project team may need to submit an ESR addendum based upon input from the resource agencies during this Merger meeting.
- For the Alternatives to be Carried Forward package, develop a concise one or two page table that provides each alternative and summarizes the number of impacts for each resource, and present an analysis of this information at the merger meeting. For example, list the number and acreage of wetland impacts for each alternative, list of the number of residential relocations for each alternative, etc.
- For the Preferred Alternative package, all the environmental surveys and impacts shall be completely and fully analyzed for the proposed preferred alternative. If asked, the project team should be ready to discuss in detail, any environmental impact due to the proposed preferred alternative.
- When comparing alternatives, and impact trade-offs are being considered, describe or include in a table information that clearly shows the differences in impacts. For example, if shifting the roadway to avoid 5 acres of wetlands results in an additional 20 residential relocations, clearly point out the trade-offs of the alternative.

***Should a field review be scheduled with the resource agencies?***

For some projects, it may be beneficial for resource agencies to visit the project site, particularly if the project is controversial and has sensitive environmental resources in the project area (e.g., high quality wetlands, historic properties, high quality streams, threatened and endangered species, and section 4(f) properties) as well as see any problems related to right-of-way and the transportation setting. The project team should consult with IDOT, FHWA, and the resource and regulatory agencies to determine if a field review would be beneficial.

***At what point in the project should a field review with the resource agencies be scheduled?***

Field reviews are most productive and helpful for the agencies when conducted at the beginning of the project development process (scoping or purpose and need) or when the “alternatives to be carried forward” have been identified. Resource agencies should be provided with the wetland delineations and all environmental survey reports prior to the field review, if available.

The field review should include, to the extent practicable, driving or walking through the study area, viewing the transportation issues and concerns the project is meant to address, reviewing the alternatives that are being considered, and viewing the resources in the project area that could be affected by the project. It also is good practice to include time at the beginning of the site visit for a brief project overview and time at the end of the site visit to de-brief. In advance of the field review, resource agencies should be asked if there are specific sites or specific resources they wish to see or highlight during the field review.

## **Appendix A: Process for taking a project to the merger meeting**

1. Determine applicability of merger process.
2. Obtain merger meeting milestone schedule.
3. Incorporate merger meeting milestone schedule into project timeframe agreement.
4. Submit draft concurrence packages based on merger meeting milestone schedule.
5. Submit complete concurrence package (15 hard copies) to FHWA based on merger meeting milestone schedule.
6. Prepare presentation for merger meeting and send electronic file to FHWA (one week prior to the merger meeting).
7. Address any pre-meeting agency comments supplied by FHWA.
8. Present project at the merger meeting.
9. Submit draft merger meeting summary to FHWA 10 calendar days after merger meeting in word format using template in Appendix B.
10. Review and provide comments within 14 calendar days on draft summary that is sent out by FHWA.
11. Retain a copy of the finalized summary that FHWA sends out to all participants in the project file.

**Appendix B: NEPA-404 merger meeting milestones for concurrence package submittals**

<b>NEPA-404 Merger Meeting Milestones for Concurrence Package Submittals Calendar Year 2021</b>			
	<b>February 2021</b>	<b>June 2021</b>	<b>September 2021</b>
IDOT/FHWA receives and begins review of first submittal	October 26, 2020	March 15, 2021	June 1, 2021
Consultant receives IDOT/FHWA comments and begins to address them	November 23, 2020	April 12, 2021	June 28, 2021
IDOT/FHWA receives and begins review of second submittal	December 7, 2020	April 26, 2021	July 12, 2021
Consultant receives IDOT/FHWA comments and begins to address them	January 4, 2021	May 10, 2021	July 26, 2021
IDOT/FHWA receives final package for review (15 copies needed)	January 18, 2021	May 17, 2021	August 2, 2021
FHWA sends final packages to agencies	January 22, 2021	May 21, 2021	August 6, 2021
NEPA-404 merger meeting held	February 25, 2021 (D1-D9)	June 24, 2021 (D1-D9)	September 9, 2021 (D1-D9)
<p><b>NOTES:</b></p> <ul style="list-style-type: none"> <li>(1) February, June, and September are identified as months for potential merger meetings. If there are not enough projects to bring to the meeting, then the meeting will not be held that month</li> <li>(2) Concurrence packages must be received no later than the dates identified in the above table for a project to be included in the merger meeting.</li> </ul>			

## **Appendix C: Merger meeting summary template**

**IDOT District** *{insert district #}, {insert name of County or counties}*

*{Insert project description with termini}*

*{Insert class of action (Environmental Assessment or Environmental Impact Statement)}*

*{Insert action requested (e.g., Concurrence on purpose and need, Information on public involvement, etc.)}*

### **DECISIONS:**

*{Describe any decisions made on concurrence, specifying those agencies concurring and those that did not concur. For agencies not concurring, briefly describe why they chose not to concur.}*

### **NEXT STEPS:**

*{Describe next steps that were discussed at the meeting. e.g., release of an environmental document, next concurrence point, field review, etc.}*

### **DISCUSSION:**

*{Include a brief description of the presentation made by the project team, questions/comments from the resource agencies, and responses (if any) from the project team.}*