

**SURVEY OF RESOURCE & REGULATORY AGENCIES
TO ASSESS SUCCESS OF NEPA/404 MOU IMPLEMENTATION**

Merits of the Process

Communication Issue	Improved Communications	Early input opportunity is good. We avoided a road-block
	Improved Communications	Giving the resource agencies early notice of the project and providing the opportunity to participate.
	Improved Communications	Slowly we are developing relationships with the resource agency staff
	Improved Communications	Early coordination, especially agreement on alternatives, may reduce problems later with major re-design/ re-start of projects.
	General	MOU is a good thing. It forces the applicant to be honest & truthful.
Process Issue	Procedural	Getting concurrence at each stage of the environmental process.
	Improved Communications	It brings all parties to the table early in the process so everyone is aware of the project
	Improved Communications	When we are able to get concurrence letters from the agencies, it provides continuity of agency commitments, even when the "faces" at the table change
	Improved Communications	Gives us an opportunity to explain our project to resource/regulatory agencies and work toward solving impact and mitigation issues in a team setting.
	Improved Communications	Resource agencies can have early input to proposed actions.
	Improved Communications	Provides a mechanism for early coordination with 404 Regulatory Agencies.
	Improved Communications	It is valuable to have agency concurrence from the very beginning of the project on Purpose and Need, Criteria for Alternatives Selection, and Alternatives.
	General	By doing things right, it will pay off at the end. But that's not every body wants.
	Procedural	It allows for expeditious processing of 404 permits after the process has been completed
	Procedural	Another benefit of NEPA/404 is the opportunity to have a joint environmental document and public hearing for the project and 404 permit.
	Procedural	Keep the dispute resolution process. Sometimes, it needs the process to keep things going.
	Procedural	The strongest point of the MOU is an agreed upon set of facts that become the base and then it cannot go backwards.
	Procedural	The MOU is good because it requires that when agency given non-concurrence, it has to go into the details for reasons.

Problems with the Process

Communication Issue	Agency Practices	Miscommunication in the MOU about when was the appropriate time to issue the Public Notice for the NEPA/404 process
	Agency Practices	When a NEPA/404 meeting is called the PDT discussion should focus on NEPA/404 issues.
	Expertise	Agencies ask for additional information that appears to be outside their responsibility. E.g. land use planning, traffic forecasting, transportation planning, etc.
	General	Caltrans and FHWA are sometimes not on the same page over projects.
	General	Communication should be earlier in the project process
	General	Inconsistent communications between one agency to other agencies should be avoided.
	General	In actuality, during implementation, miscommunications often leads to a different understand of what was being said or what were agreed actions at each step by agencies

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General	In the original workshop (that developed the MOU), everyone there truly involves and supports the process. When implement, a different group of people come in and they don't buy into the agenda. There was total mistrust among agencies, Resource Agency staff did not bought into nor sensitive to community needs (the planning community's plan for the road).
General Knowledge	Communications were not very good among agencies. Often staff doesn't know that there is an MOU about the merger. Only upper management knows. The boss signed the thing but either didn't circulate it or it was ignored.
Knowledge	It is misguided to go through the NEPA/404 process without the understanding the viewpoint from each others .
Knowledge	It need to work through each agency internally from top to field level. All level needs to be convinced that the MOU process will work and sell it to their staff.
Knowledge	Each agency needs to understand the process on their own.
Level Of Data	Transportation Agency need to provide detail information to resource agency when they ask for information. Provide technical information in a way that a lay person would understand the project and what we are trying to do. Provide technical assistance to help them understand.
Level Of Data	Agencies need to recognize the data requested should be level of details that is commensurate with the stage/steps in the process.
Level Of Data	The guidance should have a specific list of data required and the level of detail needed or NOT needed to include. It should better describe what data or level of data is appropriate at different stages. May be it needs a more detailed companion document to explain terms.
Level Of Data	Often get request for concurrence on preferred alternative. FWS often cannot give concurrence due to the lack of information provided to make a determination. There are potential impacts to different species.
Level Of Data	How to deal w/ indirect impacts of concern, cumulative impacts?
Level Of Data	The impacts for the entire project may be growth inducing even though the piece meal may show otherwise..
Level Of Data	Cumulative impacts appear to be the repeating issue.
Opinion	Agency verdicts on purpose and need or alternatives are sometimes difficult to resolve.
Opinion	Agency don't agree the identified alternative to be the LEDPA.
Opinion	It is a subjective process of what alternatives are to throw out . Some sites are complex, there could be many true alternatives that can be build and meet P&N.
Presentation of Subjects	We need to better present the project features and the reasons that these features are needed.
Presentation of Subjects	We need to convince resource agencies on wetland issues in the project. Transportation Agency has to do a better job of selling the project proposal. Show resource agencies why we are doing things this way, how the selected elements are the "best" for the project and the environment.
Presentation of Subjects	Transportation Agency is not doing a very good job in communicating with the public. Most of the time, the public is not aware of how critical decisions come about. The public always have the impression that Transportation Agency dictates the alignment, and other attributes of the project.
Presentation of Subjects	More PR work needs to be done within Transportation Agency staff. Most staff view the MOU as cumbersome.
Scheduling	We're having a few problems getting a mutually acceptable date with other parties.

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- Scheduling a simple NWP for a wetland restoration project took several months to get because I could not get in touch with the project analyst (i.e., several phone calls were not returned)
- Timely Response lack of timely response to letters and phone calls requesting concurrence for the various steps of the NEPA/404 process
- Timely Response lack of timely response to letters and phone calls requesting concurrence for the various steps of the NEPA/404 process
- Timely Response most of the time it is difficult to get reasonable response in a timely manner
- Timely Response Resource Agency not responding in a timely manner for their inputs
- Timely Response Has not been a lot of responsiveness from Caltrans, FHWA on the investigation of Needs. Comments from Resource Agencies are ignored.
- Agency Practices Monitoring committee does not exist any more. Monitoring committee helps to keep (uphold) the original intent of the MOU and keep the field level people inline. Monitoring team keep everyone on the same page
- General We still have a terrible time getting resource agencies them to involve early. The level of data requested by resource agencies are intensive. e.g. A highway widening project may be required to mitigate for impacts of future housing/businesses that may occur in a corridor or to mitigate direct impact rates for all vernal pools within 250 feet of project even if the pools are outside the footprint of the project.
- General 404 Regulatory Agencies need to agree to participate in the early meetings
- General The original cooperative "spirit" of the MOU was lost in the overly detailed attachments that were added late in the process
- General after MOU get signed back in 1993 & 1994 the players disappear. No tracking board to check it for implementing it per original intended and agreed to.
- Opinion An unreasonable emphasis on wetlands over other environmental impacts and project needs.
- Scheduling Attendance to meetings need to be improved.
- Scheduling Resource agencies have been unable to participate in early NEPA/404 meetings. The project might be exposed to delay in the process where issues raised at a later time could have been addressed in the earlier meetings.
- Commitment Agencies should have the same people to attend meetings throughout project duration. There should be is no new perspective due to change of personnel.
- General Parties involved need to learn their subject areas better. There have been incomplete facts on both sides.
- General We need people that know land use and transportation planning processes; and further, that understand and are versed in the fundamentals of traffic flow / traffic analysis and can identify and articulate these components of these decisions that pertain to the project at hand.
- General we need people that understand and are able to articulate the need for various project features. People that understand both traffic flow / traffic analysis and geometric design fundamentals. However, very few Transportation Engineers are versed in traffic flow / traffic analysis and surprisingly few have a good enough grasp on geometric design fundamentals to be capable of successfully articulating the project specific geometric design needs.
- General Agency staff sometimes is not familiar w/ the project status.
- General Many people in signatory agencies don't have a clear understanding of when the MOU applies. Sometimes, they are not aware of the special aquatic sites trigger.
- Knowledge All parties should have a sense of better appreciation for the roles that everyone has instead of being project oriented.
- Opinion Very different mindset between the groups. Some agencies are problem solving oriented and some agencies are very regulation oriented.

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	Opinion	Common goal should be to deliver the project. However, the definition of "goal" may be different for different agencies.
	Agency Practices	The implementation is basically human interaction issues.
	Opinion	Time has passed and mistrust has grown.
	Work Load	Staff is overwhelmed with work and it is difficult for them to figure out what to concur. Very often, there is insufficient information to issue non-jeopardy opinion.
Process Issue	Agency Practices	ACOE won't give concurrence without a letter from resource agencies. We need a mechanism (outline the steps in the guidance paper) to move on to the next step even though resource agencies do not give such letter.
	Agency Practices	Locals may not be brought into the MOU process since they were not part of the agencies that develop the MOU.
	Impacts	Agency is looking after the indirect and cumulative effect in data analysis.
	Timely Response	The level of information to be furnished and the time frame to get a yes from agencies are not specified in MOU.
	General	In order to improve relationship, a greater dedication should be made by all parties.
	General	There are limited efforts to review the RTP because the federal government doesn't want to get involved with local and state planning.
	General	The major problem we have had is the reluctance of the resource agencies to live up to their end of the MOU and actually participate in good faith in the process.
	General	Some of the agency staff are often very reluctant to make a decision. This could be an authority and/or trust issue. It also could be a result of the pressure from environmental groups on the resource agencies.
	General	COE needs to play an active role in soliciting input from the other agencies and producing a majority opinion on any request made before the NEPA/404 panel.
	General	Need commitment by management on the intent of the MOU. It needs to be committed from top to bottom.
	Knowledge	Transportation Agency need to understand 404 (b)(1) guidelines. Need to avoid, minimize & mitigate resources impacts. Transportation Agency need to understand the view point from the other side and look the project through their eyes. Need to be serious on avoidance.
	Revisiting Issues	Revisiting issues where changes to the project are less than significant should be avoided.
	Scheduling	The project should have a realistic schedule.
	Timely Response	The timeframes outlined in the MOU (45 day turnaround) are often not met. Notification on the 45th day that more information is needed could result in serious delays in project delivery.
	Work Load	Reviewers are very sharp but they are overwhelmed at the amount of work.
	Work Load	Difficulty getting all agencies to participate (especially FWS).
	Work Load	Lack of internal resources to carry out this process (especially with new nationwides and increased workload).
	Work Load	MOU is not working basically due to non-participation by critical parties.
	Work Load	It has been very difficult to get anything written from the agencies.
	Work Load	There is no time to review everything by resource agencies.
	Work Load	Overall it seems like the workload for the amount of people at the Corps is overwhelming.
	Work Load	It would be beneficial if we funded a staff person at the (LA) Corps.
	Agency Practices	Design alternatives and traffic problems are not well researched or developed. Caltrans is 'schedule-oriented'.
	Agency Practices	As these environmental documents are for resource agencies, they should be written for them.
	Agency Practices	The MIS drawn up by MPOs usually has no information on wetlands.

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Work Load	The quality of the document Transportation Agency submits is not very good.
General	Perspectives on impacts differ from rural to urban areas
General	Reaching agreement between all parties has to do with the experience level of attendees and their willingness to make decisions (reduce opposition).
General	We need to recognize that the prior planning decisions (the land use and transportation planning decisions), and the programming decisions will be revisited at the time of the project specific NEPA/404 decision. And as such, we need to better present these prior decisions and how the project fits within the context of these decisions.
General	The intent of the MOU is that it is acceptable to impact one resource after reasonable considerations of all activities involved. But resources agencies may view it differently.
Impacts	The issue of direct versus indirect impacts to vernal pools and their dependent species has been raised on several projects by the agency. Any encroachment, however minimal, into a vernal pool is to be quantified as a direct impact to the entire pool and mitigated at a 3:1 ratio. Any vernal pool within 250 feet of our activity, whether we encroach or not, is subject to indirect, hydrological impacts requiring mitigation at a 2:1 ratio. Our direct impacts to vernal pools are around 16 acres. The indirect scenario could add an additional 40 acres to our impacts and mitigation needs. In analyzing impacts to the Shippee meadowfoam, we have an alternative that avoids any direct impacts; however we may be up against the application of indirect impacts.
Impacts	Resource agency takes issue on indirect impacts regarding growth inducement.
Impacts	Resource agency does not recognize other impacts such as social economical impacts.
Agency Practices	There is a mission-based conflict. Transportation agencies' objective is to provide safe transportation. Resource Agencies' objectives are to preserve and protect the environment
General	One challenges is the mixture of agencies with different agendas and customers
General	Staffing levels and lack of authority inhibits involvement with MPOs
General	Local gov'ts are often not in NEPA/404 compliance when they plan their land use and subsequent traffic expectations.
General	Locally funded projects often pushed because of local land use issues.
Impacts	Agencies weight impacts differently. E.g. Visual vs wetland vs social economical. Not just protect one and ignore another.
Opinion	One of the repeating issue is the definition of Purpose & need. Sponsor tends to include in the project more than just congestion relief. E.g. it also included bike path, other pedestrian features. With all the features aggregate together, it limits the ability to avoid wetlands. The process to include these additional features should be separated and should consider their impact on resources.
General	Dispute resolution – no time for resolution at the highest level. Need to have a time frame for each step.
Work Load	Caltrans, FHWA often consult w/ them but they cannot deliver a bio opinion due to small staff size
Agency Practices	The dispute resolution the most time consuming.
Agency Practices	Transportation Agency is often unwilling or unable to involve the 404 Regulatory Agencies at the PSR stage
Agency Practices	The process adds time that isn't being recovered later in the process

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Agency Practices	The facilitated collaborative process we're using on Foothill south for the Alternatives step is working well in lieu of proposals/responses/counterproposals, etc. Given the controversial nature of this project and the 3 years it took to obtain concurrence on P&N, getting concurrence on "conceptual alternatives" in 8 months is very good progress
Agency Practices	For EIS's, FHWA has required a letter from ACOE that a project met the Nationwide Criteria before they would agree that the NEPA/404 process was not applicable. . If we must get a letter from ACOE concurring that NEPA/404 is not applicable, then there is no time savings to Transportation Agency or the 404 Regulatory Agencies for the projects with minor impacts.
Agency Practices	The MOU is too long, too unwieldy and no longer serves anyone well. I think we should start over and be modest.
Agency Practices	The MOU is too open ended.
Agency Practices	Re-institute the monitoring team. At least quarterly meeting or as needed.
Agency Practices	Be aware of other oversight agencies responsibilities for the project but use that as a factor for concurrence but not the bases.
Agency Practices	For pipe line projects that is far along the development process, invoking the MOU may be risky. (to have to go back and obtain concurrence of P-N, range of alternatives, preferred alternatives selection etc)
Agency Practices	The steps with double bullets >> that require concurrence prior to moving to the next step, resulted in problem w/ resource agencies wanting the document to provide detail and thorough data, otherwise they won't give concurrence.
Agency Practices	When EPA cannot resolve/ concur with an issue, ACOE should make a decision (e.g. say we disagree and move forward). We need to craft process that can be independent to move forward.
Agency Practices	It needs some way to address locally funded this type of projects. Since the locals are not signatory agency (may be through local planning process).
Agency Practices	The wetland impact issues should be worked in like air quality issues. They need to be worked in at the RTP stage.
Agency Practices	Is it possible to have a FWS only MOU? It is not sure how to redesign the MOU to fit the endanger species activities into it.
Agency Practices	If the applicant don't want to buy into the process it can drag the process to great length
Agency Practices	Local sponsors push through FHWA that they want to rush the project through the process resulting in doing a sloppy job.
Agency Practices	Difficult in dealing w/ MTA??(locals), they come up w/ their route and Caltrans stuck w/ it. This limiting the opportunity to deal with cumulative impacts.
General	The permitting agencies wait until the end of the process before stepping into the fray of NEPA/404 compliance. Fault seems to be on the permitting system
General	Loss of ability to select other than the environmentally preferred alternatives
General	Resource agency concerns could be taken into account through NEPA early coordination and revision of our own environmental guidelines, which could incorporate recurring themes on what the ACE is looking for in purpose and need statements.
General	Purpose and need statements that are too broad so that alternatives cannot be withdrawn for not meeting it.
General	NEPA/404 process seems ignoring the planning process that led up to the project
General	Concerns about more IP projects from new NWP. Locals don't know NEPA/404 process. They need training.
General	MOU should be trashed
General	MOU (guidance) leaves too many items open & subject to open interpretation.
General	too many loop holes

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	General	Overall process is good. It is a good process if people are help accountable for.
	General	Field people (working level) would benefit from a monitoring committee to discuss MOU & provide guidance on the intent or sprit of the MOU
	General	It is important to make NEPA activities and 404 activities side by side. There may be some common mile stone, when appropriate separate these milestones . It should not second-guessing decision made and steps taken.
	General	Overall framework still sound. The intent of the process is still valid.
	General	There should be a Endanger species agreement or it should be blend into NEPA/404 or should have a NEPA/Endanger species act MOU instead.
	General	Form sub-group to work on individual pieces of the MOU. Let the subgroup bring back their recommendations to the big group to discuss.
	General	The MOU needs to be more clear to say that if the MOU is mandatory or discretionary.
	General	EPA should be the lead not just participate
	General	Undecided if MOU adds value to the process.
	General	Language in the MOU is adequate. It would be nice if it can be simpler.
	General	MOU should continue but needs re-arranging.
	General	Need to have a mechanism/ideas in the MOU to address local projects.
	Level of Data	when planning a project Transportation Agency should do a wetlands inventory before budgeting the project.
	Level of Data	Transportation Agency did not do a good enough job on wetland delineation. This makes ACOE cannot make the determination if they can issue a permit.
	Opinion	MOU idea is outstanding but things need to change. Chuck it if the MOU remain as is
Technical Issue	General	Language in MOU needed to be strengthened to deal w/ RTP level projects.
	Level of Data	App A. In DEIS, there is no alignment yet.. On page 2/6 for PN, it is difficult to do a PN w/o an alignment. Caltrans is however required to submit a Permit application to the ACOE. A lot of the boxes ended up "TBD"
	Level of Data	It is very difficult to come up w/ information as described in the MOU. E.g. MOU requires verification of aquatic site down to .4 ha accuracy while still in the stage of programming stage (w/ range of alternatives). That is a tremendous amount of work to delineate wetland at this stage. Basically, the MOU/Guidance ask for too much information at too early of a stage.
	Level of Data	The Guidance Papers do not describe what information that a resource agency can ask for or what should be considered as LEDPA.
	Opinion	Problem is in defining a need. Transportation agency sees a need as a road, resource agency sees the need as an impact and wants to lessen it.
	Opinion	FHWA change the language (interpretation). Some don't apply.
	Presentation	Transportation Agency needs to do a better job presenting "purpose and need" for their projects.
	Agency Practices	It is not in the best interest to the public to involve the MOU for minor (say .75 ac) wetland impacts. Some kind of mechanism should be developed for these type of projects.
	Knowledge	Special aquatic site as is should be removed as a trigger. It should be stated in a more clear fashion to describe specific type of conditions e.g. vernal pool with certain quality, or watershed specific, and/or habitat specific or regional specific.
	Knowledge	The special aquatic site (SAS) designation needs to obtain regional comfort level. The threshold for SAS should be set as realistic as possible.
Procedural	The current threshold may trigger too many projects that are overwhelming agencies. All agencies may need to agree on a higher threshold to ensure a more manageable workload.	
Procedural	The new NWP makes it easier to trigger the MOU process. Some simple projects should have a short cut process to "by-pass" the full-blown integration process.	

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Potential Solutions to the Process

Communication Issue	Agency Practices	General
	Agency Practices	What if the idea of the "working group" (I think that's what it was called) was reestablished. Maybe a bi-monthly meeting? At least that way, there would be a regular meeting where specific projects and questions could be brought up to a multi-agency group on a regular basis - rather than hit-and-miss.
	Agency Practices	A facilitator should be helpful for the MOU re-negotiation kickoff meeting. The facilitator should be familiar with the MOU process, unbiased, move the group toward a goal. In the past, project manager hoisting this kind of meeting tried to manipulate the outcome to make resource agencies agree on what PM wants.
	Agency Practices	MOU signatory agencies...It may be good to include California F&G, and RWQCB for bay area (not necessary statewide) projects.
	General	would like more contact from staff people early in the process.
	General	would prefer a lot of phone calls earlier so that later on he doesn't have to scrutinize docs so closely
	Work Load	Resource agency budget is limited, create monthly news letter to all parties on status. Distributed to ground worker and let them pass it up the food chain.
	General	requiring participation by all agencies and by educating their staffs on what the MOU makes them responsible for
	Opinions	keeping the team on task, being clear about what is possible and what is not, what seems reasonable vs unreasonable to us, what our bottom line is.
	Opinions	Foster trust by being truthful and open.
	General	It would be useful to prepare a simple handbook that explained the NEPA 404 process in greater detail with examples.
	General	training of folks involved;
	General	Training or education on doing things that the MOU was intended would help.
	Presentations	Methods to better present alternatives that are under consideration and those that have been discontinued. Better understanding of what is an alternative versus what is a design option and how to present these
	Timely Response	Train staff on NEPA/404 documentation (better development of purpose and need statement and documentation to support the statement).
	Timely Response	Help to educate the resource agency staff in the transportation planning and project development processes and the FHWA/Caltrans/local agency roles and responsibilities
	Timely Response	Familiarize resource agency contacts more with the NEPA/404 process;
	Agency Practices	Participants should try to understand the perspective of each agency and how they relate to the project and the agencies missions
	Agency Practices	trust building;
	General	would like these agencies to see EPA as technical staff
	General	Be more open; listen more; become more aware of other agencies' missions and goals and accept that these are legitimate
	General	Changes in staff or design variations that don't result in significant changes are not reason to reopen the issues;
	General	Start the process early
	General	Earlier involvement of EPA
	General	Find common goals
	General	We could further encourage MPOs to dive in.
	Opinions	Respect others opinions
	Agency Practices	Establish a facilitator type person who would work in conjunction with Caltrans environmental, Caltrans engineers, and resource agency people
Process Issue		

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Agency Practices	On major projects with new alignment alternatives in resource rich areas we should perform critical environmental surveys over the entire area. This would save time on the identification of avoidance alternatives later.
Agency Practices	staff resource agencies with employees that can work specifically on Caltrans projects
Agency Practices	emphasize that decisions made in the NEPA/404 process should not be revisited unless the project or the environmental conditions change significantly
Agency Practices	Have resource agencies participate in refining the MOU.
Agency Practices	Delegate decision-making authority to the people participating in the negotiations.
Agency Practices	The key is to go through the process in the proper manner and avoid arbitrary and capricious decisions
General	this issue is one that could sorely benefit from more resources
General	We could prod the other signatory agencies to show up. We could encourage more multi-agency watershed approaches so that we come into negotiations with some context for our project by project decisions
General	Ensure that Caltrans funds positions at the resource agencies that are dedicated to working on Caltrans projects.
Impacts	Be willing to accept the level of detail about projects and impacts commensurate with the decision being made. Don't postpone decisions until every bit of information is available
Knowledge	resource agency upper management needs to emphasize the importance and provide experienced staffing for this process.
Opinions	Be willing to build some level of environmental enhancements into projects above and beyond pure mitigation (when appropriate).
Work Load	Address the lack of response issue... we must have a way out, and time limits for reviews...and be empowered to decide on forging ahead in the case of an agency not responding/ not answering calls.
Work Load	Commit staff to attending meetings
Agency Practices	Become more aware of our mission and accept it as legitimate
General	Perhaps training of staff that will be involved in the process in negotiation
Agency Practices	Better define what is negotiable under purpose and need.
Agency Practices	limit the resource agencies' roles to issues within their jurisdictions;
General	require that the r/r agencies authorize their staff working in NEPA/404 to make decisions. If they're not comfortable with that, the decision-making level person should be in the meetings (with their working-level staff there as resources).
Agency Practices	Consolidating meetings so that an agency person can show up for a daylong meeting and discuss several project (better use of agency time
Agency Practices	Making the meetings more accessible to agencies (have meetings at or close to resource agency offices)
Agency Practices	Caltrans should include 404 Regulatory Agencies (at least ACOE) on the PDT for all projects that have the potential to impact wetlands. They should be involved prior to the approval of the PSR.
Agency Practices	A PSR that has the potential to impact wetlands should not be approved until ACOE has prepared a letter of concurrence on the Basic Project Purpose and Range of Alternatives.
Agency Practices	Use a collaborative decision making process from the beginning. Use a neutral facilitator in the collaborative process on controversial projects
Agency Practices	Don't complete the CEQA process in advance of starting NEPA. Discourage or don't allow local agencies from completing CEQA in advance when they think/know/hope that there will be federal involvement.

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	Agency Practices	Clarify the role of the COE as producing a majority opinion for the NEPA/404 panel
	Agency Practices	Require that the P&N include some sort of performance measure to help dismiss alternatives
	Agency Practices	Caltrans should not be required to submit an application (requesting specific addresses of impacted parcels for public notice) until after the LEDPA is identified. Otherwise, many people may be notified unnecessarily (i.e., if they're landowners of parcels included in an alternative that's not selected). It would be more appropriate to require the application and public notice to occur after the LEDPA is decided
	Agency Practices	A focus team / person should layout how the MOU works in the first meeting, clarify the roles of everyone involved.
	Agency Practices	Monitoring Committee should meet bi-annually or quarterly to keep current
	Agency Practices	Two options to update: 1) Make small changes to the existing MOU such as clarifying things, e.g. if pass 45 days w/o response should be considered as concurrence, language should be more specific, establish a focal person .etc
	Agency Practices	2) Make big changes : condense the MOU to 5 or 10 pages. Simplify it. Clarify timelines, update page2 of appendix B for signatory people to reflect current organization structure of agencies (FHWA re-organized). Pin down timelines in the MOU.
	Agency Practices	Caltrans should have a chart that lays out the project schedule by NEPA/404 process.
	Agency Practices	Separate document "committee" to work on the MOU to sign by each agency. The "explanation" document should be sent to in house staff. In house staff should then be trained using the document.
	Agency Practices	Each Resource Agency should be focused on their jurisdiction issues.
	Agency Practices	It is better to "refine" the MOU rather than start from scratch. The MOU was an effort by 20 to 30 people from all agencies involved. The group gone through sentence by sentence to come up with the MOU. The essence of the MOU is still good.
	General	Withdraw as a signatory from the MOU. Deal with NEPA and other environmental laws separately.
	General	A formal conflict resolution process that allows for elevating issues within the resource agencies would also be helpful
	General	accept the results of transportation planning process as far as traffic forecasts, demographic forecasts, P&N, and alternatives considered and withdrawn during other planning stages. we shouldn't just accept something that was planned 30 years ago without consideration of whether it is still a good idea and whether the assumptions are still valid, but neither should we go back to square one
	General	Each agency should establish a focus point person that person should be on the monitoring committee or close to it so that information from and to agency can be more consistent.
	General Opinion	If Transportation Agency takes care of 404, NEPA will fall into place. I suggest we can the whole thing and instead agree to consult early on projects with potential significant wetlands impacts -- perhaps a one page MOU
Technical Issue	Agency Practices	Add language on the need for prompt response, time limits, and the term "silence is consent."
	General	Delete the requirement of "permission letters" on purpose and need and alternatives replacing it with a requirement that resource agencies indicate their concerns in writing within 30 days of the initiation of early consultation.
	Scheduling	build in better timelines that minimize the ability of others to continually ask for additional information (maybe one round of questions only?)

**SURVEY OF RESOURCE & REGULATORY AGENCIES
TO ASSESS SUCCESS OF NEPA/404 MOU IMPLEMENTATION**

- Scheduling Put a specified time for agencies to respond in writing to requests to the NEPA/404 panel (e.g., reducing the number of alternatives to analyze). If an agency does not respond in writing within thirty days of receiving a written request for NEPA/404 action, then there is a default concurrence on the part of the agency failing to respond.
- General Develop a threshold that is unique to the MOU that would indicate when the MOU is triggered. The MOU should have its own threshold and not be tied to a constantly changing program (NWP) Develop a grandfather clause for those projects that may now need to go through the NEPA/404 process because they no longer qualify for a NWP based on recent NWP program changes
- General The MOU needs to be updated to clearly identify when the MOU is applicable
- General My concern is that the rules for the NEPA/404 process for future projects may change with the lower maximum acreages for revised Nationwide 404 permits (1/2 acre).
- General as a fallback, let's ratchet up where it is implemented -- something well above current thresholds
- General Require that the r/r agencies also have a threshold for impacts to resources within their jurisdiction