

E. Typical Project Implementation Steps

This appendix describes the typical implementation steps that may be required to take a PCBR or CCT project from the current concepts through construction. It also describes the permits and approvals that may be required for project implementation. The publication *How Caltrans Builds Projects*, available on the District 1 website, provides a more detailed description of the process for developing transportation improvement projects on the state highway system.

E.1 Caltrans Project Development Process

The Caltrans project development process begins with feasibility studies and ends with the completion of construction. The current Study is a feasibility study, but the goal is to identify potential feasible priority projects within a broad corridor at a very conceptual level. The development process is tied to the legal requirements of environmental laws and regulations; it melds engineering requirements and Caltrans' management approval steps with the environmental process.

Planning

Caltrans will need to prepare a Project Study Report (PSR) as the next stage for any of the potential improvements to move forward. Much of the information for the project-specific PSR is available from the current study, including goals, objectives, benefits and general project scope and cost. The planning-level concept and scope will be reviewed, and updated if appropriate, to define the design concept and scope, including basic design features.

The current Study's analysis of conditions, resources, and requirements is intended to help configure the improvement concepts to avoid "fatal flaws," but the feasibility of some solutions can only be determined through detailed site-specific studies. These often include site-specific studies of biological and cultural resources, bluff retreat, hydrology, traffic, soil borings and geotechnical studies for design of foundations for retaining walls or bridges, or other factors critical to design and/or project approval. These may be completed before, during or after Preliminary Design, depending on the purpose and type of study.

A statement of the project need and purpose will be developed from the summary description and scoring against criteria in the current study, regarding project relationship to State, regional, and local goals and objectives. Alternative solutions are evaluated that avoid or reduce significant adverse environmental impacts. The alternative selected is the one that causes the least environmental damage while still serving the essential transportation need.

Funding - Grant Applications

Funding will be needed for detailed design, surveying, property or easement acquisition (if required), environmental documents, preparation of construction and permit documents, and for construction. Often the funding is phased, covering only a part of the implementation process. A basic map, description, photos, and cost estimate for the proposed project must be prepared, at a minimum, to support a grant application and to compete for public or private funding. The trail concepts and costs in this Study provide good starting

material for preparing grant applications and project funding proposals. Funding for the improvements could come from a number of potential funding sources secured by Caltrans, MCOG or partners.

Environmental Process

All projects initiated by Caltrans are subject to the California Environmental Quality Act (CEQA). Projects that require federal approval, change access control on an access-controlled highway, or use federal funding are subject to the National Environmental Policy Act (NEPA). Most documents are prepared in such a manner to fulfill the requirements of both laws. CEQA was modeled after NEPA and the laws are very similar. Some differences do exist. Subtle differences in the requirements for document preparation, some terminology differences and differences in the reviewing/permitting agencies are some examples. Both processes are done simultaneously to streamline the time it takes to obtain project approval. The process for most projects is lengthy; however, and Caltrans appreciates the patience of the public during the project development phase (which includes the environmental process) and the construction phase. Caltrans also appreciates the public and agency input and encourages you to become informed about the environmental process, projects in your area, and to take an active role in the review of Caltrans projects.

SCOPING

Scoping helps to focus the difficult task that goes into documenting the environmental resources and impacts of a proposed project. Major scoping tasks include:

- Preliminary studies to define project alternatives.
- Preliminary studies to assess potential environmental impacts.
- Notifying regulating agencies of a proposed.
- At times, conducting a public open house.
- Preliminary engineering design.

ALTERNATIVE ANALYSIS

This is the second step in the environmental review process. Alternative analysis consists of developing a reasonable range of alternatives that satisfy the purpose of and need for the proposed project. Milestones in this phase of the environmental process include the following:

- Review scoping documents.
- Develop and define new alternatives.
- Engineering and environmental analysis begins.
- Prepare draft project report.
- Prepare draft environmental document.
- Preliminary results of impact assessment.

- Develop and obtain concurrence on mitigation.

PUBLIC AND AGENCY REVIEW, COMMENT AND AGENCY APPROVAL

This is the stage of the environmental process where the draft environmental document is released to the reviewing agencies and the public. At this point the lead agency requests comments on the environmental document and proposed project. Milestones in the phase of the environmental process include the following:

- Circulate Draft Environmental Document.
- Public/Agency Review and Comment.
- Public Hearing.
- Formal Response to Comments.
- Identify Preferred Alternative.
- Present Findings.
- Final Environmental Document.
- Decision Document.
- Public Comment.

Addressing Cultural and Historic Resources

One of the most significant aspects of the environmental process is assessing cultural and historic resources and following the prescribed procedures to protect them. An archaeological survey report must be prepared for any proposed project that includes areas that have not had an archaeological survey conducted. Where cultural or historic resources are present significant studies and mitigation could potentially be required, and the resources could be a factor in the feasibility of the project. Under Section 106 of the National Historic Preservation Act (NHPA) consultation with Native American Tribes is required. Consultation with the following Native American tribes and tribal organizations will need to occur regardless of project funding source (State or Federal):

Tribal List for the Mendocino Coast

- Bear River Band of Rohnerville Rancheria
- Cahto Tribe - Laytonville Rancheria
- Kashia Band of Pomo Indians of Stewarts Point Rancheria
- Manchester-Pt. Arena Rancheria
- Noyo Indian Community (not an independent Tribe)
- Intertribal Sinkyone Wilderness Society
- Round Valley Reservation
- Sherwood Valley Rancheria

Consultation should occur as early as possible during the planning stages of any project, and carry through to project completion. The federal lead agency (in this case Caltrans) must consult with Native American tribes that have ancestral territories within the project area. Consultation must be initiated between the federal lead

agency and the highest member of the tribe (Tribal Chair) along with the Tribal Historic Preservation Officer (THPO) if a Tribe has a person in this position.

The level of documentation and the amount of required investigation that would need to occur in order to comply with Section 106 of the NHPA must be determined by a Caltrans Professionally Qualified Staff (PQS) for archaeology. Upon a site visit and review of a particular project's impacts within a segment of the PCBR the Caltrans PQS will be able to make the determination as to the level of study and the documentation that will be required. The ability of PQS to make these determinations would be based on the amount of project information provided. For the purposes of the current planning-level study, three scenarios have been identified for the level of effort and cost (Low, Medium, and High):

Low – PCBR projects that will require the lowest level of cultural resource investigation includes scenarios such as the following:

Projects that occur in areas that have been identified to have a low potential for cultural resources; work is occurring within CT right of way, and either a cut is occurring within fill or little to no ground disturbance is required. In a situation such as this, a PQS may determine that a Screening Memo and/or a memo to file are sufficient. A Screening Memo is a short technical memorandum that identifies the work being performed as falling within a criteria identified as “screenable” in the Section 106 Programmatic Agreement (PA) between the State Historic Preservation Officer (SHPO) and Caltrans. A “screenable” project must also clearly have no potential to affect cultural resources or potential historic properties.

Medium – PCBR projects that will require a medium level of cultural resource work to comply with Section 106 of the NHPA:

In these scenarios you typically have types of work that do not qualify under the PA as “screenable”. This could include locations where work is planned in areas where it is unknown as to whether or not you have cultural resources present or work is planned in areas that have not been previously disturbed by past construction. In these scenarios a Caltrans PQS may determine that an Archaeological Survey Report (ASR) and a Historic Property Survey Report (HPSR) are required. Accompanying these studies is an Area of Potential Effects (APE) Map which will identify the area of impact as a result of the project. These studies are done in order to identify if there is potential to impact sites as a result of the project. In some cases these studies may lead to further analysis if any cultural resources/archaeological sites are identified.

High – PCBR projects that may require extensive cultural resource investigations to comply with Section 106 of the NRHP:

When work is proposed in an area where cultural resources/archaeological sites are known to exist and there is ground disturbing project activity that could potentially impact these then further cultural resource investigations will need to occur. An APE map along with an ASR/HPSR would be needed and additional studies and investigations may be required. Additional studies would be implemented to identify what resources are present and how to best avoid and or minimize impacts on these resources. If cultural resources/archaeological sites are identified in a project's location then this process could be very time consuming and costly depending on the amount of impact and the

significance of the site. Caltrans as the federal lead agency will be required to work closely with local tribes and if a site will be impacted, then concurrence on the methods to minimize and/or avoid sites would be required from the SHPO.

Planning-level estimates of the cost for cultural resources and other environmental issues are included in the total project cost estimates presented in Chapter 3. The cost implications for cultural and historic resources are based on the above three scenarios, as described in Appendix C: Cost Estimates and Methodology.

E.2 Typical Project Implementation Steps

Once the project is scoped, funding secured, and the environmental review process is completed, it can move through the more detailed stages of design and into construction. A general description of elements and steps is provided below.

Site Survey - Base Maps and Information

Detailed CAD base maps with right-of-way/property lines, topography (contour lines and/or spot elevations) and features such as roads, trees, buildings and fences must be prepared by a land surveyor or civil engineer covering the improvements and adjacent areas. The pertinent codes, policies, adjacent plans, utilities, and other background information must be analyzed to prepare specific design parameters for the project.

Project Agreements - Right-of-Way Acquisition/Permission

If acquisition or permission for use of property for the improvements is required, this will need to be secured, at least tentatively, before significant study or design work can begin, and typically must be finalized before preliminary design (when the feasible/desired alignment is defined) or at least before preparation of construction documents.

Preliminary Design

More detailed plans would be developed, with disciplines participating depending on the scope of improvements. These plans would have relatively accurate locations, dimensions, materials and features, to allow a correspondingly detailed preliminary cost estimate, but they would not have all the information required for bidding and constructing the project. The preliminary plans would be the basis for environmental documents and public and agency review of the project.

Permits

Project sponsors may need to obtain several types of permits and agreements. Potentially required permits are described in detail below. Preparing applications and completing the permitting process in areas with sensitive resources and many legal conditions and constraints can be time-consuming and expensive in settings such as the PCBR/CCT Study Area.

Construction Documents

The preliminary plan drawings and descriptions will need to be translated into detailed construction plans, specifications and estimate that can be used to obtain permits that require such detail, and for bidding by contractors.

Bidding and Contracting

Contract bid documents for the project must be prepared, and the project must be advertised for public bid. The bids must be analyzed, and the sponsoring agency must award a construction contract to the lowest responsible bidder.

Construction

In addition to the work of the contractor, construction of a public project entails responsible agency and/or consultant staff to oversee the contractor and administer the project, including any grant-imposed procedures or paperwork.

E.3 Permitting and Approvals

Typically each PCBR or CCT segment or combination of segments that is pursued as a project will involve obtaining several permits and agreements. This section summarizes the major types of permits that may be required, and the basic process for each. **Appendix A – Relevant Documents and References**, discusses the specific standards and criteria of the pertinent policy, plan and standards documents.

Coastal Development Permit - Mendocino County or Coastal Commission

Nearly any kind of improvement – even signs, requires a Coastal Development Permit (CDP). The potential improvement projects contained in the Study are significant and will require a full permit and hearing. This permit may be consolidated with other permits such as the Coastal Land Use Permit.

Mendocino County will handle the majority of CDP applications, but the Coastal Commission itself will hear appeals of a locally-approved CDP, and will directly review CDP applications in retained-jurisdiction areas. In either case the legal standard of review includes the public access and recreation policies contained in Chapter 3 of the California Coastal Act.

CCC Federal Consistency Review

California Coastal Act policies are applicable to all state agencies, and per the federal Coastal Zone Management Act of 1972, specified federal agency activities are reviewed by the California Coastal Commission (CCC) as well. These agencies include National Marine Sanctuaries, National Forests, the Federal Highway Administration, and the Bureau of Land Management (BLM). A federal consistency review step will be required for any project that includes improvements on such federal lands.

Coastal Land Use Permit

A Coastal Land Use Permit could also be required, depending on the Land Use Category and the facilities proposed. There are two potential standards of review:

- Policies of the Local Coastal Plan
- California Coastal Act Public Access Policies

A Consolidated Coastal Development Permit/Land Use Permit could streamline the process, and would use the Coastal Act standard of review.

A Master Coastal Permit could be undertaken, which would allow the projects to be implemented under one consolidated permit (and presumably one programmatic environmental document).

The CCC policy for CCT improvements within the coastal bluff retreat zone is an “adaptive retreat plan” – with improvements designed to be minimal and movable as the bluff retreats.

Grading Permit and Bluff Retreat Study Approval from Mendocino County

Caltrans, other state agencies, and federal agencies are technically exempt from local codes, including grading and building permits, although they have their own internal standards and review and approval procedures. However, they are not exempt from the Coastal Act and its implementation through the Mendocino County Local Coastal Plan, which in turn requires a grading plan, and other technical studies like bluff retreat.

U.S. Army Corps of Engineers (USACE) Permit

A Section 404 Permit application to the USACE for placement of fill, including consultation with the U.S. Fish and Wildlife Service, may be required to satisfy the requirements of Section 404(b)(1) of the Clean Water Act (CWA).

A Jurisdictional Delineation Report, or wetland delineation is part of the technical studies required in any location where there is potential for wetlands to occur. This maps and obtains USACE concurrence on jurisdictional “Waters of the U.S.,” including wetlands (if present), and/or “Waters of the State”.

Section 401 Water Quality Certification - Regional Water Quality Control Board (RWQCB)

Many projects will be required to prepare a RWQCB CWA Section 401 Water Quality Certification (WQC) notification/application to the local RWQCB, which may include a Storm Water Pollution Prevention Plan (SWPPP). The issuance of the WQC is necessary prior to the issuance of an USACE CWA Section 404(b)(1) permit.

Streambed Alteration Agreement – California Department of Fish and Game (CDFG)

A Section 1602 Lake or Streambed Notification/Application for a Streambed Alteration Agreement will need to be submitted to CDFG for any work that may impact a stream or related riparian habitat.

Encroachment Permit - Caltrans or Mendocino County

Where the project involves work or permanent improvements within the state highway right-of-way or county road right-of-way that would be built or maintained by others, an encroachment permit from Caltrans or the county will be required. This typically requires a maintenance agreement with either a public agency or a non-profit organization to ensure that the CCT facilities in the highway right-of-way will be adequately maintained.

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