

EXHIBIT 6-A PRELIMINARY ENVIRONMENTAL STUDIES (PES) FORM

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TO: (DLAE) (District) (Address)	FEDERAL PROJECT NUMBER: (Federal Prog. Prefix-Proj. No., Agreement No.)																																																																																	
FROM: (Local Agency) (Address) (Project Manager's Name & Telephone)	FINAL DESIGN: (Expected Start Date)																																																																																	
Is this project "ON" the State Highway System? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, STOP HERE and contact the District DLAE regarding the completion of other environmental documentation	FSTIP: (Plan Date) (Page #) FY for which each Project Component is Programmed for delivery in the FSTIP: PE FY ___/___ ROW FY ___/___ CONST FY ___/___																																																																																	
PROJECT DESCRIPTION AS SHOWN IN FSTIP:																																																																																		
DETAILED PROJECT DESCRIPTION: (Include scope of work, project limits, purpose and need, logical termini and independent utility)																																																																																		
(Continue description on "Notes" sheet, last page of this Exhibit, if necessary)																																																																																		
PRELIMINARY DESIGN INFORMATION Does the project involve any of the following? Please check the appropriate boxes and delineate on an attached map, plan, or layout including any additional pertinent information																																																																																		
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<input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> <input type="checkbox"/> Part of larger or adjacent project																																																																																
REQUIRED ATTACHMENTS: <input type="checkbox"/> Regional Map <input type="checkbox"/> Project Location Map <input type="checkbox"/> Project Footprint Map (Showing Existing/Proposed ROW) <input type="checkbox"/> Engineering drawings (Existing and Proposed Cross Sections), (if available) <input type="checkbox"/> Borrow/Disposal Site Location Map (if applicable) Note: All maps should be at a minimum scale of 1" = 200'. Maps may be ordered online at http://mapping.usgs.gov/																																																																																		

Exhibit 6-A, continued

EXAMINE FOR POTENTIAL EFFECTS ON THE ENVIRONMENT, DIRECT OR INDIRECT, AND ANSWER THE FOLLOWING QUESTIONS (Utilize the notes page at the end of the PES Form to document conclusions)

A. The Physical Environment	<u>Yes</u>	<u>To Be Determined</u>	<u>No</u>
1. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway, which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes"?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are there water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is project within a designated sole-source aquifer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is project within the State Coastal Zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the project within or immediately adjacent to a Wild and Scenic River System?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Is there a potential for a federally listed, threatened, or endangered species or their critical or sensitive habitat within the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is there a potential for wetlands within the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Is there a potential for agricultural wetlands within the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Air Quality			
a. Transportation Conformity (Air) Does Transportation Conformity apply?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the project exempt from the requirement to determine conformity (40 CFR 93.126)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Air Quality: Does the project have the potential for adverse emission impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Is there a potential for prime or unique farmlands within or immediately adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Is there a potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Are there any publicly owned public parks, recreation areas, or wildlife or waterfowl refuges [Section 4(f)] within construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Are there any aesthetically visual resources within the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 6-A, continued

B. The Social and Economic Environment	<u>Yes</u>	<u>To Be Determined</u>	<u>No</u>
16. Will the project require any right-of-way, including partial or full takes? Consider construction easements and utility relocations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Is the project inconsistent with plans and goals adopted by the community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Will the project result in the need for public services, including utilities other than those presently available or proposed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Will the project involve changes in access control?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Will project involve the use of a temporary road, detour or ramp closure?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Will the project reduce available parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Will the project generate public controversy based on potential environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Will project construction encroach on State or federal Lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Are there National Register listed or potentially eligible historic properties or archaeological resources [Section 106, Section 4(f)] <small>NOTE: CT PQS DETERMINES APPLICABILITY OF QUESTION #25.</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Is there a potential for the introduction or spread of invasive species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 6-A, continued

SECTION C, D & E - CHECK APPROPRIATE BOX TO INDICATE REQUIRED TECHNICAL STUDIES, COORDINATION, PERMITS OR APPROVALS

C. REQUIRED TECHNICAL STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
<input type="checkbox"/> NOISE STUDY <input type="checkbox"/> Traffic Related <input type="checkbox"/> Construction Related	<input type="checkbox"/> FHWA <input type="checkbox"/> FHWA	
<input type="checkbox"/> WATER QUALITY STUDY <input type="checkbox"/> Discharge Dredged/Fill material (US waters) <input type="checkbox"/> Construction in Navigable Waters <input type="checkbox"/> Construction of Bridges/Causeways Across Navigable Waters <input type="checkbox"/> Construction of Bridge <input type="checkbox"/> Stream or Lake Alteration <input type="checkbox"/> NEPA/404 MOU	<input type="checkbox"/> U.S. Army Corps of Engineers <input type="checkbox"/> U.S. Army Corps of Engineers <input type="checkbox"/> U.S. Coast Guard <input type="checkbox"/> California Regional Water Quality Control Board <input type="checkbox"/> California Department of Fish & Game <input type="checkbox"/> FHWA	<input type="checkbox"/> Issues Section 404 Permit <input type="checkbox"/> Section 10 Permit <input type="checkbox"/> Approves Plans <input type="checkbox"/> Water Quality Certification <input type="checkbox"/> Section 1601/03 Permit
<input type="checkbox"/> SOLE SOURCE AQUIFER	<input type="checkbox"/> EPA (S.F. Regional Office)	<input type="checkbox"/> Contamination Threat
<input type="checkbox"/> COASTAL ZONE	<input type="checkbox"/> State Coastal Zone Management agency (California Coastal Commission (CCC))	<input type="checkbox"/> Coastal Zone Consistency
<input type="checkbox"/> FLOODPLAIN STUDY *	<input type="checkbox"/> Federal Emergency Management Agency <input type="checkbox"/> FHWA	<input type="checkbox"/> Floodplain Finding
<input type="checkbox"/> WILD & SCENIC RIVERS	<input type="checkbox"/> U.S. Department of Interior <input type="checkbox"/> Heritage Conservation/Recreation Service	
<input type="checkbox"/> BIOLOGY STUDY *	<input type="checkbox"/> FHWA <input type="checkbox"/> California Department of Fish & Game	<input type="checkbox"/> Sec 7 Consultation <input type="checkbox"/> Incidental Take Permit
<input type="checkbox"/> WETLANDS STUDY * Agricultural Wetlands	<input type="checkbox"/> FHWA/EPA <input type="checkbox"/> U.S. Fish & Wildlife <input type="checkbox"/> U.S. Army Corps of Engineers <input type="checkbox"/> National Marine Fisheries Service <input type="checkbox"/> Natural Resources Conservation Service	<input type="checkbox"/> Wetlands Findings <input type="checkbox"/> Verifies juris. wetlands <input type="checkbox"/> Verifies agri. wetlands
<input type="checkbox"/> AIR QUALITY STUDY*	<input type="checkbox"/> FHWA	<input type="checkbox"/> Conformity Finding
<input type="checkbox"/> FARMLANDS STUDY	<input type="checkbox"/> Natural Resources Conservation Service <input type="checkbox"/> U.S. Army Corps of Engineers	<input type="checkbox"/> Verifies prime/unique <input type="checkbox"/> Approves Conversions
<input type="checkbox"/> HAZARDOUS MATERIAL STUDY (Cleanup of Hazardous Material Sites)	<input type="checkbox"/> 1. CALIF. EPA; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Work plan Sites <input type="checkbox"/> 2. CALIF. Office of Planning and Research; Hazardous Wastes & Substances Sites List, List of Contaminated Sites <input type="checkbox"/> 3. LOCAL; Health & Human Services Dept., Hazardous Waste Operations Div	

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

Exhibit 6-A, continued

C. REQUIRED TECHNICAL STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
<input type="checkbox"/> SECTION 4(f) EVALUATION *	<input type="checkbox"/> FHWA <input type="checkbox"/> Public Official w/Jurisdictional Responsibility. <input type="checkbox"/> SHPO/ACHP (as appropriate) <input type="checkbox"/> DOI/DOA/HUD/USDA (as appropriate)	<input type="checkbox"/> Makes Determination
<input type="checkbox"/> SECTION 6(f) EVALUATION	<input type="checkbox"/> Park Official <input type="checkbox"/> DOI	
<input type="checkbox"/> VISUAL IMPACT STUDY (AESTHETICS)	<input type="checkbox"/> FHWA	
<input type="checkbox"/> RELOCATION IMPACTS STUDY	<input type="checkbox"/> State & Local Planning Departments	
<input type="checkbox"/> SOCIO-ECONOMIC STUDY	<input type="checkbox"/> Airports, Schools, State and Local Planning Departments	
<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> FHWA	
<input type="checkbox"/> SECTION 106 STUDY *		
<input type="checkbox"/> Exempt Undertaking	<input type="checkbox"/> Caltrans (PQS & DLAE approve APE)	<input type="checkbox"/> Determines whether project qualifies as exempt
<input type="checkbox"/> APE Map	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Determines applicability of Minimal APE
<input type="checkbox"/> Historic Property Survey Report (HPSR)	<input type="checkbox"/> Caltrans <input type="checkbox"/> Local Preservation groups and/or Native American Tribes	<input type="checkbox"/> Approves document <input type="checkbox"/> Provides comment on concerns with project
	<input type="checkbox"/> FHWA	<input type="checkbox"/> Concurs or Consults with SHPO/ACHP
	<input type="checkbox"/> SHPO	<input type="checkbox"/> Concurs
<input type="checkbox"/> CONSTRUCTION/ENCROACH ON STATE LANDS		
<input type="checkbox"/> Under State Lands Commission Jurisdiction	<input type="checkbox"/> State Lands Commission	<input type="checkbox"/> General Permit/Revise General Plans
<input type="checkbox"/> Under Caltrans Jurisdiction	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> CONSTRUCTION/ENCROACHMENT ON FEDERAL LANDS	<input type="checkbox"/> U.S. Bureau of Reclamation <input type="checkbox"/> Private Land Owner	<input type="checkbox"/> Encroachment Permit <input type="checkbox"/> Right-of-Entry Permit
Additional studies may be required for other federal agencies.		

F. Public Hearing and Public Availability

- Not Required
- Notices of Availability
- Environmental Document ONLY

- Opportunity for a Public Hearing
- Public Hearing Required

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

Exhibit 6-A, continued

G. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

- ___ Environmental Impact Statement
- ___ Environmental Assessment
- ___ Categorical Exclusion, with required technical studies (involving federal action)
- ___ Programmatic Categorical Exclusion, without required technical studies
- ___ Programmatic Categorical Exclusion, with required technical studies (not involving federal action)

LOCAL AGENCY STAFF or CONSULTANT SIGNATURE

Prepared by: _____ Date _____ Telephone #: _____

LOCAL AGENCY PROJECT ENGINEER SIGNATURE:

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

Signature local agency: _____ Date: _____ Telephone #: _____

THE FOLLOWING SIGNATURES ARE REQUIRED FOR ALL PCEs, REGULAR CEs, EAs, AND EISs

CALTRANS DISTRICT ENVIRONMENTAL OFFICE CHIEF (EOC) OR DESIGNEE SIGNATURE

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document (if required).

Signature EOC (or designee): _____ Date: _____ Telephone #: _____

CALTRANS DISTRICT PROFESSIONALLY QUALIFIED STAFF (PQS) SIGNATURE

- Project does not meet definition of an "undertaking". No further review is necessary under Section 106. ("No" Sec B, #25)
- Project meets the definition of an "undertaking", involves the types of activities listed in Attachment 2 of the Section 106 PA, and, based on the information provided in the PES Form, does not have the potential to affect historic properties. ("No" Sec B, #25)
- Project meets the definition of an "undertaking" and involves the types of activities listed in Attachment 2 of the Section 106 PA, but the following additional procedures or information is needed, to determine the potential for effect: ("To Be Determined" Sec B, #25)
- Records Search _____ _____ _____
- The proposed undertaking is considered to have the potential to affect historic properties. Further studies for 106 compliance are indicated in Sections C, D and E of this PES Form. ("Yes" Sec B, #25)

Signature PQS: _____ Date: _____ Telephone #: _____

DLAE SIGNATURE:

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document (if required).

Signature DLAE: _____ Date: _____ Telephone #: _____

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, AND (WHEN RECOMMENDED BY THE EOC (or DESIGNEE), OR DLAE) FOR REGULAR CEs:

FHWA SIGNATURE:

I concur with the studies to be performed and the recommended level of environmental document.

Signature FHWA: _____ Date: _____ Telephone #: _____

Distribution:

Original: District Local Assistance Engineer Copy: Local Agency Project Files, District EOC (or designee), District PQS

PRELIMINARY ENVIRONMENTAL INVESTIGATION
NOTES TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST
(May also include continuation of Detailed Project Description from Page.)

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EXHIBIT 6-B INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

When a local agency desires federal funding for preparing environmental studies and preliminary engineering, the local agency submits a "Request for Authorization" form to the DLAE. The local agency may not proceed with reimbursable activities prior to the project's inclusion in a federally approved FSTIP and receipt of "Authorization to Proceed" notification from Caltrans.

The first step in the environmental process for local agency federal-aid transportation projects "OFF" the State Highway System is a preliminary environmental investigation and completion of the PES Form.

Detailed instructions for conducting a preliminary environmental investigation are provided below. Sections A and B of the PES Form should not be completed until after the preliminary environmental investigation has been conducted. A blank page (titled "Preliminary Environmental Investigation Notes to Support the Conclusions of the Checklist") is provided at the back of the PES Form to record investigation findings and field notes.

A. The Physical Environment:

1. **Noise:** Consult the Caltrans Noise Analysis Protocol (1998) and (23 CFR 772.5(h)) to determine if this is a Type 1 project; "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes."

If "No" make sure that the appropriate boxes under Preliminary Design Information are checked "No."

If "Yes" or "To Be Determined," further study will be required. Check "Yes" next to appropriate boxes under Preliminary Design Information (PES Form, page 1), check Noise Study under Section C of the PES Form and request a Coordination Meeting prior to undertaking the Noise Study. The Noise Study must be undertaken in accordance with guidance set forth in the SER and the Noise Report must conclude whether the project will result in predicted traffic noise levels that approach or exceed the noise abatement criteria, or if the predicted traffic noise levels will approach (1 dBA less than Noise Abatement Criteria) or substantially (12 dBA) exceed existing noise levels. When project construction involves pile driving, structure demolition, blasting, etc., the noise study will also need to consider land uses or activities which may be affected by construction noise and determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. (Refer to the SER for guidance on preparing a Noise Report).

2. **Water Quality:** Review maps to determine if there are water resources (i.e., rivers, streams, lakes, reservoirs, impoundments, bays, inlets, estuaries, wetlands, drainage sloughs, vernal pools or swales) within or immediately adjacent to the project area. Confirm and note presence or absence during site visit. Are there water resources in the immediate project vicinity that may be affected by the project?

If "No," indicate "No" next to "Bridge Work," "Stream Channel Work" or "Flooding" in the Preliminary Design Information box on the first page of the PES Form. Include a vicinity map (clearly showing project's proximity to water resources) and a copy of the field notes confirming the absence of water resources.

If "Yes" or "To Be Determined," further study will be required. Appropriately indicate "Yes" next to "Bridge Work," "Stream Channel Work" or "Flooding" in the Preliminary Design Information box on the first page of the PES Form. Check "Water Quality Study," as appropriate, under Section C of the PES Form and request a Coordination Meeting prior to undertaking the Water Quality Study in accordance with guidance set forth in the SER. Indicate applicable coordination and required permits under Sections D and E of PES Form respectively.

For projects involving the construction of a bridge over a Navigable River, local agencies indicate that coordination with the Coast Guard will be required during the environmental and design phases of the project (Section D of the PES Form) and that a Coast Guard Bridge Permit will be required (Section C of the PES Form).

For projects impacting special aquatic sites or greater than three acres, or 500 lineal feet of drainage, of other waters of the U.S., an Individual Section 404 Permit will be required. Local agencies should notify the DLAE as early as possible to consult and conform to the provisions of the Memorandum of Understanding National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada (fully executed Spring, 1994, by the ACOE, FWS, NMFS, EPA, FHWA, FTA, Caltrans, Arizona DOT, Nevada DOT).

AKA: NEPA/404 MOU.

3. **Sole-Source Aquifer:** Consider if the project is located in or near one of the three sites in California that have been designated as sole-source aquifers; one in Fresno County; the Santa Margarita Aquifer in Scotts Valley, Santa Cruz County; and the Campo/Cottonwood Creek Aquifer in Butte County. A fourth site, the Ocotillo Coyote Wells Aquifer in Imperial County is proposed for designation.

If “No,” make sure that the Agency (County) information is provided on page 1 of the PES Form. If the project is proposed within the county of Fresno, Santa Cruz, Butte, or Imperial, the Project Description should clearly state that the project is not within an EPA designated or proposed sole-source aquifer. Where the proximity is questionable, state distance of project from sole source aquifer, in the Preliminary Environmental Investigation Notes page and attach map showing projects relation to sole-source aquifer boundary.

If “Yes,” or “To Be Determined,” and the project is being processed with an EA or an EIS, EPA review of the NEPA document will be required prior to the public availability period. If “Yes,” and the project is being processed with a CE, will project involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health? If “Yes,” EPA review will also be required prior to FHWA approval of the CE. Check Sole Source Aquifer under Section C of the PES Form, note need for EPA review under Section E of the PES Form, and request the DLAE schedule a Coordination Meeting, prior to undertaking the study in accordance with guidance set forth in the SER. If “No,” project is exempt from a project-by-project review by the EPA.

4. **Coastal Zone:** Is project within 1000 yards from mean high tide or within an area regulated by the State Coastal Zone Management Agency (SCZMA)?

If “No,” be sure to provide the DLAE with a copy of a regional map.

If “Yes,” or “To Be Determined,” further study will be required to confirm projects consistency with the State Coastal Zone Management Program (CZMP) Plan. Check Coastal Zone Study under Section C of the PES Form and request a Coordination Meeting prior to undertaking the study. Indicate need for a consistency determination by the SCZMA under Sections D and E of PES Form.

5. **100-year Floodplain:** Check Federal Emergency Management Agency (FEMA) maps and National Flood Insurance Program (NFIP) maps, available from public libraries, State Department of Water Resources, city and county flood control managers, or public works departments. Will the project encroach on the base (100 year) flood plain?

If “No,” check “No” next to “Flooding” under Preliminary Design Information on the first page of the PES Form. Include a statement in the Preliminary Environmental Investigation Notes page to the effect that the project is not within a 100-year floodplain. For borderline cases, or when

questionable, attach a copy of the relevant FEMA or NFIP map, showing location of project, or include a written note of the map number and date that was checked.

If “Yes,” or “To Be Determined,” further study will be required to determine if the action would support base floodplain development, and/or if the action will involve any work permanently encroaching on a regulatory floodway, or if the action will involve any work affecting the base floodplain (100-year) elevations of a water course or lake. Check “Yes” next to “Flooding” under Preliminary Design Information on the first page of the PES Form and check “Floodplain Risk Assessment” in Section C of the PES Form. Indicate need for coordination under Section D, and request a Coordination Meeting prior to undertaking the study in accordance with guidance provided in the SER.

6. **Wild and Scenic Rivers:** Review National Park Service’s most current regional list of Wild and Scenic Rivers. As of August 1, 1997, portions of the Tuolumne, American, Middle Fork of the Feather, Smith, Klamath, Trinity and Eel Rivers, have been classified as Wild and Scenic. Consider the projects proximity to one of these rivers. (Note: Designation protects river and a 0.25-mile corridor from development). Does the action involve any construction in, across, or adjacent to a river (designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/U.S. Department of Agriculture)?

If “No,” be sure to provide the DLAE with a copy of a regional map. When the project is in the general vicinity of a Wild and Scenic River, the Project Description should clearly state that the project is not within the 0.25-mile protected corridor. Attach map showing projects relation to river in question.

If “Yes,” or “To Be Determined,” further study will be required to determine if the construction, operation or maintenance of the project will affect the river and whether the affect will be significant. Check Wild and Scenic Rivers Study under Section C of the PES Form, indicate applicable coordination under Section D and request a Coordination Meeting prior to undertaking the study in accordance with guidance set forth in the SER.

7. **Federally Threatened or Endangered Species:** Request a list of federally listed species and critical habitat in the proposed project area from the U.S. Fish and Wildlife Service. Review the habitat requirements of each species and determine whether there is suitable habitat to support any of the species in question. Is there suitable habitat?

If “No,” provide the following evidence, or proof to support your answer:

- Attach a copy of the U.S. Fish and Wildlife Service’s response to your request for a species/habitat list.
- Provide a brief discussion of the habitat needs of each species on the list.
- Provide a description of the project setting/habitat within the project area, and
- Provide the results of a general reconnaissance survey.

When a review of the databases or maps and site visit indicate the likelihood of sensitive plants or animals within the construction area, indicate, “Yes” or “To Be Determined” next to questions #7 under Section A of the PES Form. Further study will be required to confirm existence and to determine if the project will adversely affect the species or critical habitat in question. Check Biology Study in Section C of the PES Form, and request a Coordination Meeting prior to undertaking the study in accordance with guidance set forth in the SER.

8. **Wetlands:** Consult National Wetland Inventory (NWI) maps, available through the appropriate Natural Resource Conservation Service (NRCS) field office(s). Are wetlands likely to be present?

If “No,” include a statement, on the Preliminary Environmental Investigation Notes page, to the effect that the project will not involve any work in wetlands. For borderline cases, or when questionable, attach a copy of relevant NWI map, showing location of project relative to wetland designations, field notes from site visit and photograph, with construction area clearly delineated.

If “Yes,” or “To Be Determined,” further study will be required to determine the exact boundary of the wetland (based on the ACOE three-parameter definition (33 CFR 323.2(c)), and to quantify the project-related impacts on the wetland. Local agency indicates the need for a Wetland Study in Section C of the PES Form and requests a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. Indicate need to coordinate with FHWA/EPA under Section D and note which agency is responsible for verifying the wetland. FHWA is responsible for making the formal finding under Section E.

9. Agricultural Wetlands: Local agency reviews relevant maps and information available from the appropriate National Resources Conservation Service field office to determine if any agricultural wetlands are present within the project area. Are agricultural wetlands present within or immediately adjacent to the project area?

If “No,” include a statement, on the Preliminary Environmental Investigation Notes page, to the effect that all work will occur within existing right-of-way. No agricultural or wetland resources will be affected.

If “Yes,” or “To Be Determined,” further study will be required to determine the exact boundary of the wetland (based on the ACOE three-parameter definition (33 CFR 323.2(c)), and to quantify the project related impacts on the wetland. Local agency indicates the need for a Wetland Study in Section C of the PES Form and requests a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. (Note: The ACOE remains the agricultural wetlands point of contact for Section 404 Permits). Indicate the need to coordinate with ACOE for verification the agricultural wetland boundary (under Section D of the PES Form), and note that FHWA is responsible for making the formal finding (under Section E of the PES Form).

10. Air Quality Conformity:

- a. Is the project included in a currently conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) with no substantial changes in the design concept and scope as used in the TIP?

Check FHWA California Division’s [Air Quality Conformity page](#) for the most recent information.

If “No,” STOP. Do not continue with Preliminary Environmental Studies. Refer to [40 CFR 93.109](#) for guidance on projects not included in a conforming plan and TIP.

If “Yes,” or “To Be Determined” identify the specific RTP, TIP or FTIP project number in which the project is contained and include the date of the U.S. DOT conformity determination in the Project Description.

- b. Is the project exempt from the requirement to determine conformity [40 CFR 93.126](#)?

If “No,” STOP. Do not continue with the Preliminary Environmental Studies. Refer to [40 CFR 93.109](#) for guidance on projects not included in a conforming plan and TIP.

If “Yes,” state project category type as defined in [Table 2](#) of [40 CFR 93.126](#).

11. National Ambient Air Quality Standard (NAAQS): Consult with your local, EPA-approved, Air Monitoring contact. Is the project in a NAAQS non-attainment or maintenance area?

If “No”, further study will not be necessary.

If “Yes” or “To Be Determined,” further technical study will be required to determine if the project will (1) affect intersections that are currently at Level of Service (LOS) D, E, or F, or those that will change to LOS

D, E, or F because of increased traffic volumes related to the proposed project, and/or (2) result in localized violation of National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) and particulate matter (PM) ten microns or less in diameter (10). Local agencies must demonstrate that the project will not cause or contribute to any new localized CO or PM (10) violations or increase the frequency or severity of any existing CO or PM (10) non-attainment and maintenance areas. Local agency indicates the need for an Air Quality Study in Section C of the PES Form and requests the DLAE schedule a Coordination Meeting prior to commencing with the study in accordance with guidance set forth in the SER. For small projects, coordination with FHWA may not be necessary, and the project may still be eligible for a Programmatic CE. When there is a potential for impact, local agencies should indicate the need to coordinate with FHWA by placing an "X" in Section D of the PES Form.

- 12. Prime or Unique Farmlands:** Will farmland be acquired for the project or will the project indirectly lead to the conversion of farmland?

If "No," make certain the box next to "R/W acquisition" under Preliminary Design Information on Page 1 of the PES Form is checked "No" and that the statement "all work will occur within existing right-of-way" is included in the Preliminary Environmental Investigation Notes. Include field notes from site visit, indicating surrounding land uses (i.e., farmlands).

If "Yes" or "To Be Determined," further study will be required. Check Farmlands Study in Section C of the PES Form, and indicates coordination and permit requirements under Sections D and E of the PES Form, respectively. Request DLAE schedule a Coordination Meeting prior to commencing with the study in accordance with guidance set forth in the SER. If time permits, local agency completes Parts I and III of U.S. Department of Agriculture [Form AD 1006](#), "Farmland Conversion Impact Rating," and submits it, along with maps showing location of alternatives, to the appropriate Natural Resources Conservation Service field office for verification of prime and unique farmlands. Are lands subject to the Farmland Protection Policy Act? If "NO," no further study will be required. If "YES," any conversions to non-agricultural use will require coordination with the ACOE.

- 13. Hazardous Material Sites including Underground Tanks:** Review local records of prior land uses and local and State-maintained databases of hazardous materials sites and underground tanks. During the site visit, note existing land uses (i.e., gas stations, auto wrecking yards, railroad yard or tracks, landfills, etc.) and any evidence of past land uses (i.e., above ground tanks, stained soil, 50-gallon drums, etc.) Are there any signs of or any known hazardous materials within the right-of-way?

If "No," include a statement, on the Preliminary Environmental Investigation Page to the effect that all work will occur within existing right-of-way. Include field notes from site visit, indicating absence of staining on soil, proximity to gas station, landfill or rail yard.

If "Yes," further study will be required. Check Hazardous Materials Study in Section C of the PES Form, indicate coordination and permit requirements under Sections D and E of the PES Form respectively, and request the DLAE schedule a coordination meeting prior to commencing with the study in accordance with guidance set forth in the SER.

- 14. Section 4(f) Parklands:** Review right-of-way and/or parcel maps to determine ownership prior to conducting a site visit. Observe existing land uses during the site visit. Are any existing or planned publicly owned public parks, recreation areas, or wildlife or waterfowl refuges, or National Register listed or eligible historic properties within or adjacent to the project area?

If "No," include right-of-way and ownership information, and information from site visit noting surrounding land uses on Project Footprint Map.

If "Yes," or "To Be Determined," further study will be required. Check need for a Section 4(f) Evaluation in Section C of the PES Form, identify coordination and permit requirements under Sections D and E of the PES Form respectively, and request the DLAE schedule a Coordination Meeting prior to commencing with

study in accordance with guidance set forth in the SER. If the park was purchased under the Federal Land and Water Conservation Fund (LWCF) program (Section 6(f) Program) of the National Park Service, Department of the Interior, coordination with the California Department of Parks and Recreation will also be required to ensure consistency with long term management plans.

- 15. Visual Impact:** Consider project construction, operation and maintenance. During the site visit, consider the scenic attributes of the project area. Are there scenic attributes within or adjacent to the project?

Will the project involve large cuts or fill areas or large structures? Will the project produce light, glare and/or shadows?

If “No,” can be answered to all three of these questions, include a statement on the Preliminary Environmental Investigation Note page to the effect that there are no scenic areas or resources within the project area, the project will not involve large cuts or fill areas or large structures, and the project will not produce light, glare and shadow. Include field notes from site visit, indicating surrounding land uses (i.e., scenic vistas, trees, rock outcroppings waterfalls, residences, buildings, etc.)

If “Yes,” or “To Be Determined,” is the answer to any of the above questions, further study will be required. Check Visual Impact Study (Aesthetics) in Section C of the PES Form, indicate coordination with FHWA under Section D of the PES Form, and request the DLAE schedule a Coordination Meeting prior to initiating study.

B. The Social and Economic Environment

- 16. Right-of-Way:** Does the project require the acquisition of more than minor amounts of temporary or permanent strips of right-of-way for construction of such items as clear vision corners and grading? Consider construction easements and utility relocations and partial or full takes of right-of-way.

If “No,” check “No” next to “R/W Acquisition” under Preliminary Design Information on the first page of the PES Form. Indicate whether or not “all work will occur within existing right-of-way” in the Preliminary Environmental Investigation Notes.

If “Yes,” or “To Be Determined,” check “Yes” next to “R/W Acquisition” under Preliminary Design Information on the first page of the PES Form. Indicate total acreage and ownership under “Project Description.” Further study will be required to determine the amount of right-of-way (partial or full takes) whether the acquisition will displace businesses and/or residences or divide or disrupt an established community or a minority or low-income community, or induce unplanned growth. Check Relocation Impacts Study and/or Community Impact Assessment (as appropriate) in Section C of the PES Form, and request a Coordination Meeting prior to commencing with the study in accordance with guidance set forth in the SER.

Note: When the project will affect a Minority or Low-Income Community, Presidential E.O. 12898 (on Environmental Justice) requires federal agencies to assure that their actions do not result in disproportionate adverse environmental impacts on minority or low-income. Consult the Census to identify any minority (more than 50%) or low-income (more than 50%) communities that will be adversely impacted by the project.

- 17. Inconsistent with Community Plans:** Check the General Plan or the Community Plan. Is the project inconsistent with plans and goals adopted by the community?

If “No,” include a statement to the effect that “project is consistent with local plans” in the Preliminary Environmental Investigation Notes page.

If “Yes,” or “To Be Determined,” further study will be required. Local Agency indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit

requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth the SER.

- 18. Public Services:** Review public services and utilities presently available to the project area. Will the project result in the need for public services, including utilities other than those presently available or proposed?

If “No,” include a statement to the effect that “the project will not generate a need for public services, including utilities beyond those presently available or proposed” in the Preliminary Environmental Investigation Notes page.

If “Yes,” or “To Be Determined,” further study will be required. Local agency indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER.

- 19. Access Control:** Will the project involve any changes in access control?

If “No,” include a statement in the Preliminary Environmental Notes page that project will not require a change in access. Include Vicinity Map to clearly show the project’s relationship to the State highway system.

If “Yes,” or “To Be Determined,” further study will be required. Local indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting.

- 20. Local Traffic Patterns:** Consider local traffic patterns during construction, operation, and maintenance of the proposed facility. Will the project affect local traffic patterns?

If “No,” include a statement to the effect that “no changes in local traffic patterns (short or long-term) will occur as a result of the project” in the Preliminary Environmental Investigation Notes page.

If “Yes,” local agency indicates the need for a Traffic Study in Section C of the PES Form, identifies coordination and permit requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. The traffic study should address provisions for local traffic patterns, through-traffic dependent businesses, construction of detours or ramp closures, local special events or festivals, temporary roads, detours or ramp closures and any substantial public controversy.

- 21. Parking:** Consider existing parking. Will the project affect available parking?

If “No,” include a statement, in the Preliminary Environmental Investigation Notes page, to the effect that there are no parking spaces within or immediately adjacent to the project. Where parking spaces are in the immediate vicinity, but the project will in no way affect them, expand Project Description to clearly indicate that the project will not change the number and/or location of parking spaces (either temporarily or permanently).

If “Yes” or “To Be Determined,” further study will be required. Local agency indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. Where parking is a controversial issue in the project community, a public information meeting and/or public hearing may be required.

- 22. Future Construction:** Consider whether the project will be able to function independently or if future construction will be required to fully utilize the design capabilities included in the proposed project?

If “No,” insure Project Description discusses purpose, need, and logical termini, and clarify that project has independent utility and will not require future construction to function.

If “Yes” or “To Be Determined,” further study will be required. Local agency indicates the need for a Traffic Study in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER.

23. Public Controversy: Consider whether there is substantial interest (from a community standpoint) in the project, or in environmental resources surrounding the project.

If “No,” include a statement, in the Preliminary Environmental Investigation Notes page, to the effect that the project is non-controversial.

If “Yes,” or “To Be Determined,” indicate need for public involvement next to the recommended class of action under Section G.

24. Construction Encroachment: Will the project encroach on State or federal lands?

If “No,” Project Description should clearly indicate that no new right-of-way would be required.

If “Yes,” or “To Be Determined,” indicate coordination and permit requirements under Sections D and E respectively.

25. Historic Properties: All federal-aid transportation projects require screening by a District PQS in order to satisfy the requirements of Section 106 Programmatic Agreement, which became effective on January 1, 2004.

For this reason, there is no need for local agencies to undertake any research on the potential presence of historic or cultural resources unless advised to do so by the District PQS. A completed PES Form (including a detailed Project Description, Preliminary Design Information and Sections A and B) is needed by the PQS in order to perform the Section 106 screening

The District PQS will indicate, on the PES Form, whether a record search, an APE map, technical studies are needed. The local agency should not initiate cultural studies until such time as the APE map has been signed by the DLAE and District PQS. The local agency should request the DLAE to schedule a Coordination Meeting to discuss required format and content of required cultural reports.

26. Invasive Species: Check the California official noxious weed list. Is there a potential for the introduction or spread of any of these invasive species as a result of the project?

If “No,” Project Description should clearly discuss whether the project will involve re-vegetation or landscaping activities and the types of plant species proposed for use.

If “Yes,” or “To Be Determined,” it is important to note that FHWA prohibits the use of federal-aid for construction, re-vegetation or landscaping activities that purposely include the use of known invasive plant species. Where the potential exists for the introduction or spread of invasive species, the environmental document should include a discussion of the potential impact of these species and any anticipated prevention or control measures to be taken. Guidance on compliance with the provisions of E.O. 13112 is available in the SER.

Sections C, D, & E:

Indicate which technical studies will be required based on those questions where a “YES” or “TO BE DETERMINED” answer was checked. Check the required technical study and indicate if coordination or permits and approvals will be required.

Completing Section C of the PES Form - Required Technical Studies

Local agency considers the results of the preliminary environmental investigation and the responses to the questions under Sections A and B of the PES Form. When there is a potential for sensitive environmental resources within or adjacent to the project area, a technical study will be required. Refer to the SER for additional information on the appropriateness of a specific technical study.

Completing Section D of the PES Form - Coordination

Local agency indicates whether coordination with resource and/or regulatory agencies will be necessary. Coordination should be limited to information gathering.

Completing Section E of the PES Form - Permits and Approvals

The local agency indicates whether any permits will be required.

Types of permits to consider include, but are not limited to:

- U.S. Army Corps of Engineers 404 Permit for Bridge Construction
- U.S. Army Corps of Engineers 404 Permit for work in Wetlands
- California Dept. of Fish and Game 1601/03 Permit for Streambed Alteration
- All U.S. land-holding agencies, Archaeological Resources Protection Act (ARPA) permit for work on federal land.

Consult the [California Permit Handbook](#).

Completing Section F of the PES Form - Public Hearing and Public Availability

Local agency indicates whether a Public Hearing or Public Availability will be required. See LAPM Chapter 8, "Public Hearings."

When determining whether a public hearing is necessary, note that all Draft EISs require a public hearing, and NEPA requires a public hearing on environmental documents when there is:

- Substantial environmental controversy concerning the proposed action
- Substantial interest in holding a hearing
- A request for hearing by another agency with jurisdiction over action

Public Involvement for other federal environmental processes includes:

- Section 106 - a public notice if the project will affect a historic (non-archeological) property
- Section 7 - does not in itself require public involvement
- E.O. 11990 (Wetlands) - a public notice if the project will affect a wetland
- E.O. 11998 (Floodplain) - a public notice if the project involves a of floodplain encroachment
- E.O. 12898 (Environmental Justice) - a public notice if the project will adversely affect a minority or low-income community.

Completing Section G of the PES Form - Preliminary Environmental Document Classification (Programmatic CE/CE/EA/EIS)

Based on the answers provided in Section A-C of the PES Form, the local agency makes a determination as to the appropriate NEPA class of action. Refer to the SER when determining whether to prepare an EA or an EIS.

Signatures:

Complete signature blocks.

Preparer - Name and telephone number of local agency staff person or environmental consultant that performed the preliminary research and completed the PES Form.

Local Agency - The local agency representative (typically the person having responsible charge for the project; i.e., Public Works Director or City Engineer) signs the PES Form when they are satisfied that the form and all supporting documentation is “complete and sufficient.”

Caltrans District Environmental Office Chief (EOC) or Designee: Caltrans Environmental signature is required on the PES Form for all projects. Their signature means the submittal is complete and sufficient and that they concur with the studies to be performed and the recommended level of environmental documentation.

District Professionally Qualified Staff (PQS): The District PQS will indicate the results of their screening in the PQS signature block of the PES Form; indicate appropriate response to Question 25 under Section B of the PES Form; complete Sections C, D and E, (regarding Section 106); and sign the PES Form for all projects.

DLAE - The District Local Assistance Engineer (DLAE) signs the PES Form when they are satisfied the form and supporting documentation are complete and sufficient, and when they concur with the studies to be performed and the recommendation level of environmental documentation.

FHWA - The FHWA Project Development Engineer signature is required on the PES Form when the recommended NEPA class of action is an EA, EIS, or (when requested) a regular CE. FHWA signature on the PES means that they have reviewed the PES Form and concur with the studies to be performed and the recommended level of environmental document.

Note: The DLAE will consult with the District EOC (or designee) and determine which projects required early involvement by FHWA. Typically these will be actions, necessitating the preparation of an EA or an EIS, or in cases where the proposed document is a CE, but FHWA has responsibility for consultation under regulation or interagency agreement, or responsibility for a finding or determination required by law, regulation or Executive Order.

PES Distribution

The original completed PES Form shall be maintained in the District Local Assistance Engineer’s project file. The local agency, District Environmental staff and FHWA Project Development Engineer to facilitate quick reference should maintain copies of the completed PES Form.

Exhibit 6-C Sample Letter – Biological Resources

Local agency should send this request for information to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as appropriate, whenever vegetation (natural or agricultural) or water resources (including lakes, rivers, creeks, vernal pools, vernal swales, and/or irrigation, agricultural or roadside drainage ditches) are present within or immediately adjacent to the project area.

There are seven USFWS Field Offices in California. Some portions of California fall under the jurisdiction of field offices in Nevada or Oregon.

Locate the Field Office for your area online at: <http://pacific.fws.gov/ecoservices/field.htm>

Or call the California/Nevada Operations Office at (916) 414-6600.

COUNTY/CITY/ENVIRONMENTAL CONSULTANT LETTERHEAD

RE: Request for List of Federally Listed Species and their Critical Habitat and Listing of Anadromous Fish

Description of proposed action:

Name of USGS Topographic Map (7.5 minute series) on which project location appears.

Please provide us with the following information:

List of Federally Listed Status and their Critical Habitat
Anadromous Fish Map Overlay.

Contact person and telephone:

Sincerely,

Name and Title

Distribution:

Original: U.S. Fish and Wildlife Service and/or National Marine Fisheries Service
Copies: District Local Assistance Engineer
Local Agency Project Files

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EXHIBIT 6-D PROGRAMMATIC CATEGORICAL EXCLUSION AGREEMENT (NOVEMBER 18, 2003)**PROGRAMMATIC CATEGORICAL EXCLUSION**

The Federal Highway Administration, California Division, hereinafter FHWA, and the California Department of Transportation, hereinafter the Department, have developed this programmatic agreement to describe the policy and procedures for environmental processing of certain "Categorical Exclusion" (CE) actions as defined in 23 CFR 771.117 normally found to have no significant social, economic and environmental effects. The Department will act on behalf of FHWA in determining that federal environmental requirements are met on the types of categorical exclusions actions identified in this agreement.

The actions listed under 23 CFR 771.117(c) are hereby established as programmatic categorical exclusions and do not require any further NEPA approvals by FHWA, provided:

1. The action does not, either individually or cumulatively, have any significant environmental impacts as described in 23 CFR 771.117(a), and
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b).

The actions listed under 23 CFR 771.117(d) may be classified as a programmatic categorical exclusion, provided the following conditions are met:

- The action does not, either individually or cumulatively have any significant environmental impacts as described in 23 CFR 771.117(a).
- The action does not involve significant controversy on environmental grounds.
- The action does not involve the acquisition of more than minor amounts of temporary or permanent strips of right-of-way. A minor amount of right-of-way normally is not more than four hectares (ten acres) and involves no more than four relocations. In situations where relocation of residences or businesses would occur, an analysis will be performed to determine the potential for community or environmental justice impacts; if the potential for these impacts exists, the project would not be deemed eligible for treatment as a PCE under this agreement.
- The action does not involve a determination of adverse effect for properties on or eligible for the National Register of Historic Places.
- The action does not require an individual Section 4(f) determination. A programmatic 4(f) determination may be involved, provided that FHWA has concurred in the 4(f) determination. The Department will conduct the necessary research and coordination to ascertain that the conditions associated with each programmatic 4(f) evaluation have been met and will obtain FHWA approval for its use.
- The action does not include wetland impacts of more than 1.5 acres or involvement with the NEPA/404 process. Enough information to issue a wetland finding must be included in the PCE documentation.
- The action does not encroach on a regulatory floodway, or in the event that the Federal Emergency Management Agency (FEMA) has not designated a regulatory floodway, the action will not significantly encroach on the base flood plain.
- The action does not involve construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of Interior/U.S. Department of Agriculture.
- The action does not require any U.S. Coast Guard construction permits.
- The action does not involve any known hazardous materials sites or known hazardous materials remains within the proposed or existing right-of-way, with the exception of aerially deposited lead where levels do not exceed 350 parts per million or five milligrams per liter soluble.

- The action does not require formal Section 7 Consultation for federally listed endangered or threatened species or critical habitat.
- The action conforms to the Air Quality Implementation Plan, which is approved or promulgated by the Environmental Protection Agency in air quality non-attainment areas.
- The action is consistent with the State's Coastal Zone Management Plan, if applicable.
- The action does not involve the acquisition of agricultural land with a total score of 60 points or greater Site Assessment points in Part VI of Natural Resource Conservation Service (NRCS) Form AD 1006.

PROCESS - The Department will consider and approve PCEs as follows:

Where the Department determines the action may be processed as described in this Agreement, the determination shall be appropriately documented in writing and retained in the District/Region's files. "Documentation" as referred to in this agreement is the appropriate engineering and environmental documentation required for a federally funded highway project, which substantiates that conditions of this agreement have been met including any technical analyses.

The Department shall notify FHWA that CE concurrence for the project was programmatically approved in accordance with this Agreement at the time the Department requests authorization to precede using federal funds.

The documentation described above will be retained in the district environmental files and will be accessible to authorized representatives of FHWA and the Department for a minimum of three (3) years following completion of the project.

AGREEMENT REVISIONS – This Agreement may be modified by mutual consent at any time.

AGREEMENT TERMINATION – Either FHWA or the Department may terminate this Agreement in writing at any time.

APPROVAL OF AGREEMENT – The undersigned have reviewed this Agreement and determined that it complies with the laws, regulations, and policies applicable to FHWA and the Department.

Accordingly, it is hereby approved and becomes effective on the last date noted below.

Original signed by Gary N. Hamby, Division Administrator, Federal Highway Administration, California Division on November 7, 2003, and Gary R. Winters, Chief, California Department of Transportation, Division of Environmental Analysis on November 18, 2003.

EXHIBIT 6-E CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION (CE/CE/PCE) DETERMINATION FORM

Revised 11/2003

Dist.-Co.-Rte. (or Local Agency)

K.P./K.P.(P.M/P.M.)

E.A. (State project)

Proj. No. (Local project)
(Fed. Prog. Prefix
Proj. No., Agr. No.)

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Enter project description in this text box. Use Continuation Sheet, if necessary

CEQA COMPLIANCE (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION

Exempt by Statute (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

Categorically Exempt. Class ____, or **General Rule exemption** (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Signature: Environmental Office Chief

Date

Signature: Project Manager

Date

NEPA COMPLIANCE (23 CFR 771.117)

Based on an examination of this proposal, supporting information, and the following statements.

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In non-attainment or maintenance areas for federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program or is exempt from regional conformity.
- This project is consistent with all federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the statements above under "NEPA Compliance", it is determined that the project is a:

PROGRAMMATIC CATEGORICAL EXCLUSION (PCE): Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the November 18, 2003, Programmatic Categorical Exclusion Agreement have been met.

CATEGORICAL EXCLUSION (CE): For actions that do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Require FHWA determination.

Signature: Environmental Office Chief

Date

Signature: Project Manager/DLA Engineer

Date

FHWA DETERMINATION

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion (CE).

Signature: FHWA Project Development Engineer

Date

Additional information attached or referenced, as appropriate (e.g. Mitigation commitments for NEPA only; Air Quality studies or documentation of exemption from regional conformity or use of CO Protocol; §106 commitments; §4(f) or Programmatic §4(f); date of COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions. Rev. 11/2003

CONTINUATION SHEET

EXHIBIT 6-F INSTRUCTIONS FOR COMPLETING THE CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION (CE/CE/PCE) DETERMINATION FORM

This form shall be used to document CEQA Categorical Exemptions (CE) and NEPA Categorical Exclusions (CEs), including Programmatic CE (PCEs) for projects on the State Highway System as well as to document CE and PCEs for federal-aid projects on local streets and roads.

CEQA COMPLIANCE

Local agencies are not required to complete the CEQA COMPLIANCE or CALTRANS CEQA DETERMINATION portions of this form.

For State Projects:

Include the project's District/County/Route, Post Mile information, and the Expense Authorization. The Project Description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the CALTRANS CEQA DETERMINATION box as documentation.

The conditions listed under CEQA COMPLIANCE are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance. Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.

If there is no federal involvement in the project, write "not applicable" in the CALTRANS NEPA DETERMINATION box.

NEPA COMPLIANCE

For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, changes in access control, or connection to the Interstate system. The following represents the distinction between CE and PCEs). Documentation to support a CE or PCE determination shall be retained in the project file for a minimum of three years and shall be available for periodic FHWA process reviews.

Categorical Exclusions (CE)

State and local agency projects must meet all five declarations of fact listed under NEPA COMPLIANCE on the CE form.

- The Environmental Office Chief (or designee) checks the CE box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief (or designee) and Project Manager (the District Local Assistance Engineer

**Instructions for Completing the Categorical Exemption/Categorical Exclusion/
Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form**

for local projects off the State Highway System) sign and date the CALTRANS NEPA DETERMINATION box to confirm that the project meets the conditions of a CE.

- The FHWA Project Development Engineer signs and dates in the FHWA DETERMINATION space, validating that the action will not individually or cumulatively have a significant effect and is excluded from the requirement to prepare an EA or EIS.

Programmatic Categorical Exclusions (PCE)

State and local agency projects must meet all five conditions listed under NEPA COMPLIANCE and all conditions included in the November 18, 2003, PCE Agreement (provided on page 5 of these instructions).

For Local Agency Projects (off the State Highway System)

- For local agency projects “OFF” the State Highway System, the DLAE and the District/Region Environmental Office Chief make a determination (consistent with the PCE Agreement), that the PES Form is complete and sufficient and that the project has met all CE criteria and all the conditions of the November 18, 2003, Programmatic CE agreement. The DLAE and the District/Region Environmental Office Chief both sign the PES Form.
- For projects that meet all the criteria as a CE under 23 CFR 771.117(c), the DLAE checks the PCE box in the CALTRANS NEPA DETERMINATION box, and signs and dates the CALTRANS NEPA DETERMINATION box.
- For projects that meet all the criteria as a CE under 23 CFR 771.117(d), the Environmental Office Chief (or designee) reviews the documentation and signs and dates the CALTRANS NEPA DETERMINATION box.
- The FHWA Project Development Engineer does not sign the PCE.
- Upon final environmental approval, the DLAE is to immediately provide notification and a copy of the approved environmental documents to the local agency so the local agency can commence final design.

Projects on the State Highway System:

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the November 18, 2003, Programmatic CE agreement and checks the PCE box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief and Caltrans Project Manager sign and date the CALTRANS NEPA DETERMINATION box.
- The FHWA Project Development Engineer does not sign the PCE.
- Local agency federal-aid transportation projects “on” the State Highway System are prepared and processed in the same manner as capital projects. Upon final environmental approval, the Caltrans Project Manager is to immediately provide notification and a copy of the approved environmental documents to the local agency so the local agency can commence final design. A copy of the approved environmental documents is to be concurrently provided to the DLAE for information purposes.

Additional Information

Documentation of compliance with other laws or requirements may be necessary to support a CE or PCE. Certain items shall be attached to the CE/CE/PCE Determination Form and others may simply be summarized as follows:

**Instructions for Completing the Categorical Exemption/Categorical Exclusion/
Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form**

Attachments:

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE/CE/PCE Determination Form.
- A NEPA Categorical Exclusion determination may include commitments to mitigation measures or design conditions. If commitments to mitigation measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE/CE/PCE Determination Form.

Information summarized and attached:

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach a brief statement of the conclusion of Section 106 compliance.
- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require a project level Air Quality study. If an Air Quality study was required, attach of summary of its conclusions.
- If the project involves Waters of the United States, as defined in the Clean Water Act of 1977 (33 USC 1251-1376), and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies and its effective date.
- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach a summary of the conclusions of coordination with the Army Corps of Engineers pursuant to the 1994 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada.
- Documentation of compliance with the Endangered Species Act may also be required. If so, attach a summary of the conclusions of the biological survey.

A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required when the project “uses” land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved prior to the CE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach a summary of its conclusion.

¹ The full study(s) shall be retained in the project file for a minimum of three years.

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EXHIBIT 6-G ACTIONS WHICH MEET THE CRITERIA FOR A CE IN ACCORDANCE WITH 40 CFR 1508.4 AND 23 CFR 771.117(A) AND NORMALLY DO NOT REQUIRE ANY FURTHER NEPA APPROVALS BY FHWA

- (1) Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 USC 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR Part 630; approval of project concepts under 23 CFR 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid Highway System.
- (2) Approval of utility installations along or across a transportation facility.
- (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
- (4) Activities included in the State's "highway safety plan" under 23 USC 402.
- (5) Transfer of federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition; or traffic disruption will occur.
- (9) Emergency repairs under 23 USC 25.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 CFR 480 for property previously acquired with federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (18) Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (20) Promulgation of rules, regulations, and directives.

The above list has been taken from 23 CFR 771(c)

* These activities require the review of District Professionally Qualified Staff (PQS) in order to satisfy the requirements of Programmatic Agreement Among the Federal Highway Administration, the Advisory Council On Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program In California (Section 106 PA), which became effective on January 1, 2004

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EXHIBIT 6-H ADDITIONAL ACTIONS WHICH MEET CRITERIA FOR A CE IN ACCORDANCE WITH 40 CFR 1508.4 AND 23 CFR 771.117(A) AND WHICH MAY BE DESIGNATED AS A CE ONLY AFTER FHWA APPROVAL*

- (1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing)
- (2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
- (3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
- (4) Transportation corridor fringe parking facilities.
- (5) Construction of new truck-weigh stations or rest areas.
- (6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
- (7) Approvals for changes in access control.
- (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
- (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
- (12) Acquisition of land for hardship or protective purposes, advance land acquisition loans under Section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisitions qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

The above list has been taken from 23 CFR 771(d).

Local agencies shall submit documentation demonstrating that the specific conditions or criteria for a CE have been satisfied for these types of actions and that significant environmental effects will not result.

* These activities require the review of District Professionally Qualified Staff (PQS) in order to satisfy the requirements of Programmatic Agreement Among the Federal Highway Administration, the Advisory Council On Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation regarding Compliance with Section 106 of the National Historic Preservation Act, as it pertains to the Administration of the Federal-Aid Highway Program In California (Section 106 PA), which became effective on January 1, 2004

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EXHIBIT 6-I SAMPLE TRANSMITTAL LETTER TO THE DISTRICT LOCAL ASSISTANCE ENGINEER

Local Agency Letterhead

Department of Transportation
District ____

Attn: _____
Local Assistance Engineer

Date:
Project:
Federal Project #:
Description:

_____ (Local Agency) _____ is proposing to _____ (brief description of project) _____.

The following items are provided for your review and consideration.

- Fully completed PES Form
- Required attachments
 - Regional Map
 - Project Local Map
 - Project Footprint Map (showing existing and proposed R/W)
 - Engineering drawings (plan views and existing and proposed cross sections, if available)
 - Borrow/Disposal Site Location Map (if applicable)
- Preliminary Environmental Investigation Notes to support conclusion of this checklist
 - Any field notes and correspondence from resource agencies
 - Completed Field Review Form (first two pages)

If additional information is needed, please contact _____ at _____.

Distribution:

Original: District Local Assistance Engineer
Copy: Local Agency Project Files

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EXHIBIT 6-J SECTION 4(F) EVALUATION - COORDINATION MEETING SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review of section 4(f) evaluations, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. Following are suggested points for discussion at the Coordination Meeting.

1. Section 4(f) property in question is a:

- Publicly Owned Public Park
- Publicly Owned Public Recreation Area
- Publicly Owned Wildlife and Waterfowl Refuge
- Land from a Historic Site (a cultural resource listed on or eligible for listing on the National Register of Historic Places)

2. Briefly discuss the potentially applicable Programmatic Section 4(f) Evaluations or Transportation Enhancement Section 4(f) Applicability Interim Guidance that are available. FHWA may initially determine that one of the following Programmatic Evaluations applies:

- 1 Bikeways and Walkways in Parklands Programmatic Section 4(f)
- 2 Historic Bridge Programmatic Section 4(f)
- 3 Minor Use of Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges Programmatic Section 4(f)
- 4 Minor Use of Historic Properties, deemed to have “no affect” or “no adverse effect” Programmatic Section 4(f)
- 5 Transportation Enhancement Activities (TEA) projects (park official is project applicant) Interim Guidance Applicability of Section 4(f)

NOTE: The documentation necessary to utilize the Programmatic Section 4(f) Evaluations parallels that of the Individual Section 4(f) Evaluation document, however, approval authority for Programmatic Section 4(f) Evaluations has been delegated to the FHWA Division Administrator. Programmatic Section 4(f) Evaluations eliminate requirement to circulate Evaluations to Federal agencies, which do not have jurisdictional authority over the Section 4(f) properties.

Eligibility for a Programmatic Section 4(f) Evaluation does not eliminate the need for full documentation and analysis to document meeting the conditions of the Individual Section 4(f) Evaluation. FHWA’s role does not change if the conditions of a Programmatic Section 4(f) Evaluation can be met.

3. Discuss project specifics and possible alternatives to avoid or minimize use of Section 4(f) properties.

4. Purpose of the Section 4(f) Evaluation:

- (1) To evaluate a project’s use (Fee Simple/Permanent Easement/Temporary Easement/ Constructive Use) of the Section 4(f) land
- (2) Document the considerations, consultations and alternative studies for a determination that there are no prudent and feasible alternatives to the use of “Section 4(f) type land.”
- (3) Support a determination that the proposed action includes all possible planning to minimize harm to the affected land.
- (4) Document the required consultation process with the Department of Interior (DOI), Housing and Urban Development (HUD), and Agriculture (USDA).

Note: Neither the local agency nor Caltrans may make a Section 4(f) decision. The local agency is responsible for identifying potential Section 4(f) resources and providing documentation that clearly supports a “no Section 4(f) determination” and/or the applicability of a “Programmatic Section 4(f).” The local agency shall not proceed with a document containing these determinations in advance of consultation with FHWA.

The Technical Study shall be undertaken, and the Section 4(f) Evaluation prepared, in accordance with guidance set forth in the SER.

EXHIBIT 6-K SECTION 106 (CULTURAL RESOURCES) REPORT - COORDINATION MEETING – SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of Cultural Reports, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. Following are suggested points for discussion at the Coordination Meeting.

- An Area of Potential Effect (APE) map for Section 106 purposes shall be prepared by the local agency, then reviewed, approved and signed by the Caltrans DLAE and PQS.

NOTE: Review of the APE map, or appropriate study area, is required before surveys are initiated.

- The local agency shall prepare all reports (containing their findings) and submit one hard copy and electronic copy to the DLAE for submittal to the Caltrans PQS for review. An Archaeological Survey Report (ASR), Historic Resource Evaluation Report (HRER), Bridge Evaluation, and Historic Property Survey Report (HPSR) are the most common reports required. The HPSR serves as the summary document for the attached technical reports (ASR, HRER, etc.). Once the studies have been approved by the District PQS, four copies of the complete HPSR package are usually required for processing by FHWA and SHPO. Once the HPSR has been approved, additional copies may be required for Caltrans' filing and dissemination purposes.
- Required Cultural Resource Technical Studies:
 - HISTORIC PROPERTY SURVEY REPORT (HPSR)
 - Determination of Eligibility, discuss within HPSR.
 - ARCHAEOLOGICAL SURVEY REPORT (HPSR)
 - HISTORIC RESOURCE EVALUATION REPORT (HRER)
 - BRIDGE EVALUATION/REVALUATION
 - ARCHAEOLOGICAL EXCAVATION REORT
 - If excavation or test holes are undertaken for archaeological investigations, the designated representative from the local Native American group shall be present.
 - FINDING OF EFFECT (FOE)
 - MITIGATION AND MEMORANDUM OF AGREEMENT (MOA)
 - Report formats and contents for all of the above shall follow guidance provided in the SER, Chapter 28, Environmental Handbook, Volume 2: Cultural Resources, and depend upon their applicability for the particular undertaking under discussion.

Cautionary Notes:

- The report shall not discuss resources outside the APE unless there is good reason.
- If project will result in no effect, it is possible to combine the HPSR and FOE into one document.
- Caltrans, FHWA, SHPO and ACHP and the Regional Archaeological Clearinghouses need to know where the archaeological sites are located. However, if the report is circulated to the public, any text or maps that disclose the location of the site shall be removed prior to circulation.

NOTE: Section 106 consultation with the SHPO and the ACHP is Caltrans and FHWA's responsibility. The local agency, with Caltrans' assurance of adequacy, is responsible for preparation of the applicable documents.

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EXHIBIT 6-L BIOLOGY STUDY (SECTION 7 COMPLIANCE) COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of the Biological Report, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies.

Following are suggested points for discussion at the Coordination Meeting.

- Which level of technical report format is required and why:
 - Natural Environment Study (NES)
 - Natural Environment Study (Minimal Impact) (NES MI)
 - Biological Assessment Report (BA)
 - Biological Evaluation Report (BE)
- How compliance with the Federal Endangered Species Act differs from compliance with the State Endangered Species Act. Emphasis is on federally listed or proposed Threatened or Endangered plant/animal species and/or their designated or proposed critical habitat. Compliance with the provisions of the State Endangered Species Act is typically achieved during CEQA compliance. State only endangered species are not included in federal Section 7 consultation).
- What biological information contained in the CEQA document will be useful?
- Content: the report must contain information requested by the U.S Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to fulfill their respective Federal endangered species act consultation requirements.
- Local agency shall utilize field procedures recommended by the responsible agency and conduct the necessary general/specific surveys during the appropriate time of year.
- The report must be suitable for submittal as a Biological Assessment under the Endangered Species Act Section 7 consultation requirements.
- Guidance on consultant qualifications, survey methodology and report format and content is provided in the SER.
- Local agency shall recommend mitigation measures to reduce potential impacts to biological resources (including but not limited to avoidance, design, modification, realignment, or compensation replacement). FHWA/Caltrans shall agree on any proposed use of federal funds to be used for mitigation.
- Local agency shall include all correspondence sent to and received from the CDFG, USFWS, and NMFS regarding the results of the request for species list and the survey results.
- Consultation under Section 7 is FHWA's responsibilities, as lead agency, not the Corps of Engineers or other federal agency unless specifically agreed to by FHWA.
- Section 9 or Section 10 consultation does not substitute for Section 7 consultation. If Section 9 or Section 10 consultation has occurred, a separate Section 7 consultation by FHWA must nevertheless be performed. Local agencies and their consultants have not been designated as a non-federal representative by FHWA. Only State DOT's have this delegation. This means that only Caltrans can perform informal consultation with USFWS or NMFS on behalf of FHWA. Again, even Caltrans is not delegated formal consultation.
- USFWS is issuing Programmatic Section 7 consultations for certain species to federal agencies when those federal agencies request such consultations. They do not preclude the necessity for consultation under Section 7 for the individual project, they merely reduce the paperwork and timeframe for FWS response to FHWA request for consultation.

Biology Study (Section 7 Compliance)**Coordination Meeting-Suggested Points For Discussion**

- The local agency transmittal letter to the DLAE (requesting review and processing) should include a list of federally-listed and proposed species that are potentially present in the project area, the impacts of the project on each species and the type of consultation proposed, that is, informal consultation for a “not likely to adversely effect”; formal consultation for a “no jeopardy finding,” or conferencing for a “candidate species.” Section 7 consultation for endangered anadromous fish

EXHIBIT 6-M WETLANDS REPORT - COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of the Wetland Report, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. Following are suggested points for discussion at the Coordination Meeting.

At a minimum, the local agency shall:

- Determine if “wetlands” are present within the project area. The definition of wetlands on a project shall be in accordance with the definition issued by ACOE (33 CFR 323.2(c)). The determination shall be made by a biologist with wetland evaluation experience. Wetland survey(s) shall be undertaken during the appropriate time of year (preferably February, March, and/or April).
- Determine exact wetland boundaries affected by the project

If wetlands will be affected by the project, the local agency shall:

- Undertake a Wetland Evaluation in accordance with the SER, Chapter 15.
- Prepare the Wetland Evaluation consistent with the format and content prescribed in the SER, Chapter 15.
- Summarize the results of the Wetland Evaluation in the appropriate Environmental Document. Refer to the Federal Highway Administration California Division Environmental Checklist “Draft” Environmental Documents (available from the DLAE) to ensure a complete and sufficient submittal.
- Prepare a public notice and invite public comment.

If the proposed action will require construction in wetlands, the local agency shall:

- Prepare the formal “Wetlands Only Practicable Alternative Finding” in accordance with the SER, Chapter 15.
- Clearly describe Wetland Mitigation on a separate page and submit with packet.

Local agency shall provide the DLAE with three (3) complete copies of the Wetland Study (Technical Report) and three (3) copies of the Environmental Document containing a summary of the Wetland Study.

NOTE: FHWA is responsible for making the wetlands finding. This is not a finding that is delegated to any other agency. Therefore, FHWA must evaluate any action, which involves a wetland impact.

The NEPA/404 MOU process needs to be followed if a wetland involvement meets the MOU threshold for applicability.

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EXHIBIT 6-N FLOODPLAIN REPORT - COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of the Floodplain Report, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. The following are suggested points for discussion at the Coordination Meeting.

- A Floodplain Report or Floodplain Risk Assessment is required by FHWA when Preliminary Environmental Studies (PES), Question #5, indicates a proposed project may encroach on a National Flood Insurance Program (NFIP) established (100-year) base floodplain.
- The minimum required content of the report should be as prescribed in 23 CFR 650A, Section 650.111(b)(c)(d). Additional information regarding the format and content of the report is provided in the SER, Chapter 17 in this chapter and in the Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Document (available from the DLAE).
- DISCUSSION OF IMPACTS**
Determination of floodplain impacts shall be based on a Location Hydraulic Study and address each alternative, as follows:
 - The degree of encroachment associated with each alternative.
 - The significant potential for flood related property loss or hazard to human life
 - The significant impact on natural or beneficial floodplain values
 - The significant potential for interruption or termination of communities, only evacuation route, or facility needed for emergency vehicle
 - The project's consistency with community floodplain development plan
- WHEN THE STUDY CLEARLY INDICATES NO IMPACT** and the proposed action is to be processed with Categorical Exclusion, the Summary Flood Plain Encroachment form (provided in the SER, Chapter 17) may be used to summarize the flood plain evaluation. Instructions for completing the form are provided in the SER, Chapter 17.
- WHEN THE STUDY CLEARLY INDICATES THAT THE PROPOSAL WILL:** 1) Result in a significant encroachment (as defined by 23 CFR 650.105) and/or 2) is inconsistent with existing watershed and floodplain management programs, thereby resulting in incompatible flood plain development, the Floodplain Risk Assessment shall include a discussion of alternatives, based on the Location Hydraulic Report, and the local agency must prepare an **ONLY PRACTICABLE ALTERNATIVE FINDING** (in accordance with 23 CFR 650A, Section 650.113 and the SER, Chapter 17).
- Coordination with FEMA under the four (4) conditions stated above.
- In order for the project to be eligible for federal funding, FHWA must find that the proposed significant encroachment is the only practicable alternative.
- MITIGATION**

The report must discuss the mitigation measures to minimize floodplain impacts and the measures to restore and preserve the natural and beneficial floodplain values that are impacted.

NOTE: FHWA is responsible for making the floodplain finding. This is not a finding that is delegated to any other agency. Therefore, FHWA must evaluate any action, which involves a floodplain encroachment.

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