

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

A Preliminary Environmental Study (PES) form must be completed for **all** local agency federal-aid projects “**off**” the State Highway System (SHS). If a local agency desires federal reimbursement for National Environmental Protection Act (NEPA) compliance, then the local agency must submit a “Request for Authorization to Proceed with Preliminary Engineering” form (see *Local Assistance Procedures Manual (LAPM)*, Chapter 3, “Project Authorization” Exhibit 3-A) to the DLAE prior to commencing with the PES form. The local agency may not proceed with any reimbursable activities prior to the project’s inclusion in a federally approved Federal Statewide Transportation Improvement Program (FSTIP) and receipt of “Authorization to Proceed” notification from Caltrans (see LAPM, Chapter 3, “Project Authorization,” Section 3.2).

Detailed instructions for completing the Preliminary Environmental Study (PES) form are provided below.

Federal-Aid Project No: (Federal Program Prefix-Project No., Agreement No.) Example: RPSTPLE 5017(020). Obtain federal-aid project number from your District Local Assistance Engineer (DLAE). This number is required in order for the district SEP (or designee) to process PES Form.

Final Design: Indicate the date the local agency expects to begin final design. The 23 CFR 771.113 (Timing of Administration activities) prohibits final design activities until NEPA approval has been obtained; this is the date by which NEPA clearance is needed.

To: (Self explanatory)

From: (Self explanatory)

Is the Project “ON” the SHS? Check “Yes” or “No.” If Yes, **STOP**, and contact the DLAE regarding the Caltrans policy on local agency projects “on” the SHS.

Note: The current and long-standing policy is for the Caltrans to be California Environmental Quality Act (CEQA) lead agency for improvement projects “on” the SHS. The Department’s practice of acting as CEQA Lead for projects on the SHS is based on the Caltrans statutory obligation to plan, design, construct, operate and maintain the SHS as well as its actual ownership of the SHS. Further, as owner of the right of way, Caltrans is the entity ultimately responsible for property stewardship of all resources within State right of way. This stewardship obligation cannot be delegated to others. This applies even if the project is financed by others. See Caltrans policy memo provided at:

http://www.dot.ca.gov/ser/downloads/memos/CEQA_Lead_Agency_24Jun04.pdf

Based on information contained in the above referenced policy memo, local agency projects “on” the SHS are processed as State Highway Projects according to the procedures set forth in the *Caltrans Project Development Procedures Manual*.

Federal Statewide Transportation Improvement Program (FSTIP): Enter the currently adopted FSTIP date and page number on which project is identified and attach a copy of the FSTIP page (showing the project) to the PES form. The FSTIP is available at:

<http://www.dot.ca.gov/hq/transprog/oftmp.htm>

Note: The California FSTIP is a multi-year, statewide, intermodal program of transportation projects that is consistent with the statewide transportation plan and planning processes, metropolitan plans, and Federal Transportation Improvement Programs (FTIPs) and processes. The FSTIP is prepared by Caltrans in cooperation with the Metropolitan Planning Organizations (MPOs) and the Regional Transportation Planning Agencies (RTPAs). The FTIPs/FSTIP contains all capital and non-capital transportation projects, or identified phases of transportation projects proposed for funding under the Federal Transit Act and Title 23 of the United States Code including federally funded projects

Programming for FSTIP: Identify the fiscal year and dollar amount programmed in the FSTIP for each phase of the project (preliminary engineering, right of way, and construction).

Project Description as Shown in FSTIP: Enter the project description exactly as it appears in the FSTIP.

Detailed Project Description: Describe all aspects of the project including project location and limits, proposed facilities, and required right of way acquisition. Discuss the main transportation problem or problems that point to the need for the project and describe how the project will solve the identified problem or need (that is, is the project necessary in order to correct existing roadway deficiencies, such as substandard geometry or lane width?). How will the project correct these deficiencies? Describe any design deficiencies, such as substandard cross section or horizontal or vertical alignment. Is the new or upgraded facility needed to serve a new housing development, or shopping complex? Discuss the logical termini of the project.

Note: 23 CFR 771.111(f) requires that federal-aid projects processed with Environmental Assessments and Environmental Impact Statements:

- *Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
- *Have independent utility or independent significance, that is, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
- *Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

Provide as much detail as possible for all boxes checked “Yes” under Preliminary Design Information.

Preliminary Design Information: Check all applicable boxes and provide as much pertinent information on engineering drawings and maps as possible. If project will involve excavation, delineate location of excavation on map and indicate maximum depth of excavation. If right of way will be acquired, provide a map of the project area with the location of each parcel to be acquired. Provide Assessor Parcel Numbers for all parcels.

Required Attachments: Please note that all of the maps listed on the PES Form are **required**. Maps should be consistent with the project description and at a minimum scale of 1” = 200’.

A. Potential Environmental Effects:

Section A of the PES form should not be completed until after the local agency has completed Steps 1 through 4 in the LAPM, Chapter 6, Section 6.7, Step-by-Step Procedures, as follows:

- Develop Complete Project Description and Detailed Map
- Review Relevant Literature Maps and Inventories
- Request Technical Information from Resource and Regulatory Agencies
- Verify Research Findings in the Field (Site Visit)

Following completion of Steps #1 through #4, answer each of the following questions. For “No” response, explain in the “Preliminary Investigation Notes to Support the Conclusions of the PES Form” how the mandate of federal law has been met (such as, The Preliminary Environmental Investigation [Steps #1- 4 above] concluded that the resource is not present within the project area or that the resource is present, but will not be affected by the project. A technical memo explaining how the project will not affect the resource in question is attached, or a “No Effect” determination by a Caltrans Biologist is attached, etc.).

For “No” response, check the “No” box next to the appropriate question in Section A of the PES Form, and in the “Preliminary Investigation Notes to Support the Conclusions of the PES Form” briefly discuss how the mandates of federal law have been met.

For “Yes” response, indicate in Section B whether a technical study, technical memo or discussion in the ED will be prepared to comply with the federal requirements. Local agency should consult the DLAE and district SEP (or designee) when determining the appropriate level of analysis. Required technical reports shall be prepared in

according to the guidance and procedures set forth in the *Standard Environmental Reference* (SER). Local agency shall not commence with technical studies until after the PES Form is fully signed by local agency and Caltrans staff.

All environmental contracts shall be prepared according to the guidance and procedures set forth in the LAPM, Chapter 10, "Consultant Selection."

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p10consult.pdf.

The contract shall be consistent with requirements set forth in the PES Form and shall direct the preparation of reports according to the guidance set forth in the SER.

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

General

1. Will the project require future construction to fully utilize the design capabilities included in the proposed project?

Note: This question is designed to address independent utility and segmentation. The Council on Environmental Quality (CEQ) regulations (40 CFR 1502.13) are directed at avoiding improper segmentation, wherein the significance of the environmental impact of an action as a whole would not be evident, if the action were to be broken into component parts and the impact of those parts analyzed separately.

If "No," check the "No" box next to Question #1 in Section A of the PES form. In the "Preliminary Investigation Notes to Support the Conclusions of the PES Form," briefly discuss the transportation problem, traffic and transportation conditions that the project is intended to address and clearly state the rationale supporting the project's end points.

If "Yes," or "To Be Determined," check the appropriate box next to Question #1 in Section A of the PES form. (*Note: Projects must satisfy the provisions of 23 CFR 771.111[f] in order to be eligible for federal reimbursement.*) Under Section B of the PES form, indicate whether a Traffic Study, Technical Memorandum, or Discussion in ED Only will be prepared to clearly show how the action shall:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
- Have independent utility or independent significance, such as, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

2. Will the project generate any public controversy?

Consider whether there is any public controversy associated with the project and if so, on what grounds.

If "No," check the "No" box next to Question #2 in Section A of the PES Form. In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" indicate what steps were taken to determine the potential for public controversy.

If "Yes," or "To Be Determined," check the appropriate box next to Question #2 in Section A of the PES form. In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" indicate the grounds on which the controversy exists.

Note: Projects involving substantial controversy on environmental grounds require appropriate environmental studies (23 CFR 771.117[b] [2]).

If the basis for controversy is environmental, complete Section F of the PES form as appropriate.

Consult with the DLAE and district SEP or designee when determining the extent of public involvement that may be necessary.

Noise:**3. Is the project a Type 1 project as defined in 23 CFR 772.5(h)?**

For projects with noise studies completed after July 13, 2011, Type 1 project will be defined as a federal or federal aid project for: (1) the construction of a highway on a new location, or (2) the physical alteration of an existing highway where there is either: (a) Substantial horizontal alteration. *A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition*, or (b) substantial vertical alteration. *A project that removes shielding thereby exposing the line-of-sight between the receptor and the traffic noise source. This is done by altering either the vertical alignment of the highway or the topography between the highway traffic noise source and the receptor*; or (3) the addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a high-occupancy vehicle (HOV) lane, high-occupancy toll (HOT) lane, bus lane, or truck climbing lane, or (4) the addition of an auxiliary lane, except for when the auxiliary lane is a turn lane, or (5) the addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange, or (6) restriping existing pavement for the purpose of adding a through traffic lane or an auxiliary lane, or (7) the addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot, or toll plaza.

If “No,” check the “No” box next to Question #3 in Section A of the PES form. Check all applicable boxes under Preliminary Design Information (that is, widen existing roadway, increase number of through-lanes, new alignment, capacity increasing, and so forth). In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form,” briefly discuss the scope of the project and how this type of work will not involve any of the Type I activities described above. For non-Type I projects, no further analysis is needed for Traffic Related noise; however, a Technical Memo will be needed to briefly document predicted construction related noise. Check Construction Related and Technical Memo under Section B of the PES form. Where an EA or EIS is being prepared, the evaluation of predicted construction noise can be briefly documented in the ED. Check Discussion in ED Only. If “Yes,” or “To Be Determined,” check the appropriate box next to Question #3 in Section A of the PES form. Indicate under Section B of the PES form that a Noise Study Report will be required to determine whether the Type I project would result in a noise impact that will require consideration of abatement.

The Annotated Outline for the Noise Report is provided at:

http://www.dot.ca.gov/ser/downloads/noise/Final_Noise_Study_Report.pdf

If the Noise Study Report concludes that the Type I project will result in a noise impact that requires consideration of abatement (such as a sound wall) a Noise Abatement Decision Report will be required to determine if the proposed noise abatement is reasonable and feasible. Check NADR under Section B. A Template for the NADR is provided at: http://www.dot.ca.gov/hq/env/noise/index.htm#nadr_temp

4. Does the project have the potential for adverse construction-related noise impacts (such as related to pile driving)?

Consider whether the construction of the project will involve pile driving, structure demolition, blasting, and so forth. Will the project have the potential for adverse construction-related noise impacts either on land or underwater? If “No,” check the “No” box next to Question #4 in Section A of the PES form. Check all applicable boxes under Preliminary Design Information (that is, bridge work, equipment staging, excavation, pile driving road cuts, stream channel work, and so forth.) that could result in excessive noise. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly discuss how these types of activities will not result in excessive construction noise or generate underwater noise.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #4 in Section A of the PES form. Under Section B of the PES form indicate whether a Technical Memorandum or Discussion in the ED will be prepared. Consult with the DLAE and district SEP (or designee) when determining which level of analysis will be necessary based on the potential for impact.

Ensure that environmental consultant Scope of Work references the DLA Caltrans Oversight Information Notice (COIN) #12-03 located at: <http://www.dot.ca.gov/hq/LocalPrograms/COIN/coin-12-03-2012-15-10.pdf>, and “Technical Guidance for Assessment and Mitigation of Hydro-acoustic Effects of Pile Driving on Fish is available at: http://www.dot.ca.gov/hq/env/bio/files/Guidance_Manual_2_09.pdf

And additional guidance on Transportation and Construction-Induced Vibration” is provided in the SER at: <http://www.dot.ca.gov/ser/vol1/sec3/physical/ch12noise/chap12noise.htm>.

5. Is the project in a National Ambient Air Quality Standard (NAAQS) nonattainment or maintenance area?

Check the Table of Conformity Areas provided at:

<http://www.dot.ca.gov/hq/env/air/pages/conftable.htm>

Is the county that the project is located in, listed in the Table of Conformity Areas?

If “Yes,” check the “Yes” box as appropriate, next to Question #5 in Section A of the PES form and proceed to Question #6.

If “No,” no further Air Quality (AQ) studies are needed because transportation conformity only applies in federal non-attainment and maintenance areas. Check the “No” box next to Question #5 in Section A of the PES form and proceed to Question #9.

6. Is the project exempt from the requirement that a conformity determination be made?

Review the list of project types in 40 CFR Part 93, Sec. 93.126, Table 2 Exempt Projects, provided as Exhibit 6-C of this chapter, or electronically at:

<http://www.gpo.gov/fdsys/pkg/CFR-2005-title40-vol20/pdf/CFR-2005-title40-vol20-sec93-126.pdf>

Is project one of the project types included in the 40 CFR 93.126, Table 2?

If “Yes,” no conformity determination is required. Check the “Yes” box next to Question #6 in Section A of the PES form, and state which conformity exemption in Table 2 applies. Skip Questions #7 & #8.

If “No,” a project level conformity determination may be required. Continue with Question #7.

7. Is the project exempt from regional conformity?

Review list of project types listed in 40 CFR Section 93.127, Table 3 Projects Exempt from Regional Analysis, provided as Exhibit 6-D of this chapter, or electronically at:

<http://www.gpo.gov/fdsys/pkg/CFR-2005-title40-vol20/pdf/CFR-2005-title40-vol20-sec93-127.pdf>

Is project one of the project types included in 40 CFR 93.127, Table 3?

If “Yes,” **and project is located in a non-attainment/maintenance area for ONLY ozone**, no project-level conformity determination is required. Check the “Yes” box next to Question #7 under Section A of the PES form, and state which conformity exemption in Table 3 applies. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” state: “A regional emissions analysis is not required because project is one of the project types included in Table 3, and a localized hot spot analysis is not required because project is located in an area that is attainment/unclassified for ALL of CO, PM10 and PM2.5. Skip to Question #9.

If “Yes,” **and the project is located in an area that is nonattainment/attainment-maintenance for CO, PM10 or PM2.5, a project-level conformity determination is required.** Check the “Yes” box next to Question #7 under Section A of the PES form and state which conformity exemption in Table 3 applies. Under Section B of the PES form check Air Quality Report, Technical Memorandum, or Discussion in ED Only. Consult with the district SEP (or designee) to determine the appropriate level of analysis and documentation needed. Indicate coordination with and approval by Caltrans under Sections C and D of the PES form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” state: “A regional emissions analysis is not required because project is one of the project types included in Table 3; however, a localized hot spot analysis is required because project is located in an area that is nonattainment/maintenance for CO, PM10 and PM2.5 (indicate which).”

Guidance on conducting a Localized Hotspot Analysis is provided at:

http://www.dot.ca.gov/hq/env/air/main_sections/analysistools.htm

Also refer to the attachment at the bottom of the FHWA PM2.5/PM10 Qualitative Analysis Guidance (March 2006).

Do not begin technical studies until after the PES Form is signed by the Caltrans SEP and DLAE. Skip to Question #9.

If “No,” a project-level conformity determination is required including both a regional emissions analysis and hot spot analysis regional level conformity analysis (for example, dispersion modeling).

Check the “No” box next to Question #7 in Section A of the PES Form. In Section B of the PES Form, check Air Quality Report, Technical Memorandum, or Discussion in ED Only. Consult with the district SEP (or designee) to determine the appropriate level of analysis and documentation needed. Indicate coordination with and approval by Caltrans under Sections C and D of the PES Form. Guidance on project-level conformity determinations and regional emissions analysis and hot spot analysis are provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch11air/chap11.htm#Conformity>.

Do not begin technical studies until after the PES Form is signed by the Caltrans SEP and DLAE. Continue with Question #8.

8. If project is **not exempt** (that is, if “No” on Question #6 and Question #7) a project-level conformity determination is required. The project-level conformity determination would include both the regional emissions analysis and a hot spot analysis (in PM2.5, PM10 and CO nonattainment or maintenance areas).

For the regional emissions analysis in a **metropolitan nonattainment/maintenance area**, the project needs to be included in the MPOs currently conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). To be “included” in the currently conforming RTP and TIP, there must be no significant changes in the project’s design concept and scope from those assumed in regional emissions analysis. Additionally, the assumed open-to-traffic date must be correct. On the first page of the PES form identify the date of the currently adopted RTP and FTIP within which the project is included and provide the page numbers wherein the project is specifically listed.

For regional emissions in an **“isolated rural” nonattainment area** (nonattainment area with no MPO within the nonattainment area boundaries), a regional emissions analysis would be performed as part of the project-level conformity determination. Refer to 40 CFR 93.109 for guidance on projects not included in a conforming RTP and TIP. Specific Isolated Rural area requirements are in 40 CFR 93.109(1). Under Section B of the PES form, check Air Quality Study and under Section C and D, check coordination with and approval by Caltrans respectively. Guidance on project-level conformity determinations and Regional Emissions analysis is provided at:

http://www.dot.ca.gov/hq/env/air/main_sections/analysistools.htm

Do not begin technical studies under after the PES form is fully signed.

For projects in **CO, PM10, and/or PM2.5 nonattainment/maintenance areas**, a localized hot spot analysis also needs to be completed. Check Air Quality Study, Technical Memorandum, or Discussion in ED Only. Consult with the district SEP (or designee) to determine the appropriate level of analysis and documentation needed. Indicate coordination with and approval by Caltrans under Sections C and D of the PES form. Guidance on conducting a localized hot spot analysis is provided at:

http://www.dot.ca.gov/hq/env/air/main_sections/analysistools.htm

Also refer to the attachment at the bottom of the FHWA PM2.5/PM10 Qualitative Analysis Guidance (March 2006).

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch11air/chap11.htm#Conformity>.

Do not begin technical studies until after the PES form is fully signed.

Hazardous Materials/Hazardous Waste**9. Is there a potential for hazardous materials (including underground or aboveground tanks, and so forth.) or hazardous waste (including oil/water separators, waste oil, asbestos-containing material, lead-based paint, ADL, and so forth) within or immediately adjacent to the construction area?**

Conduct screening according to the procedures set forth in the SER, provided at:

http://www.dot.ca.gov/ser/vol1/sec3/physical/ch10haz/chap10.htm#project_screening

Note: Screening typically includes a review of 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 (that is, gas stations, auto wrecking yards, railroad yard or tracks, landfills, and so forth) and any evidence of past land uses (that is, above ground tanks, stained soil, 50-gallon drums, and so forth.).

Are there any signs of past or present hazardous materials or waste uses, or any known hazardous materials within or immediately adjacent to the construction area?

If “No,” check the “No” box next to Question #9 in Section A of the PES form. On the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” include the steps taken to determine whether any hazardous materials or wastes could potentially occur within or immediately adjacent to the construction area. Include field notes from site visit, documenting observations, (that is, surrounding land uses [current and historic], general characteristics of area/soil, absence of staining on soil, proximity to gas station, landfill or rail yard, and so forth).

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #9 in Section A of the PES form. Further study will be required. Check ISA (Phase I) in Section B of the PES form and indicate coordination and permit requirements under Sections C and D of the PES Form.

The ISA (Phase I) shall be undertaken according to the guidance set forth in the SER, Chapter 10, “Hazardous Wastes,” provided at:

http://www.dot.ca.gov/ser/vol1/sec3/physical/ch10haz/chap10.htm#elements_isa

Water Quality/Resources**10. Does the project have the potential to impact water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?**

Review maps to determine if there are water resources (that is, rivers, streams, lakes, reservoirs, impoundments, bays, inlets, estuaries, wetlands, drainage sloughs, vernal pools, swales, CWA Section 303d impaired water bodies, and so forth) within or immediately adjacent to the project area. Confirm and note presence or absence on the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Are there water resources in the immediate project vicinity that may be affected by the project?

If “No,” check the “No” box next to Question #10 under Section A of the PES form. Under “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly discuss the project’s potential for impacting water quality. 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,” check the appropriate box next to Question #10 in Section A of the PES form. Check “Yes” next to “Bridge Work,” “Stream Channel Work” or “Flooding,” as appropriate. Under Preliminary Design Information on the first page of the PES form, check “Water Quality Assessment Report,” “Technical Memorandum,” “Analysis in ED or Permit Only,” (as applicable). Under Section B of the PES form and under “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” specifically identify the water resources that may be affected by the project.

The technical report shall be prepared according to the guidance set forth in the SER, Chapter 9, “Hydrology, Water Quality and Stormwater,” provided at:

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

Projects involving the dredging or filling in of waters of the US (including wetlands) will require coordination with the U.S. Army Corps of Engineers (ACOE) and may require water quality permits, such as Section 404 Individual or Nationwide Permit, Section 401 from Regional Water Quality Control Board (RWQCB), or 1600 permit from the California Department of Fish and Game (CDFG).

Projects involving work in navigable waters, such as the demolition or construction of bridges or docks and bulkheads, or that result in obstructions to navigation, or in the dumping of trash, or sewage into navigable waterways (Rivers & Harbors Act [Section 10]) will also require a Section 10 Permit.

Projects involving the construction of a bridge over a Navigable River will require coordination with the U.S. Coast Guard (USCG) and may require a USCG Bridge Permit. Check USCG (bottom of Section C of the PES form) indicating that coordination with the USCG is required during the environmental and design phases of the project and check USCG Bridge Permit (bottom of Section D of PES form) indicating that a Coast Guard Bridge Permit may be needed.

Since 2 to 3 months is normally required to process a routine application involving a public notice, local agencies should apply for permits as early as possible to allow sufficient time to obtain all necessary approvals prior to beginning construction. For large or complex projects, local agencies should request a “pre-application consultation” or informal meeting with the ACOE during the early planning phase of your project to minimize the potential for delays later.

Projects with 5 acres or more of permanent impacts to waters of the US and processed with an EIS, will require an Individual Section 404 Permit. Local agency should consult with the DLAE (or designee) as early as possible to ensure compliance with all provisions of the Memorandum of Understanding, among the FHWA, California Department of Transportation(Caltrans), United States Environmental Protection Agency (US EPA), United States Army Corps of Engineers (USACOE), United States Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service(NMFS), National Environmental Policy Act (NEPA) and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (April 2006) AKA: NEPA/404 MOU. MOU provided at:

http://www.dot.ca.gov/ser/downloads/MOUs/NEPA404/nepa404_2006_final_mou.pdf

11. Is the project within a designated Sole-Source Aquifer?

A Sole-Source Aquifer is an aquifer upon which a community depends exclusively for its fresh water supply. The U.S. Environmental Protection Agency’s Sole-Source Aquifer Program was established under Section 1424(e) of the U.S. Safe Drinking Water Act (SDWA) in 1977 to help prevent contamination of groundwater from federally funded projects. The Sole-Source Aquifer Program allows for EPA environmental review of any project which is financially assisted by federal funds to determine whether the project has the potential to contaminate a Sole-Source Aquifer. If there is such a potential, the project would need to be modified to reduce or eliminate the risk, or federal (FHWA) financial support may be withdrawn.

Four (4) aquifers in California have been designated as “Sole-Source Aquifers” by the EPA. These include:

- Santa Margarita Aquifer, Scotts Valley, Santa Cruz County
- Fresno Aquifer, Fresno County
- Ocotillo-Coyote Wells Aquifer, Imperial County
- Campo/Cottonwood Creek Aquifer, San Diego County

Consider if the project is located within or near one of the four EPA-designated Sole-Source Aquifers. Additional information regarding each aquifer is provided at:

<http://www.epa.gov/region09/water/groundwater/ssa.html>

If “No,” check the “No” box next to Question #11 under Section A of the PES Form. No further study is needed. If the project is proposed within Santa Cruz, Fresno or Imperial Counties, or where proximity is questionable, state distance of project from Sole-Source Aquifer in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” and attach map showing project’s relation to Sole-Source Aquifer boundary.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #11 under Section A of the PES form. Additional study will be needed. Check Sole-Source Aquifer box under Section B of the PES form. If 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. Check EPA box under Section C of the PES form. If the project is being processed with a CE, and the project will involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health, EPA review will also be required prior to Caltrans approval of the CE. Check Sole-Source Aquifer under Section C of the PES form, and check Coordination with EPA under Section C of the PES form.

If the project is within a designated Sole-Source Aquifer, but does not involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health and will be processed with a CE, project is exempt from a project-by-project review by EPA. Documentation of research and impacts on the aquifer shall be prepared according to the guidance set forth in the SER, Chapter 9, “Hydrology, Water Quality and Stormwater,” provided at:

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

Coastal Zone

12. Is the project within the State Coastal Zone, San Francisco Bay or Suisun Marsh?

If “No,” check the “No” box next to Question #12 under Section A of the PES Form. Reiterate location of project in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Where proximity is questionable, state distance of project (in miles) from State Coastal Zone jurisdiction. Attach a regional map showing location of project relative to State Coastal Zone.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #12 under Section A of the PES form. Check Coastal Zone under Section B of the PES form. Preparation of a separate technical report for coastal resources is not required. However, other technical reports may be needed to confirm project’s consistency with the State Coastal Zone Management Plan. As part of the permitting process, the following technical reports are often used to support the permit application: **water quality reports, visual assessments, community impact assessments, natural environment studies, biological assessments, and geotechnical reports**. In addition, the permitting agencies will require a copy of the approved final ED as well as documentation of consultation with resource and regulatory agencies including permits and approvals from these agencies.

Local agencies are responsible for obtaining a Coastal Consistency Determination or Waiver (required under the Federal Coastal Zone Management Act) from the California Coastal Commission (CCC). However, in order to obtain the consistency determination/waiver, the local agency must demonstrate that the project is consistent with the California Coastal Act and any Local Coastal Plan (LCP). The CCC Consistency Office will require a Coastal Development Permit (CDP) from the Local Coastal Agency (LCA), or at least a letter documenting consistency with the LCP before they will provide a consistency determination/waiver. Check Coordination boxes next to LCA and CCC (Federal Consistency Office) under Section C and check Action/Permit/Approval box next to CDP and Coastal Zone Consistency Determination under Section D of the PES form.

Projects located within the San Francisco Bay Area and involving the construction, remodel or repair of structures, or the dredging or extraction of materials from within the San Francisco Bay, or in certain tributaries that flow into the Bay will also need to obtain a Bay Conservation and Development Commission (BCDC) permit prior to commencing any work within BCDC’s jurisdiction. Check Coordination with BCDC under Section C of the PES Form and check BCDC Permit under Section D of the PES form.

Projects located within coastal areas outside San Francisco Bay will need to obtain a Coastal Zone Permit from the CCC prior to commencing any work within CCC’s jurisdiction. Check Coordination with CCC under Section C of the PES form and check Coastal Zone Permit under Section D of the PES form.

Consult with the DLAE and district SEP (or designee) to determine the best course of action.

Refer to the SER, Chapter 18, for additional guidance on compliance in Coastal Zone areas, at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch18coastal/chap18.htm>

Floodplain

13. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake?

Check current Federal Management Agency (FEMA) maps and current 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) floodplain? If “No,” check the “No” box next to Question #13 in Section A of the PES form. Attach a copy of relevant FEMA or NFIP map, showing location of project. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form,” cite FEMA or NFIP map number and date. Also indicate whether or not all work will occur within existing right of way.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #13 in Section A of the PES form. Further study will be required to determine if the action would support base floodplain development 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 watercourse or lake. Check Location Hydraulic Study under Section B of the PES form. The conclusion of the Location Hydraulic Study will determine whether a Floodplain Evaluation Report or a Summary of Floodplain Encroachment Report will be needed.

The Location Hydraulic Study shall be prepared according to the guidance set forth in the SER, Chapter 17, “Floodplains,” provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch17flood/chap17.htm>

Wild and Scenic Rivers

14. Is the project within or immediately adjacent to a Wild and Scenic River System?

Look up the river on the following web site to determine if it is designated wild and scenic. Consider the project’s proximity to these rivers. (*Note: Designation protects river and a 0.25-mile corridor from development. Consider whether the action involves 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,” check the “No” box next to Question #14 in Section A of the PES Form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” indicate in miles of closest designated Wild and Scenic River. When the project is in the general vicinity of a Wild and Scenic River, indicate that the project is not within the 0.25-mile protected corridor. Attach Regional Map showing project’s relation to river in question.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #14 in Section A of the PES form. Further study will be required to determine if the construction, operation or maintenance of the project will affect the river and whether the effect will be significant. Check Wild and Scenic Rivers Study under Section B, coordination with River Managing Agency under Section C, and Wild and Scenic Rivers Determination under Section D of the PES form.

Consult with the DLAE and district SEP (or designee) to determine the level of analysis that will be necessary based on the potential for impact.

The Wild and Scenic River Studies shall be undertaken according to the guidance set forth in the SER, Chapter 19, “Wild and Scenic Rivers,” provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch19wsrivers/chap19.htm>

Early coordination with the River Managing Agency is strongly encouraged to expedite the Wild and Scenic Rivers Determination.

Biological Resources**15. Is there a potential for federally listed threatened or endangered species or their designated critical habitat to occur within or adjacent to the construction area? Note: The Federal Endangered Species Act, Sections 7, 9 and 10 protect federally listed threatened and endangered species and their designated critical habitat.**

Consult the U.S Fish and Wildlife Service (USFWS), Division of Endangered Species website

http://www.fws.gov/sacramento/es_species/Lists/es_species_lists-form.cfm to determine whether there are any federally listed threatened or endangered species, or their designated critical habitat in the county within which the project is located.

If “No,” check the “No” box next to Question #15 in Section A of the PES form and request the Caltrans district biologist prepare a finding of “No Effect” for the project file.

If “To Be Determined,” check the “To Be Determined” box next to Question #15 in Section A of the PES determining if there is a potential for federally listed plant and animal species or their critical habitat to occur within the project area. *Note: Caltrans staff assistance will depend on current workload and staff availability. When Caltrans district biologists are not available, the local agency will need to retain a qualified biologist to survey the project area and prepare a Technical Memo summarizing the following:*

- Description of project setting
- USFWS list of the federally listed plant and animal species and their critical habitat occurring within the county
- Brief discussion of the habitat needs of each species on the list
- General reconnaissance survey notes and conclusion as to whether or not any of the species on the USFWS list exist or could occur within the project area
- Caltrans district biologists will review the Technical Memo, when appropriate, make a finding of “No Effect”

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #15 in Section A of the PES form. Further study will be required. Check the appropriate technical report (NES or BA) under Section B of the PES form. Consult with the DLAE and the district SEP (or designee) to determine the appropriate study based on the potential for impact(s). When a NES or NES (Minimal Impacts) is required, encircle the appropriate one in Section B, check coordination with Caltrans under Section C, and check Approval by Caltrans under Section D. When a BA is required, encircle the appropriate study under Section B, check coordination with Caltrans under Section C, and check approval for consultation by Caltrans under Section D. For BAs and BEs for federal-listed plants, animals or their critical habitat, check coordination with USFWS under Section C and Section 7 Informal/Formal Consultation under Section D. For BAs for federal-listed species protected by the NOAA, NMFS, check coordination with NOAA Fisheries under Section C.

Consult the following web sites to determine if the project has the potential to affect fish species covered by a Fisheries Management Plan at: <http://www.nmfs.noaa.gov/habitat/efh/Consultation/TOC.html>

<http://www.nmfs.noaa.gov/sfa/magact/>

If the project has the potential to affect fish species covered by a Fisheries Management Plan, an Essential Fish Habitat (EFH) Evaluation will be required. Check EFH Evaluation under Section B, coordination with NOAA under Section C, and Magnuson-Stevens Fishery Conservation and Management Act (MSA) Consultation under Section D of the PES form.

If the project will involve pile driving, structure demolition, explosives, or blasting, or will generate other forms of underwater noise, a Bio-Acoustic Evaluation, to assess the effects of this noise or sound pressure levels on fish, diving bird, and other underwater species, will be required. Check Bio-Acoustic Evaluation under Section B, coordination with NOAA Fisheries under Section C, and approval by Caltrans under Section

D of the PES form. The NES (Minimal Impacts), NES or BA shall be prepared according to the guidance set forth in the SER, Chapter 14, "Biological Resources," provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/Ch14Bio/ch14bio.htm>

Templates for the NES (Minimal Impacts), NES and BA and Quality Control guidance for Standard Biological Technical Documents and Reports are provided at:

<http://www.dot.ca.gov/ser/forms.htm>

16. Does the project have the potential to directly or indirectly affect migratory birds or their nests or eggs (such as vegetation removal, box culvert replacement/repair, bridge work and so forth)?

Note: The Migratory Bird Treaty Act implements various treaties between the United States and Canada, Mexico, former Soviet Union, Japan protecting migratory birds by making it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill said species. The law applies to the removal of nests (such as swallow nests on bridges) occupied by migratory birds during the breeding season.

If "No," check the "No" box next to Question #16 in Section A of the PES form. No further study is required. If "Yes," or "To Be Determined," check the appropriate box next to Question #16 in Section A of the PES Form and indicate under Section B of the PES form that a NES (Minimal Impacts), NES, BA or BE will be prepared.

Coordinate with Caltrans district biologist under Sections C & D.

The NES (Minimal Impacts), NES, BE or BA shall be prepared according to the templates provided at:

<http://www.dot.ca.gov/ser/forms.htm>

and guidance set forth in the SER, Chapter 14, "Biological Resources," provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/Ch14Bio/ch14bio.htm>

17. Is there a potential for wetlands to occur within or adjacent to the construction area?

Begin by reviewing National Wetland Inventory (NWI) maps available through the appropriate Natural Resource Conservation Service (NRCS) field office(s). Where NWI maps indicate a potential for wetlands, a biologist, or someone with knowledge of wetlands should field review the project area. If a biologist is not available, photos of the project area should be taken and submitted with the completed PES form. Is there potential for wetlands?

If "No," check the "No" box next to Question #17 in Section A of the PES form. No further study is needed. Indicate the soil classification in the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form." Attach a copy of the relevant NWI map, showing location of project relative to wetland designations and include any field notes from the site visit and photographs of project area with project limits delineated.

If "Yes," or "To Be Determined," check the appropriate box next to Question #17 in Section A of the PES form. Further study will be required to determine the exact boundary of the wetland (based on the ACOE three-parameter definition 330 CFR 323.2[c]), and to quantify the project related impacts on the wetland. Check Wetlands and Wetland Delineation (WD) and Assessment under Section B, check coordination with Caltrans and USACE under Section C, and check approval of assessment by Caltrans, Wetland Verification by USACE, and Wetlands Only Practicable Alternative Finding by Caltrans under Section D.

The Wetland Delineation shall be prepared according to the guidance set forth in the SER, Chapter 15, "Wetlands and Other Waters of the U.S.," provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/ch15wetland/ch15wetland.htm#recmethod>

18. Is there a potential for agricultural wetlands to occur within or adjacent to the construction area?

Note: The 404 Regulatory Program covers discharges of dredged or fill material to wetlands on agricultural lands and requires authorization by the ACOE (either an individual permit or NWP) unless the activity has a CWA statutory exemption, or the area is prior converted cropland. Field staff of the NRCS determines whether an agricultural site is a wetland.

Review 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.

If “No,” check the “No” box next to Question #18 in Section A of the PES form. No further study is needed. Indicate the types of land uses immediately surrounding the project area and whether all work will occur within existing right of way, and so forth, in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Attach a copy of any field notes from the site or any photographs of project area with project limits delineated.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #18 in Section A of the PES form. Further study will be required to determine the exact boundary of the agricultural wetland (based on the ACOE three-parameter definition 33 CFR 323.2[c]) and to quantify the project related impacts on the agricultural wetland. Check Wetlands and Wetland Delineation (WD) and Assessment under Section B, check coordination with Caltrans and NRCS under Section C, check approval of the WD and Assessment by Caltrans and Agricultural Wetland Verification by NRCS under Section D.

The WD shall be prepared according to the guidance set forth in the SER, Chapter 15, Wetlands and Other Waters of the U.S., provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/ch15wetland/ch15wetland.htm#recmethod>

19. Is there a potential for the introduction or spread of invasive plant species?

Note: Presidential Executive Order 13112 prohibits the use of federal-aid for construction, revegetation or landscaping activities that purposely include the use of known invasive plant species. This Order is concerned with plant material being used in revegetation, and with the spread of invasive from or to a project area. If the project area is infested with Star Thistle, for example, the project needs to include measures to ensure that material is not being spread to other areas by disposal off-site or by tracking seed on equipment. Also, if equipment/material is being brought in from areas of invasive plants, this must be identified to ensure that invasive plants are not inadvertently being spread to the project area.

Review the California official noxious weed list and the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory at: <http://www.cal-ipc.org/> to determine if invasive plants are in the project area, or if any plants proposed for project landscaping are included on the list.

If “No,” check the “No” box next to Question #19 in Section A of the PES form. No further action regarding invasive plants is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” clearly states that the project will not involve construction, revegetation or landscaping activities that use known invasive plant species. If landscaping is proposed, list plant species proposed for use, or if invasive plants exist within the project area, list those plants in the “Preliminary Environmental Investigations Notes to Support the Conclusions of the PES Form.”

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #19 in Section A of the PES Form. Check “Invasive Species” and “Discussion in ED Only” under Section B, check coordination with Caltrans in Section C, and check “Approval” (of Discussion in ED) under Section D. If an NES is being prepared for impacts to biological species, noxious weed management and invasive species would be addressed in the NES. An NES template is provided at: <http://www.dot.ca.gov/ser/forms.htm>

Sections 4(f) and 6(f)

20. Are there any historic sites or publicly owned public parks, recreation areas, wildlife or waterfowl refuges (Section 4(f)) within or immediately adjacent to the construction area?

Review right of way and parcel maps prior to conducting a site visit to determine property ownership. During the site visit note all land uses surrounding the project limits. If “No,” check the “No” box next to Question #20 in Section A of the PES form. No further study is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES” list all surrounding land uses. Attach Project Footprint Map.

If “Yes,” or “To Be Determined,” check the appropriate box next to question #20 in Section A of the PES form. Further study will be required. Check Section 4(f) in Section B and write in specific Programmatic

Section 4(f) Evaluation, if applicable. Consult with the DLAE and district SEP (or designee) to determine whether a Programmatic Section 4(f) Evaluation, or an Individual Section 4(f) Evaluation is appropriate, or if the action constitutes a Temporary Occupancy, or qualifies for a de minimis finding. Programmatic and Individual Section 4(f) Evaluations shall be prepared.

Do not begin the Section 4(f) Evaluation until after the PES form is fully signed. The consultant contract for the Evaluation shall be prepared according to the guidance and procedures set forth in the LAPM, Chapter 10, "Consultant Selection," provided at:

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p10consult.pdf

Guidance on determining de minimis impacts to Section 4(f) properties, or on preparing an Individual Section 4(f), or one of the five (5) Programmatic Section 4(f) Evaluations:

- Parklands, Recreation Areas and Wildlife and Waterfowl Refuges
- Minor Involvement with Historic Sites
- Historic Bridges
- Bikeways and Walkways
- Projects that have a Net Benefit to Section 4(f) properties

Refer to SER, Chapter 20, Section 4(f) and Related Requirements, at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm>

21. Does the project have the potential to affect properties acquired or improved with Land and Water Conservation Fund Act (Section 6(f)) funds?

To determine whether Land and Water Conservation Fund (L&WCF) money was involved in the acquisition or improvement of a Section 4(f) property within or adjacent to your project area, go to the Land and Water Conservation Fund website at : <http://waso-lwcf.nrc.nps.gov/public/index.cfm>, and click on "Detailed Listing of Grants-With County Totals". Select California (CA) and click on submit button. Find your county in the left margin and click on the name of the county. List of parks or other recreational resources that have used federal funds from the LWCF should appear. You can see the date the grant was awarded and the amount of LWCF funds awarded.

If "No," check the "No" box next to Question #21 in Section A of the PES form. No further study is needed. In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" list all surrounding land uses. When one of the surrounding land uses is a park, identify ownership.

If "Yes," (L&WCF funds were utilized for acquisition or improvement), further study will be needed and all practical alternatives to the proposed conversion must be evaluated.

Check the "Yes," or "To Be Determined," box next to Question #21 in Section A of the PES form. Check Section 6(f) in Section B, check coordination with Agency with Jurisdiction under Section C, and if the project will result in the conversion of the Section 6(f) property, check coordination with National Park Service (NPS) under Section C, and check Approves Conversion under Section D. The NPS Regional Office must concur that all environmental review requirements related to the proposed project have been met.

Section 6(f) study procedures are outlined in the SER, Chapter 20, provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm#consider>

Approval of a Section 6(f) conversion/replacement property shall be documented in the Section 4(f) Evaluation and Environmental Document.

Visual Resources

22. Does the project have the potential to affect any visual or scenic resources?

Refer to the Visual Impact Assessment (VIA) Guide in the SER, provided at:

http://www.dot.ca.gov/hq/LandArch/via_outlines/questionnaire.htm

Consider each of the ten (10) questions and select the response that most closely applies to the project in question. Refer to *Preliminary Design Information provided on the first page of the PES form when answering questions*. Each response has a corresponding point value. After the checklist is completed the total score will indicate the potential for impact and the level of detail needed to adequately address visual impacts in the PES form.

Note: This scoring system should only be used as a preliminary guide and should not be used as a substitute for objective analysis on the part of the user. Although the collective score may direct the user toward a certain level of analysis, circumstances associated with any one of the ten question-areas may necessitate elevating the VIA to a greater level of detail.

Scores between 6-9 indicate a low potential for the project to affect a visual or scenic resource. When this is the case, check the “No” box next to Question #22 in Section A of the PES form. No further analysis is required. Print out a copy of the completed questionnaire. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the **PES Form**” indicate the score and attach a copy of the questionnaire.

Scores between 10-14 require that the Local Agency prepare a brief **Technical Memo** providing clarification for the two or three highest scores on the questionnaire.

Scores between 15-19 require the preparation of an abbreviated VIA report consistent with the **Minor VIA Annotated Outline**.

Scores between 20-24 require the preparation of a VIA report consistent with the **Moderate VIA Annotated Outline**.

Scores between 25-30 require the preparation of a VIA report consistent with the **Advanced/Complex VIA Annotated Outline**.

When a Minor, Moderate or Advanced/Complex VIA report is required, check the appropriate box next to Question #22 in Section A of the PES Form and indicate under Section B of the PES form whether a VIA Technical Memorandum, Minor VIA, Moderate VIA or Advanced/Complex VIA will be prepared.

Relocation Impacts

23. Will the project require the relocation of residential or business properties?

Note: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides important protections and assistance for people affected by federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy. Responsibility for the enforcement of this Act has been delegated to the FHWA and is carried out by the Office of Real Estate Services. Title 49: Transportation, Part 24—Uniform Relocation Assistance And Real Property Acquisition For Federal and Federally Assisted Programs, Section 24.205, Relocation Planning, Advisory Services and Coordination, requires that during the early stages of development, an agency shall plan federal and Federally Assisted Programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations.

Will the project require the relocation of residential or business properties?

If “No,” check the “No” box next to Question #23 in Section A of the PES form. No further study is needed.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #23 in Section A of the PES form. Under Section B of the PES form indicate whether a Relocation Impact Memo, Relocation Impact Study or Relocation Impact Report will be prepared. Consult with the DLAE and district SEP (or designee)

when determining which level of analysis will be necessary based on the scope of the project. Indicate coordination with and approval by Caltrans under Section C and P of the PES form.

The Relocation Impact Study or Report shall be prepared according to the guidance provided in the SER, Chapter 24, "Community Impacts" at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Land Use, Community and Farmland Impacts

24. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.

Note: As mentioned earlier, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides important protections for people whose real property is acquired as a result of projects receiving federal funds.

If "No," check the "No" box next to Question #24 in Section A of the PES form. Also check "No" next to Right of Way Acquisition under Preliminary Design Information on the first page of the PES form.

In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES form" indicate that "all work (such as, trenching, slope stabilization, etc.), if applicable, will occur within existing right of way" next to #23.

If "Yes," or "To Be Determined," check the appropriate box next to Question #24 in Section A of the PES form. Further study will be needed. Indicate under Section B of the PES form whether a Community Impact Assessment (CIA), Technical Memorandum, or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining which level of analysis is appropriate based on scope of project and potential for impacts. Under Sections C & D of the PES form indicate that coordination with and approval by Caltrans will be required.

On the first page of the PES form, under Preliminary Design Information, check the "Yes" box next to Right of Way Acquisition and attach a map showing all affected APNs. On the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" indicate the total acreage to be acquired and the purpose for the acquisition next to Question #23.

The Relocation Impact Study or Report shall be prepared according to the guidance provided in the SER, Chapter 24, "Community Impacts" at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Note: 23 CFR 771.111(h)(2)(iii) requires one or more public hearings or the opportunity for a public hearing for any federal-aid project which requires significant amounts of right of way, substantially changes the layout or functions of connecting roadways, or if the facility being improved has a substantial adverse impact on abutting properties.

25. Is the project inconsistent with plans and goals adopted by the community?

Note: NEPA requires that when a proposed federal action, normally classified as a CE, involves an unusual circumstance, such as "...likely to cause substantial division or disruption of an established community, disrupt orderly and planned development, or is likely to be not reasonably consistent with plans or goals that have been adopted by the community..." the project shall be the subject of an EA or EIS.

Check comprehensive development plan, general plan or community plan and goals adopted by the community. Is project inconsistent?

If "No," check the "No" box next to Question #25 in Section A of the PES form. No further study is needed. In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" indicate steps taken to ensure consistency with local plans.

If "Yes," or "To Be Determined," check the appropriate box next to Question #25 in Section A of the PES form. Additional study will be needed. Under Section B, Land Use and Community Impacts, indicate whether a CIA, Technical Memorandum, or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining which level of analysis will be necessary based on the scope of the project and potential for impact.

The CIA shall be undertaken according to the guidance provided in the SER, Chapter 24, “Community Impacts” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

26. Does the project have the potential to divide or disrupt neighborhoods/communities?

Note: The U.S.DOT Order clarifies and reinforces Title VI responsibilities as well as addresses effects on low-income populations. The goal of the U.S.DOT Order is to ensure that programs, policies, and other activities do not have a disproportionately high and adverse effect on minority or low-income populations. This goal is to be achieved, in part, by implementing both Title VI and NEPA during the development and implementation of transportation activities. All reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed. As defined in the Appendix of the DOT Order, adverse effects include, but are not limited to the “destruction or disruption of community cohesion or a community's economic vitality.”

Consult demographic data (that is, age, ethnicity, and income) from most recent census, consider:

- sense of neighborhood and community cohesion relative to project
- community resources (parks, churches, shopping, schools, emergency services, libraries) travel patterns
- types of housing and businesses
- employment and tax base

Does the project have the potential to divide or disrupt neighborhoods?

If “No,” check the “No” box next to Question #26 in Section A of the PES form. No further study is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly describe the steps taken to support a “No” answer and briefly describe surrounding land uses.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #26 in Section A of the PES form. Additional study will be needed. Under Section B, Land Use and Community Impacts, indicate whether a CIA, Technical Memorandum, or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining the most appropriate level of analysis based on the scope of the project and potential for impact.

The CIA shall be undertaken according to the guidance provided in the SER, Chapter 24, Community Impacts, at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

27. Does the project have the potential to disproportionately affect low-income or minority populations?

Note: The U.S.DOT Order clarifies and reinforces Title VI responsibilities as well as addresses effects on low-income populations. The goal of the U.S.DOT Order is to ensure that programs, policies, and other activities do not have a disproportionately high and adverse effect on minority or low-income populations. This goal is to be achieved, in part, by implementing both Title VI and NEPA during the development and implementation of transportation activities. 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 populations.

Check the Census to see which census tracts the project goes through and see if they are identified as “minority” or “low-income.”

If the project does not go through “minority” or “low-income” census tracts, no further study will be needed. Check the “No” box next to Question #27 in Section A of the PES form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” state the date of the Census consulted.

If the project does go through “minority” or “low-income” census tracts, then further study may be required. Check the “Yes” or “To Be Determined” box next to Question #27 in Section A of the PES form and consult with the DLAE and district SEP (or designee) to determine the appropriate level of analysis needed based on the scope of the project and the potential for impact. Under Sections C and D of the PES form, indicate that

coordination with Caltrans according to the guidance provided in the SER, Chapter 24, “Community Impacts” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

28. Will the project require the relocation of public utilities?

Note: Relocation of public utilities can disrupt public services to an established community. NEPA requires consideration of impacts associated with disruption of established communities. Additionally, the LAPM, Chapter 14, “Utility Relocations,” requires that the E-76 include a list of every utility facility anticipated to be adjusted along with the utility company name and best available estimate of the total local agency costs involved.

Review public services and utilities presently available to the project area and determine whether relocation will be necessary.

If “No,” check the “No” box next to Question #28 in Section A of the PES form. If “Yes,” or “To Be Determined,” check the appropriate box next to Question #28 in Section A of the PES form. Under Section B indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken according to the guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

29. Will the project affect access to properties or roadways?

Note: 23 CFR 771.111(h)(2)(iii) requires consideration of potential impacts associated with any federal-aid project which substantially changes the layout or functions of connecting roadways or of the facility being improved, or has a substantial adverse impact on abutting properties. One or more public hearings of the opportunity for a public hearing may be required when substantial adverse impacts result.

If “No,” check the “No” box next to Question #29 in Section A of the PES form. No further study will be needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form,” briefly list adjacent land uses and proposed access to those land uses during project construction.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #29 in Section A of the PES form. Under Section B, indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken according to the guidance provided in the SER, Chapter 24, “Community Impacts” at: <http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Keep in mind that the Administration has determined (23 CFR 771.135, Section 4[f][49 U.S.C. 303]) that a Section 4(f) Constructive Use occurs when: (iii) the project results in a restriction on access, which substantially diminishes the utility of a significant publicly owned park, recreation area, or a historic site.

30. Will the project involve changes in access control to the State Highway System?

Note: 23 CFR 771.117 includes in the definition of an “Action” activities such as joint and multiple use permits and changes in access control which may or may not involve a commitment of federal funds.

A change in access control can come about from either:

- New connection to mainline freeway lanes.
- Addition of entrance or exit ramps that complete basic existing interchange.
- Major reconstruction where existing interchanges are being modified and/or dislocated ramps are being added or deleted.
- Removal of existing connection points.

Where the change in access control occurs on an interstate, FHWA concept approval will be needed. Where the change in access control occurs on a non-interstate, no FHWA involvement is needed.

If the project will not involve a change in access control to the SHS, check the “No” box next to Question #30 in Section A of the PES form. No further study is needed. Briefly discuss project’s location relative to the SHS in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Include a Vicinity Map to showing the project’s relationship to the SHS.

If the project will involve a change in access control, check the “Yes” or “To Be Determined” box next to Question #30 as appropriate in Section A of the PES form and consult the DLAE regarding the process for obtaining FHWA concept approval.

31. Will the project involve the use of a temporary road, detour, or ramp closure?

If “No,” check the “No” box next to Question #31 in Section A of the PES form. No further study is needed.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #31 in Section A of the PES form. Additional study will be needed to determine whether:

- Provisions have been made for access by local traffic.
- Through-traffic dependent business will be adversely affected.
- The detour or ramp closure will interfere with a local special event or festival.
- The temporary road, detour or ramp closure will substantially change the environmental consequences of the action.
- There is a substantial controversy associated with the temporary road, detour or ramp closure.

Under Section B of the PES form, indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES form indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken according to the guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Keep in mind that the Administration has determined (23 Section 4[f] [49 U.S.C. 303]) that a Section 4(f) Constructive Use occurs when: (iii) the project results in a restriction on access which substantially diminishes the utility of a significant publicly owned park, recreation area, or a historic site.

32. Will the project reduce available parking?

If “No,” check the “No” box next to Question #32 in Section A of the PES form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES form” briefly describe parking within the construction area and quantify the number of parking spaces that will be temporarily impacted during project construction. Delineate location of parking spaces on Project Footprint Map.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #32 in Section A of the PES form. Further study will be required. Under Section B of the PES form, indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and district SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken according to the guidance provided in the SER, Chapter 24, “Community Impacts” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Section 4-6.7 of the *Environmental Handbook Volume 4*, “Community Impact Assessment” provides guidance on Parking Impacts at: <http://www.dot.ca.gov/ser/vol4/envhb4.pdf>

33. Will the project construction encroach on state or federal lands?

If “No,” check the “No” box next to Question #33 in Section A of the PES form.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #33 in Section A of the PES form. For Construction/Encroachments on State Lands, check the box next to State Lands under Section B of the PES form and indicate the agency with jurisdiction (that is, SLC, Caltrans, or SP), check coordination with the respective agency under Section C, and mark the appropriate box under Section D indicating the action that the agency will take.

For Construction/Encroachments on Federal Lands, check the box next to Federal Lands under Section B of the PES form. Under Section C, check the box next to Federal Agency with Jurisdiction, indicating the need for ongoing coordination throughout the NEPA process. Under Section D check the box beside Encroachment Permits, indicating the action the federal agency with jurisdiction will take.

Note: Early and continued coordination with other agencies is crucial for smoothing the process of completing projects in a timely and efficient manner. Chapter 16 of the FHWA, Office of Real Estate Services Project Development Guide, provides guidance on coordination with other state and federal agencies. The guide is provided at: <http://www.fhwa.dot.gov/realestate/coordnt.pdf>

34. Will the project convert any farmland to a different use or impact any farmlands?

Consult maps provided at: http://www.consrv.ca.gov/DLRP/fmmp/pubs/Order%20Form_1-4-07.pdf

If “No,” check the “No” box next to Question #34 in Section A of the PES form. No further study will be needed. List surrounding land uses in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” or attach field notes from site visit, indicating surrounding land uses (that is, farmlands).

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #34 in Section A of the PES form. Further study will be required. Check the appropriate study to be undertaken (such as, CIA, Technical Memorandum, Discussion in ED Only, Form AD 1006). Consult with the DLAE and district SEP (or designee) when determining the appropriate level of analysis.

No technical reports are mandated by state or federal law concerning farmlands. However, it may be appropriate to prepare a separate CIA if any farmland will be affected by the proposed project. Guidance on preparing the farmland section of a CIA is provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch23farm/chap23farm.htm>. Otherwise, a Technical Memorandum and/or Discussion in the ED Only addressing the following should suffice: (1) Identification of impacts on agricultural lands and on prime or unique farmland in the project area; (2) Form AD-1006 evaluation, if appropriate; (3) Evidence of coordination with USDA or California Department of Conservation (CDOC), as appropriate; and (4) Identification of possible mitigation measures for significant impacts. Under Section C of the PES form check coordination with Caltrans, NRCS or CDOC and under Section D check action the respective agency will take.

Local agency should complete Parts I and III of U.S. Department of Agriculture [Form AD 1006](#), “Farmland Conversion Impact Rating,” and submit it 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. Check coordination with ACOE under Section C of the PES form. Document results of the Form AD 1006 in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.”

Note: Regarding the Farmland Conversion Impact Rating Form (AD-1006), sites with the highest combined scores are regarded as most suitable for protection and sites with the lowest scores, least suitable. Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated. Sites receiving scores totaling 160 or more shall be given increasingly higher levels of consideration for protection.

Cultural Resources

35. Is there National Register listed or potentially eligible historic properties or archaeological resources within or immediately adjacent to the construction area?

All federal-aid transportation projects require screening by a district professionally qualified staff (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 or technical studies are needed. The local agency should not initiate cultural studies until such time that the district PQS has determined the appropriate study areas for archaeology and historic architecture. The APE must be finalized and signed by the DLAE and district PQS prior to the completion and submittal of the Section 106 documentation. The local agency should request the DLAE to schedule an Early Coordination Meeting to discuss required format and content of required cultural reports.

36. Is the project adjacent to, or would it encroach on Tribal Land?

Note: According to the 6004 MOU and Section 106 PA, the FHWA reserves any responsibility for all government-to-government consultation with Indian tribes as defined in 36 CFR 800.16(m). However, notice from the state to an Indian tribe advising the tribe of a proposed activity is not considered "government-to-government consultation" within the meaning of this MOU.

If the state adequately resolves any project-specific tribal issues or concerns, then the FHWA's role in the environmental process shall be limited to carrying out any government-to-government consultation process, if needed.

If "No," check the "No" box next to Question #36 in Section A of the PES form. No further coordination is needed.

If "Yes," or "To Be Determined," check the appropriate box next to Question #36 in Section A of the PES form and consult with the DLAE, district SEP (or designee) and district PQS on the most current procedures/guidance pertaining to encroachments on Tribal Land. Provide to the FHWA any information necessary in order for the FHWA to carry out its consultation, evaluation, or decision-making activities stipulated in the 6004 MOU, Section II(B)(1).

Sections B, C, & D

Section B: Section C: Section D: Check action, approval or permit coordinating agency will provide.

B. Required Technical Studies and Analyses

Local agency considers the results of the preliminary environmental investigation and the responses to the questions under Section A of the PES form. Additional technical studies or documentation will be necessary for each "Yes" or "To Be Determined" response in Section A. Consult with the DLAE and district SEP (or designee) when determining the appropriate level of analysis under Section B.

C. Coordination

Local agency checks appropriate Coordinating Agency for each required study.

D. Anticipated Actions/Permits/Approvals

The local agency checks action, approval or permit needed. Note that a list of permits is provided at the bottom of Section D. The permit issuing agency will be the Coordinating Agency (in Section C) listed adjacent to the permit (in Section D). Consult the [California Permit Handbook](#).

E. Preliminary Environmental Document Classification (for NEPA)

Based on the answers provided in Section A through D of the PES form, the local agency makes a preliminary recommendation as to the appropriate NEPA class of action.

Environmental Impact Statement: When the action has the potential to significantly affect the environment an EIS should be prepared. Examples of actions that normally require an EIS include:

- a new controlled access freeway
- a highway project of four or more lanes on a new location
- new construction or extension of fixed rail transit facilities
- new construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility

Complex Environmental Assessment: An action involving one or more of the following should be classified as a Complex EA:

- multiple location alternatives
- debate related to purpose and need
- strong public controversy
- issues of logical termini or independent utility
- individual Section 4(f) determinations
- complex Endangered Species Act issues
- numerous cumulative impacts
- high mitigation costs

Routine Environmental Assessment: An action that cannot be classified as a CE and yet it does not clearly require preparation of an EIS, or an action in which the significance of the environmental impact is not clearly established.

Categorical Exclusion with or without required technical studies: Review the list of activities provided at 23 CFR 771 (c), 23 CFR 771 (d) and Appendix A of the Section 6004 MOU to find the activity most closely resembling the project. Place a check mark next to the list that contains the similar activity and indicate the specific activity number.

Section 6005

The Section 6005 Pilot Program MOU, in addition to assigning Caltrans the authority to approve EISs and EAs, also assigned Caltrans approval of those CE activities not covered under the provisions of Section 6004 MOU. The district SEP will ultimately determine the applicable MOU under which the CE determination shall be made.

Public Hearing and Public Availability

Local agency indicates whether a Public Hearing or Public Availability may be required. When determining whether a public hearing is necessary, note that all draft EISs require a public hearing, and NEPA requires a public hearing on EDs 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 the action.

Public Involvement for other federal environmental processes includes:

- Section 106 - notification to potentially interested parties if the project will affect a historic property
- 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

G. Signatures:

Local Agency Staff or Consultant Signature: This is the name and telephone number of the person that performed the preliminary environmental investigation and completed the PES form.

Local Agency Project Engineer Signature: This is the name of the local agency representative (typically the person having responsible charge for the project, that is, Public Works Director or City Engineer).

They sign the PES form when they are satisfied that the form and all supporting documentation is “complete and sufficient.”

Caltrans District Professionally Qualified Staff (PQS) Signature: The district PQS will indicate the results of their screening in the PQS signature block of the PES form, indicate appropriate response to Question 35 under Section B of the PES form, complete Sections C, D, and E, (regarding Section 106), and sign the PES form for all projects.

Caltrans District Senior Environmental Planner (or Designee) and DLAE (or Designee) Signatures: A Caltrans District Environmental signature is required on the PES forms 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 NEPA Class of Action. The DLAE or designee must also sign all PES forms when they are satisfied that the form and supporting documentation are complete and sufficient, and when they concur with the studies to be performed and the recommended NEPA Class of Action.

Headquarters Environmental Coordinator Signature: The Headquarters (HQ) DEA (Regional) Environmental Coordinator concurrence is a required attachment to the PES form when the recommended NEPA Class of Action is an EA or an EIS. The HQ DEA Environmental Coordinator concurrence means that they have reviewed the PES form and concur with the recommended NEPA Class of Action. The HQ DEA Environmental Coordinator will concur via email to the district SEP (or designee), who shall attach the email to the PES form and check the box below and enter the date of concurrence on the PES form.

Distribution: The original signed PES form and appropriate guidance memo shall be maintained in the DLAE’s project file. A copy of the signed PES form shall be retained by the local agency project manager, and the district SEP (or designee). Additional copies of the PES form may be retained by the district SEP (or designee) and the district PQS

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