April 5, 2013

Brigadier General Michael C. Wehr, South Pacific Division Commander
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street
San Francisco, CA 94103-1398

Dear Brigadier General Wehr:

The California Department of Transportation (Caltrans) wants to inform you of its continued assignment of consultation responsibilities under the National Environmental Policy Act (NEPA) and Clean Water Act for federally-funded highway projects in California. On September 25, 2012, FHWA and Caltrans signed the Memorandum of Understanding (MOU) between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Project Delivery Program Pursuant to 23 USC 327, which became effective on October 1, 2012. This MOU was signed pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), which allows the Secretary of Transportation to assign, and the State of California to assume, responsibility for one or more highway projects within the State. For these projects, the State may also be assigned FHWA’s responsibilities for environmental consultation and coordination under other federal environmental laws. By statute, the State is deemed to be a federal agency for these assigned responsibilities. Please forward this letter to anyone in your office who works on highway projects in California.

This assignment of responsibilities is in addition to the responsibilities assigned pursuant to 23 U.S.C. 326 in the Memorandum of Understanding between Federal Highway Administration, California Division, and the California Department of Transportation on State Assumption of Responsibilities for Categorical Exclusions on June 7, 2007 (renewed June 7, 2010). FHWA sent a letter informing your agency of this assignment, including a copy of the MOU, on June 19, 2007.

The assignments and assumptions of responsibilities apply to the environmental review, consultation, or other action pertaining to the review or approval of all projects within the State of California with the exception of:

1. any highway projects designated under Executive Order 13274:
   - I-5 North Coast Project (San Diego County)
   - Mid-County Parkway - Community and Environmental Transportation Acceptability Process (CETAP) project (Riverside County)

“Caltrans improves mobility across California”
2. any Federal Lands highway projects unless designed and constructed by Caltrans

3. any highway projects funded under chapter 53 of title 49, United States Code

4. multi-state and international highway projects:
   - Otay Mesa Border Crossing (San Diego County)
   - San Ysidro Port of Entry (San Diego County)
   - SR 62 Colorado River Bridge Replacement (San Bernadino County and Arizona)

5. the following twenty-two specifically-excluded projects:
   - Eureka/Arcata Corridor Improvement (Humboldt County)
   - Interstate 5/Consumnes River Boulevard Interchange (Yolo County)
   - Placer Parkway Corridor Preservation (Placer and Sutter Counties)
   - Doyle Drive (San Francisco County)
   - Marin-Sonoma Narrows (Marin and Sonoma Counties)
   - Ala-880 Southbound HOV Lane Extension – Hegenberger to Marina Boulevard (Alameda County)
   - SM-101, Widen and Add Auxiliary Lanes from March Road to Embarcadero (San Mateo County)
   - BART Seismic Retrofit of the Aerials Structures and Stations Along the Fremont, Concord, Richmond, and Daly City Lines (San Francisco Bay Area Counties)
   - Caldecott Improvement Project on State Route 24 (Contra Costa County)
   - Santa Cruz Auxiliary Lanes Soquel to Morrisey (Santa Cruz County)
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   - SJ-99 Manteca 6-Lane (San Joaquin County)
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• Orange County Gateway (Orange County)

The projects listed above will remain under FHWA’s responsibility during the NEPA Assignment Program. As the NEPA Assignment Program continues, other projects may be identified that would not be assigned to Caltrans, according to the provisions of the MOU.

For projects not excluded from the NEPA Assignment Program MOU, Caltrans will conduct all consultation under NEPA and the Clean Water Act as a federal agency. For these projects, please address all future correspondence directly to Caltrans, even if FHWA initiated the consultation.

For your reference and use, enclosed is a copy of the MOU. If you have any questions, please contact Dale Jones, NEPA Assignment Manager, at (916) 653-5157.

Sincerely,

MALCOLM DOUGHERTY
Director

Enclosure: Memorandum of Understanding between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Project Delivery Program Pursuant to 23 USC 327.
March 26, 2013

Colonel Mark Toy, District Engineer
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

Dear Colonel Toy:

The California Department of Transportation (Caltrans) wants to inform you of its continued assignment of consultation responsibilities under the National Environmental Policy Act (NEPA) and Clean Water Act for federally-funded highway projects in California. On September 25, 2012, FHWA and Caltrans signed the Memorandum of Understanding (MOU) between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Project Delivery Program Pursuant to 23 USC 327, which became effective on October 1, 2012. This MOU was signed pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), which allows the Secretary of Transportation to assign, and the State of California to assume, responsibility for one or more highway projects within the State. For these projects, the State may also be assigned FHWA’s responsibilities for environmental consultation and coordination under other federal environmental laws. By statute, the State is deemed to be a federal agency for these assigned responsibilities. Please forward this letter to anyone in your office who works on highway projects in California.

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Sincerely,

/os/ Bruce L. April

BRUCE L. APRIL,
Acting Chief Division of Environmental Analysis
California Department of Transportation

Enclosure: Memorandum of Understanding between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Project Delivery Program Pursuant to 23 USC 327.

“Caltrans improves mobility across California”
March 26, 2013

Colonel William Leady, District Engineer  
U.S. Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814  

Dear Colonel Leady:

The California Department of Transportation (Caltrans) wants to inform you of its continued assignment of consultation responsibilities under the National Environmental Policy Act (NEPA) and Clean Water Act for federally-funded highway projects in California. On September 25, 2012, FHWA and Caltrans signed the Memorandum of Understanding (MOU) between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Project Delivery Program Pursuant to 23 USC 327, which became effective on October 1, 2012. This MOU was signed pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21), which allows the Secretary of Transportation to assign, and the State of California to assume, responsibility for one or more highway projects within the State. For these projects, the State may also be assigned FHWA’s responsibilities for environmental consultation and coordination under other federal environmental laws. By statute, the State is deemed to be a federal agency for these assigned responsibilities. Please forward this letter to anyone in your office who works on highway projects in California.

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BRUCE L. APRIL,
Acting Chief Division of Environmental Analysis
California Department of Transportation

Enclosure: Memorandum of Understanding between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Project Delivery Program Pursuant to 23 USC 327.
March 26, 2013

Lieutenant Colonel John K. Baker, District Engineer
U.S. Army Corps of Engineers
San Francisco District
1455 Market Street
San Francisco, CA 94103-1398

Dear Lieutenant Colonel Baker:

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