Mr. Michael E. Aceituno, Supervisor
National Marine Fisheries Service - PRD Division
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814-4708

Dear Mr. Aceituno:

The Federal Highway Administration (FHWA) wants to inform you of important changes in consultation procedures under the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act for federally-funded highway projects in California. FHWA has assigned and the California Department of Transportation (Caltrans) has assumed responsibilities for consultation and coordination with resource agencies for most projects within the State of California. Please forward this letter to anyone in your office who works on highway projects in California.

On June 29, 2007, 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 Surface Transportation Project Delivery Pilot Program. This MOU was effective on July 1, 2007. This MOU was signed pursuant to Section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), 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.

This assignment of responsibilities is in addition to the responsibilities assigned pursuant to Section 6004 of SAFETEA-LU 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. This MOU allowed the Secretary of Transportation to assign, and the State of California to assume, responsibility for certain projects designated as Categorical Exclusions under NEPA.

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:
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   - I-5 North Coast Project (San Diego County)
   - Mid-County Parkway - Community and Environmental Transportation Acceptability Process (CETAP) project (Riverside County)

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 Bernardino County and Arizona)

5. the following twenty-two projects 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)
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   - Southern Orange County Transportation Infrastructure Improvement Program (SOCTIIP) (Orange and San Diego Counties)
   - Orange County Gateway (Orange County)
The projects listed above will remain under FHWA’s responsibility during the NEPA Pilot Program. As the NEPA Pilot 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 Pilot Program MOU, Caltrans will conduct all consultation under the Endangered Species 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 both MOUs. If you have any questions, please contact Maiser Khaled, Director of Project Development and Environment, at (916) 498-5020.

Sincerely,

/s/ Maiser Khaled

For
Gene K. Fong
Division Administrator

Enclosures: Memorandum of Understanding between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Surface Transportation Project Delivery Pilot Program

Memorandum of Understanding (MOU) between Federal Highway Administration, California Division, and the California Department of Transportation on State Assumption of Responsibilities for Categorical Exclusions
Mr. Richard Butler, Supervisor  
National Marine Fisheries Service  
777 Sonoma Ave., Rm 325  
Santa Rosa, CA  95404

Dear Mr. Butler:

The Federal Highway Administration (FHWA) wants to inform you of important changes in consultation procedures under the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act for federally-funded highway projects in California. FHWA has assigned and the California Department of Transportation (Caltrans) has assumed responsibilities for consultation and coordination with resource agencies for most projects within the State of California. Please forward this letter to anyone in your office who works on highway projects in California.

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Sincerely,

/s/ Maiser Khaled

For
Gene K. Fong
Division Administrator

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Memorandum of Understanding (MOU) between Federal Highway Administration, California Division, and the California Department of Transportation on State Assumption of Responsibilities for Categorical Exclusions
Mr. Rodney R. McInnis, Regional Administrator
National Marine Fisheries Service
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802-4213

Dear Mr. McInnis:

The Federal Highway Administration (FHWA) wants to inform you of important changes in consultation procedures under the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act for federally-funded highway projects in California. FHWA has assigned and the California Department of Transportation (Caltrans) has assumed responsibilities for consultation and coordination with resource agencies for most projects within the State of California. Please forward this letter to anyone in your office who works on highway projects in California.

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**MOVING THE AMERICAN ECONOMY**
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For your reference and use, enclosed is a copy of the MOU. If you have any questions, please contact Maiser Khaled, Director of Project Development and Environment, at (916) 498-5020.

Sincerely,

/s/ David Tedrick

For
Gene K. Fong
Division Administrator

Enclosure: Memorandum of Understanding between Federal Highway Administration and the California Department of Transportation concerning the State of California’s Participation in the Surface Transportation Project Delivery Pilot Program
Ms. Irma V. Lagomarsino, Supervisor  
National Marine Fisheries Service  
1655 Heidon Road  
Arcata, CA  95521  

Dear Ms. Lagomarsino:

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Sincerely,

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For
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