



**U.S. DEPARTMENT OF TRANSPORTATION**  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
June 19, 2007

IN REPLY REFER TO  
HDA-CA  
Document # S50640

**CERTIFIED RETURN RECEIPT REQUESTED: 7003 1680 0002 3834 1442**

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 formal consultation procedures under the Endangered Species Act for federally-funded highway projects in California. FHWA has assigned and Caltrans has assumed all responsibilities for consultation and coordination with resource agencies for most projects determined to be Categorical Exclusions (CEs) under the National Environmental Policy Act (NEPA).

On June 7, 2007, FHWA and Caltrans signed the *Memorandum of Understanding (MOU) between Federal Highway Administration, California Division, and the California Department of Transportation on State Assumption of Responsibilities for Categorical Exclusions*. This MOU was signed pursuant to Section 6004 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 CEs designated by the Secretary. 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.

For projects designated in this 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.

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/ Maiser Khaled*

For  
Gene K. Fong  
Division Administrator

Enclosure: *Memorandum of Understanding (MOU) between Federal Highway Administration, California Division, and the California Department of Transportation on State Assumption of Responsibilities for Categorical Exclusions*