State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

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To: Terry Abbott, Chief, Division of Design
Brent Green, Chief, Division of Right of Way and Land Services
Mark Leja, Chief, Division of Construction
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DISTRICT DEPUTY DIRECTORS, Environmental
DISTRICT ENVIRONMENTAL BRANCH CHIEFS

Date: February 3, 2011

From: Kelly C. Dunlap, Chief
Environmental Management Office
Division of Environmental Analysis

Subject: Review Procedures for Environmental Mitigation Cooperative Agreements

Responsibility for the review of environmental mitigation cooperative agreements was recently transferred from the Headquarters Division of Design Office of Cooperative Agreements (OCA) to the Environmental Management Office (EMO) in the Division of Environmental Analysis. This policy memorandum outlines the new procedures for the submittal of environmental mitigation cooperative agreements to EMO. This policy applies only to mitigation cooperative agreements. The procedures for standard cooperative agreements will continue to follow Deputy Directive 102 (DD-102) and associated policies and procedures.

Upon completion of the draft mitigation cooperative agreement and approval by the Project Development Team (PDT) at the District level, the agreement must be entered into the statewide Cooperative Agreement Database *prior* to submittal to EMO for review. For assistance in accessing the database, please contact the Office of Cooperative Agreements. Additionally, in some Districts, mitigation cooperative agreements are reviewed by the District Cooperative Agreement Coordinator prior to submittal to EMO. Please contact your District Cooperative Agreement Coordinator to determine the appropriate procedure for your District (a list of statewide contacts can be found at the following Caltrans intranet page: http://onramp.dot.ca.gov/hq/design/coop/.

Each mitigation cooperative agreement must be accompanied by the following documentation:

- A completed and signed Mitigation Cooperative Agreement Fact Sheet. This fact sheet may, at the District's discretion, replace the use of any other forms, including the RCA (Request for Cooperative Agreement) for mitigation cooperative agreements ONLY.

- Supporting documentation for the mitigation cooperative agreement. This may include the environmental document or resource agency permit, agreement, or approval. Applicable sections of the supporting documentation must be highlighted.

Once the draft agreement has been submitted, EMO will review the submittal for completeness. If the submittal is incomplete, EMO will notify the District and let the District know what elements are needed to complete the submittal. Review of the mitigation cooperative agreement will not begin until the submittal is complete. Once EMO has verified that the submittal is complete:

- EMO will review the mitigation cooperative agreement. Minor revisions to the agreement may be made by EMO and then sent to the District for approval. If extensive revisions or clarifications are needed, the agreement will be returned to the District with comments and/or questions.

- After the District has re-submitted the agreement (or if no revisions were needed), EMO will coordinate the review of the agreement by OCA, Legal, and Accounting. When these reviews are complete and if no further revisions are needed, EMO will inform the District that the agreement is "HQ Approved."

- Once the agreement is HQ Approved, the District may share the agreement with the other party(ies) to the agreement. If no revisions are needed, the District will then notify EMO that the agreement is ready for signature. EMO will prepare the final version of the agreement and coordinate with OCA to route the hard copies of the agreement for Legal and Accounting signatures and then forward the hard copies to the District for signatures. The preferred signature order is HQ, then the other party(ies) to the agreement, and then the District. At the District's discretion, the agreement may be signed in counterparts (meaning separate signature pages).

- If revisions to the agreement are required based on comments by the other party(ies) to the agreement, EMO will coordinate any additional reviews necessary, which may include OCA, Legal, and/or Accounting.

- After the agreement has been executed, the District should retain one copy, provide one copy (or more if needed) to the other party(ies) to the agreement, and mail one copy to the HQ Office of Business Services and Security (Records Management Unit), MS 89. The District must also send a pdf version of the signed and executed agreement to both OCA and EMO.

Draft mitigation cooperative agreements and associated attachments can be sent directly to HQ MitigationCoops (HQ MitigationCoops@dot.ca.gov).

EMO has also prepared a short guidance document to assist in the preparation of mitigation cooperative agreements. This document includes Best Practices to follow and is meant to assist in the preparation of a mitigation cooperative agreement by explaining the basic sections of an agreement and factors that should be considered when drafting the agreement.

This document, as well as the Mitigation Cooperative Agreement Fact Sheet can be found on the following Caltrans intranet page:

http://pd/env/emo/html/mit_coop.htm

Should you have any questions regarding this memorandum, or any questions related to mitigation cooperative agreements, please contact Jennifer Heichel, HQ Mitigation Cooperative Agreements Coordinator, at (916) 653-6207 or via e-mail at jennifer.heichel@dot.ca.gov.

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