CHAPTER 6 ENVIRONMENTAL PROCEDURES

(Includes MAP-21 updates)

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CHAPTER 6 ENVIRONMENTAL PROCEDURES

6.1 INTRODUCTION

One of the most important phases of the project development process is full and early compliance with the National Environmental Policy Act (NEPA) and other applicable federal environmentally related laws. Local agencies may not proceed with the final design of a project, or request "Authorization to Proceed with Right of Way," or "Authorization to Proceed with Construction" until California Department of Transportation (Caltrans) has signed a Categorical Exclusion (CE), a Finding of No Significant Impact (FONSI), or a Record of Decision (ROD). Failure to follow this requirement will make the project ineligible for Federal Highway Administration (FHWA) reimbursement. Upon final environmental approval, it is incumbent upon the District Local Assistance Engineer (DLAE) to provide the local agency with immediate notification and a copy of the signed CE, FONSI, or ROD, so the local agency can commence with final design.

This chapter provides an overview of the NEPA process and contains procedural guidance for preparing and processing CEs, routine Environmental Assessments (EAs), complex EAs and Environmental Impact Statements (EISs) in support of local assistance projects (local agency federal-aid transportation projects "off" the State Highway System [SHS]). The local agency is required to complete the Preliminary Environmental Study (PES) Form, or the Preliminary Environmental Screening Non-Infrastructure (PES(NI) form, if applicable, first, and then follow the step-by-step procedures beginning at Section 6.4 (if applicable) or Section 6.5 of this manual and consistent with the particular NEPA Class of Action recommended in the PES form.

Local agency projects proposed on the SHS are called "locally sponsored" projects. For locally sponsored projects, the local agency is required to prepare a Preliminary Environmental Analysis Report (PEAR) first, and then follow the procedures set forth in the Project Development Procedures Manual (PDPM). The content and format requirements of environmental technical studies/reports and NEPA documents prepared in support of either a local assistance project or a locally sponsored project must follow the guidance set forth in the *Caltrans Standard Environmental Reference* (SER) at: http://www.dot.ca.gov/ser/

AUTHORITY

National Environmental Policy Act (NEPA) and its supporting federal regulations establish certain requirements that must be adhered to for any project "...financed, assisted, conducted or approved by a federal agency...." In short, federal regulations require that a federal agency "...determine whether the proposed action may significantly affect the quality of the human environment." (http://www.law.cornell.edu/uscode/42/ch55.html)

Moving Ahead for Progress in the 21st Century (MAP-21). On July 6, 2012, President Barrack Obama signed into law the new Federal Transportation Act with an effective date of October 1, 2012. MAP-21, a two-year funding bill, is the first long-term highway authorization enacted since 2005.

MAP-21 promotes accelerating project delivery and encourages innovation through the increased use of CE, programmatic approaches, and planning and environmental linkage (http://www.fhwa.dot.gov/map21/legislation.cfm).

Two provisions in particular, "Section 1312 State Assumption of Responsibility for CEs" and "Section 1313 Surface Transportation Project Delivery Program" provide for the continuation of the formal assignment from FHWA to any qualified State Department of Transportation responsibility and authority for the federal environmental review process, thus eliminating the need for separate FHWA review of environmental documents. These processes together are referred to in Caltrans as "NEPA Assignment," (formerly called NEPA Delegation).

Section 1312 of MAP-21, codified in Title 23 United States Code 326 allows the USDOT Secretary acting through FHWA to assign responsibilities for CE determinations to the Caltrans through a memorandum of understanding (MOU), which became effective June 7, 2007, and was renewed June 7, 2010.

Renewed Memorandum of Understanding (MOU) between FHWA, California Division and the California Department of Transportation State Assumption of Responsibility for Categorical Exclusions (effective June 7, 2010). USDOT Secretary, acting by and through the FHWA, officially assigns specific responsibilities with respect to designated CEs to the state according to the terms of the MOU. A copy of the MOU is available at:
http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/Signed_CA_6004_CE_Renewal_MOU_6_3_10.pdf

The MOU stipulates that the CE responsibilities assigned to the state by FHWA include:

- Activities listed in 23 CFR 771.117(c)
- The example activities listed in 23 CFR 771.117(d)
- Additional actions listed in Appendix A of the MOU

The MOU transfers to the state all responsibilities for approving the CEs designated in Stipulation I(B) and any required reevaluations of CEs under 23 CFR 771.129. The Renewed MOU supersedes the original June 7, 2007, MOU.

Section 1313 of MAP-21, codified in Title 23 USC 327 allows FHWA and Caltrans to make permanent, but renewable through a MOU, the Surface Transportation Project Delivery Pilot Program (NEPA assignment program) established by SAFETEA-LU Section 6005. It also had provisions that allow any state to apply for and assume (if assigned) USDOT Secretary responsibilities for NEPA and all or part of the USDOT Secretary's responsibilities for environmental review, consultation, or other action require under any federal environmental law and regulation for highway projects within that state.

Memorandum of Understanding Between the Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (effective October 1, 2012). Renews the official assignment of USDOT Secretary responsibilities and the Caltrans assumption of the USDOT Secretary's responsibilities under NEPA. A copy of the MOU is available at:
http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/nepa_mou.pdf

It stipulates that under the MOU, the USDOT Secretary assigned, and the Caltrans assumed, DOT Secretary's responsibilities for environmental review, interagency consultation and regulatory compliance for the environmental review or approval of project

A list of all applicable federal environmental laws is provided below:

- 40 CFR 1500, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," (CEQ, November 29, 1978)
- USDOT Order 5610.1C, (September 18, 1979)
- 23 CFR 771, "Environmental Impact And Related Procedures"
- Technical Advisory T6640.8A
- Clean Air Act (CAA) (42 U.S.C.7401-7671(q), except for Conformity Determinations required under CAA (42 U.S.C.7506, Section 176)
- Compliance with the Noise Regulations under 23 CFR 772
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531-1544 and Section 1536
- Marine Mammal Protection Act, 16 U.S.C. 1361
- Anadromous Fish Conservation Act, 16 U.S.C. 757(a)-757(g)
- Fish and Wildlife Coordination Act, 16 U.S.C. 661-667(d)
- Migratory Bird Treaty Act, 16 U.S.C. 703-712
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq.
- National Historic Preservation Act of 1966, Section 106 as amended, 16 U.S.C. 470(f) et seq.
- Archeological Resources Protection Act of 1977, 16 U.S.C. 470(aa)-11
- Archeological and Historic Preservation Act, 16 U.S.C. 469-469(c)
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-3013
- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201-4209
- Clean Water Act, 33 U.S.C. 1251-1377: Section 404, Section 401, and Section 319
- Coastal Barrier Resources Act, 16 U.S.C. 3501-3510
- Coastal Zone Management Act, 16 U.S.C. 1451-1465
- Land and Water Conservation Fund Act (LWCF), 16 U.S.C. 4601-4604
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6)
- Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931
- Mitigation of Impacts to Wetlands and Natural Habitat, 23 CFR 777
- TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11)
- Flood Disaster Protection Act, 42 U.S.C. 4001-4128
- 23 U.S.C. 138 and Section 4(f) of the Department of Transportation Act of 1966
- 49 U.S.C. 303 and implementing regulations at 23 CFR 774
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675
- Superfund Amendments and Reauthorization Act of 1986 (SARA)
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992(k)
- Executive Order 11990 - Protection of Wetlands

- Executive Order 11988 - Floodplain Management
- Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13112 - Invasive Species

Refer to the SER, Chapter 1 for a description of each of the above statutes, regulations, policy and guidance.

ROLES AND RESPONSIBILITIES

LOCAL AGENCY

1. Programs project in current federally approved Federal Statewide Transportation Improvement Program (FSTIP).
2. Develops complete Project Description consistent with the FSTIP. Defines project limits and purpose and need. For EA and EIS justifies logical termini and independent utility). Prepares project area maps and cross-sections showing existing and proposed project.
3. For non-infrastructure projects, completes Preliminary Environmental Screening form- Non-Infrastructure projects PES(NI) according to the instructions, if applicable.
4. For all other projects, completes the PES form according to the instructions.
5. Submits the PES or PES(NI) if applicable to the DLAE according to the Step-by-Step Procedures provided at Section 6.4 of this chapter.
6. Waits to initiate required technical studies until the PES Form has been signed by Caltrans DLAE and senior environmental planner (SEP).
7. Waits to initiate Request for Authorization to Proceed with Construction until PES(NI) and CE have been fully signed by Caltrans.
8. Prepares a draft Area of Potential Effect (APE) map, and once the APE map is signed by Caltrans PQS and DLAE, identifies historic properties.
9. Ensures that consultants preparing technical studies meet the preparer qualifications identified in the SER for the appropriate discipline.
10. Ensures that consultant contracts and scopes of work direct the development of technical studies and reports consistent with the fully signed PES form, and that the format and content of all technical reports and the NEPA document is consistent with SER templates and annotated outlines.
11. Utilizes the NEPA-Only EA or EIS Annotated Outline, or the Joint EIR/EIS, Joint EIR/EA or Joint IS/EA Annotated Outlines
12. Performs the External Quality Control Review on all Draft EAs and EISs and their supporting technical studies.
13. Completes the Environmental Document Review Checklist and the External Certifications Environmental Document Quality Control Reviews form for all EAs and EISs.
14 Prepares the Notice of Availability (NOA) of EAs and EISs and provides copy of the Draft EA and EIS to the state and area wide clearinghouses.
15. Prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper.
16. Attends and supports public hearings on EAs and EISs.
17. Is responsible for complying with applicable state and local laws, obtaining necessary permits, and ensuring that mitigation commitments are fully incorporated into Final Plans, Specifications and Estimates (PS&E), and fully implemented during construction.
18. Provides Caltrans with a list of mitigation commitments required to comply with NEPA.

    Note: Reference to mitigation is in a NEPA context, not CEQA.

19. Provides Caltrans with a copy of all environmental permits, approvals and agreements from resource and regulatory agencies, including all terms and conditions of the permits, agreements and approvals.
20. Maintains copies of NEPA documentation and supporting technical reports for a period of 3 years following FHWA reimbursement for final project costs. When mitigation is required, environmental documentation must be maintained until all terms of required mitigation have been fully implemented. This includes any required monitoring period.
21. For major projects exceeding $500 million, a draft Project Management Plan (PMP) shall be submitted by the local agency to the DLAE prior to the ROD, FONSI, or CE determination. A final PMP must be submitted within 90 days after the environmental determination which determines the scope of the project. See Chapter 2, "Roles and Responsibilities," of the LAPM for details.
22. Notifies the DLAE of changes in project scope, cost, schedule, or project limits.

CALTRANS:

1. District Local Assistance:

1.1. District Local Assistance Engineer (DLAE) or designee when applicable

1.1.1. Reviews the PES form or PES(NI) form, if applicable, and supporting documentation for all projects.

1.1.2. Verifies that project is properly listed in the Regional Transportation Program (RTP) and FSTIP prior to signing PES and CE form.

1.1.3. Reviews and signs PES form, indicating concurrence with NEPA Class of Action (CE, EA EIS) and required technical studies.

1.1.4. Reviews and signs PES(NI) form, if applicable, indicating concurrence with NEPA Class of Action and non-infrastructure nature of project.

1.1.5. Ensures that, where the PES form indicates that no technical studies are required, the continuation sheet of the PES form summarizes how the requirements of relevant federal environmentally related laws have been met.

1.1.6 Arranges and attends Early Coordination Meeting.

1.1.7 Jointly approves CE Determinations (with district SEP).

1.1.8 Informs the district SEP (or designee) of the local agency project delivery schedule, tracks review of local agency technical reports and NEPA documents, and notifies the district SEP (or designee) when issues arise or any changes occur that may affect the NEPA process.

1.1.9 Reviews and signs APE map (in coordination with district professionally qualified staff [PQS]) for undertakings when applicable.

1.1.10. Immediately notifies local agency of NEPA approval so that they may commence with final design.

1.1.11. Serves as the focal point (unless otherwise designated) between the local agency and Caltrans.

1.1.12. Serves as the focal point for coordination with FHWA regarding engineering decisions and design exceptions.

1.1.13. Transmits (unless otherwise delegated) all correspondence and documentation between local agency and Caltrans.

1.1.14. Transmits (unless otherwise delegated) all correspondence and documentation between Caltrans and FHWA.

1.1.15. Ensures, unless delegated, all environmental fields in Local Assistance Database, Local Program 2000 (LP2000) are completed promptly in support of annual reporting requirements and compliance with performance measures.

1.1.16. Determines and approves Reasonable and Feasible Noise Abatement Measures.

1.1.17. Jointly approves Summary of Floodplain Encroachment Form (with district SEP).

1.1.18. Makes Only Practicable Alternative Finding (for significant Floodplain encroachments). *Note: If a significant floodplain encroachment is identified as a result of floodplains studies, FHWA will need to approve the encroachment and concur in the Only Practicable Finding. See Chapter 17 of the SER for additional information regarding floodplains.*

1.1.19. Attends and supports public hearings on EAs and EISs.

1.1.20. Determines in coordination with the district SEP (or designee) whether mitigation represents a reasonable and prudent expenditure of public funds and whether mitigation measures are eligible for federal funding.

1.1.21. Maintains project files and general administrative files.

1.1.22. Ensures project files and general administrative files are available for inspection by FHWA staff upon reasonable notice

1.1.23. Assists, as needed, with the self-assessment of the Caltrans Quality Control and Quality Assurance process in the identification of areas needing improvement and the implementation of corrective actions necessary to address areas needing improvement.

1.1.24. Assists, as needed, in the development of the 23 U.S.C. 326 and 327 Quarterly Report to FHWA.

1.1.25. Assists as needed with any self assessment or process review pursuant to 23 U.S.C. 326 and 327.

1.1.26. Maintains adequate organizational resources and sufficient staff capability and expertise to carry out the responsibilities assigned under the 23 U.S.C. 326 and 23 U.S.C. 327 MOUs effectively.

1.2. District Senior Environmental Planner (SEP) or Designee

1.2.1. Reviews the PES form or PES(NI) form, if applicable, and supporting documentation.

1.2.2. Ensures that where the PES form indicates that no technical studies are required, the continuation sheet of the PES form summarizes how the requirements of relevant federal environmentally related laws have been met.

1.2.3. Signs PES form indicating concurrence with NEPA Class of Action (CE, EA EIS) and required technical studies.

1.2.4. Ensures that clarification of each "TBD" response, identified under Section A of the PES(NI) form, is provided on the PES(NI) Continuation Sheet.

1.2.5. Signs PES(NI) form, if applicable, indicating concurrence with NEPA Class of Action and non-infrastructure nature of project.

1.2.6. Attends Early Coordination Meeting when requested.

1.2.7. Determines if the CE/CE Determination Form is ready for signature. Jointly signs CE/CE Determination Form with DLAE. *Note: District SEP's signature on CE/CE Determination Form may not be delegated below the level of the district SEP.*

1.2.8. Reviews NEPA documents and supporting technical reports and determines if they are complete and sufficient according to the guidance set forth in the SER.

1.2.9. Jointly signs the Summary of Floodplain Encroachment form with DLAE.

1.2.10. Initiates Section 7 Conference Opinion for Endangered Species Act (ESA) Proposed Species or Proposed Critical Habitat.

1.2.11. Initiates Section 7 Formal and Informal Consultation with USFWS or NMFS for ESA listed species or their critical habitat.

1.2.12. Ensures establishment of the environmental project file utilizing the Caltrans Uniform Environmental File System as soon as environmental studies begin.

1.2.13. Ensures completion of all environmental fields in the LP2000 in support of all quarterly and annual environmental reporting requirements and compliance with performance measures.

1.2.14. Monitors District Local Assistance environmental process relating to project determinations, environmental analysis and project file documentation, checks for errors and omissions, and takes corrective action as needed.

1.2.15. Provides training to both internal and external partners on environmentally related topics, as requested or as resources allow.

1.2.16 Cooperates in monitoring performance under the 23 U.S.C. 326 MOU and modifies practices as needed to assure quality performance.

1.2.17. Assists as needed with any self assessment or process review pursuant to 23 U.S.C. 327.

1.2.18. Assists with the development of the 23 U.S.C. 327 Quarterly Reports and the Quarterly Performance Reports under 23 U.S.C. 326.

1.2.19. Cooperates fully with FHWA in all quality assurance activities.

1.2.20. Provides FHWA with any information necessary in order for the FHWA to carry out its government-to-government consultation.

1.2.20. Ensures that the NEPA compliance and any other environmental responsibilities assigned under the 23 U.S.C. 326 and 327 MOUs have been completed according to the MOUs.

1.2.21 Carries out assigned consultation, review, and coordination activities in a timely and proactive manner.

1.2.22. Makes all reasonable and good faith efforts to identify and resolve conflicts with federal, state, and local agencies.

1.2.23. Performs Document Quality Control Review and signs Certification forms for EAs and EISs.

1.2.24. Makes Wetlands Only Practicable Alternatives Finding and Least Environmentally Damaging Practicable Alternative (LEDPA).

1.2.25. Makes determination that proposed action includes all Practicable Measures to Minimize Harm.

1.2.26. Signs Protection of Wetlands Statement.

1.2.27. Coordinates with the Army Corps of Engineers (ACOE), Environmental Protection Agency (EPA), USFWS, and NMFS prior to making Wetland Determination.

1.2.28. Approves Section 4(f) de minimis and Programmatic Section 4(f) Evaluations.

1.2.29. Approves Draft Section 4(f) Evaluations for Public Circulation.

1.2.30. Approves Individual Section 4(f) Evaluations.

1.2.31. Determines validity of approved CEs, EAs, and EISs for Reevaluations (memo or report) and Revalidations (form).

1.2.32. Approves Notice of Intent (NOI) to prepare an EIS, and sends to FHWA for publication in the Federal Register (FR). *Note: Only a federal agency can post in the FR.*

1.2.33. Attends public hearing on EAs and EISs.

1.3 District Professionally Qualified Staff (PQS)

1.3.1. Reviews the PES Form and supporting documentation for all projects. *Note: PQS does not review PES(NI) form.*

1.3.2. Reviews the PES form and indicates the results of their review in the PQS signature block of the PES form or prepares screening memo.

1.3.3. Indicates appropriate response to Question #35 under Section A of the PES form, completes Sections B, C, and D (regarding Section 106), and signs the Section G of the PES form for all projects.

1.3.4. Reviews and signs (with the DLAE) the local agency-prepared APE maps, indicating approval.

1.3.5. Attends Early Coordination Meetings when requested and provides the local agency with guidance on proper procedures and required format and content of all cultural reports.

1.3.6. Reviews and approves cultural resource reports and transmits them to the State Historic Preservation Officer (SHPO) when required.

1.3.7. Provides the DLAE with periodic updates and copies of all transmittals to the SHPO.

1.4 District Local Assistance NEPA Assignment Coordinator

1.4.1. Assists as needed with the district review of EISs and routine and complex EAs.

1.4.2. Assists with record-keeping and reporting to document Caltrans' performance and measure how 23 U.S.C. 326 and 327 streamline the project delivery process.

1.4.3. Assists with 23 U.S.C. 326 semi-annual reporting on CE determinations.

1.4.4. Assists with 23 U.S.C. 326 15-month programwide 23 U.S.C. 326 report.

1.4.5. Assists with 23 U.S.C. 327 self-assessments and any review required by FHWA at their discretion. .

1.4.6. Assists with internal self-assessments.

1.4.7. Assists with audit protocol or other FHWA reviews as required.

1.4.8. Assists with report to Legislature on time-savings and qualitative measures.

1.4.9. Assists with FHWA process reviews.

1.4.10. Assists with training internal staff and local agencies on all required forms and procedures needed to implement 23 U.S.C. 326 and 23 U.S.C. 327; provides outreach to local agencies and their consultants to explain the NEPA Assignment programs.

1.4.11. Provides training to local agencies and internal staff on the new procedures under NEPA Assignment and assists them through the new processes.

1.4.12. Assists in maintaining consistency in document review, reporting, and training between cross-district allocations.

1.5. District NEPA Quality Control Reviewer

1.5.1. Reviews Draft and Final EISs and Complex EAs and technical reports as needed.

1.5.2. Signs Internal Certifications (Environmental Document Quality Control Review Certification) form.

1.6. Deputy District Director (DDD) for Environmental or Designee

1.6.1. Signs EA (NEPA-only) title page, FONSI, and Supplemental EIS.

1.7. District Director (DD) or Designee

1.7.1. Signs EIS title page and ROD.

1.7.2. Signs Section 106 MOAs as concurring party.

2) Division of Environmental Analysis (DEA)

2.1. HQ Division of Environmental Analysis Environmental Coordinator (HQ EC)

2.1.1. Resolves disputes on environmental findings according to the protocols in SER.

2.1.2. Reviews and comments on EISs, complex EAs and Individual Section 4(f) Evaluations for compliance per Quality Control/Quality Assurance procedures set forth in the NEPA Assignment MOU implementing 23 U.S.C. 327.

2.1.3. Provides expertise as needed.

2.1 4. Provides concurrence with NEPA Class of Action (via email) or on PES form for EAs and EISs.

2.2. Chief, HQ Division of Environmental Analysis

2.2.1. As the Caltrans designated Preservation Officer, signs Section 106 MOAs as signatory for Caltrans.

3) Division of Legal

3.1. Reviews local assistance Draft EISs to ensure their legal sufficiency.

3.2. Defends local assistance NEPA documents in federal court.

3.3. Reviews Individual Section 4(f) Evaluations to ensure they are legally sufficient.

4) Division of Local Assistance (DLA)

4.1. Statewide NEPA Assignment Coordinator

4.1.1. Manages the implementation of the NEPA Assignment Program for local assistance.

4.1.2. Works with districts, cities, counties, Regional Transportation Planning Associations (RTPAs), Metropolitan Planning Organizations (MPOs), other Headquarters units, and FHWA, as needed, to ensure a smooth transition.

4.1.3. Ensures RTPAs, MPOs, and regulatory agencies working on local assistance projects understand the NEPA Assignment Program.

4.1.4. Addresses local agency questions and concerns throughout the program.

4.1.5. Serves on or leads statewide and corporate teams to ensure that the local assistance needs and issues are addressed under NEPA Assignment.

4.1.6. Ensures that the local assistance NEPA Assignment and environmental programs are standards, and ensures local assistance issues are addressed in those policies. Continuously updated to be consistent with DEA's policies and procedures, including data tracking, reporting and document.

4.1.7. Participates in any FHWA audits or reviews as requested.

4.1.8. Ensures statewide quality control of the reporting for all environmental reporting and for the reports to the State Legislature.

4.1.8. Ensures statewide consistency and quality in the program statewide, including informing the NEPA Assignment SEPs immediately of policy developments. Provides them with training, guidance, and tools for performing their jobs, and facilitating their interaction as part of a statewide team.

4.1.9. Monitors local assistance financial resources necessary to carry out the responsibilities being assumed and takes appropriate action to obtain the additional financial resources needed to carry out the responsibilities assumed in the MOUs implementing 23 U.S.C. 326 and 327.

4.2. Statewide NEPA Compliance Coordinator

4.2.1. Serves or leads statewide and corporate teams to ensure that local assistance environmental needs and issues are addressed in the local assistance guidance and procedures.

4.2.2. Maintains and updates the NEPA compliance components of the LAPM, the LP2000 database, and relevant sections in the SER pertaining to local assistance to be consistent with DEA's policies and procedures, including data tracking, reporting, and document standards.

4.2.3. Develops and provides training to DLAEs, district, and region environmental staff for local assistance and local agencies as needed.

4.2.4. Performs process reviews to assess compliance with federal requirements.

4.2.5. Assists with or coordinates the resolution of issues that cannot be resolved in the district.

4.2.6. Assists with FHWA process reviews, semi-annual and annual audits, and reports to the State Legislature.

5) FHWA

5.1. Posts Notice of Intent (NOI) and ROD in the Federal Register (FR).

5.2. Performs environmental review, consultation or other related action on projects not assigned to Caltrans pursuant to 23 U.S.C. 326 and 327 on the following:

- projects requiring FTA funding or approval
- projects involving international and state border crossings
- high priority projects under E.O. 13274
- projects funded by Federal Lands Highway Program unless Caltrans or local agency designs and constructs

5.3 Performs all government-to-government consultation with Indian Tribes as defined in 36 CFR Part 800.16(m).

5.4. Makes air quality conformity determinations as specified in the Memorandum of Understanding between the Federal Highway Administration and the California Department of Transportation Concerning the State of California Participation in the Project Delivery Program pursuant to 23 U.S.C. 327.

5.5. Approves significant floodplain encroachments, identified as a result of floodplain studies, and concurs in the Only Practicable Alternative Finding.

5.6. Performs reviews as required or allowed to ensure Caltrans compliance with the MOUs between FHWA and Caltrans pursuant to 23 U.S.C. 326 and 327.

5.7. Performs USDOT responsibilities for statewide and metropolitan planning.

5.8. Provides and assists with training as necessary.

6) Other State and Federal Responsible and Regulatory Agencies

6.1. Determine whether the local agency's action complies with the provisions of law germane to their statutory responsibility.

APPLICABILITY

Any local assistance project, "...financed, assisted, conducted, regulated or approved by a federal agency..." (FHWA), **40 CFR Part 1508.18[a])** http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm is subject to compliance with the provisions of the NEPA. Any amount of federal involvement in a project requires that the entire project be included in the process, regardless of phases or segments not funded by FHWA. The scope of NEPA responsibility is not determined based on funding alone.

SCIENTIFIC AND COMMERCIAL DATA

NEPA requires that environmental information be "... of high quality based on accurate scientific analysis and expert agency comment…" (40 CFR Part 1500.1[b]) http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm. Local agencies are required to follow Caltrans policy and guidance set forth in the SER to ensure that NEPA determinations and documents reflect the most current scientific methodologies, and that analysis is of the highest quality.

SCOPE

Pursuant to 40 CFR Part 1500.1[b], NEPA further and most importantly requires that the *" . . . NEPA document concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.".* http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm

6.2 AN OVERVIEW OF THE ENVIRONMENTAL PROCESS

This section provides a general overview of the NEPA process and the three classes of actions possible to achieve compliance with the requirements of NEPA. A brief overview of other applicable federal environmental requirements and general procedures for demonstrating compliance with these requirements is also provided.

A list of MOUs intended to expedite compliance with NEPA and other federal environmental requirements are provided later in this section. Information on the integration of CEQA and NEPA time frames for achieving environmental compliance, general information on permits, mitigation, scope change, and reevaluations are also discussed in this section.

NEPA

The NEPA process is guided by the Act and its implementing regulations, 23 CFR Part 771 (see Section 6-1, "Authority"). The process helps determine the appropriate class of action (EIS, EA, or CE) based on the potential for "significant" impact as defined in 40 CFR 1508.27 http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm

Other federal environmentally related laws are intended to protect a specific element of the environment. These include, but are not limited to, Section 4(f) (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge or Land from Historic Sites), Section 106 (Protection of Cultural Resources & Historic Properties), Section 7 (Protection of Endangered Species), E.O. 11990 (Protection of Wetlands), E.O. 11998 (Protection of Floodplains), and E.O. 13112 (Invasive Species).

Federal actions must comply with the provisions of NEPA and all applicable federal environmentally related laws. The NEPA document is a summary of the findings made and conclusions reached during the environmental analysis of a proposed federal action. Therefore, when other federal environmentally related laws are involved, it is expected that compliance with these laws will be completed prior to completion of the NEPA process.

EARLY SCOPING

Preliminary Environmental Study (PES) Form
The Preliminary Environmental Study (PES) form is designed to provide the early coordination needed to determine required technical studies, level of analysis and NEPA Class of Action (CE, EA or EIS) pursuant to 23 CFR 771.111. Up until recently, the PES form was required for all local agency federal-aid transportation projects 'off' the SHS.

Preliminary Environmental Screening Form for Non-Infrastructure (PES [NI]) Projects
On November 8, 2011, in response to legislation allowing or mandating that a percentage of program funds (for example, Safe Routes to Schools [SRTS], Transportation Enhancement [TE], and Congestion Mitigation and Air Quality [CMAQ]) be used for non-infrastructure projects, it was decided that a lower level of analysis may be appropriate for non-infrastructure projects, resulting in the development of the PES(NI) form.

Non-infrastructure projects are those transportation-related projects that will not involve engineering design, right of way acquisition, or physical construction of transportation facilities. Examples of non-infrastructure projects include but are not limited to: public awareness campaigns and outreach, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, freeway service patrol, ridesharing activities, and purchase of vehicles. The eligibility of non-infrastructure projects for federal participation is governed by the various federal funding program guidelines, that is, SRTS, TAP, and CMAQ Programs.

While non-infrastructure projects will not involve engineering design, right of way, ground disturbance or construction, review by Caltrans is still necessary to ensure none of the activities would affect the environment in unanticipated ways. A copy of the PES(NI) form is provided at Exhibit 6-J, and the Instructions for Completing the PES(NI) form are provided at Exhibit 6-K, and Attachments A and B to Exhibit 6-K.

The PES(NI) checklist enables local agencies and Caltrans staff to document that no environmental studies would be needed and that the normal PES form is not required. Both the PES form and the PES(NI) form identify the NEPA Class of Action CE, EA or (EIS). Each of these Classes of Action are discussed below.

NEPA CLASS OF ACTION

CATEGORICAL EXCLUSION (CE)

CEs are actions that meet the definition contained in 40 CFR 1508.4, http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm based on past experience with similar actions that do not involve significant environmental impacts. They are actions: (a) that do not induce significant impacts to plan growth or land use for the area, (b) that do not require the relocation of significant numbers of people, (c) that do not have a significant impact on any natural, cultural, recreational, historical or other resources, d) that do not involve significant air, noise, or water quality impacts, and e) that do not have significant impacts on travel patterns, or do not otherwise, either individually or cumulatively, have any significant environmental impacts (23 CFR Part 771.117[a]).

A CE determination may be made when environmental documentation supports the conclusion that no significant environmental impacts will occur as a result of the action. Refer to the SER, Chapter 30, for details on preparing CEs and Section 6.5 and 6.6 (in this chapter) for local assistance procedures on processing CEs.

Any action that normally would be classified as a CE, but would involve unusual circumstances will require further technical studies prior to determining if the CE classification is appropriate (23 CFR Part 771.117[b]).

Unusual circumstances include:

a) significant environmental impacts
b) substantial controversy on environmental grounds
c) significant impacts on properties protected by Section 4(f) of the DOT Act
d) significant impacts on properties protected by Section 106 of the National Historic Preservation Act
e) inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action

Lists of actions meeting the criteria for a CE according to the 40 CFR 1508.4 and 23 CFR 771.117(a) are provided at 23 CFR 771.117(c), 23 CFR 771.117(d) and in the Renewed 23 U.S.C. §326 CE Assignment MOU between the FHWA California Division and the California Department of Transportation, Appendix A. For quick reference these lists have been incorporated into the Categorical Exclusion Checklist provided at Exhibit 6-E of this chapter.

ENVIRONMENTAL ASSESSMENT (EA)

An EA is an analysis of the impacts of a project and is used to determine if the project will have significant environmental impacts. When a project cannot be designated as a CE by Caltrans and yet does not clearly require preparation of an EIS, preparation of an EA will assist in determining whether an EIS is needed.

The requirement to prepare an EA may come about through one or more of the following situations:

a) based on information gathered during PES, where it is clear that the proposed project will not qualify for a CE, or where it is likely to have unusual circumstances. The local agency identifies the potential for significance under Sections A and B of the PES Form and recommends the development of an EA (under Section G of the PES form). The DLAE and district SEP determine that an EA is the appropriate NEPA Class of Action by signing the PES Form, and the HQ EC will concur via e-mail to the district SEP.
b) during or upon completion of technical studies when it becomes apparent that the proposed project will not qualify for a CE, or that unusual circumstances exist, the decision to prepare an EA is made by the district SEP in collaboration with the DLAE and with the written concurrence by email of the HQ EC.

Depending upon the complexity of issues involved in the project, Caltrans may determine that the Draft EA be reviewed and processed as a “Complex EA.” Complex EAs are projects that typically involved one or more of the following:

- 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

The DLAE and district SEP with concurrence of the HQ EC shall determine if the EA should be processed as a complex EA.

The local agency is responsible for conducting all required technical studies and for preparing the technical reports and the Draft EA according to the guidance set forth in the SER. The EA is a summary of the findings and conclusions of technical reports and the results of regulatory and resource agency coordination, and should accurately reflect the outcome of both. Local agencies are required to use the:

- Initial Study/Environmental Assessment Annotated Outline, provided at: http://www.dot.ca.gov/ser/downloads/templates/IS-EAoutline aug06.doc
- Environmental Impact Report/Environmental Assessment Annotated - Outline provided at: http://www.dot.ca.gov/ser/downloads/templates/EIR-EA Outline Annotated aug06.doc, or
- NEPA-Only Environmental Assessment Annotated Outline provided at: http://www.dot.ca.gov/ser/downloads/templates/

The local agency is also responsible for performing the initial Quality Control Review of their Draft EA and supporting technical studies and for documenting their Quality Control Review on the External Certifications (Environmental Document Quality Control Review Certification) form, provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc before submitting their Draft and Final EAs to Caltrans for review and approval.

The district SEP (or designee) and district technical specialists are responsible for performing the internal Quality Control Review of the Draft EA, supporting technical studies, and documenting their Quality Control Review on the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/cha38nepa/Internal_QC_Certification.doc.

Approval of the Draft EA may be subject to revisions being made by the local agency prior to circulation. When district environmental staff determines that deficiencies exist, the DLAE notifies the local agency.

Technical reports and Draft EAs that do not comply with FHWA policies and guidance, requirements of all applicable federal laws, executive orders and regulations, are not internally consistent, or are not prepared using the applicable SER annotated environmental document outlines will be returned to the local agency by the DLAE with guidance on necessary revisions needed for a compliance and sufficiency determination.

Technical reports and Draft EAs that comply with FHWA policies and guidance and the requirements of all applicable federal laws, executive orders and regulations, and are found to be internally consistent and prepared using with the applicable SER annotated environmental document outlines are approved for public availability by the Caltrans district director or deputy district director (Environmental) or the Environmental Office chief, if designated by district director.

NEPA encourages public participation. However, because there is no formal scoping requirement for an EA, the degree of public participations and the means of soliciting public inputs are determined on a case-specific-basis, taking into consideration the degree of public interest or controversy. The local agency initiates public circulation of the draft

EA following approval by Caltrans and following public involvement, responds to comments as necessary, and prepares the Final EA. Local agencies are responsible for performing the initial Quality Control on Final EAs. When an EA does not identify any significant impacts, and no significant impacts are identified during the public availability, the local agency submits the record of public comments, responses, and a request for a FONSI to the DLAE.

According to the FHWA/Caltrans MOU (July 1, 2007) and the extension MOU (October 1, 2012) prepared pursuant to 23 U.S.C. 327, Caltrans is responsible for making the official "finding" that a proposed project will not significantly impact the environment. The Caltrans district director or deputy district director (Environmental) or Environmental Office chief, if designated by district director, signs the FONSI making this "finding."

The DLAE notifies the local agency immediately upon Caltrans approval of the FONSI so that they may commence with final design.

When an EA indicates that the project has the potential to result in a significant impact, an EIS must be prepared. An EA is not required when a decision has already been made to prepare an EIS. For details on preparing and processing an EA refer to the SER, Chapter 31.

Prior to submitting a "Request for Authorization" for new phases of work, the local agency will enter the appropriate coding and the date Caltrans signed the FONSI, under "Environmental Data." Refer to Chapter 3, Exhibit 3-E "Request for Authorization to Proceed Data Sheets," and Exhibit 3-F "Instructions for Request for Authorization Data Sheets," of the LAPM.

The district SEP (or designee) completes appropriate environmental fields in LP2000 for tracking, reporting, and performance monitoring.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

An EIS is a full disclosure document and is the highest level of analysis required by NEPA. The determination to prepare an EIS may result from one or more of the following situations:

- based on information gathered during the PES, where it is clear that the proposed project will have significant impacts. The local agency indicates the potential for significance under Sections A and B of the PES Form, and the DLAE and district SEP (with written concurrence of HQ EC in email) determine that EIS is the appropriate NEPA Class of Action, by signing the PES form.
- based on the conclusions of the draft EA where the potential for cumulative or significant adverse impacts are shown.

When it is determined that a proposal may have a significant environmental impact, the local agency drafts the NOI to prepare an EIS in collaboration with the DLAE and district SEP (or designee) and arranges for the Early Scoping Meeting.

The local agency conducts the Early Coordination Meeting, undertakes all required technical studies, and prepares the required technical reports and the Draft EIS according to the guidance set forth in the SER.

An EIS is a summary of the findings and conclusions of technical reports, the results of regulatory and resource agency coordination and should accurately reflect the outcome of both. The local agency is required to use the Environmental Impact Report/ Environmental Impact Statement Annotated Outline provided at: http://www.dot.ca.gov/ser/forms.htm or the NEPA-Only Environmental Impact Statement Annotated Outline provided at: http://www.dot.ca.gov/ser/forms.htm

The local agency is responsible for performing a quality control review of their EIS and supporting technical studies and completing the External Certifications (Environmental Document Quality Control Review Certification) form.

Details on preparing and processing EISs are provided in Section 6.9 of this chapter. The district SEP (or designee) tracks the review and processing of the EIS and records relevant dates and information in LP2000. The DLAE provides notification to the local agency of environmental document status and approval.

Prior to submitting a "Request for Authorization" for new phases of work, the local agency enters the appropriate coding and date of Caltrans district director signature on the ROD under "Environmental Data." Refer to the Chapter 3, Exhibit 3-G, "Request for Authorization - Data Sheets," and Exhibit 3-H, "Request for Authorization - Application Instructions" in the LAPM.

OTHER FEDERAL ENVIRONMENTALLY RELATED PROCESSES

Every action that has federal involvement must comply with laws that protect particular elements of the environment. Although NEPA requirements have remained relatively unchanged over the years, environmentally related processes have increased in number and importance.

Following is a summary of those federal environmentally related laws processes most commonly required on local assistance transportation projects. Local agencies are required to comply with the provisions of these laws prior to finalizing NEPA documentation.

- **Section 4(f) - (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge, or Land from Historic Sites) -** The Section 4(f) process was established in the U.S. Department of Transportation Act of 1966 to give certain protections to publicly owned public parks, recreational areas, wildlife and waterfowl refuges, and land from historic sites of national, state or local significance. Section 4(f) requires that the agency must show that there are no feasible or prudent alternatives to the use of these areas. If Section 4(f) land is required, a Section 4(f) avoidance alternative is required. If Section 4(f) land is still required, all possible planning must be taken to minimize the impact. Guidance on compliance with the provisions of Section 4(f) is provided in the SER, Chapter 20.

- **Section 106 - (Protection of Cultural Archaeological Resources & Historic Properties) -** The National Historic Preservation Act of 1966 declares a national policy of historic preservation and encourages preservation. It established the Advisory Council on Historic Preservation (ACHP) and required that federal agencies take into account the effect of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking. ACHP promulgated procedures, codified in 36 CFR 800, et.seq., that must be followed on any federal project or action. Caltrans and FHWA entered into a Programmatic Agreement (PA) on how to implement 36 CFR Part 800 for California's federal-aid highway program. Guidance for compliance with the provisions of 36 CFR Part 800 and the PA is provided in the SER, Chapter 28 and the Environmental Handbook, Volume II.

- **Section 7 of the Endangered Species Act - (Protection of Endangered Species) -** The federal Endangered Species Act (ESA) provides a means to conserve the ecosystems upon which federally listed threatened and endangered species depend and provide a program for the conservation of those species.

The ESA requires federal agencies consult with the USFWS and NMFS to ensure that actions approved or funded by federal agencies such as FHWA are not likely to jeopardize the continued existence of threatened or endangered species, or result in the destruction or adverse modification of the critical habitat of such species. Compliance with Section 10 of the ESA does not meet Section 7 requirements. Guidance on compliance with the provisions of Section 7 of the U.S. ESA is provided in the SER, Chapter 14.

- **Presidential Executive Order 11990 (E.O. 11990) - Protection of Wetlands - EO** 11990 requires that when a construction project involves wetlands, a finding must be made: (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize impacts to wetlands resulting from such use. The FHWA division administrator or Caltrans, where assigned under 23 U.S.C. 326 or 23 U.S.C. 327 makes the finding required by Executive Order 11990. Guidance on compliance with the provisions of EO 11990 is provided in the SER, Chapter 15.

- **Presidential Executive Order 11988 (E.O. 11988) - Floodplain Management -** In response to EO 11988, FHWA or Caltrans, where assigned under U.S.C. 326 or 23 U.S.C. 327 requires a formal "Floodplain Finding" be made for federal actions involving significant encroachments in floodplains. The formal Floodplain Finding is based on information contained in the Location Hydraulic Report. The formal Floodplain Finding is included as part of the supporting documentation for the Final Environmental Impact Study (FEIS). Guidance on compliance with the provisions of E.O. 11988 is provided in the SER, **Chapter 17.**

- **Presidential Executive Order 12898 (EO 12898) - "Federal Actions to Address Environmental Justic*e* in Minority Populations and Low-Income Populations"-** This EO, issued on February 11, 1994, emphasizes the intent of Title VI of the Civil Rights Act of 1964. The EO requires federal agencies to ensure that their programs, policies and activities do not have the effects of: 1) excluding persons and populations from participation, 2) denying persons and populations the benefits of federal programs, or 3) subjecting persons and populations to discrimination because of race, color or national origin. Consideration of environmental justice impacts must be addressed in all NEPA classes of action. When preparing an EIS, local agencies must disclose disproportionate impacts on minority or low-income communities. Guidance on compliance with the provisions of EO 12898 is provided in the SER, Chapter 25.

- **Presidential Executive Order 13112 (EO 13112) - Invasive Species, issued on February 3, 1999 (effective November 15, 1999)** - This EO prohibits the use of federal-aid for construction, re-vegetation, or landscaping activities that purposely include the use of known invasive plant species. Until an approved national list of invasive plants is defined by the National Invasive Species Council, "known invasive plants," shall be consistent with the official noxious weed list of the State in which the activity occurs. Caltrans recommends use of federal-aid for new and expanded invasive species control efforts under each state's Department of Transportation roadside vegetation management program. Where the potential exists for the introduction or spread of invasive species, the environmental document should include a discussion of the potential impact of these species and any anticipated prevention or control measures to be taken. Guidance on compliance with the provisions of EO 13112 is available in the SER, Chapter 1.

- **Clean Air Act, as amended (42 U.S.C. 7401 et seq.)** – This Act requires that federally supported activities must conform to the State Implementation Plan (SIP), whose purpose is that of attaining and maintaining the National Ambient Air Quality Standards (NAAQS). Section 176(c) of the Clean Air Act as amended in 1990, established the criteria and

procedures by which FHWA (Title 23 U.S.C.) and MPOs determine the conformity of federally funded or approved highway and transit plans, programs, and projects to SIPs. The provisions of 40 CFR Part 51 and Part 93 (Final Rule effective November 24, 1993) shall apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. For additional information refer to the SER, Chapter 1

- **Clean Water Act of 1977 & 1987 (33 U.S.C. 1251-1359) –** This Act protects the chemical, physical and biological integrity of the Nation's waters by regulating discharges of pollutants into waters of the U.S. Section 401 of the Clean Water Act (CWA) requires a water quality certification from the State or Regional Water Quality Control Board when a project requires a federal license or permit and will result in a discharge into waters of the U.S. Section 402 of the CWA establishes a permitting system for the discharge of any pollutant into waters of the U.S. A National Pollutant Discharge Elimination System (NPDES) permit is required for all point discharges of pollutants to surface waters. Section 404 of the CWA establishes a permit program administered by the ACOE regulating the discharge of dredged or fill material into waters of the U.S. (including wetlands). For additional information refer to the SER, Chapter 1.

GENERAL PROCEDURES FOR DEMONSTRATING COMPLIANCE WITH THESE PROCESSES

The general procedures for demonstrating compliance with these Acts are provided below:

- For Non-Infrastructure Projects only, the local agency, after confirming that the project is programmed in the federally approved FSTIP, and that the project will not involve right of way acquisition or physical construction, completes the PES(NI) form, if criteria can be, district SEP (or designee) jointly concur with the NEPA Class of Action and that project will involve no disturbance to the ground or natural environment by signing the PES(NI) form and the CE/CE Determination form. No other documentation is required.

- For all other projects, the local agency, after reviewing relevant databases, literature and maps, completes the PES form and submits the PES form with all supporting documentation to the DLAE. The DLAE and district SEP (or designee) jointly concurs with the NEPA Class of Action (CE, EA, EIS) and the required technical studies by signing the PES form

  The district PQS determines applicability of Section 106 and confirms the need for APE map. Prior to initiation of technical studies, the local agency prepares a draft APE map for Section 106 studies according to the guidance in the SER (and preferably with the assistance of the district PQS) and requests the DLAE to schedule a Coordination Meeting. The Coordination Meeting is the appropriate forum to meet the Caltrans district staff responsible for reviewing and determining the adequacy of the technical reports, obtain district PQS and DLAE signatures on the APE map, and discuss the format and content requirements for each technical report.

- Local agency completes the required technical studies, prepares the technical reports and submits the reports to the DLAE for review and processing. To ensure timely project delivery, local agency and consultants are responsible for ensuring that the format and content of required technical reports and environmental documents are consistent with guidance and annotated outlines set forth in the SER

- District SEP (or designee) reviews the reports, facilitates consultation under regulation or interagency agreement (or makes the appropriate finding or determination required by law, regulation or EO), and forwards the results of their action to the DLAE for transmittal to the local agency.

- District SEP (or designee) logs transmittal date in LP2000 and tracks Caltrans and resource and regulatory agency review time and various other milestones.

- Local agency prepares the appropriate NEPA document based on the results of Caltrans consultation and processes the document to the DLAE for review and approval.

INTERAGENCY AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING

Several Agreements have been developed to expedite compliance with NEPA. These Agreements require full documentation and demonstration that the required conditions have been met.

Programmatic Agreement among the FHWA, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA), effective January1,2004. (*Note: Currently under revision. New Agreement expected 2013/14*) - The Section 106 Programmatic Agreement (PA) implements Section 106 of the NEPA for the Federal-aid Highway Program in California, except when the undertaking is on federally recognized Native American Tribal Land, in which case the 36 CFR Part 800 procedures must be followed. This Agreement allows Caltrans to consult directly with the SHPO for all steps of the Section 106 process on projects assigned under NEPA Assignment and for most steps on projects exempted from assignment. The Agreement exempts certain property types from evaluation and exempts certain types of projects from any 106 involvements. It re emphasizes the use of Environmentally Sensitive Areas (ESAs) to avoid site excavations for evaluation, defines APE guidelines, and sets out qualifications for decision-making staff. Any project must be screened by the district PQS to determine applicability of Section 106. A copy of the Agreement and guidance on compliance with the terms of the Agreement are provided in the SER, Volume 2, Exhibit 1.1 at: (http://www.dot.ca.gov/ser/vol2/PA-04-EH.pdf)

Programmatic Agreement Regarding the Seismic Retrofit of Historic Bridge Structures in California (March 21, 1995) - This Agreement is for Section 106 process only and provides for the expeditious fulfillment of the requirements under Section 106. Additional assistance from the Caltrans PQS is required when utilizing this Agreement.

Memorandum of Understanding Among the Federal Highway Administration, California Department of Transportation, U.S. EPA, U.S. ACOE, USFWS and the NMFS, National Environmental Policy Act, and Clean Water Act, Section 404 Integration Process for Federal-aid Surface Transportation Projects in California (April 2006) - The ACOE, USFWS, FHWA, EPA, NMFS and Caltrans agree on early and ongoing coordination for issues pertaining to waters of the U.S. and associated sensitive species and specifically for projects likely to require an EIS, an individual permit, impact special aquatic sites or impact greater than 5 acres of other waters of the U.S. The MOU specifies written concurrences that must be obtained from the resource agencies.

If it is anticipated that the project will permanently impact more than 5 acres of waters of the U.S. and is being processed with an EIS, the local agency, DLAE, and district SEP (or designee) shall meet as early as possible to discuss MOU procedures and ensure conformity. A copy of the MOU and procedures for its use are provided in the SER at: http://www.dot.ca.gov/ser/downloads/MOUs/NEPA404/nepa404_2006_final-mou.pdf

FHWA SECTION 4(F) NATIONWIDE PROGRAMMATICS

- **Independent Bikeway and Walkway Construction Projects, May 23, 1977-** For independent bikeway and pedestrian walkway projects that require the use of recreation and park areas. http://environment.fhwa.dot.gov/projdev/4fbikeways.asp
- **FHWA Projects that Necessitate the Use of Historic Bridges, July 5, 1983 -** For historic bridge replacement projects. Full historic evaluation and to meet Section 106 requirements are still required. http://environment.fhwa.dot.gov/projdev/4fbridge.asp.
- **Federally aided Highway Projects with Minor Involvements with Public Parks, Recreation lands and Wildlife and Waterfowl Refuges, December 23, 1986-** This is for federal-aid projects that use minor amounts of land from publicly owned public parks, recreation areas, and wildlife and waterfowl refuges. http://environment.fhwa.dot.gov/projdev/4fmparks.asp *Note: This Programmatic 4(f) type may be superseded for many projects by SAFETEA-LU Section 6009 (a)amended 49 USC 300 and 23 USC 138, De Minimis Impacts to Section 4(f) Resources (discussed in bullet 6 below).*
- **Federally aided Highway Projects with Minor Involvements with Historic Sites, December 23, 1986 -** This is for federal-aid projects which use minor amounts of land from historic sites, which are eligible for inclusion on the National Register of Historic Places. This only applies when the use of the land does not constitute an adverse effect to the historic property. http://environment.fhwa.dot.gov/projdev/4fmhist.asp *Note: This Programmatic 4(f) type is largely superseded by SAFETEA-LU Section 6009 (a), amended 49 USC 300 and 23 USC 138, De Minimis Impacts to Section 4(f) Resources (discussed in bullet 6 below).*
- **Projects that have a Net Benefit to a Section 4(f) Property -** For any project, regardless of NEPA Class of Action (CE, EA or EIS), where a net benefit, or overall enhancement is achieved to the Section 4(f) property. A project does not achieve a net benefit if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection. http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm
- **De Minimis Impacts to Section 4(f) Resources -** SAFETEA-LU Section 6009(a) amended 49 USC 300 and 23 USC 138, modified Section 4(f) legislation to allow the U.S. DOT to determine that certain uses of Section 4(f) land will have no adverse effect on the protected resource. Under the NEPA assignment, Caltrans determines if a transportation use of Section 4(f) property results in a *de minimis* impact on that property. http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm#deminimis

INTEGRATING CEQA AND NEPA

While this chapter deals exclusively with federal environmental requirements, local agencies are responsible for ensuring full compliance with other state and local environmental laws, and to the fullest extent possible, integrating the NEPA process with the review processes established by these laws. Because state and federal requirements are similar, it is possible to perform only one environmental process that satisfies both state and federal requirements simultaneously when federal approval is required. The environmental document types for CEQA/NEPA (that is, CE/CE, IS/EA, EIR/EIS) do not necessarily need to match up with each other. An EA may be the appropriate document to prepare under

NEPA when an EIR is appropriate under CEQA and so on forth. Guidance on developing of Joint CEQA/NEPA documents is available in the SER, Chapter 37.

Following are some of the basic similarities and differences between the NEPA and CEQA.

- **Categorical Exclusion (NEPA)/Categorical Exemption (CEQA) Determination -** The list of projects exempt from the federal legislation is quite different from that of the State of California. NEPA requires that each federal agency identify its own list of CEs, the list of projects exempt from NEPA is specific to FHWA. Unlike CEQA guidelines that list 32 standard categories for all agencies to use. Thus, a careful reading of 23 CFR 771.117 and the FHWA/Caltrans MOUs prepared pursuant to 23 U.S.C. 326 and 327 is necessary to determine which actions are CE. Caltrans may use a CE for a project not listed if it meets the criteria for CE under 23 CFR 771.117 (a) and (b). Separate determinations must be made for the NEPA and CEQA. Section 6.5 "Categorical Exclusions," in this chapter describes this phase of the process.

- **Environmental Assessment/Initial Study -** The required contents of an EA are similar to that of an Initial Study (IS). However, NEPA requires that an EA discuss alternatives, whereas CEQA does not require a discussion of alternatives in an IS. Guidance on the development of Joint IS/EAs is available in the SER, Chapter 37.

- **Integrating Other Environmentally Related Processes (NEPA/CEQA) -** One of the more complex aspects of the EA or EIS preparation is the requirement for integrating NEPA with other federal environmental requirements. The local agency must identify and list in the EA or EIS all other federal environmental requirements that may be applicable to the proposed action and, to the fullest extent possible, integrate the NEPA process with the review processes established by these laws. See Section 6.2 "Other Federal Environmentally Related Processes" in this chapter for a brief overview of the other federal environmental requirements. This degree of integration of state and local environmental review is not required under CEQA.

- **Significant Impact (NEPA) vs. Significant Effect (CEQA) -** NEPA requires the identification of any impacts and the avoidance and minimization of them, with compensation considered when reasonable. NEPA does not focus on assessment of whether each and every adverse impact is significant or not. Presence or absence of "**significant impacts**" as defined by NEPA is the determining factor for what type of environmental document is appropriate. NEPA's definition of a significant impact does not necessarily correlate with CEQA identified "**significant effects**." Further, CEQA requires mitigation only when an impact is designated as "**significant**." This can result in measures to avoid or reduce impacts being identified under NEPA that would not be identified under CEQA.

  In cases where the local agency project is processed with no federal involvement, the project will only require compliance with the CEQA.

TIMING FOR ENVIRONMENTAL PROCESSES

Estimating the time required for preparing and processing technical studies and environmental documents is very important when establishing a project delivery schedule. The amount of time needed to demonstrate full compliance with the provisions of NEPA and other federal environmental requirements varies depending upon project scope and the presence of federally protected environmental resources within and immediately adjacent to the project area (direct), indirect (secondary), and cumulative impacts.

Compliance with the environmental requirements may occur simultaneously with Preliminary Engineering. However, the local agency may not commence with final design prior to obtaining NEPA approval (a Caltrans signed: (1) CE, (2) FONSI, or (3) ROD). It is incumbent upon the DLAE to notify the local agency as soon as NEPA approval is obtained and to forward a copy of the Caltrans signed CE, FONSI or ROD.

The following time frames reflect best case scenarios and do not take into account the time involved in consultant selection, correction of inadequate studies, regulatory or advisory agency review and comment, projects involving large numbers of very complex, unusual environmental issues or controversy. The time frames also assume the various environmental studies and documents are performed and written simultaneously.

Below are some examples for estimating time frames:

- A project that meets the criteria for a CE with "no required technical studies" can be processed in 1 month, assuming the PES Form or PES(NI), if applicable, and supporting information are complete and sufficient.

  A CE "with required technical studies" may take from 6 months to 2 years depending upon the required technical studies that must be completed and the time of year the studies are initiated. It is important to identify and plan for critical survey periods when determining a project schedule. For example, surveys for certain plants species may have to be performed in spring or during their appropriate blooming/identifiable period.

  It is also important to factor in sufficient time for potentially lengthy processes such as Section 106 of the NHPA. Depending upon the nature of the undertaking and its effects to historic properties, the Section 106 process can take less than 1 week for screened undertakings to more than 20 months for very complex projects involving multiple resources or requiring archaeological excavation.

- An EA that results in a FONSI may take between 2 to 3 years. At a minimum, the Draft EA must consider two alternatives. If complex, the Draft EA must undergo a separate review by Caltrans HQ environmental coordinator and Legal Office and a thirty (30) day public availability period. Processing an EA which results in a FONSI with an Historic Property Survey Report (HSPR), or any other environmentally related process may require additional time because these environmentally related processes require separate studies and separate regulatory reviews. For example, a preliminary Finding of Effect to cultural or archaeological resources must be completed before a draft EA or an EIS can be circulated for public review. Section 106 requirements and Section 7 or other technical requirements must be completed before the final EA or an FEIS can be approved

- An EIS may take between 3 to 4 years. Draft EISs require consideration of multiple alternatives and separate reviews by Caltrans HQ environmental coordinator and Legal Office.

- The local agency should begin "required technical studies" as soon as possible after the PES form is fully signed. *Note: The local agency shall not begin "required technical studies" before obtaining the DLAE and district SEP (or designee) concurrences on the PES Form.* Section 106 *studies should not begin until the district PQS and the DLAE have signed the APE map. This will minimize the potential for investing in studies that may not be required.*

6.3 Other Considerations

Permits

The local agency is responsible for obtaining all necessary permits, agreements, and approvals from resource and regulatory agencies (401/404, Encroachment, and Coast Guard Bridge Permit, and so on.) before advertisement for construction. The local agency must transmit 1 copy of each permit (with conditions) to the DLAE for submittal to the district SEP (or designee). The district SEP (or designee) must enter permit data (as required) into the LP2000.

Mitigation Commitments and Plans, Specifications & Estimate

The local agency is also responsible for developing a list of all mitigation as related to NEPA and providing it along with the technical reports and draft environmental document to the DLAE.

The local agency must certify that all required mitigation has been completed or is included in the Final Plans, Specifications and Estimate (PS&E) and that any required ongoing maintenance of mitigation is implemented (23 CFR Parts 635.771 and 772).The DLAE (in coordination with the district SEP) ensures that mitigation is a reasonable expenditure of federal funds. Caltrans assures that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

Mitigation Commitments and Construction

The local agency is responsible for ensuring that all required mitigation is included in the construction contract. The local agency checks plans in the field and certifies that all mitigation commitments have been completed and documentation to this effect has been prepared for inclusion in the project's final record/voucher.

Scope Change

In advance of any mitigation commitment, the local agency notifies the DLAE of any changes in the project scope or project limits. Major changes may require a Transportation Improvement Program (TIP) amendment or air quality re determination. The DLAE notifies the district SEP (or designee) of the changes, and the district SEP (or designee) determines if additional environmental studies will be required, or if any mitigation agreements will require modifications. When permits, approvals, and agreements from resource and regulatory agencies require modifications, the DLAE requests the district SEP (or designee) initiate re consultation/reevaluation immediately. Scope changes must be documented and appended to the PES form.

Reevaluation

There are three triggers that necessitate the initiation of the consultation or reevaluation process:

1. Project is proceeding to the next major federal approval
2. Project changes
3. Three year timeline for an EIS

Reevaluations may include a site visit and evaluation by a qualified environmental planner and any technical specialists deemed necessary. Assessments by technical specialists should be prepared for any topical areas affected by a change in the project,

its surroundings, new information or requirements, or other factors that may cause the original evaluation to no longer be valid. Additional studies or coordination with other agencies should be conducted as appropriate.

The local agency is responsible for informing the DLAE of any changes in the project so that these changes can be evaluated, and the validity of the CE Determination can be re-evaluated.

The local agency, DLAE, and district SEP (or designee) will consult and depending on the circumstances, there will be one of three possible conclusions: (1) the original CE Determination remains valid, (2) a CE Determination which addresses the magnitude of change in the scope of work or impact is necessary, or (3) a different type of environmental document is needed. Documentation of the decision and supporting information as appropriate shall be prepared and signed by the DLAE and the district SEP and placed in the project file.

A copy of the NEPA/CEQA Revalidation form is available at:
http://www.dot.ca.gov/ser/forms.htm.
The FHWA/Caltrans policy memo regarding Reevaluations is available at:
http://www.dot.ca.gov/ser/downloads/memos/nepa/Signed%20Ltr-FHWA-NEPA-21June07.pdf

PROCESS REVIEW

FHWA and Caltrans periodically conduct process reviews to determine the adequacy of existing processes and monitor the process for compliance with applicable laws, regulations and procedures. This includes but is not limited to, monitoring compliance with the assurances stated in the NEPA Pilot Program application; stipulations of the FHWA/Caltrans MOUs pursuant to 23 U.S.C. 326 and 327; monitoring the quality of NEPA documents and supporting technical reports, and monitoring PS&E and project construction to ensure mitigation commitments are included in PS&E, constructed, and (in the case of long-term commitments) monitored by the local agency.

TRAINING

The DLAE and district training coordinator are responsible for notifying the local agency of available training and for assisting them with training registration. Training opportunities available through external agencies or other federal/state agencies are posted at:

http://www.cce.csus.edu/conferences/caltrans/localAssistance/training_trainTopic.cfm
Click on "Upcoming Trainings or Trainings by Topic" in the upper left hand bookmark to view available training.

RECORD KEEPING

The district SEP (or designee) is responsible for establishing the environmental project file as soon as environmental studies begin and for converting existing environmental project files to the Uniform Environmental File System. Instructions for using the Uniform Environmental Filing System are provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/chap38.htm#instructions

CONSULTANT CONTRACTS FOR TECHNICAL STUDIES

Locally administered environmental consultant contracts for NEPA documents and technical studies must comply with the provisions of the Brooks Act (40 U.S.C. 1101-1104), and the scope of services agreement negotiated between the local agency and its consultant must be based on information contained in the complete and fully signed PES

form. The consultant's qualifications and the format and content of the technical reports shall be consistent with guidance set forth in the SER.

QUARTERLY REPORTING REQUIREMENT

According to Stipulation IV.F.1 of the FHWA/Caltrans MOU prepared pursuant to 23 U.S.C. 326 pertaining to performance monitoring and quality assurance, Caltrans must submit to FHWA a list of all CE determinations made each fiscal quarter. The DLA will provide the DEA with a Discoverer Report on quarterly local assistance CE determinations based on information contained in LP2000. DLAE and district SEP (or designee) with assistance from the Local Assistance NEPA Assignment coordinators are required to maintain all environmental fields in LP2000 consistent with the DLA July 20, 2007, Memo, Subject: Tracking Local Assistance NEPA Compliance Milestones, to ensure that information provided in the report is accurate and complete.

6.4 STEP-BY-STEP PROCEDURES – PES(NI) FORM

Following are step-by-step procedures for completing the PES (NI) form, Exhibit 6-J. It is important that the local agency carefully follow and complete each step to avoid unexpected project costs or delays in project development and to ensure a "complete and sufficient" submittal. Local agency(ies) shall not commence with Authorization to Proceed with Construction until after the PES(NI) Form has been fully signed by all signatories.

Instructions for completing the PES(NI) form are provided at Exhibit 6-K.

1. Local agency (LA) confirms project is programmed in federally approved FTIP/FSTIP.
2. Local agency confirms project will not involve right of way (R/W) acquisition or the physical construction of any facilities.
3. Local agency is ready to request federal Authorization to Proceed for the project.
4. Local agency completes Section A of the PES(NI) form Exhibit 6-J indicating "Yes," "No" or "To Be Determined" as appropriate for questions 1-29.
5. Local agency provides additional information on PES(NI) Continuation Sheet for all "TBD" responses.
6. Local agency completes Section B of PES(NI) form, signs and submits form to DLAE.
7. DLAE verifies project is in FSTIP and forwards PES(NI) form to district SEP
8. District SEP (or designee) reviews PES(NI) form and additional information provided for 'TBD' responses and coordinates with local agency as needed.

Are all responses justifiably "NO"? If "Yes," GO TO STEP #10. If "No," GO TO STEP #9.

9. District SEP (for designee) informs local agency that PES is required.
10. District SEP (or designee) confirms project is type of action included in Exhibit 6-K Attachment A (Undertakings Exempt from Further Review Memo), and Exhibit 6-K Attachment B (Amendment Non-Infrastructure Project NES – No Effect Memo).

Is action included in Memos? If "Yes," GO TO STEP #12. If "No," GO TO STEP #11 first and then CONTINUE TO STEP #13. Given that all responses to questions 1-29 on the PES(NI) are justifiably "NO' it is permissible to proceed to STEP 12.

11. District SEP (or designee) informs HQ of action not being included in Exhibit 6-K Attachments A & B, in order for HQ to consider for future inclusion on the list.
12. District SEP signs PES(NI) form and prepares and signs CE form**.**

6.5 STEP-BY-STEP PROCEDURES –PES FORM

Following are step-by-step procedures for conducting a preliminary environmental investigation and completing the PES form. It is important that the local agency and their consultants carefully follow and complete each step to avoid unexpected project costs or delays in project development and to ensure a "complete and sufficient" submittal. Local agency(ies) shall not commence with any required technical study until after the PES form has been fully signed by all signatories.

The PES/Categorical Exclusion (CE) process is shown in Flowchart 6-1, "PES Form and Categorical Exclusion (CE) Process Flowchart," (page 6-31). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. Local agency (LA) develops complete project description and project maps.
2. LA reviews relevant literature, maps and inventories.
3. LA requests technical information from resource and regulatory agencies.
4 LA verifies research findings in the field (site visit).
5. LA completes PES Form (LAPM, Exhibit 6-A) according to the Instructions (LAPM, Exhibit 6-B). On the PES Continuation Sheet the LA provides, (1) additional information on project description, (2) a summary of how the requirements of federal laws have been satisfied for all "No" answers (such as, identify the steps that were taken to determine a "No" response), and (3) specific information for all "Yes" and "To Be Determined" answers (such as, if question #.15 regarding Federally Listed Threatened and Endangered Species is checked "Yes," identify the specific plant or animal species which was observed or which could potentially occur within the project).
6. LA signs PES Form and sends to DLAE with all supporting documentation
7. DLAE date stamps the PES form on day received and verifies that project is in the RTP and FSTIP, and that the scope of work is consistent with the project description in the FSTIP.
8. DLAE provides a review of the PES form and maps to ensure that the project description matches what is programmed and that the packet is complete and sufficient. If the packet is incomplete, the DLAE returns the packet to the LA or schedules a field review to assist them with completion of the PES form.

   DLAE invites the district SEP (or designee) and appropriate technical specialists (such as, biologist, hazardous waste coordinator, PQS, and so on forth) to the field review. For complex projects, the DLAE may also want to invite the HQ EC or the Local Assistance NEPA Assignment coordinator.
9. District SEP (or designee) requests the district PQS review the PES form and maps, and conduct Section 106 Screening. The district biologist reviews the PES form, maps and results of general reconnaissance surveys, and makes a "Finding of No Effect," if applicable. District SEP identifies which district PQS, biologist, and other technical specialist will assist with reviewing the PES form.

10. District PQS reviews PES form, screens project under Section 106, completes questions #35 & #36 in Section A, and Sections B, C, D, indicates results of screening in Section G, signs the PES form and returns the signed PES form to the district SEP (or designee).

11. If the district SEP concurs with the recommended NEPA Class of Action and the recommended required technical studies, the district SEP signs the PES form.

6.6 STEP-BY-STEP PROCEDURES –CATEGORICAL EXCLUSION WITH NO TECHNICAL STUDIES

Are further technical studies required? If "Yes," "GO TO STEP # 17. If "No," GOTO STEP #12

12. The district SEP (or designee) completes the CE Checklist (LAPM Exhibit 6-E) and CE form (LAPM, Exhibit 6-F) and for 23 U.S.C. §326 CEs, ensures Caltrans makes the project–level conformity determination consistent with the guidance provided in Chapter 38 of the SER.

    Note: Projects covered under 23 U.S.C. §326 are process using certain NEPA CEs categories only, and the conformity determination is made along with NEPA approval by Caltrans.

Does project meet the criteria for a CE? If "Yes," "GO TO STEP # 13. If "No," GO TO STEP #17

13 District SEP signs the CE form.

14. District SEP (or designee) forwards the signed PES form and signed CE form to the DLAE, and updates LP2000 as follows: On Project Environmental Milestones Screen: (1) enter date completed PES form was received by the DLAE and use comments field to note: a) if the LA submitted a complete and sufficient PES form or if Caltrans had to assist with completing the PES form during the field review, and b) reason for delay, if excessive, between Authorization to Proceed and receipt of PES form, (2) enter date of last signature on PES form and use comments field to note if multiple iterations were needed to produce complete/accurate form, internal delays (if applicable), or LA delays (if applicable), (3) enter date of letter, email, or documented telephone conversation or meeting (if applicable) transmitting the signed PES form to the LA that transmitted the fully signed PES form, and use comments field to capture internal and external delays associated with completing the PES form, (4) enter date CE is received in the district or date CE is prepared by Caltrans, and use comments field to capture external/internal delays associated with the development of the NEPA determination, (5) enter date district SEP signs the CE form and use comments field to note any delays or changes in scope from what was described in PES form, and (6) use Environmental Document drop-down arrow to select the environmental document identified on the PES form, Section E. Preliminary Environmental Document Classification (NEPA) (that is, U.S.C. §326 CE (c), 23 U.S.C. §326 CE (d) or 23 U.S.C. 327 CE

15. DLAE signs the PES form and the CE form. The DLAE retains the original PES form and the original CE form for the project files. The DLAE sends a copy of signed CE and a copy of the fully signed PES form to the LA, and informs the LA that compliance with NEPA is complete and they may now begin final design.

16. LA begins final design.

6.7 STEP-BY-STEP PROCEDURES – CATEGORICAL EXCLUSION WITH TECHNICAL STUDIES

17. When PES indicates that **further technical study is required,** district SEP (or designee) prepares transmittal letter or email to the LA or documents telephone conversation or meeting with LA (if applicable), outlining:
    - All technical studies/reports required.
    - A SER link for each of the technical studies.
    - The LA's responsibility for ensuring that all required technical reports are prepared according to the guidance set forth in the SER.
    - The LA's responsibility for ensuring that the conclusions of all technical reports are clearly stated and consistently summarized in the environmental document.
    - How the project-level conformity determination will be made. (See Step #31)
    - The LA's responsibility for preparing a summary/list of mitigation commitments (avoidance, minimization and mitigation measures) identified in each required technical report and providing said list to the DLAE along with each technical report.
    - The LA's responsibility to incorporate all of the mitigation commitments (avoidance, minimization and mitigation measures) included on the list into their PS&E and be able to demonstrate that they have been incorporated into the project design.
    - The LA's responsibility to provide a copy of all permits, when available, to the DLAE.

    The district SEP (or designee) forwards the signed PES form and the transmittal letter to the DLAE, and updates LP2000 for tracking compliance and annual reporting, as follows: On Project Environmental Milestones Screen, (1) enter date completed PES form was received by the DLAE, and use comments field to note: a) whether the LA submitted a complete and sufficient PES form, or if Caltrans had to assist with completing the PES Form during the field review, and b) reason for delay, if excessive, between Authorization to Proceed and receipt of PES form, (2) enter date of last signature on PES form and use comments field to note multiple iterations needed to produce complete/accurate form (if applicable), internal delays (if applicable) or LA delays (if applicable), (3) enter date of letter, email, or documentation of telephone conversation or meeting (if applicable) transmitting signed PES form to LA, (4) enter date the CE is received in the district, or date a CE is prepared by Caltrans, and use comments field to capture external/internal delays associated with the development of the NEPA determination, (5) enter date district SEP signs the CE form, and use comments field to note any delays and if changes in project scope from what was described in PES form, (6) use Environmental Document drop-down arrow to select the environmental document identified on the PES form, Section G. Preliminary Environmental Document Classification (NEPA) (that is, 23 U.S.C. §326 CE (c), 23 U.S.C. §326 CE (d) or 23 U.S.C. §327 CE, (7) on Environmental Studies – Environmental Study Milestones Screen, use Study Type drop-down arrow to select all required study types identified in Section B of the PES form.

18. DLAE reviews project description, project maps, and PES form to determine if the project is technically sound (adequate and feasible) from an engineering perspective. DLAE and the district SEP (or designee) meet to discuss the following:

    - Is the project technically sound from an engineering perspective?
    - Is the project technically sound from an engineering perspective?
    - Can the city or county get the project done in the amount of time indicated on the PES Form (such as, have they missed any survey windows, or are the issues more complex than they anticipated)?
    - Will the funding need to be moved out to adjust for the schedule?
    - Do the technical studies/reports identified in the PES form indicate that the LA may need to budget more money for NEPA compliance?
    - Is the LA's preliminary design on track?
    - Do the project maps make sense? Are the maps correct? Is the project footprint map consistent with the project, as identified in the FSTIP? Are the engineering drawings consistent with the project, as identified in the FSTIP?
    - Is the project likely to include mitigation commitments or mitigation that would warrant environmental review of the PS&E and project during/after construction?

19. DLAE signs the PES form. District SEP (or designee) sends a copy of the fully signed PES form and transmittal letter, hardcopy or electronically (if preferred) to the LA, outlining the requirements of each required technical study and report.

    (*Note: If DLAE authorizes the district SEP (or designee) to perform this step, a copy of the letter or email shall be provided to the DLAE.*)

20. LA may request an Early Coordination Meeting with the DLAE, district SEP (or designee) and others as needed, to discuss the specific requirements of each required technical report, and so forth. The district SEP (or designee), district PQS, and applicable technical specialists should be invited to participate in the meeting as needed, based on the environmental issues and the complexity of the project, and so forth.

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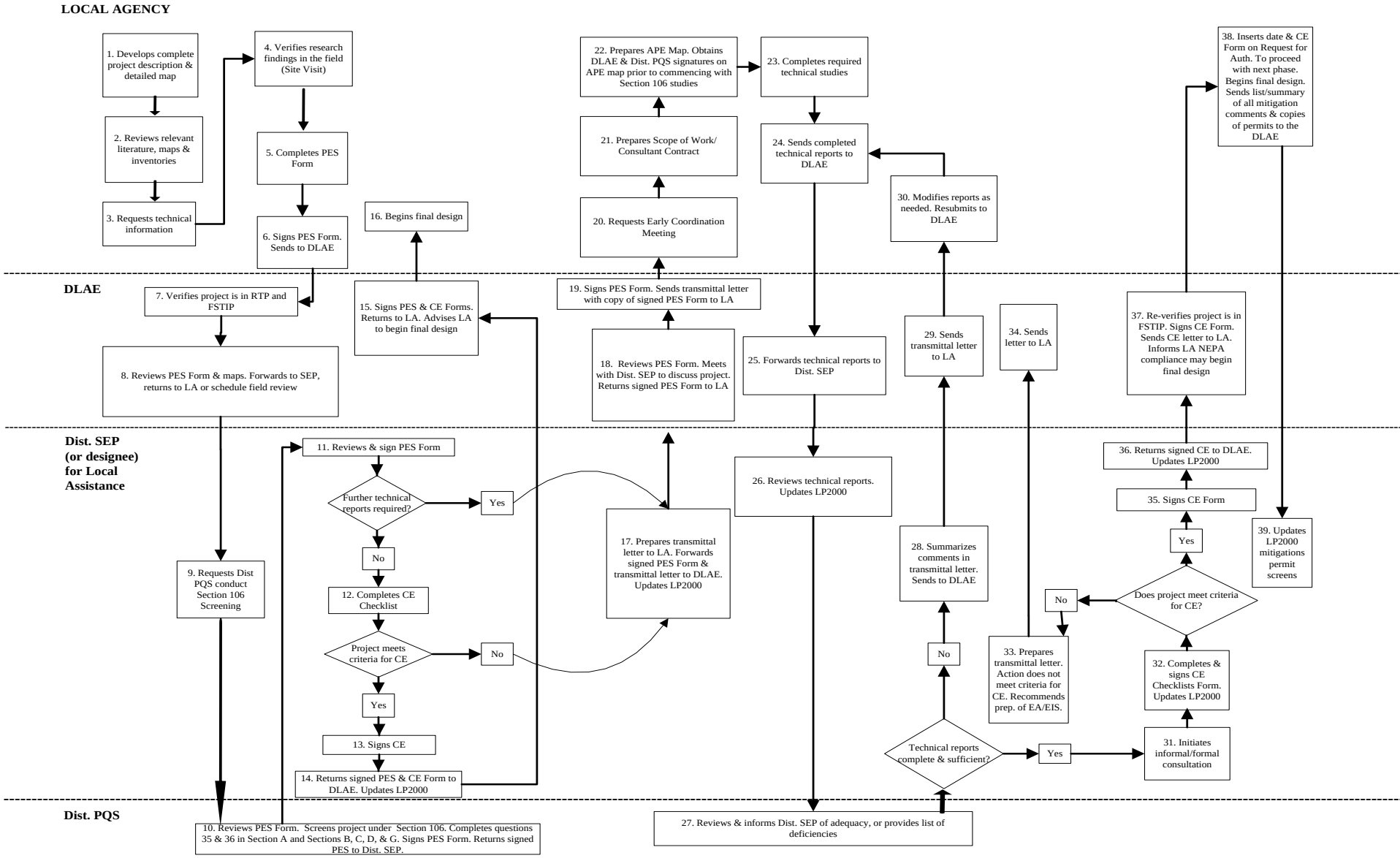
Flowchart 6-1 PES Form and Categorical Exclusion (CE) Process Flowchart



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21. LA prepares scope of work/consultant contract (if necessary) according to LAPM, Chapter 10, "Consultant Selection," and the requirements contained in the PES form and retains environmental consultant to undertake required technical studies. (*Note: Environmental Consultant scope of work must reference the SER and the LAPM*). The district SEP (or designee) is available to review the environmental scope of work to ensure that it accurately reflects Caltrans requirements.
22. LA prepares a draft APE Map (if applicable) according to the guidance in the SER and preferably after consultation with district PQS and obtains DLAE and district PQS signatures on the APE map prior to commencing with any Section 106 studies.
23. LA/Consultant completes required technical studies according to the guidance in SER. (*Note: The LA is responsible for performing a quality assurance and quality control review of all technical reports, before submittal to the DLAE, to ensure that the format and content of each technical report is consistent with guidance prescribed in the SER.*)
24. LA sends the completed technical report(s) to the DLAE.
25. DLAE date stamps the report on the date received and forwards the technical report(s) to the district SEP (or designee).
26. District SEP (or designee) requests (in writing) appropriate district technical specialists (that is, PQS, biologists, air, noise, hazardous materials, and so forth.) review the technical report and determine whether the report is complete and sufficient according to the format and content requirements outlined in the SER. The district SEP (or designee) updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen, (1) enter the date each study/technical report was received by the DLAE, (2) enter the date each study/technical report was received by the district SEP (or designee), (3) using the agency drop-down arrow, select Caltrans as the agency, and indicate the date that each technical report is sent to the district technical specialist for review.
27. District technical specialists review technical reports and determine whether technical reports are complete and ready for resource/regulatory agency review (if applicable). (*Note: This service does not relieve LA's responsibility for quality assurance and quality control.)* When district technical specialists determine that the technical reports are not complete**,** they must document all noted deficiencies in writing and submit them to the district SEP (or designee). When district technical specialists determine that the technical reports are complete and ready for resource/regulatory review (if applicable), they inform the district SEP (or designee).

    (Note #1: Under NEPA Assignment, this can no longer be an "informal" or verbal process. All deficiencies must be documented in writing and project files must contain a documented record of deficiencies and demonstrate that any and all deficiencies have been corrected.) (Note #2: When there are no district technical specialists available to review a particular technical report, or when other priorities delay the review of technical reports in support of local assistance projects, the district SEP [or designee] must inform the Environmental Branch Chief and request their assistance in resolving the issue.)

District SEP (or designee) considers: Are technical reports complete and sufficient? If "No," GO TO STEP #28. If "Yes," GO TO STEP #31.

28. District SEP (or designee) prepares a transmittal letter, email, or documentation of telephone conversation or meeting (if applicable) with LA summarizing all comments received from district technical specialists and provides a copy to the DLAE.

29. DLAE sends transmittal letter, outlining any deficiencies to the LA.
30. LA modifies the technical reports according to the comments and resubmits the report(s) to the DLAE, beginning at Step #24.
31. When all technical reports are determined to be complete and sufficient, district SEP may in the case of Section 7 BAs, initiate informal/formal consultation with appropriate resource and regulatory agencies. **(*Note: For 23 U.S.C. §327 CEs, as soon as the Air Quality staff determine that the Air Quality Report is complete and sufficient, the district SEP [or designee] sends a request for Air Quality Conformity Determination to FHWA*).** District SEP (or designee) updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen, (1) using the "Agency" drop-down arrow, select the agency that the particular technical study/report was sent to for action, and (2) indicate the "Date Sent to Agency" *(Note: This will be the date on the district SEP's letter to the LA requesting consultation).* When the, and NMFS), list Study Type (BA) twice in the Study Type column and then under Agency, select USFWS for one and NMFS for the second.
32. When resource and regulatory agency action is complete, the district SEP (or designee) updates LP2000 as follows: On the Environmental Studies-Environmental Study Milestone Screen, 1) using the "Agency" drop-down arrow, select the agency that the particular technical report was sent to for actions, 2) enter the date of resource or regulatory agency letter, documenting their final correct opinion/ concurrence/agreement, and so forth, (3) use the Delay drop-down arrow to indicate "Yes" or "No." Enter "Yes" if USFWS or NMFS exceeded 135 days in issuing a Biological Opinion; if USFWS or NMFS exceeded 30 days in issuing a Concurrence Letter; if the SHPO exceeds 30 days in issuing concurrence on the HPSR or Finding of Effect (FOE) (if PA requires SHPO review); or if excessive delays occurred during any other agency review, (4) use the comments field to document number of iterations needed between Caltrans and LA to produce a complete and sufficient report or number of iterations needed between Caltrans and resource and regulatory agency to produce an acceptable report.

    The district SEP (or designee) also completes the CE Checklist and determines whether conclusions of the technical studies and the results of consultation indicate that the action qualifies for the CE.

Does project meet criteria for the CE? If "No," continue with STEP #33. If "Yes," GO TO STEP #35.

33. When the CE Checklist indicates that the action does not meet the criteria for a CE, the district SEP (or designee) prepares a transmittal letter, email, or documentation of telephone conversation or meeting (if applicable) with the LA explaining why the action does not meet the criteria for a CE, and recommends preparation of an EA or an EIS, as appropriate. The district SEP forwards a copy of the letter, email, or documentation of telephone conversation with LA to the DLAE and updates LP2000 accordingly.
34. District SEP (or designee) sends the letter, email, or documentation of telephone conversation to the LA.
35. District SEP (or designee) verifies: (1) that there are no scope changes, or (2) that technical studies address areas where all project scope changes will occur. District SEP signs CE form.
36. District SEP (or designee) prepares a transmittal letter, email, or documentation of telephone conversation or meeting (if applicable) informing the LA that:
    - NEPA compliance is complete.

- LA may commence with final design.
- LA is responsible for incorporating all minimization, avoidance and mitigation measures, and the conditions of all permits agreements and approvals into final design.
- LA is responsible for fully implementing all minimization, avoidance and mitigation measures, and the conditions of all permits during project construction.
- A copy of all mitigation commitments and permits shall be sent to the DLAE prior to advertisement for construction.

The district SEP forwards the signed CE and transmittal, (letter, email, or documentation of telephone conversation or meeting), to the DLAE, and updates LP2000.

37. DLAE re verifies that project is in the FSTIP, and that there are no changes in project scope description, footprint; signs the CE form; district SEP (or designee) sends the signed CE form and transmittal (letter, email, or documentation of telephone conversation or meeting) to the LA informing them that they may begin final design.
38. LA inserts the date the DLAE signed the CE/CE Determination form in the LA/State Comments field when completing the Request for Authorization for the next phase of the project (see Chapter 3 "Project Authorization," in the LAPM). LA begins final design. Prior to advertisement for construction, LA sends the DLAE a copy of all permits (that is, Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment or Right of Entry).
39. Upon receipt of list of mitigation commitments and permits, the district SEP (or designee) updates LP2000 Environmental-Permits Screen and Mitigation Commitments Screens according to the instructions provided in July 20, 2007 DLA memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

6.8 STEP-BY-STEP PROCEDURES – ROUTINE ENVIRONMENTAL ASSESSMENT (EA)

The requirement to prepare an EA may come about through one or more of the following situations:

- Based on information gathered during PES, where it is clear that the proposed project will not qualify for a CE or where unusual circumstances are likely. The LA identifies the potential for significance under Sections A of the PES form and recommends the development of an EA (under Section E of the PES form). The DLAE and district SEP determine (with an email concurrence from HQ EC) that an EA is the appropriate NEPA Class of Action by signing the PES form.
- During or upon completion of technical studies, when it becomes apparent that the proposed project will not qualify for a CE or that unusual circumstances exist; the decision to prepare an EA is made by the district SEP in collaboration with the DLAE with written email concurrence from HQ EC and must be clearly documented for the project file.

The Routine Environmental Assessment (EA) process is shown in Flowchart 6-2, "Routine Environmental Assessment (EA) Process Flowchart," (page 6-39). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. LA receives signed PES form recommending an EA as the NEPA Class of Action.

2. LA consults with interested agencies and others to advise them of the scope of the project and potential social, economic, or environmental impacts identified in the PES form.
3. LA identifies alternatives and measures which might mitigate adverse environmental impacts.
4. LA (or consultant) completes technical studies and prepares technical reports and Administrative Draft EA according to appropriate Caltrans Annotated Outline, provided at: http://www.dot.ca.gov/ser/forms.htm.

   LA completes the Environmental Document Review Checklist (ED Checklist), provided at: http://www.dot.ca.gov/ser/forms.htm cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA.
5. LA performs Quality Control Review of all technical reports and Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf and completes and signs External Quality Control Certification Sheet, a k a the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm prior to submitting the Draft EA and technical studies to DLAE.
6. LA submits 5 copies of technical reports and Draft EA, original ED Checklist, and signed External Quality Control Certification Sheet to the DLAE.
7. DLAE date stamps the Draft EA on date received, reverifies that project is in the RTP and FSTIP, and provides a review of packet to ensure that the original fully signed External Certifications (Environmental Document Quality Control Review Certification) form, and the appropriate number of copies of the Draft EA and technical reports have been provided. If the signed Environmental Document Quality Control Review Certification form is not present, the DLAE should return packet to the LA and request Quality Control Review. If signed Environmental Document Quality Control Review Certification form is present, the DLAE forwards packet to the district SEP (or designee). The DLAE submits packet (or CD, if acceptable by district) to the district SEP (or designee) and requests for review.
8. District SEP (or designee) completes appropriate fields in LP2000 as follows: On Environmental – Environmental Assessment (EA) Screen, (1) enter date District (DLAE or Environmental) received LA-prepared Draft EA and use comments field to: *a) indicate whether a Joint NEPA/CEQA document was prepared, and if not, why not, b) document the number of iterations needed to produce an acceptable Draft EA, c) document delays at LA, d) document delays at Caltrans,* (2) indicate next to Local Agency Quality Assurance/Quality Control, whether LA submitted a completed External Certifications (Environmental Document Quality Control Review Certification) form with their Draft EA, and use drop-down arrow to select "Yes" or "No' and use comments field to note whether the LA's Quality Assurance Review was adequate.
9. District SEP (or designee) initiates 5-step Quality Control Review by sending 1copy of the technical report and 1 copy of the Draft EA to appropriate
10. District PQS and other environmental technical specialists review technical report(s) in their specialty area and respective sections of Draft EA for technical accuracy and consistency between technical report and EA, and sign Internal Certifications (Environmental Document Quality Control Review Certification) form.

Note: The purpose of the technical specialist review is to ensure the accuracy of specific resource studies and technical information summarized in the Environmental Document (ED). A technical specialist review will be completed for each resource topic discussed in the ED as necessary.

The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization or Mitigation Measures, Cumulative Impacts), and will provide comments to ensure the following:

- *accuracy of the information in the ED*
- *consistency between the technical study and the information as summarized in the ED*
- *all avoidance, minimization or mitigation measures are appropriately characterized and are feasible to implement*
- *all anticipated permit or approval actions have been accurately identified within the ED*

The last district environmental technical specialist to review the Draft EA forwards the signed Internal Certifications(Environmental Document Quality Control Review Certification) form (if applicable) or list of deficiencies to the district SEP (or designee).

11. District SEP (or designee) performs Peer Review and generalist review of Draft EA, drafts list of deficiencies and requests district/region Qualified NEPA Quality Control Review.

12. Qualified NEPA Quality Control reviewer reviews Draft EA for compliance with FHWA's NEPA standards, requirements and policies, and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form, or prepares list of deficiencies, then provides comments to the district SEP (or designee). *Note: The NEPA Quality Control reviewer must have the following qualifications: (1) at least 2 years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California, (2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews EISs, and (3) Certificate of Completion in the Caltrans NEPA Compliance Training*.

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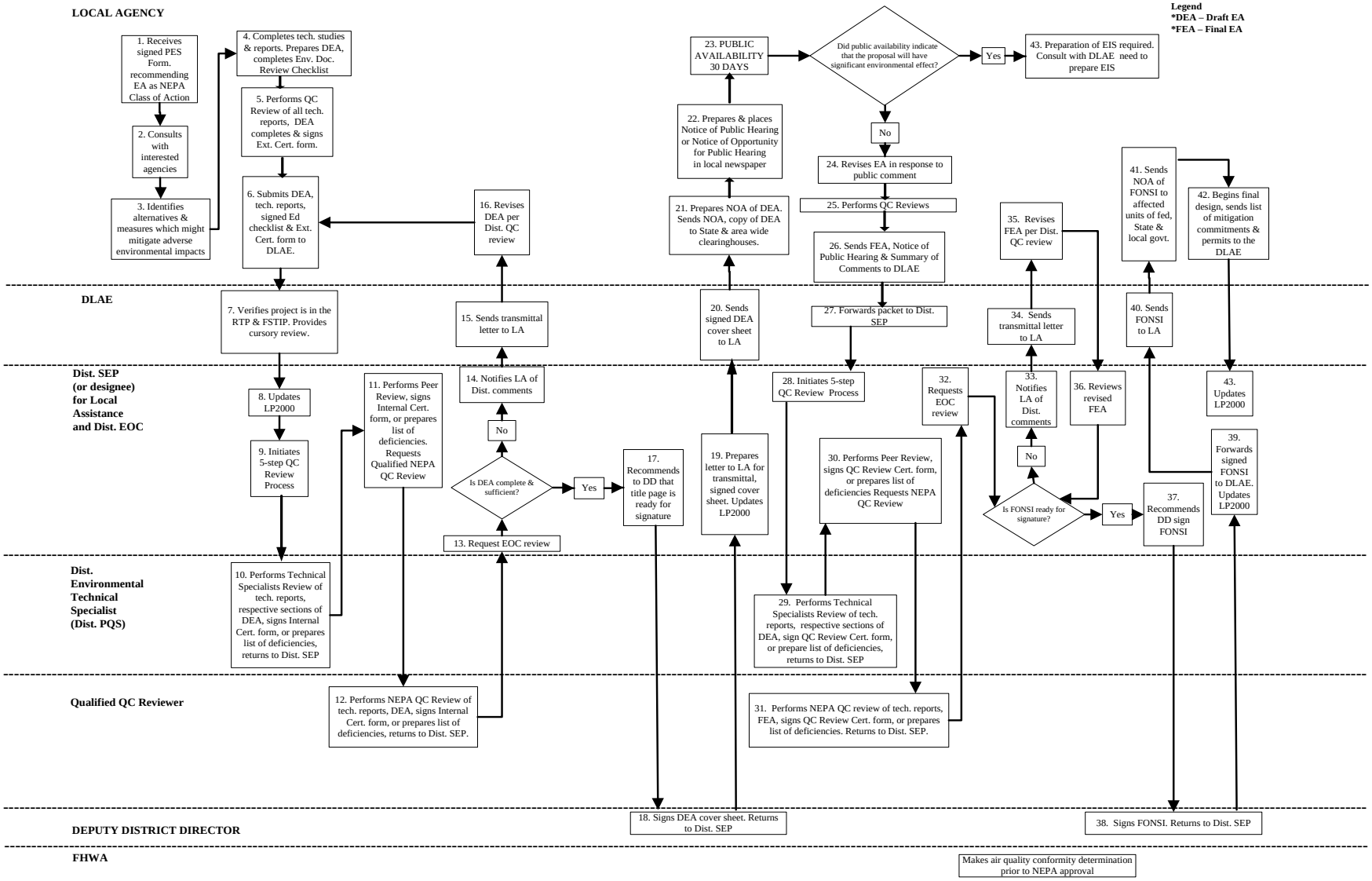
Flowchart 6-2 Routine Environmental Assessment (EA) Process Flowchart



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13. District SEP requests district EOC review. If Individual Section 4(f) Evaluation is required, district SEP also requests HQ EC and Legal Office review the draft Individual Section 4(f) Evaluation, if applicable. Once reviewed and accepted by HQ EC, Legal Office and district Environmental Branch Chief, the Environmental Office Chief recommends to DDD (Environmental) that title page is ready for signature. *Note: Under NEPA Assignment the DDD for Environmental is authorized to approve Individual Section 4(f) Evaluations. A stand-alone Individual Section 4(f) Evaluation and an Individual Section 4(f) Evaluation that is included with a Routine EA must be submitted to the appropriate HQ EC and Legal Office for review. No Individual Section 4(f) Evaluation may be approved until it has been reviewed and accepted by the HQ EC and a Legal review has been completed (for draft evaluation) or legal sufficiency determined (for final evaluation) by the appropriate Legal Office. Caltrans will coordinate with the FHWA prior to determining that any action constitutes a constructive use of land from a publicly owned park, public recreation area, wildlife refuge, waterfowl refuge, or historic site (MOU 8.1.5).*

Is Draft EA complete and sufficient? If "No," GO TO STEP #14. If "Yes," GO TO STEP #17.

14. District SEP (or designee) prepares transmittal letter or email to the LA, or documents telephone conversation or meeting (if applicable) with LA, summarizing all comments received from district technical specialists.
15. District SEP (or designee) sends transmittal letter or email outlining any deficiencies to the LA; files copy of the letter, email or documented telephone conversation or meeting with LA in the project file, and provides the DLAE with a copy.
16. LA modifies technical reports or Draft EA, according to Caltrans comments, and resubmits report(s) and Draft EA to the DLAE beginning at Step #6. Steps #6 through #7 are repeated until the district determines that the document is completed and sufficient.
17. District SEP signs and transmits letters to resource and regulatory agency initiating formal consultation and recommends to DD (or DDD-Environmental or EOC, if designated) that title page is ready for signature.

    Note: Copies of the letters requesting formal consultation with resource and regulatory agencies and a copy of the letter requesting AQ Conformity Determination from FHWA must be retained by district SEP (or designee) in order to complete the required fields in LP2000. Copies of response letters from resource and regulatory agencies are also transmitted to the DLAE and the district SEP (or designee).
18. DD (or DDD-Environmental or EOC, if designated) signs Draft EA cover sheet and returns to district SEP (or designee).
19. District SEP (or designee) prepares transmittal letter or email to the LA or documents telephone conversation or meeting with LA (if applicable) confirming availability of the signed Draft EA cover sheet.
20. District SEP (or designee) sends transmittal letter or email to the LA and files copy of the letter, email or documentation of telephone conversation or meeting, if applicable, with the LA regarding availability of the signed Draft EA in the project file.
21. LA prepares Notice of Availability (NOA) of EA and sends NOA and a copy of the EA to the state and area clearinghouses. If Joint IS/EA, the submissions required by CEQA fulfill NEPA's requirement.

22. LA prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper. *Note: 23 CFR 771.119(e) requires that the EA be available for 15 days in advance of the public hearing.*

23. PUBLIC AVAILABILITY – 30 DAYS.

Did Public Availability indicate that the proposed action will have a significant environmental effect? If "No," GO TO STEP #24. If "Yes," GO TO STEP #43. An EIS will need to be prepared.

24. LA prepares Final EA according to appropriate Caltrans Annotated Outline, provided at: http://www.dot.ca.gov/ser/forms.htm, and LA completes the Environmental Document Review Checklist, provided at: http://www.dot.ca.gov/ser/forms.htm cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA as necessary to respond to public comments received.

25. LA performs Quality Control review of the Final EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf and completes and signs the External Quality Control Certification Sheet a k a External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm,

26. LA sends Final EA, Environmental Document Review Checklist, Notice of Public Hearing and summary of comments received to the DLAE.

27. DLAE forwards packet to the district SEP (or designee).

28. District SEP sends a request for AQ Conformity Determination to FHWA and the district SEP (or designee) initiates 5-step Quality Control Review process by sending Final EA to appropriate district technical specialists and requesting a Quality Control Review. *Note: The conformity determination cannot be completed until there is a public comment period on the analysis. Most of the time the public circulation of the environmental document serves as the public circulation for the conformity analysis.*

29. District technical specialists review technical report(s) and respective sections of Final EA for technical accuracy and consistency between technical report and EA sign the Internal Certifications (Environmental Document Quality Control Review Certification) form, and forward the signed form or (if applicable) list of deficiencies to the district SEP (or designee).

30. District SEP (or designee) performs Peer Review of Final EA and technical report(s) to ensure clarity, consistency and readability; signs the Internal Certifications (Environmental Document Quality Control Review Certification) form, or prepares list of deficiencies, and requests NEPA Quality Control reviewer review of Final EA.

31. NEPA Quality Control reviewer reviews technical reports and Final EA for compliance with FHWA's NEPA standards, requirements and policies; signs the Internal Certifications (Environmental Document Quality Control Review Certification) form or (if applicable) prepares list of deficiencies, and forwards to the district SEP (or designee).

32. District SEP drafts FONSI and requests EOC review of Final EA and FONSI.

Is Final EA complete and sufficient, and is a FONSI appropriate? If "No," GO TO STEP #33. If "Yes," GO TO STEP #37

33. District SEP (or designee) prepares transmittal letter or email to the LA, or documents telephone conversation or meeting with LA, if applicable, outlining deficiencies or reasons why a FONSI is not appropriate, and forwards a copy to the DLAE.

34. District SEP (or designee) sends transmittal letter or email outlining deficiencies to the LA; files the letter email or documented telephone conversation or meeting with the LA (if applicable) in the project file, and provides the DLAE with a copy.

35. LA revises Final EA accordingly and resubmits to the district SEP (or designee) via the DLA, or if an EIS must be prepared, proceed to Section 6.9.

36. District SEP reviews the revised Final EA. If still deficient GO TO Step # 33. Steps 33 through 36 are repeated until the district determines that the document is complete and sufficient. Once sufficient, district SEP drafts the FONSI.

37. District SEP request legal review if an Individual Section 4(f) Evaluation is required either stand-alone or part of ED. Once Legal Office has determined that the Individual Section 4(f) Evaluation is legally sufficient, the district SEP recommends to the DD (or DDD or EOC, if designated) that the FONSI is ready for signature.

38. The DD (or DDD-Environmental or EOC, if designated) signs FONSI and returns the signed FONSI to the district SEP (or designee).

39. District SEP (or designee) forwards signed FONSI to the DLAE and updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen (1) enter the date of resource or regulatory agency letter, documenting their final opinion/concurrence/agreement, and so forth, (2) use the Delay drop-down arrow to indicate "Yes" or "No." *Note: "Yes" should be used if USFWS or NMFS exceeded 135 days in issuing a Biological Opinion; if USFWS or NMFS exceeded 30 days in issuing a Concurrence Letter; if there are delays in signatures on project MOA or project PA under Section 106 (if applicable), or if excessive delays occurred during any other agency review*, (3) use the comments field to document number of iterations needed (between Caltrans and LA) to produce a complete and sufficient report or number of iterations needed (between Caltrans and resource and regulatory agency) to produce an acceptable report.

40. DLAE sends signed FONSI to the LA and notifies LA that they may begin final design.

41. LA sends the NOA of the FONSI to the affected units of federal, state, and local government, and distributes Final ED to anyone that commented.

42. LA begins final design and provides the DLAE with each of the following:

    - a list of all Mitigation Commitments
    - a copy of all environmental permits, agreements or approvals (that is, Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry)

43. District SEP (or designee) updates Environmental-PERMITS Screen and Mitigation Commitments Screen in LP2000 according to the instruction provided in July 20, 2007, DLA memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

6.9 STEP-BY-STEP PROCEDURES – COMPLEX ENVIRONMENTAL ASSESSMENT (EA)

Complex EAs are projects that involve one or more of the following:

- 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

The requirement to prepare an EA in general may come about through one or more of the following situations:

- Based on information gathered during the PES, where it is clear that the proposed project will not qualify for a CE or where unusual circumstances are likely. The LA identifies the potential for significance under Sections A of the PES form and recommends the development of an EA (under Section E of the PES form). The DLAE and district SEP determine that an EA is the appropriate NEPA Class of Action with email concurrence of the HQ EC and sign the PES form.
- During or upon completion of technical studies when it becomes apparent that the proposed project will not qualify for a CE or that unusual circumstances exist, the decision to prepare an EA is made by the district SEP in collaboration with the DLAE and with email concurrence of the HQ EC, and must be clearly documented for the project file. A meeting should be conducted with the LA to discuss why the project is not a CE and to advise the LA on the requirements for an EA. The decision to follow the Complex EA process will be made by the district SEP as soon as sufficient information is available.

The Complex Environmental Assessment (EA) process is shown in Flowchart 6-3, "Complex Environmental Assessment (EA) Process Flowchart," (page 6-51). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. LA receives the signed PES form recommending a complex EA as the NEPA Class of Action.
2. LA prepares the Scope of Work/Consultant Contract (if necessary) according to LAPM, Chapter 10 "Consultant Selection," and the requirements identified in the PES form and policy and guidance set forth in the SER.
3. LA identifies alternatives and measures to minimize the potential for adverse environmental impacts.
4. LA completes technical studies and reports, prepares the Administrative Draft EA, and completes the Environmental Document Review Checklist, provided at http://www.dot.ca.gov/ser/forms.htm cross-referencing items on the checklist with the corresponding page numbers found in the Administrative Draft EA.
5. LA performs Quality Control Review of all technical reports and Administrative Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at:

http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm

6. LA signs Administrative Draft EA title page and submits the following completed and original signed documents to the DLAE:
   - Environmental Document Review Checklist
   - External Certifications (Environmental Document Quality Control Review Certification) form
   - Five hard copies of Administrative Draft EA (or an electronic copy, if requested)
   - Two hard copies of each technical report
   - Electronic copy of each technical report
7. DLAE date stamps the Administrative Draft EA on date received, re verifies that the project is in the FSTIP. Provides a cursory review of packet to ensure that the original fully signed Environmental Document Review Checklist, the completed fully signed External Certifications (Environmental Document Quality Control Review Certification) form, and the appropriate numbers of copies of the Administrative Draft EA and technical reports have been provided. Submits packet (or CD, if requested) to district SEP (or designee).
8. District SEP (or designee) updates LP2000 as follows: On the Environmental Assessments (EA) Screen (1) enter the date the DLAE received the LA prepared Draft EA, (2) use comments field to indicate whether a Joint NEPA/CEQA document was prepared, and if not, why, (3) indicate whether the LA submitted a "completed" Environmental Document Quality Control Review Certification form with the Administrative Draft EA, by using the drop down arrow to select "Yes" or "No" (next to LA Quality Assurance/Quality Control).
9. District SEP (or designee) initiates and coordinates the 5-step Quality Control Review process of the Administrative Draft EA and technical studies by distributing 1 copy of the applicable technical report and 1 copy of the Administrative Draft EA to each appropriate district technical specialist, and requesting that each reviewer perform district Quality Control Review of the technical report(s) and the Administrative Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf
10. District technical specialists review the technical report(s) and respective sections of Administrative Draft EA. *Note: The purpose of the district technical specialist review is to ensure the accuracy of specific resource studies and technical information summarized in the ED. A technical specialist review will be completed for each resource topic discussed in the ED. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization or Mitigation Measure, Cumulative Impacts) and will provide comments to ensure the following:*
    - *accuracy of the information in the ED*
    - *consistency between the technical study and the information as summarized in the ED*

- *all avoidance, minimization or mitigation measures are appropriately characterized and are feasible to implement*
- *all anticipated permit or approval actions have been accurately identified within the ED*

After reviewing the technical reports and Administrative Draft EA, the district technical specialist will provide the district SEP (or designee) with either: (1) a list of deficiencies, or (2) the signed Internal Certifications (Environmental Document Quality Control Review Certification) form.

11. District SEP (or designee) performs the Peer Review and signs Internal Certifications (Environmental Document Quality Control Review Certification) form, or prepares a list of deficiencies; provides Administrative Draft EA to NEPA quality control reviewer, and requests reviewer perform district quality control review of Administrative Draft EA for compliance with FHWA's laws, regulations, Executive Orders and policy, and NEPA standards consistent with Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012). *Note: The Caltrans NEPA quality control reviewer must have the following qualifications: (1) at least 2 years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California, (2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews EISs, and (3) Certificate of Completion in the Caltrans-DEA NEPA Compliance Training.*

    The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council on Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies, and standards for the implementation of NEPA and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

    - adequacy of the project's purpose and need statement, logical termini, independent utility and project description
    - completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the document
    - all proposed avoidance, minimization and mitigation measures are properly identified, characterized, and are reasonable and practicable to implement
    - evidence of coordination with any federal, state and local agencies necessary to comply with federal regulatory requirements
    - compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance
    - compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act.

12. District NEPA Quality Control reviewer reviews the Administrative Draft EA and either signs the Internal Certifications (Environmental Document Quality Control Review Certification) form or prepares a list of deficiencies and forwards to the district SEP overseeing local assistance environmental documents.

13. The EOC performs district quality control review of Administrative Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) and considers whether the Administrative Draft EA is ready for HQ review.

Is Administrative Draft EA ready for HQ review? If "No," GO TO STEP #14. If "Yes," GO TO STEP #17.

14. When Administrative Draft or technical reports are deficient, district SEP (or designee) prepares transmittal letter or email to the LA, or documents telephone conversation or meeting with the LA (if applicable) outlining all deficiencies, and requests that the Administrative Draft EA be revised as necessary based on the district/NEPA Quality Control reviewer's comments. Comments received from all 5 levels of review will form the basis of revisions to the Administrative Draft EA.
15. District SEP (or designee) sends transmittal letter or email to the LA and files a copy of the letter, email, or documented telephone conversation or meeting (if applicable) with the LA in the project file, and provides a copy to the DLAE.
16. LA revises Administrative Draft EA per district and NEPA Quality Control reviewer's comments and resubmits at Step #6.
17. When Administrative Draft EA and technical reports are complete and sufficient, district SEP submits the following to the HQ EC and requests a Quality Assurance Review of the Administrative Draft EA:
    - Transmittal Memo signed by the district/region SEP requesting review
    - Five copies of the Administrative Draft EA or CD
    - One copy of each technical study (or on CD, if requested)
    - One copy of LA completed Environmental Document Review Checklist
    - One copy of LA completed and signed External Certifications (Environmental Document Quality Control Review Certification) form
    - One copy of completed and signed Internal Certification (Environmental Document Quality Control Review Certification) form

    The Legal Office will review EAs, as time is available, at the request of the district/region. If an Individual Section 4(f) Evaluation is required, district SEP also requests HQ EC and Legal Office review the draft Individual Section 4(f) Evaluation. Once reviewed and accepted by HQ EC, Legal Office and the district EOC, recommends to DDD-Environmental that the title page is ready for signature.
18. HQ EC performs a QA Review of the environmental document to determine if the Administrative Draft EA is substantively complete and ready for interdisciplinary quality assurance review.

    Review period 30 days. In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:
    - Correct title page
    - All chapters and necessary resource topics are present and complete
    - All appendices are present and complete
    - All required correspondence relative to procedural and regulatory requirements
    - Complete, clear, legible and logical exhibits and figures

    HQ EC will lead an interdisciplinary team of HQ technical specialists to review the document. Technical specialists will review pertinent portions of the document for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review.

    The HQ EC will review the entire environmental document and perform a NEPA quality assurance review.

Did HQ EC find the Administrative Draft EA complete? If "No," GO TO STEP #19. If "Yes," GO TO STEP #22.

19. When the HQ EC finds the Administrative Draft EA incomplete, the HQ EC will consolidate and transmit comments on the Administrative Draft EA to the district SEP (or designee), who in turn drafts a transmittal memo to the LA outlining HQ EC quality assurance comments and requesting the LA make the necessary revisions to the Administrative Draft EA.
20. LA revises Administrative Draft EA in response to HQ EC comments and resubmits revised Draft to district SEP (or designee).
    Note: District/Region and HQ EC staff are available to assist LA with: (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the district/region/DLAE to facilitate this process.
21. District SEP (or designee) reviews the revised Administrative Draft EA and revises the Internal Certifications (Environmental Document Quality Control Review Certification) form, as appropriate, to reflect that all comments have been appropriately addressed and submits the following materials to HQ EC for HQ Pre-Approval Review:
    - Transmittal Memo signed by the district/region SEP stating that the document has been revised pursuant to HQ EC comments and requesting pre-approval review.
    - One copy of the revised environmental document
    - One copy of revised environmental document with track changes
    - One copy of comments with a response key
    - One copy of the completed Environmental Document Review Checklist, as revised
    - One copy of the signed Internal Certifications (Environmental Document Quality Control Review Certification) form as revised
22. HQ EC reviews the revised Administrative Draft EA to ensure that all comments have been adequately addressed and the Administrative Draft EA is ready for signature. The review period is 10 days. HQ EC must concur that its comments have been addressed. At this point, the HQ EC will take one of the following actions:
    - Find that minor changes are needed and coordinate directly with the document preparer to make the changes. GO TO STEP #19
    - Determine that substantive issues remain and inform the district SEP in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision. GO TO STEP #19
    - Conclude that the environmental document is adequate and ready for circulation. GO TO STEP #24
23. HQ EC recommends that the revised Administrative Draft EA is ready for signature.
24. District EOC and the HQ EC will recommend to the DD (DDD- Environmental or EOC, if designated) that the title page is ready for signature.
25. DD (DDD-Environmental or EOC, if designated) signs the Draft EA cover sheet and returns the signed cover sheet to the district SEP (or designee). *Note: The DD may delegate signature authority to the DDD for Environmental or the EOC managing the environmental assessment unit that reviewed the document.*
26. District SEP (or designee) prepares and sends a letter or email to the LA, or contacts the LA via telephone to inform them that the Draft EA cover sheet has been signed

and that they may begin public circulation.

27. District SEP (or designee) provides a copy of the signed Draft EA cover sheet to the DLAE and includes a copy of the signed Draft EA cover sheet and transmittal in the project file.

28. LA prepares the NOA of the EA and sends NOA and a copy of the Draft EA to the State and area wide clearinghouses. If Joint IS/EA, the submissions required by CEQA fulfills the NEPA requirement.

29. LA prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper. Note: 23 CFR 771.119(e) requires that the EA be available for 15 days in advance of the public hearing.

30. PUBLIC AVAILABILITY – 30 DAYS

Did Public Availability indicate that the proposal will have a significant environmental effect? If "No," GO TO STEP #31. If "Yes," discuss the need to prepare an EIS with DLAE and district SEP.

31. LA prepares Administrative Final EA according to appropriate Caltrans Annotated Outline, provided at: http://www.dot.ca.gov/ser/forms.htm, and LA completes the Environmental Document Review Checklist, provided at: http://www.dot.ca.gov/ser/forms.htm cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA as necessary to respond to public comments received.

    Completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm

32. LA drafts FONSI recommendation.

33. LA sends the Administrative Final EA, Notice of Public Hearing, Summary of Comments received, and original signed External Certifications (Environmental Document Quality Control Review Certification) form to the DLAE.

34. DLAE date stamps and forwards Administrative Final EA packet to the district SEP (or designee).

35. District SEP (or designee) initiates 5-step Quality Control Review of Administrative Final EA by distributing the Administrative Final EA to appropriate district technical specialists, and requesting quality control review of the Administrative Final EA, according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

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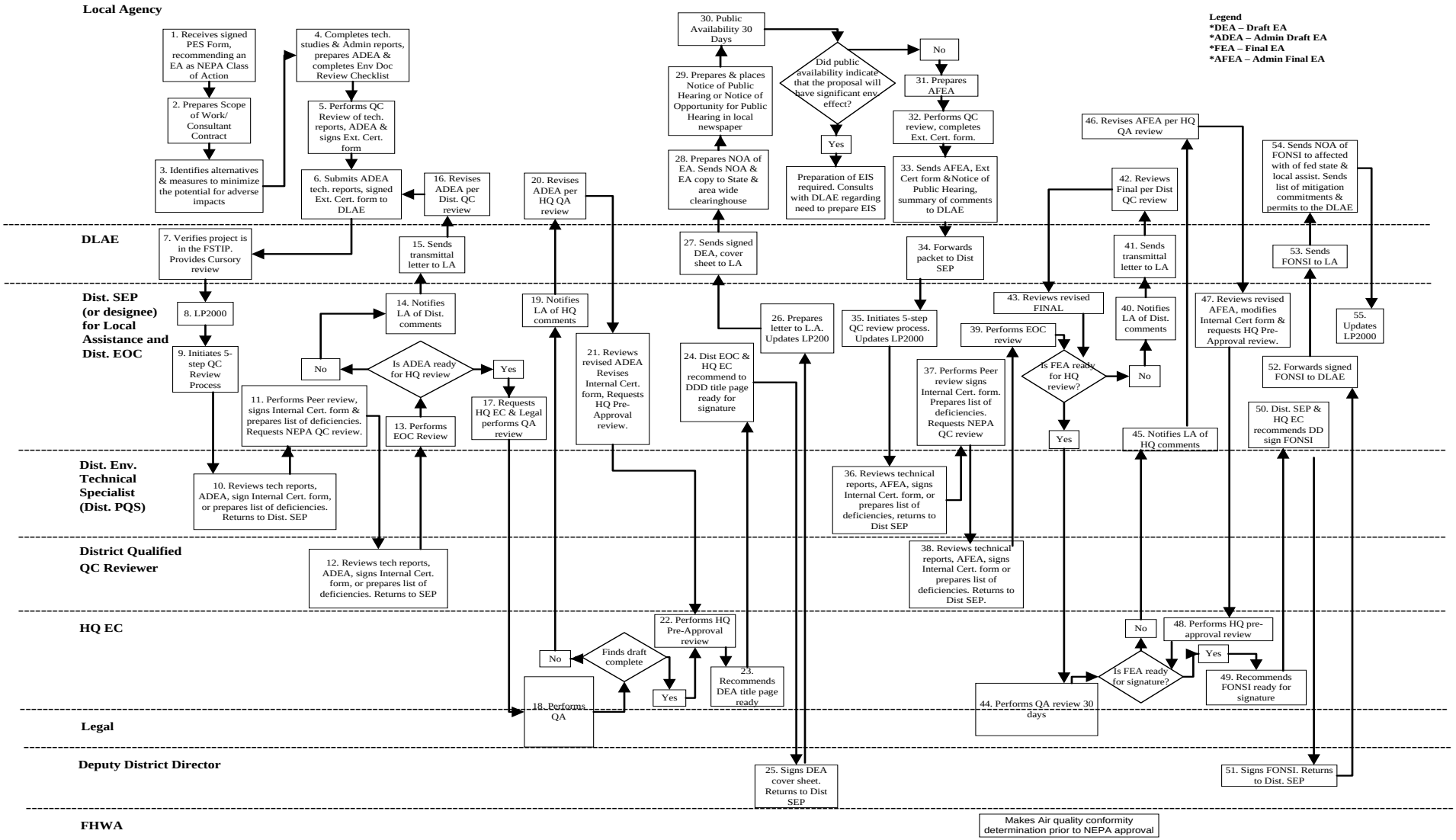
Flowchart 6-3 Complex Environmental Assessment (EA) Process Flowchart



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District SEP updates LP2000 as follows: On the Environmental Assessments (EA) Screen, next to Public Circulation, (1)enter date DD or designee signs Draft EA cover sheet, (2) use Comments Field to document internal/external delays/concerns, substantial controversy, requests for public hearing (*Note: EA must be available for a minimum of 15 days in advance of the public hearing)*, and (3) enter date district (DLAE or district SEP [or designee]) received the Administrative Final EA.

36. District technical specialists conduct Quality Control Review of Administrative Final EA and either signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) provide list of deficiencies to the district SEP (or designee).
37. District SEP (or designee) performs Peer Review of Administrative Final EA and either prepares a list of deficiencies or signs the Internal Certifications (Environmental Document Quality Control Review Certification) form, and requests district NEPA Quality Control review.
38. NEPA Quality Control reviewer reviews the Administrative Final EA for compliance with FHWA's laws, regulations, Executive Orders and policy and NEPA standards, signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm and forwards the signed Internal Certifications (Environmental Document Quality Control Review Certification) form or a list of deficiencies (if applicable) to the district EOC .
39. District EOC reviews the Administrative Final EA and determines whether the Administrative Final EA is ready for HQ review.

Is Administrative Final EA ready for HQ review? If "No," GO TO STEP #40. If "Yes," GO TO STEP #44.

40. District SEP (or designee) prepares a letter to the LA, or notifies the LA via email, telephone or meeting regarding deficiencies in the Draft EA.
41. District SEP (or designee) provides a copy of the letter, email, or documented telephone conversation outlining deficiencies to the DLAE and includes a copy of letter, email or telephone conversation in the project file.
42. LA revises the Administrative Final EA accordingly and resubmits to the district SEP (or designee) at Step #43.
43. District SEP reviews the revised Administrative Final EA and determines whether the revised Administrative Final EA is ready for HQ review. If "Yes," district SEP forwards the revised Administrative Final EA to HQ EC and requests Quality Assurance Review. If "No," district SEP (or designee) notifies LA of deficiencies. Steps #40, #41, #42 and #43 are repeated until document is ready for review.
44. HQ EC performs Quality Assurance Review (30 days)

Is Administrative Final EA ready for signature? If "No," notify district SEP (or designee) and GO TO STEP #45. If "Yes," GO TO STEP #49.

45. HQ EC (or designee) notifies the LA of deficiencies.
46. LA revises Administrative Final EA per HQ Quality Assurance Review and resubmits revised Administrative Final EA to the district SEP (or designee).
47. District SEP (or designee) reviews revised Administrative Final EA, modifies Internal Certifications (Environmental Document Quality Control Review Certification) form, as needed, and requests HQ pre-approval review.

48. HQ EC performs HQ pre-approval review.

Is Administrative Final EA ready for signature? If "No," GO TO STEP #45. If "Yes," GO TO STEP #49.

49. HQ SEP recommends FONSI ready for signature.

50. District EOC and HQ EC recommend DD sign FONSI.

51. DD signs FONSI and returns signed FONSI to district SEP.

52. District SEP forwards signed FONSI to DLAE and updates LP2000 as follows: On the Environmental Assessments (EA) Screen, next to Administrative Final EA, (1) use Comments Field to document number of iterations needed to produce an acceptable Final EA, document delays at LA, document delays at Caltrans, indicate sufficiency/deficiency of quality/completeness of Local Agency's Quality Assurance/ Quality Control Environmental Document Quality Control Review Certification form, (2) next to Final Quality Assurance/Quality Control (Complex EA) enter date of final signature (Chief, Environmental Branch) on Environmental Document Quality Control Review Certification form, (3) use Comments field to document delays/concerns associated with internal reviews, (4) next to FONSI, enter date DD or designee signature appears on FONSI, (5) use comments field to document internal and external delays associated with the FONSI.

53. DLAE sends signed FONSI to the LA and notifies them that they may begin final design.

54. LA sends the NOA of the FONSI to the affected units of federal, state, and local government, begins final design, and provides the DLAE with each of the following:

    - a list of all Mitigation Commitments
    - a copy of all Environmental Permits (such as, Coastal, 401, 404, Sec 10, Encroachment or Right of Entry)

55. District SEP updates LP2000 as follows: On Environmental Studies–Environmental Study Milestones Screen, (1) enter the date of resource or regulatory agency letter, document their final opinion/concurrence/agreement, and so forth, (2) use the Delay drop-down arrow to indicate "Yes" or "No." Enter "Yes" if USFWS or NMFS exceeded 135 days in issuing a Biological Opinion; if USFWS or NMFS exceeded thirty (30) days in issuing a Concurrence Letter; if there are delays in signing the project MOA or Project PA resolving effects under Section 106; or if excessive delays occurred during any other agency review, (3) use the comments field to document number of iterations needed between Caltrans and LA to produce a complete and sufficient report, or number of iterations needed between Caltrans and resource and regulatory agency to produce an acceptable report. District SEP also updates Environmental-PERMITS Screen and Mitigation-Commitments Screen in LP2000 according to the instruction provided in July 20, 2007, DLA Memo, Subject: Tracking Local Assistance NEPA Compliance Milestones

6.10 STEP-BY-STEP PROCEDURES – ENVIRONMENTAL IMPACT STATEMENT (EIS)

The requirement to prepare an EIS may come about through one or more of the following situations:

- Based on information gathered during PES, it becomes clear that the proposed project will have a significant impact, or
- Technical studies or CE or EA conclude that the project will cause a significant impact.

The Environmental Impact Statement process is shown in Flowchart 6-4, "Environmental Impact Statement Process Flowchart" (page 6-61). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. LA receives signed PES Form recommending EIS.
2. LA requests a meeting with DLAE, district SEP, and HQ EC (if available) to discuss the EIS process, EIS document requirements, and identify potential cooperating and participating agencies.
3. LA prepares letters to cooperating and participating agencies and inviting them to participate in the development of the environmental document. Agencies that may have an interest in the project are listed under Section C of the PES Form. FHWA's *Revised Guidance on Cooperating Agencies* provides examples of letters inviting agencies to participate in the environmental process. LA also drafts NOI. Typically, federal agencies have accepted their role (as Cooperating Agencies) prior to publication of the NOI and are listed in the NOI.
4. LA transmits NOI and invitation letters to the DLAE.
5. DLAE forwards letters and draft NOI to the district SEP (or designee).
6. District SEP sends the invitation letters to federal agencies.
7. District SEP forwards draft NOI to FHWA for publication in the FR.
8. FHWA publishes the NOI in the FR.
9. LA arranges and conducts the scoping meeting to determine the scope of issues to be addressed, and identify significant issues related to the proposed actions.
10. LA undertakes technical studies and prepares technical reports (as required) according to the guidance set forth in the SER.
11. LA prepares Administrative Draft EIS consistent with Caltrans Annotated Outline in the SER provided at: http://www.dot.ca.gov/ser/forms.htm
12. LA completes the Environmental Document Review Checklist, provided at: http://www.dot.ca.gov/ser/forms.htm
13. LA performs Quality Control Review of all technical reports and Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf and completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm
14. LA submits the following completed and original signed documents to DLAE:
    - Environmental Document Review Checklist

- External Certifications (Environmental Document Quality Control Review Certification) form
- Five hard copies of Administrative Draft EIS
- Electronic copy of Administrative Draft EIS
- Two hard copies of each Technical Report
- Electronic copy of each Technical Report

15. DLAE: (1) date stamps Administrative Draft EIS on date received, (2) re verifies that project is in the FSTIP, (3) provides cursory review of packet to ensure that the original fully signed External Certifications (Environmental Document Quality Control Review Certification) form and the appropriate number of copies of the Administrative Draft EIS and technical reports have been provided, and (4) submits packet (or CD, if requested) to district SEP (or designee).

16. District SEP (or designee) updates the LP2000 as follows: On EIS Screen, (1) enter the date the NOI is published in the FR, use comments field to indicate date Caltrans sent the NOI to FHWA for publication in the FR, (2) enter date Administrative Draft EIS received by the district (either the DLAE or Environmental); use comments field to indicate whether a Joint CEQA/NEPA document was prepared, and if not, why not; (3) next to LA Quality Control/Quality Assurance, indicate whether LA submitted a "completed" External Certifications (Environmental Document Quality Control Review Certification) form with the Administrative Draft EIS, by selecting "Yes" or "No."

17. District SEP initiates and coordinates 5-step Quality Control Review process of Administrative Draft EIS and technical studies by distributing 1 copy of the applicable technical report and 1 copy of the Administrative Draft EIS to each appropriate district technical specialist, and request that each reviewer perform district quality control review of the technical report(s) and the Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

18. District technical specialist conduct quality control review of technical report(s)and respective sections of the Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

    After reviewing the technical report and the Administrative Draft EIS, the district technical specialist signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm and forwards the signed form or list of deficiencies (if applicable) to the district SEP.

    Note: The purpose of the technical specialist review is to ensure the accuracy of specific resource studies and technical information summarized in the Administrative Draft EIS. A technical specialist review will be completed for each resource topic discussed in the ED. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization or Mitigation Measures,

Cumulative Impacts) and will provide comments to ensure the following:

- *accuracy of the information in the ED*
- *consistency between the technical study and the information as summarized in the ED*
- *all avoidance, minimization or mitigation measures are appropriately characterized and are feasible to implement*
- *all anticipated permit or approval actions have been accurately identified within the ED*

After reviewing the technical reports and Administrative Draft EIS, district technical specialist(s) provides district SEP with either: (1) a list of deficiencies, or (2) the signed Internal Certifications (Environmental Document Quality Control Review Certification) form.

19. District SEP performs Peer Review of Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies. District SEP (or designee) requests NEPA Quality Control Review of Administrative Draft EIS and technical studies.

20. District NEPA Quality Control reviewer reviews the Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the district SEP.

    Note: The Caltrans NEPA quality control reviewers must have the following qualifications: (1) at least 2 years of experience leading to the development of, or performing consultant oversight for transportation environmental documents in California, (2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews EISs, and (3) Certificate of Completion in Caltrans-DEA NEPA Compliance Training.

    The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council of Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies and standards for the implementation of NEPA, and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

    - adequacy of the project's purpose and need statement, logical termini, independent utility and project description
    - completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the document
    - all proposed avoidance, minimization and mitigation measures are properly identified, characterized and are reasonable and practicable to implement
    - evidence of coordination with any federal, state and local agencies necessary to comply with federal regulatory requirements
    - compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance

- compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act

21. District SEP requests Environmental Branch Chief perform district quality control review of Administrative Draft EIS.
22. Environmental Branch Chief performs district quality control review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

    Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies (if applicable) and forwards signed form or list of deficiencies to the district SEP.
23. District SEP reviews Internal Certifications (Environmental Document Quality Control Review Certification) form and considers all comments received during district quality control review.

Is Administrative Draft EIS complete and sufficient from the district's perspective? If "No," GO TO STEP #24. If "Yes," GO TO STEP #26.

24. When Administrative Draft EIS or technical reports are deficient, the district SEP (or designee) prepares a transmittal letter or email to the LA, or contacts the LA via telephone to inform them of all deficiencies and requests that the Administrative Draft EIS be revised as necessary, based on the district quality control review. Comments received from all five levels of review will form the basis of revisions to the administrative environmental document. The district SEP sends the letter or email to the LA, provides a copy to the DLAE, and updates appropriate fields in LP2000.
25. The LA revises the Administrative Draft EIS according to the comments received and resubmits the draft from STEP #14.
26. When the Administrative Draft EIS and technical reports are complete and sufficient, the district SEP notifies HQ EC and the Legal Office that an Administrative Draft EIS will be submitted for their review in one week. To initiate HQ EC review, district SEP submits the following to the HQ EC and requests a Quality Assurance Review of Administrative Draft EIS:

    - Transmittal Memo signed by the district SEP, requesting review
    - Five copies of the Administrative Draft EIS (on CD, if requested)
    - Two copies of each technical study or technical study on CD
    - Two copy of LA completed Environmental Document Review Checklist
    - One copy of LA completed and signed External Quality Control Certification Sheet
    - One copy of completed and signed Internal Quality Control Certification Sheet

    To initiate Legal Division review, the district SEP submits the following to HQ Legal and requests a legal review on the Administrative Draft EIS.

    - Transmittal Memo signed by the district SEP, requesting review

- One copy of the Administrative Draft EIS
- One electronic copy of the Administrative Draft EIS
- One electronic copy of each technical study
- One copy of the LA completed Environmental Document Review Checklist
- One copy of the completed and signed Internal Certification form
- One copy of the LA completed and signed External Certification form

27. HQ EC performs a quality assurance review of the Administrative Draft EIS to determine if the Administrative Draft EIS is substantively complete and ready for interdisciplinary quality assurance review. The review period is 30 days. In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:

    - Correct title page
    - All chapters and necessary resource topics are present and complete
    - All appendices are present and complete
    - All required correspondence relative to procedural and regulatory requirements
    - Complete, clear, legible and logical exhibits and figures

    HQ EC will then lead an interdisciplinary team of HQ technical specialists to review the Administrative Draft EIS. HQ technical specialists will review pertinent portions of the Administrative Draft EIS for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review. HQ EC will review the entire Administrative Draft EIS, perform the NEPA Quality Assurance Review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

    Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies. HQ EC will also request HQ Legal review of the Administrative Draft EIS.

    The responsible Legal Office performs a legal review of the Administrative Draft EIS, concurrently and independently of HQ review, to determine if significant environmental issues are being appropriately addressed. The Legal Office will provide its legal review comments to the district SEP with a copy to HQ EC. Comments from the Legal Office are independent from HQ EC comments.

Did HQ EC and Legal find the Administrative Draft EIS complete? If "Yes," HQ EC will recommend to the district SEP that the Administrative Draft EIS title page is ready for signature. If "No," GO TO STEP #28.

28. When HQ EC or HQ Legal find Administrative Draft EIS incomplete, HQ EC will consolidate all comments received from the interdisciplinary team and transmit comments on Administrative Draft EIS to the district SEP for local assistance. A copy of HQ EC comments will be provided to the responsible Legal Office.

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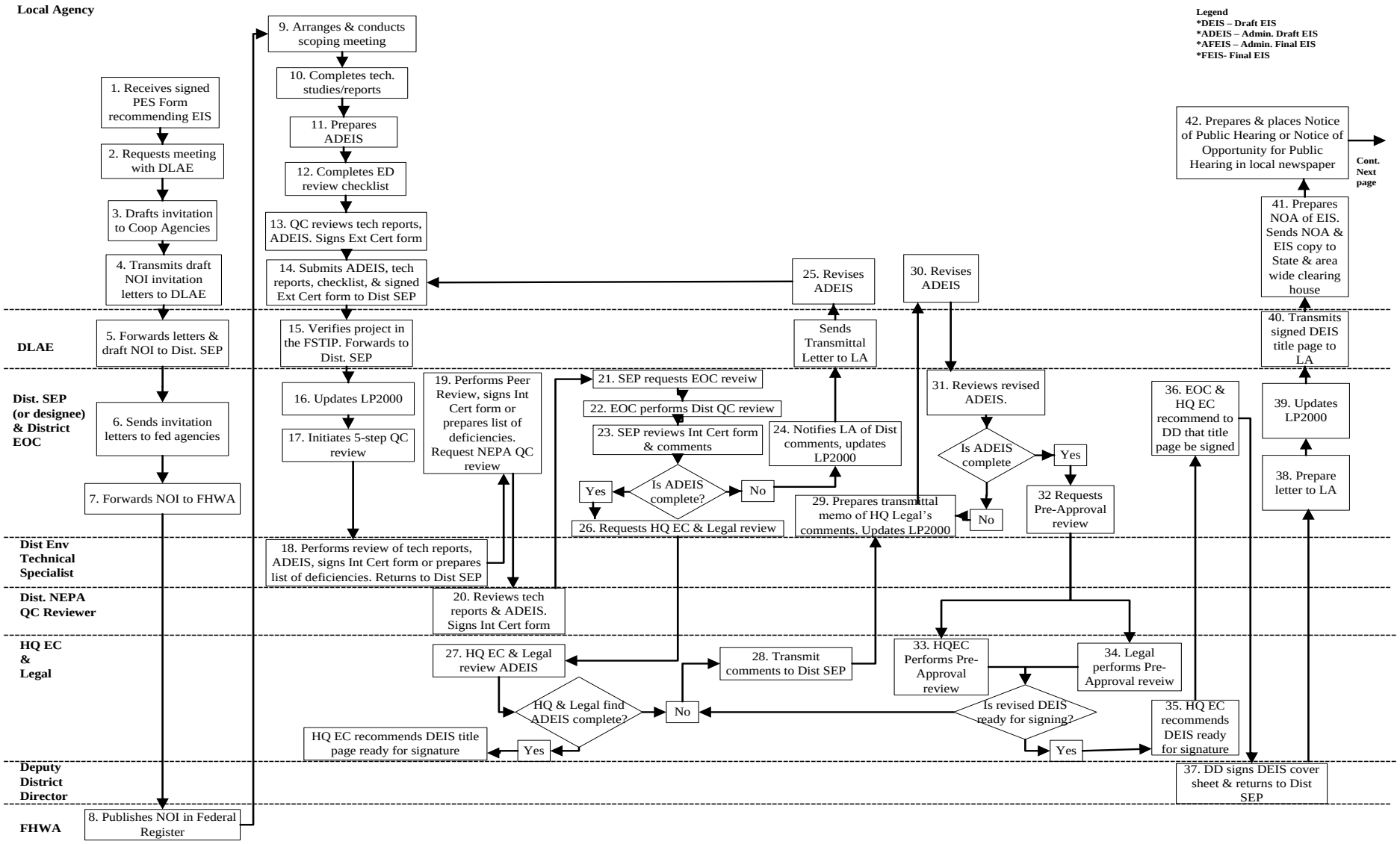
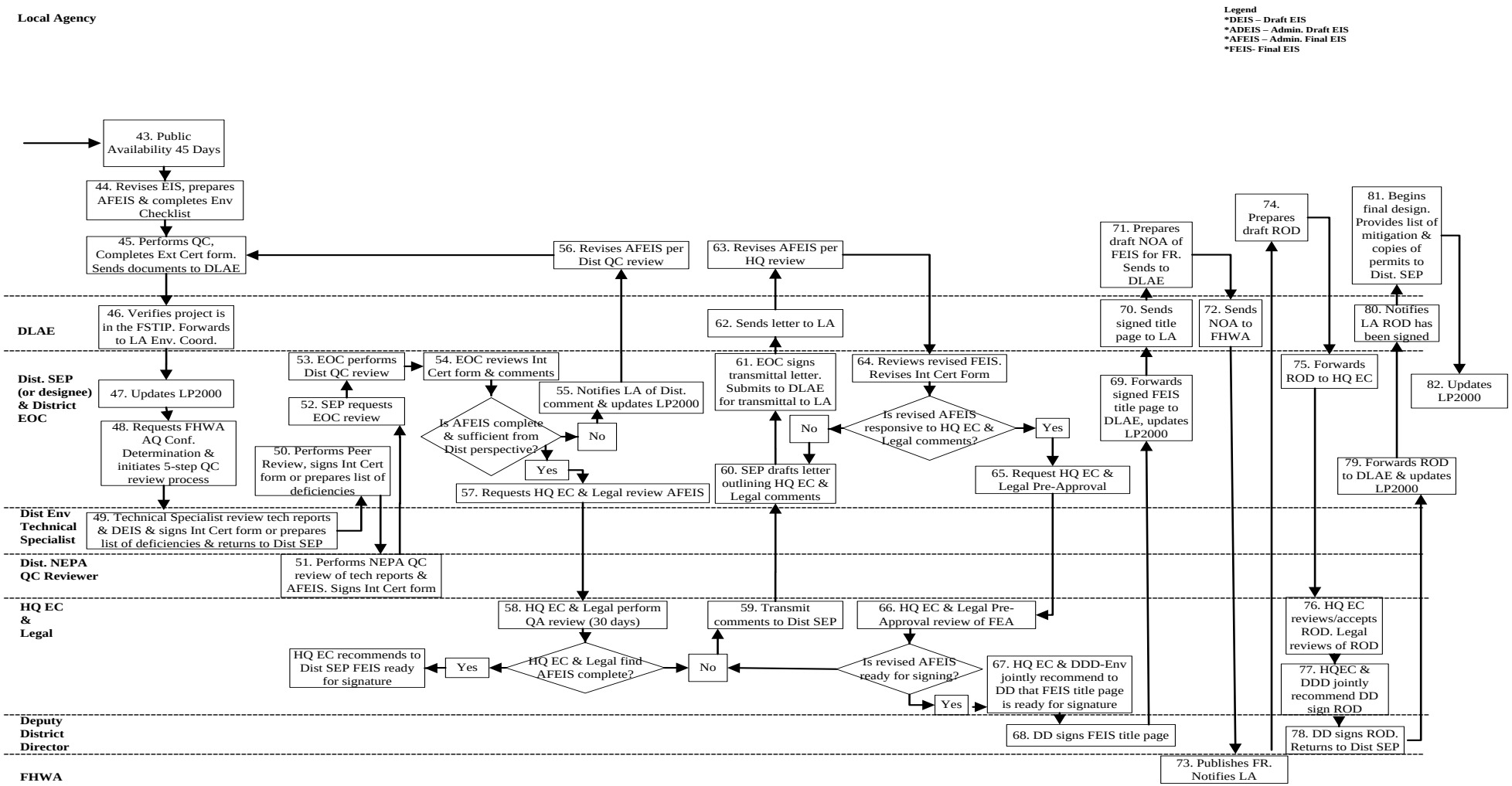
Flowchart 6-4 Environmental Impact Statement (EIS) Process Flowchart




Local Agency
Legend
*DEIS – Draft EIS
*ADEIS – Admin. Draft EIS
*AFEIS – Admin. Final EIS
*FEIS- Final EIS
43. Public Availability 45 Days
44. Revises EIS, prepares AFEIS & completes Env Checklist
45. Performs QC, Completes Ext Cert form. Sends documents to DLAE
56. Revises AFEIS per Dist QC review
63. Revises AFEIS per HQ review
71. Prepares draft NOA of FEIS for FR. Sends to DLAE
74. Prepares draft ROD
81. Begins final design. Provides list of mitigation & copies of permits to Dist. SEP
DLAE
46. Verifies project is in the FSTIP. Forwards to LA Env. Coord.
62. Sends letter to LA
70. Sends signed title page to LA
72. Sends NOA to FHWA
80. Notifies LA ROD has been signed
Dist. SEP (or designee) & District EOC
47. Updates LP2000
48. Requests FHWA AQ Conf. Determination & initiates 5-step QC review process
53. EOC performs Dist QC review
54. EOC reviews Int Cert form & comments
52. SEP requests EOC review
55. Notifies LA of Dist. comment & updates LP2000
Is AFEIS complete & sufficient from Dist perspective?
No
Yes
61. EOC signs transmittal letter. Submits to DLAE for transmittal to LA
64. Reviews revised FEIS. Revises Int Cert Form
Is revised AFEIS responsive to HQ EC & Legal comments?
No
Yes
69. Forwards signed FEIS title page to DLAE, updates LP2000
75. Forwards ROD to HQ EC
82. Updates LP2000
50. Performs Peer Review, signs Int Cert form or prepares list of deficiencies
57. Requests HQ EC & Legal review AFEIS
60. SEP drafts letter outlining HQ EC & Legal comments
65. Request HQ EC & Legal Pre-Approval
79. Forwards ROD to DLAE & updates LP2000
Dist Env Technical Specialist
49. Technical Specialist review tech reports & DEIS & signs Int Cert form or prepares list of deficiencies & returns to Dist SEP
Dist. NEPA QC Reviewer
51. Performs NEPA QC review of tech reports & AFEIS. Signs Int Cert form
HQ EC & Legal
58. HQ EC & Legal perform QA review (30 days)
59. Transmit comments to Dist SEP
66. HQ EC & Legal Pre-Approval review of FEA
76. HQ EC reviews/accepts ROD. Legal reviews of ROD
HQ EC recommends to Dist SEP FEIS ready for signature
Yes
HQ EC & Legal find AFEIS complete?
No
Is revised AFEIS ready for signing?
Yes
67. HQ EC & DDD-Env jointly recommend to DD that FEIS title page is ready for signature
77. HQEC & DDD jointly recommend DD sign ROD
Deputy District Director
68. DD signs FEIS title page
78. DD signs ROD. Returns to Dist SEP
FHWA
73. Publishes FR. Notifies LA

The Legal Office will also transmit its comments to the district SEP for local assistance with a copy to HQ EC. Comments from Legal Office are independent from HQ EC comments.

29. District SEP (or designee) for local assistance prepares a letter or email to the LA, or contacts the LA via telephone to inform them of HQ EC and HQ Legal's comments, and requests LA make the necessary revisions to the Administrative Draft EIS. District SEP (or designee) provides the DLAE with a copy of the letter or email, and updates LP2000.

    Note: HQ Legal comments remain internal to Caltrans. Only a summary of HQ Legal comments shall be provided to the LA. District and HQ EC staff should assist the LA with: (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the district/region/DLAE to facilitate this process.

30. LA revises Administrative Draft EIS in response to all comments received and resubmits revised Administrative Draft EIS to the DLAE/district SEP.
31. District SEP (or designee) reviews revised Administrative Draft EIS and revises Internal Certifications (Environmental Document Quality Control Review Certification) form, as appropriate, to reflect that all comments have been appropriately addressed.

Is revised Administrative Draft EIS responsive to HQ comments and ready for HQ EC pre-approval review? If "No," GO TO STEP #29. Steps #29 through #31 are repeated until all comments are adequately addressed. If "Yes," GO TO STEP #32.

32. District SEP submits the following materials to the HQ EC and requests HQ Pre-Approval Review:
    - Transmittal Memo signed by the district SEP stating that the Administrative Draft EIS has been revised pursuant to HQ EC comments and requesting pre-approval review
    - One copy of the revised ED
    - One copy of revised ED with track changes
    - One copy of comments with a response key
    - One copy of the completed Environmental Document Review Checklist, as revised
    - One copy of the completed and signed Internal Certifications (Environmental Quality Control Review Certification) form, as revised

    District SEP also submits the following materials to the Legal Office:
    - Transmittal memo signed by the district SEP stating that the document has been revised pursuant to the legal review and requested Pre-Approval Review
    - One copy of the revised ED
    - One copy of the revised ED with track changes
    - One copy of the comments with a response key
    - One copy of the completed Environmental Document Checklist, as revised
    - One copy of the signed Internal Certifications (Environmental Document Quality Control Review Certification) form, as revised

33. HQ EC performs Pre-Approval Review of revised Administrative Draft EIS to ensure that all comments have been adequately addressed and that Administrative Draft EIS is ready for signature. Review period is 10 working days. *(Note: Ten working day review period is a goal. Actual review time may vary depending upon complexity of issues and current workload.)*
34. HQ Legal performs Pre-Approval Review of the revised Administrative Draft EIS concurrently and independently of HQ EC, to ensure all comments have been adequately addressed and that Administrative Draft EIS is ready for signature. Review period is 10 working days. *(Note: Ten working day review period is a goal. Actual review time may vary depending upon complexity of issues and current workload.)*

    Both HQ EC and Legal Office must concur that their comments have been addressed. At this point, HQ EC will take one of the following actions:

    - Find that minor changes are needed and coordinate directly with the document preparer to make the changes.
    - Determine that substantive issues remain and inform the district in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision.
    - Conclude that the ED is adequate and ready for circulation.

    No approval action may be taken until both HQ EC quality assurance and legal review are satisfied.

Did HQ EC and Legal find revised Administrative Draft EIS complete and ready for signature? If "No," HQ EC prepares a memorandum for the district detailing deficiencies requiring correction. GO TO STEP #29. Steps #29 through #34 will be repeated until document is ready for signature. If "Yes," Go to Step #35.

35. HQ EC recommends in writing to the district SEP that Administrative Draft EIS is ready for signature. An Administrative Draft EIS may not be signed until the ready for signature recommendation is received by district.
36. When HQ EC recommends that revised Administrative Draft EIS is ready for signature, the district Environmental Branch Chief and HQ EC jointly recommend to the DD that title page should be signed.
37. DD signs Draft EIS title page and returns the signed Title Sheet to the district SEP.
38. District SEP (or designee) prepares a letter or email to the LA transmitting the signed Draft EIS title page and informing the LA that they may begin public circulation.
39. District SEP updates LP2000 as follows: On the EIS Screen, next to Draft HQ Quality Control/Quality Assurance, (1) enter the date of final signature (Chief, Environmental Branch) on Environmental Document Quality Control Review Certification form, (2) use Comments Field to document delays/concerns associated with internal reviews; (3) next to Draft Legal Sufficiency, enters date of Legal's letter of sufficiency, and (4) use comments field to document delays/concerns associated with Legal office review of Administrative Draft EIS.
40. District SEP (or designee) transmits the letter or email, with signed Draft EIS title page to the LA and provides a copy to the DLAE.

41. Following receipt of the signed Draft EIS title page and notification to begin public circulation, the LA prepares the NOA of Draft EIS and sends the NOA and a copy of the Administrative Draft EIS to the state and area wide clearinghouses. The submissions required by CEQA fulfill the NEPA requirement, if Joint EIS/EIR.
42. LA prepares and places the Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper. (*Note: 23 CFR 771.123(h) requires that the draft be available for a minimum of 15 days prior to the public hearing.)*
43. PUBLIC AVAILABILITY – 45 DAYS.
44. LA responds to public comments, revises the EIS (as needed), prepares the Administrative Final EIS consistent with Caltrans Annotated Outline in the SER at: http://www.dot.ca.gov/ser/downloads/templates/eir_eis.doc, and completes the Environmental Document Review Checklist, provided at http://www.dot.ca.gov/ser/forms.htm
45. LA performs Quality Control review of all technical reports and Administrative Final EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

    LA completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm

    LA submits the following completed and original signed documents to the DLAE:

    - One hardcopy and CD of the Administrative Final EIS
    - Notice of Public Hearing
    - Summary of comments received
    - Original signed External Certifications (Environmental Document Quality Control Review Certification) form
46. DLAE re verifies that project is in the FSTIP and forwards packet to the district SEP (or designee).
47. District SEP updates LP2000 as follows: On EIS Screen, next to Public Circulation, enter date DD or designee signed cover of Administrative Draft EIS, and use comment field to record beginning and ending date of public availability/comment (not less than 45 days), any internal/external delays concerns, and any substantial controversies over the project. Next to Public Hearing, enter date Public Hearing is conducted (if applicable) *(Note: EIS must be available for a minimum of 15 days in advance of the public hearing)*. Use comments field to document whether there is a substantial controversy over the project and the nature of the controversy.
48. District SEP sends a request for Air Quality Conformity Determination to the FHWA and the district SEP initiates and coordinates the 5-step Quality Control Review process of the Administrative Final EIS according to the Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

(*Note: The conformity determination cannot be completed until there is a public comment period on the analysis. Most of the time the public circulation of the environmental document serves as the public circulation for the conformity analysis.)*

49. District technical specialists conduct Quality Control Review of technical report(s) and respective sections of the Administrative Final EIS according to the Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm and forwards the signed form or list of deficiencies to the district SEP (if applicable).
50. District SEP performs Peer Review of Administrative Final EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies, and requests NEPA Quality Control Review of Administrative Final EIS and technical studies.
51. NEPA Quality Control Reviewer reviews Administrative Final EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc , or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the district SEP (or designee).
52. District SEP requests the district EOC for local assistance to perform the District Quality Control Review of Administrative Final EIS.
53. Environmental Branch Chief performs District Quality Control Review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the district SEP (or designee.)
54. District SEP reviews Internal Certifications (Environmental Document Quality Control Review Certification) form and considers all comments received during District Quality Control Review.

Is Administrative Final EIS complete and sufficient from the district's perspective? If "No," GO TO STEP #55. If "Yes," GO TO STEP #57.

55. When Administrative Final EIS or technical reports are deficient, the district SEP prepares a letter to the LA informing them of all deficiencies and requests that the Administrative Final EIS be revised, as necessary, based on the District Quality Control Review. Comments received from all 5 levels of review will form the basis of revisions to the Administrative Final EIS document.
56. LA revises the Administrative Final EIS and resubmits document from Step #45.
57. District SEP notifies the HQ EC and Legal Office that the Administrative Final EIS will be submitted for their review and determination of legal sufficiency, respectively, in one week.

    To initiate HQ review, district SEP submits the following to the HQ EC and requests a Quality Assurance Review of the Administrative Final EIS: *(DLAE shall be copied on all correspondence between the district, HQ EC and Legal).*

    - Transmittal Memo signed by the district SEP requesting review of Final EIS
    - Five hardcopies of the Final EIS and one CD
    - One hardcopy of revised technical reports and one CD
    - One copy of LA completed Environmental Document Review Checklist (for Final)
    - One copy of LA completed and signed External Certifications (Environmental Document Quality Control Review Certification) form
    - One copy of completed and signed Internal Certifications (Environmental Document Quality Control Review Certification) form

    District SEP will also request the Legal Office to conduct a Legal Sufficiency Review of the Administrative Final EIS. The HQ EC Review and the Legal Sufficiency Review typically occur in parallel.

    To initiate Legal Sufficiency Review, district SEP submits the following to the Legal Office and requests determination of legal sufficiency:

    - Transmittal Memo signed by the district SEP, requesting review
    - One copy of the Administrative Draft EIS
    - One electronic copy of the Administrative Draft EIS
    - One electronic copy of each technical study
    - One copy of the LA completed Environmental Document Review Checklist
    - One copy of the completed and signed Internal Certifications (Environmental Document Quality Control Review Certification) form
    - One copy of the LA completed and signed External Certifications (Environmental Document Quality Control Review Certification form
58. HQ EC performs a Quality Assurance Review of the Administrative Final EIS to determine if the document is substantively complete and ready for interdisciplinary quality assurance review.

    The review period is 30 days. In making this determination, the HQ EC will confirm that the Final EIS follows the annotated outline and includes the following:

    - Correct title page
    - All chapters and necessary resource topics are present and complete
    - All appendices are present and complete
    - All required correspondence relative to procedural and regulatory requirements
    - Complete, clear, legible and logical exhibits and figures

HQ EC will then lead an interdisciplinary team of HQ technical specialists to review the Administrative Final EIS. HQ technical specialists will review pertinent portions of the Administrative Final EIS for accuracy and to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review. The HQ EC will review the entire Administrative Final EIS, performing the NEPA Quality Assurance Review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment (October 2012) provided at: http://www.dot.ca.gov/ser/downloads/memos/nepa/map21/memo_naqualctrl.pdf

Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/forms.htm or (if applicable) prepares list of deficiencies.

The Legal Office performs a Legal Sufficiency Review of the revised Administrative EIS. The Legal Office will provide its Legal Sufficiency Review comments to the district SEP with a copy to the HQ EC. Comments from the Legal Sufficiency Review are independent from HQ EC comments.

Did HQ EC and Legal find the Administrative Final EIS complete? If "Yes," HQ EC will recommend to the district SEP that the Final EIS title page is ready for signature. The title page may not be signed until the ready-for-signature recommendation is received by the district/region. If "No," GO TO STEP #59.

59. If HQ EC or Legal Office find Administrative Final EIS incomplete, the HQ EC will transmit comments on the environmental document to the district SEP with a copy to the DLAE and to the responsible Legal Office. Legal Office will transmit its Legal Sufficiency Review comments to the district SEP and DLAE if applicable, with a copy to the HQ EC.
60. District SEP (or designee) prepares memo summarizing HQ EC and Legal Office comments and requests LA make the necessary revisions to the Administrative Final EIS.

    Note: Legal's comments remain internal to Caltrans. Only summarized version is sent to the LA. The district staff and HQ EC should assist LA with: (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the district/region/DLAE to facilitate this process.
61. District EOC signs the letter.
62. District SEP (or designee) sends the letter to the LA; provides a copy to the DLAE includes a copy in the project file, and updates appropriate fields in LP2000.
63. LA revises Administrative Final EIS in response to all HQ comments and resubmits revised Administrative Final EIS to the district SEP (or designee).
64. District SEP (or designee) reviews the revised Administrative Final EIS and revises the Internal Certifications (Environmental Document Quality Control Review Certification) form, as appropriate, to reflect that all comments have been appropriately addressed.

Is revised Administrative Final EIS responsive to HQ EC and Legal comments? If "No," GO TO STEP #60. Steps #60 through #64 shall be repeated until document is adequate. If "Yes," GO TO STEP #65

65. To initiate HQ EC Pre-Approval Review, the district SEP submits the following materials to HQ EC and requests HQ Pre-Approval Review.
    - Transmittal Memo signed by the district SEP stating that the Administrative Final EIS has been revised pursuant to HQ EC comments and requested pre-approval review
    - One copy of the revised Administrative Final EIS
    - One copy of revised Administrative Final EIS with track changes
    - One copy of comments with a response key
    - One copy of the completed Environmental Document Review Checklist, as revised
    - One copy of the signed Quality Review Certification Sheet (Final)

    To initiate Pre-Approval Legal Sufficiency Review, the district SEP submits the following materials to the Legal Office:
    - Transmittal memo signed by the district SEP stating that the document has been revised pursuant to the legal review and requested pre-approval review
    - One copy of the revised environmental document
    - One copy of the revised environmental with track changes
    - One copy of the comments with a response key
    - One copy of the completed Environmental Document Checklist, as revised
    - One copy of the signed Internal Certifications (Environmental Document Quality Control Review Certification) form, as revised
66. HQ EC and Legal Office review revised Administrative Final EIS to ensure that all comments have been adequately addressed and that Administrative Final EIS is ready for signature. Review period is 10 days. Both HQ EC and Legal Office must concur that their comments have been addressed. At this point, the HQ EC will take one of the following actions:
    - Find that minor changes are needed and coordinate directly with the document preparer to make the changes.
    - Determine that substantive issues remain and inform the district in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision.
    - Conclude that the environmental document is adequate and ready for circulation.

    No approval action may be taken until both HQ EC quality assurance and Legal Office review or legal sufficiency is satisfied.

    The Legal Office will provide Pre-Approval Legal Sufficiency comments to the district SEP with a copy to the HQ EC.

Is the revised Administrative Final EIS ready for signature? If "No," GO TO STEP #59. Steps #59 through #66 are repeated until HQ determines document is ready for signature. If "Yes," GO TO STEP #67.

67. When HQ EC and Legal Office find revised Administrative Final EIS complete, the HQ EC and DDD (Environmental) jointly recommend (in writing) to the DD that the Final EIS title page is ready for signature.
68. DD signs the Final EIS title page and returns the signed Final EIS title sheet to the district SEP.

69. District SEP (or designee) forwards the signed Final EIS title page to the DLAE, and updates LP2000 as follows: On the EIS Screen, next to Final EIS, enter date stamp received by either the DLAE or district SEP (or designee); use comments field to identify preferred alternative, document number of iterations needed to produce an acceptable Final EIS; document delays at LA; document delays at Caltrans; indicate sufficiency/deficiency of quality/completeness of the External Certifications (Environmental Document Quality Control Review Certification) form. Next to Final HQ Quality Control/Quality Assurance, enter date of final signature (EOC) on the internal Certifications (Environmental Document Quality Control Review Certification) form, use comments field to document any delays/concerns. Next to Final Legal Sufficiency, enter date of Legal's letter of sufficiency, and use comments field to document delays/concerns associated with Legal's review of Final EIS. Next to Public Circulation of Final EIS, enter date DD or designee signed cover of Final EIS. Use comments field to document date request sent to the FHWA to publish Final EIS in FR, actual date of publication in FR, the beginning and ending date of public availability/comment (not less than 45 days), any internal/external delays/concerns, and whether there is continuing substantial controversy over the project.
70. DLAE sends the signed Final EIS title page to the LA.
71. LA prepares NOA of the Final EIS to affected units of federal, state, and local government and sends to the DLAE.
72. DLAE sends NOA to the FHWA.
73. FHWA published NOA in the FR.
74. LA prepares draft ROD and sends to the district SEP (or designee).
75. District SEP forwards draft ROD to the HQ EC for review and acceptance.
76. HQ EC and Legal Office review ROD.
(*Note: The ROD shall be reviewed and accepted by the HQ EC before it is approved by the district. While Legal Office* review of *the ROD is not required by regulation, it is recommended.)*
77. When HQ EC determines that the ROD is ready for signature, the HQ EC and DDD (environmental) jointly recommend to the DD that ROD is ready for signature.
78. DD signs ROD and returns to the district SEP. (*Note: This signature may not be delegated*.)
79. District SEP forwards signed ROD to the DLAE, ensures environmental files are in Uniform Environmental File System, and updates LP2000 as follows: On the EIS Screen, next to Approval of ROD, enter date DD signature appears on the ROD. (*Note: Date of ROD should be no sooner than 30 days after publication of the Final EIS notice in the FR or 90 days after publication of a notice for the Draft EIS, whichever is later*.) The comments field should be used to document internal and external delays associated with bringing about the ROD.
80. DLAE notifies the LA that ROD has been signed and that they may begin final design.
81. LA begins final design and provides the DLAE with each of the following:
    - a list of all Mitigation Commitments
    - a copy of all environmental permits , agreements, or approvals (that is, Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry)
82. District SEP updates Environmental-PERMITS Screen and Mitigation-Commitments Screen in LP2000 according to the instruction provided in July 20, 2007, DLA Memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

11. REFERENCES

- National Environmental Policy Act of 1969, as amended (42 USC, 4321-4347)
- Council of Environmental Quality (CEQ), 40 CFR Part 1500, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," November 29, 1978
- US. DOT Order 5610.1C, September 18, 1979, Considering Environmental Impacts by Agencies within the U.S. DOT
- 23 CFR 771, Environmental Impact and Related Procedures (April 1, 1994)
- Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Office, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA) effective January 1, 2004
- http://www.arb.ca.gov/bluebook/bb06/40cfr/40cfr93_126.htm
- http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/40cfr93.127.htm
- http://www.dot.ca.gov/ser/downloads/ce/CE-CECheklist.doc
- http://www.dot.ca.gov/ser/downloads/ce/CE-CE-form.doc
- http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc
- http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc

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EXHIBIT 6-A PRELIMINARY ENVIRONMENTAL STUDY (PES)

Federal Project No.: _____ **Final Design:** _____
(Federal Program Prefix-Project No., Agreement No.) *(Expected Start Date)*

To: _____ **From:** _____
(District Local Assistance Engineer) *(Local Agency)*

_____ _____
(District) *(Project Manager's Name and Telephone No.)*

_____ _____
(Address) *(Address)*

_____ _____
(Email Address) *(Email Address)*

Is this Project "ON" the State Highway System? ☐ Yes ☐ No **IF YES, STOP HERE** and contact the District Local Assistance Engineer regarding the completion of other environmental documentation.

Federal State Transportation Improvement Program (FSTIP) http://www.dot.ca.gov/hq/transprog/fedpgm.htm: _____ *(Currently Adopted Plan Date)* _____ *(Page No.___ attach to this form)*
http://www.dot.ca.gov/hq/transprog/oftmp.htm

Programming for FSTIP:

Preliminary Engineering		Right of Way		Construction	
_____ *(Fiscal Year)*	$ _____ *(Dollars)*	_____ *(Fiscal Year)*	$ _____ *(Dollars)*	_____ *(Fiscal Year)*	$ _____ *(Dollars)*

Project Description as Shown in RTP and FSTIP:

Detailed Project Description: *(Describe the following, as applicable: purpose and need, project location and limits, required right of way acquisition, proposed facilities, staging areas, disposal and borrow sites, construction activities, and construction access.)*

(Continue description on "Notes" sheet, last page of this Exhibit, if necessary)

Preliminary Design Information:
Does the project involve any of the following? Please check the appropriate boxes and delineate on an attached map, plan, or layout including any additional pertinent information.

Yes	No		Yes	No		Yes	No	
☐	☐	Widen existing roadway	☐	☐	Ground disturbance	☐	☐	Easements
☐	☐	Increase number of through lanes	☐	☐	Road cut/fill	☐	☐	Equipment staging
☐	☐	New alignment	☐	☐	Excavation: anticipated maximum depth _____	☐	☐	Temporary access road/detour
☐	☐	Capacity increasing—other (e.g., channelization)				☐	☐	Utility relocation
						☐	☐	Right of way acquisition (if yes, attach map with APN)
			☐	☐	Drainage/culverts			
☐	☐	Realignment	☐	☐	Flooding protection			
☐	☐	Ramp or street closure	☐	☐	Stream channel work	☐	☐	Disposal/borrow sites
☐	☐	Bridge work						
			☐	☐	Pile driving	☐	☐	Part of larger adjacent project
☐	☐	Vegetation removal						
☐	☐	Tree removal	☐	☐	Demolition	☐	☐	Railroad

Required Attachments:

☐ Regional map ☐ Project location map ☐ Project footprint map (existing/proposed right of way)
☐ Engineering drawings (existing and proposed cross sections), if available ☐ Borrow/disposal site location map, if applicable
(Note: all maps (except project location map and regional maps) should be consistent with the project description (minimum scale: 1" = 200').)

☐ Notes to support the conclusions of this checklist/project description continuation page (attached)

Examine the project for potential effects on the environment, direct or indirect and answer the following questions. The "construction area," as specified below, includes all areas of ground disturbance associated with the project, including staging and stockpiling areas and temporary access roads.

Each answer must be briefly documented on the "Notes" pages at the end of the PES Form.

A. Potential Environmental Effects	Yes	To Be Determined	No
General			
1. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	☐	☐	☐
2. Will the project generate public controversy?	☐	☐	☐
Noise			
3. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway, which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes"?	☐	☐	☐
4. Does the project have the potential for adverse construction-related noise impact (such as related to pile driving)?	☐	☐	☐
Air Quality			
5. Is the project in a NAAQS non-attainment or maintenance area?	☐	☐	☐
6. Is the project exempt from the requirement that a conformity determination be made? (If "Yes," state which conformity exemption in 40 CFR 93.126, Table 2 applies): _____	☐	☐	☐
7. Is the project exempt from regional conformity? (If "Yes," state which conformity exemption in 40 CFR 93.127, Table 3 applies): _____	☐	☐	☐
8. If project is not exempt from regional conformity, (If "No" on Question #7)			
Is project in a metropolitan non-attainment/maintenance area?	☐	☐	☐
Is project in an isolated rural non-attainment area?	☐	☐	☐
Is project in a CO, PM10 and/or PM2.5 non-attainment/maintenance area?	☐	☐	☐
Hazardous Materials/Hazardous Waste			
9. Is there potential for hazardous materials (including underground or aboveground tanks, etc.) or hazardous waste (including oil/water separators, waste oil, asbestos-containing material, lead-based paint, ADL, etc.) within or immediately adjacent to the construction area?	☐	☐	☐
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?	☐	☐	☐
11. Is the project within a designated sole-source aquifer?	☐	☐	☐
Coastal Zone			
12. Is the project within the State Coastal Zone, San Francisco Bay, or Suisun Marsh?	☐	☐	☐
Floodplain			
13. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake?	☐	☐	☐
Wild and Scenic Rivers			
14. Is the project within or immediately adjacent to a Wild and Scenic River System?	☐	☐	☐
Biological Resources			
15. Is there a potential for federally listed threatened or endangered species, or their critical habitat or essential fish habitat to occur within or adjacent to the construction area?	☐	☐	☐

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, etc.)?	☐	☐	☐
17. Is there a potential for wetlands to occur within or adjacent to the construction area?	☐	☐	☐
18. Is there a potential for agricultural wetlands to occur within or adjacent to the construction area?	☐	☐	☐
19. Is there a potential for the introduction or spread of invasive plant species?	☐	☐	☐
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?	☐	☐	☐
21. Does the project have the potential to affect properties acquired or improved with Land and Water Conservation Fund Act (Section 6[f]) funds?	☐	☐	☐
Visual Resources			
22. Does the project have the potential to affect any visual or scenic resources?	☐	☐	☐
Relocation Impacts			
23. Will the project require the relocation of residential or business properties?	☐	☐	☐
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.	☐	☐	☐
25. Is the project inconsistent with plans and goals adopted by the community?	☐	☐	☐
26. Does the project have the potential to divide or disrupt neighborhoods/communities?	☐	☐	☐
27. Does the project have the potential to disproportionately affect low-income and minority populations?	☐	☐	☐
28. Will the project require the relocation of public utilities?	☐	☐	☐
29. Will the project affect access to properties or roadways?	☐	☐	☐
30. Will the project involve changes in access control to the State Highway System (SHS)?	☐	☐	☐
31. Will the project involve the use of a temporary road, detour, or ramp closure?	☐	☐	☐
32. Will the project reduce available parking?	☐	☐	☐
33. Will the project construction encroach on state or federal lands?	☐	☐	☐
34. Will the project convert any farmland to a different use or impact any farmlands?	☐	☐	☐
Cultural Resources			
35. Is there National Register listed, or potentially eligible historic properties, or archaeological resources within or immediately adjacent to the construction area? *(Note: Caltrans PQS answers question #35)*	☐	☐	☐
36. Is the project adjacent to, or would it encroach on Tribal land?	☐	☐	☐

For Sections B, C, and D, check appropriate box to indicate required technical studies, coordination, permits, or approvals.

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
☐ **Traffic**		
Check one:		
☐ Traffic Study	☐ Caltrans	☐ Approval
☐ Technical Memorandum	☐ Caltrans	☐ Approval
☐ Discussion in ED Only	☐ Caltrans	☐ Approval
☐ **Noise**		
Check as applicable:		
☐ Traffic Related		
☐ Construction Related		

	Check one:		
	☐ Noise Study Report	☐ Caltrans	☐ Approval
	☐ NADR	☐ Caltrans	☐ Approval
	☐ Technical Memorandum	☐ Caltrans	☐ Approval
	☐ Discussion in ED Only	☐ Caltrans	☐ Approval
☐	**Air Quality**		
	Check as applicable:		
	☐ Traffic Related		
	☐ Construction Related		
	Check one:		
	☐ Air Quality Report	☐ Caltrans	☐ Approval
	☐ Technical Memorandum	☐ Caltrans	☐ Approval
	☐ Discussion in ED Only	☐ Caltrans	☐ Approval
		☐ FHWA	☐ Conformity Finding (23 USC 327 CEs, EAs, EISs)
		☐ Caltrans	☐ Conformity Finding (23 USC 326 CEs)
		☐ Regional Agency	☐ PM10/PM2.5 Interagency Consultation
☐	**Hazardous Materials/ Hazardous Waste**		
	Check as applicable:		
	☐ Initial Site Assessment (Phase 1)	☐ Caltrans	☐ Approval
	☐ Preliminary Site Assessment (Phase 2)	☐ Caltrans	☐ Approval
	☐ Discussion in ED Only	☐ Caltrans	☐ Approval
		☐ Cal EPA DTSC	☐ Review Database
		☐ Local Agency	☐ Review Database
☐	**Water Quality/Resources**		
	Check as applicable:		
	☐ Water Quality Assess. Report	☐ Caltrans	☐ Approval
	☐ Technical Memorandum	☐ Caltrans	☐ Approval
	☐ Discussion in ED Only	☐ Caltrans	☐ Approval
☐	**Sole-Source Aquifer (Districts 5, 6 and 11)**	☐ EPA (S.F. Regional Office)	☐ Approval of Analysis in ED
☐	**Coastal Zone**	☐ CCC	☐ Coastal Zone Consistency Determination

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
☐ **Floodplain**		
Check as applicable:		
☐ Location Hydraulic Study	☐ Caltrans	☐ Approval
☐ Floodplain Evaluation Report	☐ Caltrans	☐ Approval
☐ Summary Floodplain Encroachment Report	☐ Caltrans	☐ Approval
	☐ Caltrans	☐ Only Practicable Alternative Finding
	☐ FHWA	☐ Approves significant encroachments and concurs in Only Practicable Alternative Findings
☐ **Wild and Scenic Rivers**	☐ River Managing Agency	☐ Wild and Scenic Rivers Determination
☐ **Biological Resources**		
Check as applicable:		
☐ NES, Minimal Impact	☐ Caltrans	☐ Approval
☐ NES		
☐ BA	☐ Caltrans	☐ Approves for Consultation
	☐ USFWS ☐ NOAA Fisheries	☐ Section 7 Informal/Formal Consultation
☐ EFH Evaluation	☐ NOAA Fisheries	☐ MSA Consultation
☐ Bio-Acoustic Evaluation	☐ NOAA Fisheries	☐ Approval
☐ Technical Memorandum	☐ Caltrans	☐ Approval
☐ **Wetlands**		
Check as applicable:		
☐ WD and Assessment	☐ Caltrans	☐ Approval
	☐ ACOE	☐ Wetland Verification
	☐ NRCS	☐ Agricultural Wetland Verification
	☐ Caltrans	☐ Wetlands Only Practicable Alternative Finding
☐ **Invasive Plants**		
☐ Discussion in ED Only	☐ Caltrans	☐ Approval
☐ **Section 4(f)**		
Check as applicable:	☐ Caltrans	☐ Determine Temporary Occupancy
☐ De minimis	☐ Caltrans	☐ De minimis finding
☐ Programmatic 4(f) Evaluation Type: _____	☐ Caltrans	☐ Approval
☐ Individual 4(f) Evaluation	☐ Caltrans	☐ Approval
	☐ Agency with Jurisdiction ☐ SHPO ☐ DOI ☐ HUD ☐ USDA	

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
☐ **Section 6(f)**	☐ Agency with Jurisdiction ☐ NPS	☐ Determines Consistency with Long-Term Management Plan
	☐ NPS	☐ Approves Conversion
☐ **Visual Resources**		
☐ Technical Memorandum	☐ Caltrans	☐ Approval
☐ Minor VIA	☐ Caltrans	☐ Approval
☐ Moderate VIA	☐ Caltrans	☐ Approval
☐ Advance/Complex VIA	☐ Caltrans	☐ Approval
☐ **Relocation Impacts**		
Check one:		
☐ Relocation Impact Memo	☐ Caltrans	☐ Approval
☐ Relocation Impact Study	☐ Caltrans	☐ Approval
☐ Relocation Impact Report	☐ Caltrans	☐ Approval
☐ **Land Use and Community Impacts**		
Check one:		
☐ CIA	☐ Caltrans	☐ Approval
☐ Technical Memorandum	☐ Caltrans	☐ Approval
☐ Discussion in ED Only	☐ Caltrans	☐ Approval
☐ **Construction/Encroachment on State Lands**		
Check as applicable:		
☐ SLC Jurisdiction	☐ SLC	☐ SLC Lease
☐ Caltrans Jurisdiction	☐ Caltrans	☐ Encroachment Permit
☐ SP Jurisdiction	☐ SP	☐ Encroachment Permit
☐ **Construction/Encroachment on Federal Lands**	☐ Federal Agency with Jurisdiction	☐ Encroachment Permit
☐ **Construction/Encroachment On Indian Trust Lands**	☐ Bureau of Indian Affairs	☐ Right of Way Permit
☐ **Farmlands**		
Check one:		
☐ CIA	☐ Caltrans	☐ Approval
☐ Technical Memorandum	☐ Caltrans	☐ Approval
☐ Discussion in ED Only	☐ Caltrans	☐ Approval
Check as applicable:		
☐ Form AD 1006	☐ NRCS	☐ Approves Conversion
	☐ CDOC	☐ Approves Conversion
☐ Conversion to Non-Agri Use	☐ ACOE	

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/ Approvals
☐ **Cultural Resources** (PQS completes this section) ***Check as applicable:***	☐ Caltrans PQS	☐ Screened Undertaking
☐ APE Map	☐ Caltrans PQS and DLAE	☐ Approves APE Map
	☐ Local Preservation Groups and/or Native American Tribes	☐ Provides Comments Regarding Concerns with Project
☐ HPSR ☐ ASR ☐ HRER	☐ Caltrans	☐ Approves for Consultation
☐ Finding of Effect Report	☐ Caltrans	☐ Concurs on No Effect, No Adverse Effect with Standard Conditions
	☐ SHPO	☐ Letter of Concurrence on Eligibility, No Adverse Effect without Standard
☐ MOA	☐ Caltrans	☐ Approves MOA
	☐ SHPO	☐ Approves MOA
	☐ ACHP (if requested)	☐ Approves MOA
☐ **Permits** Copies of permits and a list of mitigation commitments are mandatory submittals following NEPA approval.	☐ ACOE	☐ Section 404 Nationwide Permit
	☐ ACOE	☐ Section 404 Individual Permit
	☐ Caltrans/ACOE/EPA ☐ USFWS ☐ NOAA Fisheries	☐ NEPA/404 Integration MOU
	☐ ACOE	☐ Rivers and Harbors Act Section 10 Permit
	☐ USCG	☐ USCG Bridge Permit
	☐ RWQCB	☐ Section 401 Water Quality Certification
	☐ CDFG	☐ Section 1602 Streambed Alteration Agreement
	☐ RWQCB	☐ NPDES Permit
	☐ CCC ☐ Local Agency	☐ Coastal Zone Permit
	☐ BCDC	☐ BCDC Permit

Notes: Additional studies may be required for other federal agencies.

ACHP	=	Advisory Council on Historic Preservation
ACOE	=	U.S. Army Corps of Engineers
ADL	=	Aerially Deposited Lead
APE	=	Area of Potential Effect
APN	=	Assessor Parcel Number
ASR	=	Archaeological Survey Report
BA	=	Biological Assessment
BCDC	=	Bay Conservation and Development Commission
BE	=	Biological Evaluation
BO	=	Biological Opinion
Cal EPA	=	California Environmental Protection Agency
CCC	=	California Coastal Commission
CDFG	=	California Department of Fish and Game
CDOC	=	California Department of Conservation
CE	=	Categorical Exclusion
CIA	=	Community Impact Assessment
CWA	=	Clean Water Act
DLAE	=	District Local Assistance Engineer
DOI	=	U.S. Department of Interior
DTSC	=	Department of Toxic Substances Control
EA	=	Environmental Assessment
ED	=	Environmental Document
EFH	=	Essential Fish Habitat
EIS	=	Environmental Impact Statement
EPA	=	U.S. Environmental Protection Agency
FEMA	=	Federal Emergency Management Agency
FHWA	=	Federal Highway Administration
FONSI	=	Finding of No Significant Impacted
FTIP	=	Federal Transportation Improvement Program
HPSR	=	Historic Property Survey Report
HRER	=	Historical Resources Evaluation Report
HUD	=	U.S. Housing and Urban Development
MOA	=	Memorandum of Agreement
MSA	=	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	=	National Environmental Policy Act
NADR	=	Noise Abatement Decision Report
NES	=	Natural Environment Study
NHPA	=	National Historic Preservation Act
NOAA	=	National Oceanic and Atmospheric Administration
NMFS		National Marine Fisheries Service
NPDES	=	National Pollutant Discharge Elimination System
NPS	=	National Park Service
NRCS	=	Natural Resources Conservation Service
PM10	=	Particulate Matter 10 Microns in Diameter or Less
PM2.5	=	Particulate Matter 2.5 Microns in Diameter or Less
PMP	=	Project Management Plan
PQS	=	Professionally Qualified Staff
ROD	=	Record of Decision
RTIP	=	Regional Transportation Improvement Program
RTP	=	Regional Transportation Plan
RWQCB	=	Regional Water Quality Control Board
SER	=	Standard Environmental Reference
SEP	=	Senior Environmental Planner
SHPO	=	State Historic Preservation Officer
SLC	=	State Lands Commission
SP	=	State Parks
TIP	=	Transportation Improvement Program
USCG	=	U.S. Coast Guard
USDA	=	U.S. Department of Agriculture
USFWS	=	U.S. Fish and Wildlife Service
WD	=	Wetland Delineation

E. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

Check one:

☐ Environmental Impact Statement (*Note: Engagement with participating agencies in accordance with 23 USC 139 required)*

☐ Compliance with 23 USC 139 regarding Participating Agencies required

☐ Complex Environmental Assessment

☐ Routine Environmental Assessment

☐ Categorical Exclusion without required technical studies.

☐ Categorical Exclusion with required technical studies

(if Categorical Exclusion is selected, check one of the following):

☐ Section 23 USC 326

☐ 23 CFR 771 activity (c)(_____)

☐ 23 CFR 771 activity (d) (_____)

☐ Activity _____ listed in the Section 23 USC 326

☐ Section 23 USC 327

F. Public Availability and Public Hearing

Check as applicable:

☐ Not Required

☐ Notice of Availability of Environmental Document

☐ Public Meeting

☐ Notice of Opportunity for a Public Hearing

☐ Public Hearing Required

G. Signatures

Local Agency Staff and/or Consultant Signature

_____	_____	_____
(Signature of Preparer)	*(Date)*	*(Telephone No.)*

_____
(Name)

Local Agency Project Engineer Signature

This document was prepared under my supervision, according to the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

_____	_____	_____
(Signature of Local Agency)	*(Date)*	*(Telephone No.)*

Caltrans District Professionally Qualified Staff (PQS) Signature

☐ Project does not meet definition of an "undertaking"; no further review is necessary under Section 106 ("No" Section A, #35).

☐ Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA and based on the information provided in the PES Form, the project does not have the potential to affect historic properties ("No" Section A, #35).

☐ Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA, but the following additional procedures or information is needed to determine the potential for effect ("To Be Determined" Section A, #35):
☐ Records Search ☐ _____ ☐ _____ ☐ _____

☐ Project meets the definition of an "undertaking"; all properties in the project area are exempt from evaluation per Attachment 4 of the Section 106 PA ("No" Section A, #35).

☐ The proposed undertaking is considered to have the potential to affect historic properties; further studies for 106 compliance are indicated in Sections B, C, and D of this PES Form ("Yes" Section A, #35).

_____ _____ _____
(Signature of Professionally Qualified Staff) *(Date)* *(Telephone No.)*

The following signatures are required for all CEs, routine and complex EAs, and EISs:

Caltrans District Senior Environmental Planner (or Designee) and DLAE Signatures

I have reviewed this Preliminary Environmental Study (PES) Form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended NEPA Class of Action.

_____ _____ _____
(Signature of Senior Environmental Planner or Designee) *(Date)* *(Telephone No.)*

_____
(Name)

_____ _____ _____
(Signature of District Local Assistance Engineer or Designee) *(Date)* *(Telephone No.)*

_____
(Name)

☐ HQ DEA Environmental Coordinator concurrence _____. Email concurrence attached.
(*date*)

Preliminary Environmental Investigation
Notes to Support the Conclusions of the PES Form
(May Also Include Continuation of Detailed Project Description)

Brief Explanation of How Project Complies, or Will Comply with Applicable Federal Mandate (Part A):

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Distribution 1) Original - DLAE, 2) Local Agency Project Manager, 3) DLA Environmental Coordinator
4) Senior Environmental Planner (or designee), 5) District PQS

Updated: 05/15/08

EXHIBIT 6-B 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.ncrc.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.

<u>Visual Resources</u>

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/questionaire.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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EXHIBIT 6-C TABLE 2 -EXEMPT PROJECTS

CODE OF FEDERAL REGULATIONS
TITLE 40 -- PROTECTION OF ENVIRONMENT

§ 93.126 Exempt projects.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 of this section are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 of this section is not exempt if the MPO in consultation with other agencies (see § 93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation. Table 2 follows:

TABLE 2. -- EXEMPT PROJECTS

SAFETY

Railroad/highway crossing.
Hazard elimination program.
Safer non-Federal-aid system roads.
Shoulder improvements.
Increasing sight distance.
Safety improvement program.
Traffic control devices and operating assistance other than signalization projects.
Railroad/highway crossing warning devices.
Guardrails, median barriers, crash cushions.
Pavement resurfacing and/r rehabilitation.
Pavement marking demonstration.
Emergency relief (23 U.S.C. 125).
Fencing.
Skid treatments.
Safety roadside rest areas.
Adding medians.
Truck climbing lanes outside the urbanized area.
Lighting improvements.
Widening narrow pavements or reconstructing bridges (no additional travel lanes).
Emergency truck pullovers.

MASS TRANSIT

Operating assistance to transit agencies.
Purchase of support vehicles.
Rehabilitation of transit vehicles fn1.
Purchase of office, shop, and operating equipment for existing facilities.
Purchase of operating equipment for vehicles (for example, radios, fare boxes, lifts, and so forth).
Construction or renovation of power, signal, and communications systems.
Construction of small passenger shelters and information kiosks.

Reconstruction or renovation of transit buildings and structures (f rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights of way.
Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet **fn1**.
Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR Part 771.

Air Quality

Continuation of ride-sharing and van-pooling promotion activities at current levels.
Bicycle and pedestrian facilities.

Other

Specific activities which do not involve or lead directly to construction, such as:
Planning and technical studies.
Grants for training and research programs.
Planning activities conducted pursuant to titles 23 and 49 U.S.C.
Federal-aid systems revisions.
Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
Noise attenuation.
Emergency or hardship advance land acquisitions (23 CFR 710.503).
Acquisition of scenic easements.
Plantings, landscaping, etc.
Sign removal.
Directional and informational signs.
Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).
Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

fn1 In PM [10] nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

[58 FR 62246, Nov. 24, 1993; 62 FR 43780, 43816, Aug. 15, 1997; 69 FR 40004, 40081, July 1, 2004]

[EFFECTIVE DATE NOTE: 69 FR 40004, 40081, July 1, 2004, amended Table 2, effective Aug. 2, 2004.]

EXHIBIT 6-D TABLE 3 - EXEMPT PROJECTS

[Code of Federal Regulations]
[Title 40, Volume 19]
[Revised as of July 1, 2004]
From the U.S. Government Printing Office via GPO Access
[CITE: 40CFR93.127]

[Page 583]

TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

PART 93_DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS--Table of Contents

Subpart A_Conformity to State or Federal Implementation Plans of

Sec. 93.127 Projects exempt from regional emissions analyses.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 of this section are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM10 concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see Sec. 93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason. Table 3 follows:

Table 3--Projects Exempt From Regional Emissions Analyses

Intersection channelization projects.
Intersection signalization projects at individual intersections.
Interchange reconfiguration projects.
Changes in vertical and horizontal alignment.
Truck size and weight inspection stations.
Bus terminals and transfer points.

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EXHIBIT 6-E - CATEGORICAL EXCLUSION CHECKLIST

Dist/Co/Rte/PM:	Fed. Aid No.(Local Project):	EA/ Project No.:

SECTION 1: **TYPE OF CE: Use the information in this section to determine the applicable CE and corresponding activity for this project.**

1. **Project is a CE under CE Assignment 23 USC 326.** ☐ Yes ☐ No
If "yes", check applicable activity in one of the three tables below (activity must be listed in 23 CFR 771.117 (c) or (d) list or included in activities listed in Appendix A of the CE Assignment MOU to be eligible for 23 USC 326).

Activity Listed in 23 CFR 771.117(c)			
1 ☐	Activities which do not involve or lead directly to construction	12 ☐	Improvements to existing rest areas and truck weigh stations.
2 ☐	Utility installations along or across a transportation facility	13 ☐	Ridesharing activities
3 ☐	Bicycle and pedestrian lanes, paths, and facilities	14 ☐	Bus and rail car rehabilitation
4 ☐	Activities included in the State's *highway safety plan* under 23 USC 402	15 ☐	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons
5 ☐	Transfer of Federal lands pursuant to 23 USC 107(d) and/or 23 USC 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA	16 ☐	Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand
6 ☐	Installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction	17 ☐	Purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE
7 ☐	Landscaping	18 ☐	Track and rail bed maintenance and improvements when carried out within the existing right-of-way
8 ☐	Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur	19 ☐	Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site
9 ☐	Emergency repairs under 23 USC 125	20 ☐	Promulgation of rules, regulations, and directives
10 ☐	Acquisition of scenic easements	21 ☐	Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses
11 ☐	Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation		

Activity Listed in Examples in 23 CFR 771.117(d)			
1 ☐	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing)	8 ☐	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes, not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic

Dist/Co/Rte/PM:	Fed. Aid No.(Local Project):	EA/ Project No.:

2 ☐	Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting	9 ☐	Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users
3 ☐	Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings	10 ☐	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
4 ☐	Transportation corridor fringe parking facilities	11 ☐	Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community
5 ☐	Construction of new truck weigh stations or rest areas	1 2☐	Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others (ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project
6 ☐	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts	13☐	Acquisition of pre-existing railroad right-of-way pursuant to 49 USC 5324(c). No project development on the acquired railroad right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed
7 ☐	Approvals for changes in access control		

Activity Listed in Appendix A of the CE Assignment MOU for State Assumption of Responsibilities for Categorical Exclusions

1 ☐	Construction, modification, or repair of storm water treatment devices, protection measures such as slope stabilization, and other erosion control measures	5 ☐	Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity
2 ☐	Replacement, modification, or repair of culverts or other drainage facilities	6 ☐	Air space leases that are subject to Subpart D, Part 710, Title 23, Code of Federal Regulations
3 ☐	Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife	7 ☐	Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes
4 ☐	Routine repair of facilities due to storm damage, including permanent repair to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity (e.g., slide repairs, construction or repair of retaining walls)		

2. Project is a CE for a highway project under NEPA Assignment 23 USC 327. ☐ Yes ☐ No
(Use only if project does not qualify under CE Assignment 23 USC 326 [activities not included in three previous lists

Dist/Co/Rte/PM:	**Fed. Aid No.(Local Project):**	**EA/ Project No.:**

3. Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]).

FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action

All of the above unusual circumstances have been considered in conjunction with this project. (Please select one.)

☐ Checking this box certifies that none of the above conditions apply and that the project qualifies for a Categorical Exclusion remains.

☐ Checking this box certifies that unusual circumstances are involved, however, the appropriate studies/analysis have been completed and it has been determined that the CE classification is still appropriate.

SECTION 2: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements[1] prior to making the NEPA determination:

During the environmental review process for which this CE was prepared, all applicable environmental requirements were evaluated. Outcomes for the following requirements are identified below and fully documented in the project file.

Air Quality

☐ Air Quality Conformity Findings Checklist has been completed and project meets all applicable AQ requirements.

Cultural Resources

☐ No Section 106 Resources Impacted
☐ Section 106 compliance is complete
Finding: ☐ Screened Undertaking ☐ No Effect ☐ No Adverse Effect ☐ Adverse Effect/MOA

Noise

23 CFR 772
☐ Is this a Type 1 project? ☐ Yes; ☐ No (skip this section.)
☐ Future noise levels with project either approach or exceed NAC or result in a substantial increase
If yes, ☐ Abatement is reasonable and feasible ☐ Abatement is not reasonable or feasible

Waters, Wetlands

- Water Quality; Section 404 of the Clean Water Act
  Impacts to Waters of the US: ☐ Yes ☐ No
  If yes, approval anticipated:
  ☐ Nationwide Permit ☐ Individual Permit ☐ Regional General Permit ☐ Letter of Permission
- Section 401 of the Clean Water Act
  ☐ Exemption ☐ Certification
- Wetland Protection (Executive Order #11990)
  ☐ No wetland impact ☐ Only Practicable Alternative Finding is included in the CE attachment
  ☐ Only Practicable Alternative Finding is included in a separate document in the project file

[1] Please consult the SER for a complete list of applicable laws, statutes, regulations, and executive orders that must be considered before completing the CE.

Dist/Co/Rte/PM:	Fed. Aid No.(Local Project):	EA/ Project No.:

Floodplains

- Floodplains (Executive Order #11988)
  ☐ No Floodplain Encroachment ☐ No Significant Encroachment ☐ Significant Encroachment

Biology

☐ No Section 7 Needed
- Section 7 (Federal Endangered Species Act) Consultation Findings (Effect determination)
  ☐ No Effect ☐ Not Likely to Adversely Affect ☐ Likely to Adversely Affect
- Essential Fish Habitat (Magnuson-Stevens Act) Findings (Effect determination):
  ☐ No Effect ☐ Adverse Effect ☐ No Adverse Effect

Section 4(f) Transportation Act (23 CFR 774)

- Section 4(f) regulation was considered as a part of the review for this project and a determination was made:
  ☐ Section 4(f) does not apply
  (*Project file includes documentation that property is not a Section 4(f) property, that project does not use a Section 4(f) property, or that the project meets the criteria for temporary occupancy.)*
  ☐ Section 4(f) applies
  ☐ De Minimis
  ☐ Programmatic: Type _____ (List one of the five appropriate categories as defined in 23 CFR 774.3)
  ☐ Individual: ☐ Legal Sufficiency Review complete ☐ HQ Coordinator Review Complete

  Section 6(f)—Was the above property purchased with grant funds from the Land and Water Conservation Fund?
  ☐ No, Section 6(f) does not apply. No additional documentation required.
  ☐ Yes ☐ Documentation of approval from National Park Service Director (through California State Parks) has been received for the conversion/and replacement of 6(f) property.

Coastal Zone

Coastal Zone Management Act of 1972
☐ Not in Coastal Zone ☐ Qualifies for Exemptions ☐ Qualifies for Waiver ☐ Coastal Permit Required
☐ Consistent with Federal State and Local Coastal Plans ☐ Federal Consistency Determination

Relocation

☐ No Relocations
☐ Project involves ____ (#) relocations and will follow the provisions of the Uniform Relocation Act.

Hazardous Waste and Materials

- Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, CalEPA, County Environmental Health, etc) present? ☐ Yes ☐ No
- If yes, is the nature and extent of the hazardous materials or contamination fully known? ☐ Yes ☐ No.
  If no, briefly discuss the plan for securing information:

Dist/Co/Rte/PM:	Fed. Aid No. (Local Project)	EA/Project No.

SECTION 3: Certification

Based on the information obtained during environmental review process and included in this checklist, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Policy Act and is in compliance with all other applicable environmental laws, regulations and Executive Orders.

Prepared by:_____

Title: _____

Signature_____ Date:_____

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EXHIBIT 6-F CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Dist.-Co.-Rte. (or Local Agency) P.M./P.M E.A.(State project)/ Project No. Federal-aid Project No. (Local project)/Proj. No.

PROJECT DESCRIPTION:
(Briefly describe [project, purpose, locations, limits, right-of-way requirements, and activities involved in this box. Use *Continuation Sheet,* if necessary)

CEQA COMPLIANCE (For State Projects only)
Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION (Check one)

☐**Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:
☐**Categorically Exempt**. **Class**. (PRC 21084; 14 CCR 15300 et seq.)
☐**Categorically Exempt**. **General Rule exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3])

Print Name: Environmental Branch Chief Print Name: Project Manager/DLA Engineer

Signature Date Signature Date

NEPA COMPLIANCE
In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b) (http://www.fhwa.dot.gov/hep/23cfr771.htm - sec.771.117).

  In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506(c) and 40 CFR 93.126, 40 CFR 93.127, 40 CFR 93.128.

CALTRANS NEPA DETERMINATION (Check one)

☐**23 USC 326:** The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2010, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

☐**23 CFR 771.117(c): activity (c)(___)**
☐**23 CFR 771.117(d): activity (d)(___)**
☐**Activity ___ listed in Appendix A of the MOU between FHWA and the State**

☐**23 USC 327:** Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under 23 USC 327.

Print Name: Environmental Branch Chief Print Name: Project Manager/DLA Engineer

Signature Date Signature Date

Date of Categorical Exclusion Checklist completion: Date of ECR or equivalent:

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if 23 USC 327 project; §106 commitments; §4(f); §7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions).

Revised October 2012

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

Dist.-Co.-Rte. (or Local Agency) P.M/P.M.E.A. (State project) /Project No.	Federal-Aid Project No. (Local project)/Proj. No.
Continued from page 1:	

EXHIBIT 6-G NEPA/CEQA REVALIDATION FORM

DIST./CO./RTE.	
PM/PM	
E.A. or Fed-Aid Project No.	
Other Project No. (specify)	
PROJECT TITLE	
ENVIRONMENTAL APPROVAL TYPE	
DATE APPROVED	
REASON FOR CONSULTATION (23 CFR 771.129)	*Check reason for consultation:* ☐ *Project proceeding to next major federal approval* ☐ *Change in scope, setting, effects, mitigation measures, requirements* ☐ *3-year timeline (EIS only)* ☐ ***NA*** *(Re-Validation for CEQA only)*
DESCRIPTION OF CHANGED CONDITIONS	*Briefly describe the changed conditions or new information on page 2. Append continuation sheet(s) as necessary. Include a revised Environmental Commitments Record (ECR) when applicable.*

NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: [*Check ONE of the three statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.]*

☐ **The original environmental document or CE remains valid. No further documentation will be prepared.**

☐ **The original environmental document or CE is in need of updating; further documentation has been prepared and ☐ is included on the continuation sheet(s) or ☐ is attached. With this additional documentation, the original ED or CE remains valid.**

Additional public review is warranted (23 CFR 771.111(h)(3)) Yes ☐ No ☐

☐ **The original document or CE is no longer valid.**

Additional public review is warranted (23 CFR 771.111(h)(3)) Yes ☐ No ☐

Supplemental environmental document is needed. Yes ☐ No ☐

New environmental document is needed. Yes ☐ No ☐ (If "Yes," specify type: _____)

CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.

_____	_____	_____	_____
Signature: Environmental Branch Chief	Date	Signature: Project Manager/DLAE	Date

CEQA CONCLUSION : *(Only mandated for projects on the State Highway System.)*

Based on an examination of the changed conditions and supporting information, the following conclusion has been reached regarding appropriate CEQA documentation: *(Check ONE of the five statements below, indicating whether any additional documentation will be prepared, and if so, what kind. If additional documentation is prepared, attach a copy of this signed form and any continuation sheets.)*

☐ **Original document remains valid. No further documentation is necessary.**

☐ **Only minor technical changes or additions to the previous document are necessary. An addendum has been or will be ☐ prepared and is ☐ included on the continuation sheets or ☐ will be attached. It need not be circulated for public review. *(CEQA Guidelines, §15164)***

☐ **Changes are substantial, but only minor additions or changes are necessary to make the previous document adequate. A Supplemental environmental document will be prepared, and it will be circulated for public review. *(CEQA Guidelines, §15163)***

☐ **Changes are substantial, and major revisions to the current document are necessary. A Subsequent environmental document will be prepared, and it will be circulated for public review. *(CEQA Guidelines, §15162)***
(Specify type of subsequent document, for example, Subsequent FEIR:)

_____

☐ **The CE is no longer valid. New CE is needed. Yes ☐ No ☐**

CONCURRENCE WITH CEQA CONCLUSION

I concur with the CEQA conclusion above.

Signature: Environmental Branch Chief	Date	Signature: Project Manager	Date

CONTINUATION SHEET(S)

Address only substantial changes or substantial new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

Changes in project design, for example, substantial scope change; a new alternative; change in project alignment

Changes in environmental setting, for example, new development affecting traffic or air quality;

Changes in environmental circumstances, for example, a new law or regulation; change in the status of a listed species.

Changes to environmental impacts of the project, for example, a new type of impact, or a change in the magnitude of an existing impact.

Changes to avoidance, minimization, or mitigation measures since the environmental document was approved.

Changes to environmental commitments since the environmental document was approved, for example, the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.

Distribution: 1) District Senior Environmental Planner (for Local Assistance) - Original copy 2) District Local Assistance Engineer - copy 3) Local Agency Project Files

September 15, 2008

EXHIBIT 6-H EXTERNAL CERTIFICATIONS ENVIRONMENTAL DOCUMENT QUALITY CONTROL REVIEWS

Project Name:_____ ☐ Local Assistance ☐ SHS

DIST-CO-RTE-PM:_____ EA;_____ ☐ Final

District Local Assistance Engineer (DLAE): _____

Local Agency:_____ Contact:_____ Phone No:_____

Caltrans Oversight Coordinator:_____

Environmental Consultant:_____ Contact:_____ Phone No:___

Technical Specialist Reviewers: I have performed the required quality control review assigned to me and find that this environmental document satisfactorily meets State and federal requirements, as applicable, in my area of expertise and is consistent with the applicable technical study.

Type of Review	Reviewer (Print Name)	Reviewer's Signature	Verification Date

Check the box for each stand-alone technical study prepared for the environmental document; technical specialist review is only required for each resource topic with a stand-alone technical study.

☐ Biology	_____	_____	_____
☐ Cultural	_____	_____	_____
☐ CIA	_____	_____	_____
☐ Visual	_____	_____	_____
☐ Hazardous Waste	_____	_____	_____
☐ Floodplain	_____	_____	_____
☐ Water Quality	_____	_____	_____
☐ Air Quality	_____	_____	_____
☐ Noise	_____	_____-	_____
☐ Traffic	_____	_____	_____
☐ Section 4(f)	_____	_____	_____
*(check one) ☐ De minimis ☐ Programmatic ☐ Individual			
☐ Other:_____	_____	_____	_____
Technical Reviewer:	_____	_____	_____

*Signature also required for Section 4(f) de minimis finding.

Required signatures may appear on multiple versions of this form to allow concurrent reviews by specialists and technical editor

I have reviewed this environmental document and find that it is internally consistent and was prepared consistent with the applicable SER annotated environmental document outline

Environmental Consultant: _____ _____ Date: _____
Print Name Signature

I find that the required quality control reviews shown above have been satisfactorily completed and that the environmental document meets all Caltrans and FHWA requirements

Local Agency: _____ _____ Date: _____
Print Name Signature
Date form sent to project file: _____

Distribution: 1) District Senior Environmental Planner (for Local Assistance)-Original copy 2) District Local Assistance Engineer-copy
3) Local agency project files

EXHIBIT 6-I INSTRUCTIONS FOR COMPLETING THE EXTERNAL CERTIFICATIONS (ENVIRONMENTAL DOCUMENT QUALITY CONTROL REVIEW CERTIFICATION) FORM

The following quality control review process is required by the local agency/consultant for all draft and final EA and EIS documents.

Technical Specialist Reviewers:

The purpose of the technical specialist review is to ensure the accuracy of specific resource studies and technical information summarized in the environmental document. A technical specialist review will be completed for each resource topic discussed in the environmental document. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization or Mitigation Measures; Cumulative Impacts).

The local agency's or consultant's technical specialists who are responsible for conducting the technical studies and preparing the technical reports shall review the technical report(s) to ensure that:

- the technical reports were required in the fully signed PES form
- the format and content of each technical report is consistent with the format and content requirements set forth in the SER
- the qualifications of the preparer of the technical report are consistent with the qualifications set forth in the SER
- technical report is accurate and regulatory requirements are appropriately addressed
- the technical report clearly summarizes/concludes how the mandates of the applicable federal law have been met
- there is consistency between the technical study and the information as summarized in the environmental document
- all mitigation commitments are appropriately characterized and are feasible to implement
- all anticipated permit or approval actions have been accurately identified within the environmental document

The technical specialist signs the External Certifications (Environmental Document Quality Control) form certifying that they have performed the quality control review and the environmental document meets state and federal requirements in their area of expertise and is consistent with the applicable technical study.

Technical Edit Reviewer:

The local agency or consultant (environmental project manager), responsible for preparing, or overseeing the preparation of the NEPA document, shall review the technical reports and the NEPA document to ensure that:

- the NEPA document prepared is consistent with the NEPA class of action identified in the PES form
- the format and content of the NEPA document is consistent with the applicable Annotated Outline:
    - Correct Title Page
    - All chapters and necessary resource topics are present and complete
    - All appendices are present and complete
    - All required correspondence relative to procedural and regulatory requirements
    - Complete, clear, legible and logical exhibits and figures
- the conclusions of the technical reports are consistently stated in the NEPA document
- the NEPA document is written in a clear and concise manner
- grammar, punctuation and spelling are correct the Environmental Document Review Checklist is complete, providing cross-referenced page numbers on the checklist

- the External Certifications (Environmental Document Quality Control) form is signed, certifying that the document is adequate within his or her area of expertise

The technical edit reviewer signs the External Certifications (Environmental Document Quality Control) form certifying that they have performed the quality control review and the environmental document meets state and federal requirements in their area of expertise and is consistent with the applicable technical study.

Environmental Consultant:

The local agency (principal engineer/project manager) shall review the technical reports and NEPA document to ensure that:

- the reports and NEPA document meet the requirements set forth in the Scope of Work
- the reports/document prepared are consistent with the PES form
- the content and format of the reports and document is consistent with guidance set forth in the SER/annotate outline
- adequacy of the project's purpose and need statement, logical termini independent utility and project description
- completeness of the alternative analysis, including information supporting the range of alternatives selected for study in the document
- all proposed mitigation commitments are properly identified, characterized and are reasonable and practicable to implement
- correspondence from resource and regulatory agencies is included and clearly indicates that the mandates of law have been met
- compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance
- compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act
- the consultant's technical specialist and environmental project manager have signed the External Certifications Form
- a copy of the complete Environmental Review Checklist with cross-referenced page numbers has been provided

The environmental consultant signs the External Certifications (Environmental Document Quality Control) form certifying that the document is internally consistent and was prepared consistent with Caltrans and FHWA requirements and guidance and the applicable SER annotated environmental document outline.

Local Agency:

The local agency (principal engineer/project manager) reviews the technical reports and environmental document to ensure that:

- the technical reports and environmental document prepared are consistent with the information required in the approved and signed PES form and meet the requirements set forth in the scope of work
- the content and format of the technical reports and environmental document is consistent with guidance set forth in the SER/annotated outline:
    - all chapters and necessary resource topics are present, complete and the NEPA document is written in a clear and concise manner
    - adequacy of the project's purpose and need statement, logical termini independent utility and project description
    - completeness of the alternative analysis

- all proposed mitigation commitments are properly identified, characterized and are reasonable and practicable to implement

- correspondence from resource and regulatory agencies is included and clearly indicates that the mandates of law have been met

- compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance

- compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act if applicable

- the consultant's technical specialist and environmental project manager have signed the External Certification form

- a copy of the complete Environmental Review Checklist, with cross-referenced page numbers has been provided

- correspondence from resource and regulatory agencies in included and clearly indicates that the mandates of federal law have been met

The principle engineer/project manager signs the External Certifications (Environmental Document Quality Control) form certifying that the above statements are true and submits the following to the DLAE:

- Transmittal Memo, signed by the local agency (principle engineer/project manager) stating that the document and supporting technical studies have been prepared

- Five hard copies of the administrative environmental document

- One electronic copies of the administrative environmental document

- One copy of each technical study

- One electronic copy of each technical study

- One copy of the completed Environmental Document Review Checklist

- Completed and signed External Certifications (Environmental Document Quality Control Review Certification) form

Following Caltrans' review, the local agency is responsible for revising the document consistent with Caltrans' comments.

EXHIBIT 6-J PRELIMINARY ENVIRONMENTAL SCREENING FOR NON-INFRASTRUCTURE PROJECTS PES(NI)

Federal Project No. _____
(*(Federal Program Prefix-Project No., Agreement No.)*

To: _____ **From:** _____
(District Local Assistance Engineer) *(Local Agency)*

_____ _____
(District) *(Project Manager's Name and Telephone No.)*

_____ _____
(Address) *(Address)*

_____ _____
(Email Address) *(Email Address)*

Is this Project "ON" the State Highway System? ☐ Yes ☐ No

IF YES, STOP HERE and contact the District Local Assistance Engineer regarding the completion of other environmental documentation.

Federal Statewide Transportation Improvement Program (FSTIP): http://www.dot.ca.gov/hq/transprog/oftmp.htm _____ *(Current FSTIP Approval Date)* _____ *(Attach approved FSTIP listing)*

Construction Programming For FSTIP _____ *(Fiscal Year)* **$**_____ *(Dollars)*

Detailed Project Description (*Use Continuation Sheet if necessary*)**:**

SECTION A: Does project involve any of the following:
Check "Yes", "No" or "TBD" as appropriate. Use "TBD" when there is insufficient information in the project description to provide a definitive "Yes" or "No" response. List all "TBD" items on the PES(NI) Continuation sheet for further research.

Yes	No	TBD	
☐	☐	☐	1. Any ground disturbing activities? (e.g., digging of post holes)
☐	☐	☐	2. Any infrastructure elements?
☐	☐	☐	3. Installation of permanent data collection devices?
☐	☐	☐	4. Installation or posting of signs?
☐	☐	☐	5. Grading, clearing or grubbing of vegetation?
☐	☐	☐	6. Electric vehicle charging station(s)?
☐	☐	☐	7. Installation of fare boxes?
☐	☐	☐	8. Pavement striping or painting?
☐	☐	☐	9. Installation of bike cages or racks?
☐	☐	☐	10. Currently planned future construction?
☐	☐	☐	11. Potential to generate public controversy?
☐	☐	☐	12. Any planting of flowers or any plant species?
☐	☐	☐	13. Inconsistency with any plans and goals adopted by the community?
☐	☐	☐	14. Part of a larger project?
☐	☐	☐	15. Activity or action occurring within a Historic District?
☐	☐	☐	16. Establishment of temporary parking facility? *(outdoor event, etc.)*
☐	☐	☐	17. Temporally reducing available parking? *(outdoor event , etc.)*
☐	☐	☐	18. Temporally encroaching on state or federal lands? *(outdoor event, etc.)*
☐	☐	☐	19. Temporally encroaching on tribal lands? *(outdoor event , etc.)*
☐	☐	☐	20. Use of a publicly owned public park? *(outdoor event, etc.)*
☐	☐	☐	21. Potential to affect access to properties or roadways? *(outdoor event, etc.)*
☐	☐	☐	22. Potential to disrupt neighborhoods/communities?
☐	☐	☐	23. Potential to disproportionately affect low-income and minority populations?
☐	☐	☐	24. Development of Plans that involve major decisions that would lead to irretrievable commitment of resources, present or future construction, or ground disturbance?
☐	☐	☐	25. Creation of Programs that involve major decisions that lead to irretrievable commitment of resources, present or future construction, or ground disturbance?
☐	☐	☐	26. Conducting planning and research that involve major decisions that lead to irretrievable commitment of resources, present or future construction, or ground disturbance?
☐	☐	☐	27. Implementation of maintenance plans and projects?
☐	☐	☐	28. Creation of regional bike and trail maps?
☐	☐	☐	29. Historic and scenic site acquisition?

SECTION B: Preliminary NEPA Class of Action

Based on the results of this preliminary environmental screening, the recommended NEPA Class of Action for the proposed project is a Categorical Exclusion (CE) under **SAFETEA-LU Section 6004 (23 U.S.C. 326).** ☐ Yes ☐ No

If "yes," check applicable activity below:

☐ 23 CFR 771.117(c): *(Check one that is most applicable)*

- ☐ (1) Activities which do not involve or lead directly to construction.
- ☐ (5) Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
- ☐ (11) Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation.
- ☐ (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- ☐ (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- ☐ (20) Promulgation of rules, regulations, and directives.

Project is a CE for a "non-infrastructure" highway project under **SAFETEA-LU Section 6005(23 U.S.C. 327)**

☐ Yes ☐ No ***(Use only if project does not qualify under Section 6004)***

The project does not involve the following **Unusual Circumstances identified under 23 CFR 771.117(b)**

Affirm each of the following by placing a check mark in the preceding box. Use of the PES(NI) will not be possible if all statements cannot be positively affirmed.

- ☐ • Significant environmental impacts
- ☐ • Substantial controversy on environmental grounds
- ☐ • Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Preservation Act, or
- ☐ • Inconsistencies with any Federal, State or local law, requirement or administration determination relating to the environmental aspects of the action.

Affirm each of the following by placing a check mark in the preceding box. Use of the PES(NI) will not be possible if all statements cannot be positively affirmed.

- ☐ **Air Quality**: For projects located in Non-Attainment/Maintenance or Attainment/Unclassified area for CO, PM 2.5, and PM 10, those projects may be exempt from project-level conformity per 40 CFR 93.126 if it is an activity which does not involve or lead directly to construction, or it is a safety project. Refer to 40 CFR 93.126 Table 2-Exempt Projects for the full listing.
- ☐ **Noise:** Project will not generate any long or short term noise to sensitive receptors.
- ☐ **Water, Wetland, Floodplains:** Project will not impact waters, wetlands or floodplains.
- ☐ **Biology:** Project is one of the types covered by the ***Non-Infrastructure Project Natural Environmental Study – No Effect memo, dated June 21, 2011.***
- ☐ **Cultural Resources:** Project is one of the types covered by the ***Undertakings exempt from further review memo, dated June 13, 2011.***
- ☐ **Sec 4(f):** Project does not use a Section 4(f) property or result in the temporary occupancy of a Section 4(f) project.
- ☐ **Coastal Zone:** Project is not in a Coastal Zone or qualifies for an exemption.
- ☐ **Relocation:** Project does not involve any relocations.
- ☐ **Hazardous Waste and Materials:** Project does not involve the generation or disposal of any hazardous waste or excess material.

Local Agency Project Engineer Signature

This Preliminary Environmental Screening – Non-Infrastructure PES(NI) form was prepared by me or under my direct supervision. The screening concluded that the project is of a non-infrastructure nature, involving no disruption to the ground or natural environment.

_____	_____	_____
(Signature of Local Agency)	*(Date)*	*(Telephone No.)*

Caltrans District Senior Environmental Planner (or Designee) and DLAE Signatures

Based on the information provided on the PES(NI) , I concur that the project will involve no disturbance to the ground or natural environment, that the actions is covered under both Attachments C & D of this Office Bulletin, that the recommended NEPA Class of Action is a Categorical Exclusion pursuant to the National Environmental Policy Act as specified above, and that the project is in compliance with all other applicable environmental laws, regulations and Executive orders.

_____	_____	_____
(Signature of Senior Environmental Planner or Designee)	*(Date)*	*(Telephone No.)*

_____
(Print Name)

_____	_____	_____
(Signature of District Local Assistance Engineer or Designee)	*(Date)*	*(Telephone No.)*

_____
Print Name

Continuation of Project Description (if necessary):

Clarification of all "TBD" responses identified under Section A:

(Once clarification is obtained and provided below, change response from TBD to either "Yes" or "No" as applicable, and cross-reference discussion below.)

Distribution: 1) Original - DLAE, 2) Copy - Local Agency Project Manager, 3) Copy - Senior Environmental Planner (or designee) for project file.

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EXHIBIT 6-K INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL SCREENING FOR NON-INFRASTRUCTURE PROJECTS (PES[NI]) FORM

The Preliminary Environmental Screening for Non-Infrastructure Projects [PES(NI)] form may only be used for local assistance federal-aid "**non-infrastructure**" projects 'off" the State Highway System (SHS). 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 PES(NI) form are provided below.

Complete the Project Information Section of the PES (NI) form as follows:

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 local assistance environmental generalist to process the PES(NI) form .

To: (Name and address of district local assistance engineer to whom project has been assigned)

From: (Name and address of local agency project engineer or manager)

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. Based on information contained in the policy memo referenced below, local agency projects "**on**" the SHS are processed as State Highway Projects in accordance with procedures set forth in the *Caltrans Project Development Procedures Manual*.

*Note: The current and long-standing policy is for Caltrans to be the California Environmental Quality Act (CEQA) lead agency for improvement projects "**on**" the SHS. Caltrans 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.*

In certain limited cases, and only when it is in the best interests of the state, Caltrans may delegate CEQA lead agency status to a local agency. Such delegations can only be made by the district director. The district director will provide a written justification for the delegation, which becomes the authorizing document for a cooperative agreement between Caltrans and the local agency. The delegation is then formalized through an executed written agreement, which outlines the roles and responsibilities of each party. These delegations are the exception rather than the rule.

For guidance on determining CEQA lead agency status on local agency projects on the SHS, see Caltrans policy memo provided at:

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

Federal Statewide Transportation Improvement Program (FSTIP): Enter the current FSTIP approval date for the project, write the project description exactly as it appears in the FSTIP, and attach a copy of the approved FSTIP page *(showing the project or group of projects)* to the PES(NI) form.

The FSTIP information can be obtained from the MPO.

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 transportation plans, and Federal Transportation Improvement Programs (FTIPs). The purpose of the FSTIP is to ensure that federal transportation funding continues to flow into California as a result of complying with federal

regulations pertaining to programming. The FSTIP is prepared by Caltrans in cooperation with the Metropolitan Planning Organizations (MPOs) and is approved by FHWA and FTA. 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. The FSTIP must be financially constrained by year and include sufficient financial information to demonstrate that projects can be funded as programmed. Only projects with funds that are reasonably expected to be available may be programmed in the FSTIP.

Construction Programming for FSTIP: Identify the fiscal year and dollar amount programmed in the current FSTIP under the construction phase. *Note: According to the 9/28/07 Interim Policy on Authorization of Non-construction Federal-aid Projects, funding for projects included under grouped project listings (lump sum) are typically programmed under the construction phase in the FSTIP. For non-construction projects, the detailed (back up) listing for the grouped projects shall also show funding under the construction phase. For all other grouped project listings, the detailed listing may show other applicable phases. Funding for non-construction projects that are individually listed shall also be programmed under the construction phase in the FSTIP.*

Complete Section A of the PES (NI) Form:

Check "Yes," "No," or "TBD" as appropriate for each question. Use "TBD" when there is insufficient information available to provide a definitive "Yes" or "No" response. List all "TBD" items on the PES (NI) Continuation Sheet and research as needed to affirm a "Yes" or "No" response. Based on research results, change all "TBD" responses to either "Yes" or "No" responses as appropriate. One or more "Yes" responses require preparation of the regular PES. All "TBD" items must have a definitive "Yes" or "No" response prior to the local agency signature on the PES (NI) form. If additional space is not needed for the project description and there are no "TBD" items requiring further research, it is not necessary to include the Continuation sheet with the signed PES(NI) form.

Note(1): Questions 16-21 pertain to indoor and outdoor activities, which have the potential to generate temporary noise and traffic congestion, reduce available parking, temporarily affect access to properties and roadways, and disrupt the quietude of neighborhoods. While activities of this nature are typically regulated by city and county use permit, the terms and conditions of those permits are not known until after the NEPA document is approved. For this reason, a "yes" response to these questions triggers the preparation of a regular PES form to ensure consideration of and compliance with the provisions of Sec 4(f) 49 U.S.C. 303), (23 CFR 771.111(h)(2)(iii) impacts on abutting properties, U.S. DOT Order Title VI disrupt neighborhoods/communities, and E.O. 12898 (on Environmental Justice) disproportionate adverse environmental impacts on minority or low-income populations.

Note(2): Questions 24-28 pertain to the development of plans and programs of action. Because plans and programs have the potential to commit to actions before they are fully evaluated under federal environmental law (for example, Section 7 and Section 106) (23 CFR 771.111(f)(3)), and because SAFETEA-LU mandates the early consideration of environmental resources during planning, projects of this nature may not be processed with the PES(NI). Completion of the regular PES form will be required.

Complete Section B of the PES (NI) Form: (PRELIMINARY NEPA CLASS OF ACTION)

Complete the **NEPA Class of Action** section by placing a check mark next to Categorical Exclusion (CE) under SAFETEA-LU Section 6004 (23 U.S.C. 326) and identify the specific activity that is most applicable for the action. In cases where the project does not quality under Section 6004, check Section 6005(23 U.S.C. 327).

Complete the **Unusual Circumstances** section by placing a check mark in the box preceding each bulleted item to affirm that action will not result in impacts, controversy or inconsistencies as specified. Complete the **Compliance with other Federal Environmental requirements** section by placing check mark in the box preceding each resource listed to affirm the statement.

Complete the Signatory Section of the PES (NI) Form:

The **Local Agency Project Engineer's** signature means that the PES(NI) form was prepared by them or under their direct supervision and that the screening concluded that the project is of a non-infrastructure nature, involving no disruption to the ground or natural environment.

The **Caltrans district senior environmental planner (or designee) and DLAE** signatures mean that they concur that the project involves no disturbance to the ground or natural environment, that the action(s) is/are covered under Attachments C and D, that the recommended NEPA Class of Action is a CE pursuant to NEPA, and that the project is in compliance with all other applicable environmental laws, regulations and Executive orders.

Distribution: The original signed PES(NI) form and Attachments C and D shall be maintained in the DLAE's project file. A copy of the signed PES(NI) form with Attachments C and D shall be retained by the local agency project manager and the district SEP *(or designee)* for the project file.

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EXHIBIT 6-K ATTACHMENT A- UNDERTAKINGS EXEMPT FROM FURTHER REVIEW MEMO (JUNE13, 2011)

State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

Flex your power!
Be energy efficient!

To: MARGARET BUSS
Chief, Division of Local Assistance
Office of NEPA Delegation and Environmental Compliance

Date: June 13, 2011

File: Cultural

From: ANMARIE MEDIN
Chief
Cultural Studies Office

Subject: Undertakings exempt from further review

As you know, Attachment 2 of the Programmatic Agreement for Section 106 of the National Historic Preservation Act (PA) implemented January 1, 2004 identifies classes of screened undertakings. Certain ground-disturbing activities with minimal potential to affect historic properties may be screened by California Department of Transportation (Caltrans) Professionally Qualified Staff (PQS) in the appropriate cultural resources discipline. PQS may determine that one or more such activity has no potential to affect historic properties, and therefore is not subject to further review under the PA.

Separate from this list of screened undertakings, there are a number of non construction-related actions that may use federal aid highway funding and therefore meet the broad definition of an undertaking set forth in 36 CFR Part 800 (the regulations implementing Section 106) but have been determined by Cultural Studies Office PQS to have no potential to affect historic properties

1. Ridesharing activities, including purchase of vehicles, but not including establishment of park-and-ride lots.
2. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increased service to meet routine changes in demand.
3. Freeway service patrol.
4. Conversion of vehicles to alternative fuels.
5. Alteration of vehicles to make them accessible for the elderly or persons with disabilities
6. Contracts to hire media organizations to produce non-English language commercials.
7. Purchase of transit fare boxes.
8. Upgrading diesel powered vehicles.
9. Purchase of transit buses.
10. Classroom training.
11. Software development.
12. Purchase of CNG or alternative fuel vehicles
13. Purchase of school buses
14. Computer purchases
15. Safety education for pedestrians and bicyclists

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16. Virtual museums
17. Educational outreach
18. HSIP safety awareness and public outreach
19 Traffic data collection and analysis
20. Purchase crossing guard uniforms
21. Purchase cones
22. Preparation of crossing plans
23. Publicity
24. Staff time
25. Public awareness campaigns and outreach to press and community leaders
26. Traffic education and enforcement in the vicinity of schools
27. Student sessions on bicycle and pedestrian safety
28. Conducting school traffic safety rodeos or bicycle rodeos
29. Training volunteers and managers of safe routes to school programs
30. Modest incentives for SRTS contests, and incentives that encourage more walking and bicycling over time
31. Creation of safety and educational tokens that also advertise the program.
32. Photocopying, duplicating, and printing costs, including CDs, DVDs, etc.
33. Mailing costs.
34. Costs for data gathering, analysis, and evaluation reporting at the local project level.
35. Pay for substitute teacher if needed to cover for faculty attending SRTS functions during school hours.
36. Costs for additional law enforcement or equipment needed for enforcement activities.
37. Equipment and training needed for establishing crossing guard programs.
38. Stipends for parent or staff coordinators.
39. Costs to engage the services of a consultant (either non-profit or for-profit) to manage an SRTS program as described in the prior bullet.
40. Implementation of walking school bus program
41. Walkability/bikeability audits
42. Preparation of SRTS mapping
43. Conducting an effective traffic enforcement activity at a railway-highway crossing
44. Development of a transportation safety plan.
45. Improvement in the collection and analysis of data
46. Planning integrated interoperable emergency communications equipment, operational activities or traffic enforcement activities (including law enforcement assistance) relating to work zone safety.
47. Conducting road safety audits

Because Caltrans PQS staff have determined in advance that the above-listed activities do not have potential to affect historic properties, these activities may be considered exempt from Section 106 without further review by PQS. The provisions of this memo apply only when the federally-funded undertaking is limited to one or more of the activities listed above. Additional

MBUSS
June 9, 2011
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review by District PQS will be required if the undertaking involves any activities that are not listed herein, including those listed as screened activities in Attachment 2 of the PA.

This supersedes the memorandum on this subject dated January 16, 2006 (King to Abbott). If you have any questions, please contact Jill Hupp at (916) 654-3567 or jill_hupp@dot.ca.gov.

c: Jill Hupp; Germaine Belanger

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EXHIBIT 6-ATTACHMENT B NON-INFRASTRUCTURE PROJECT NATURAL ENVIRONMENTAL STUDY-NO EFFECT MEMO (NOVEMBER 7, 2011)

State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

Flex your power!
Be energy efficient!

To: MARGARET BUSS
OFFICE CHIEF, LOCAL ASSISTANCE
DIVISION OF ENVIRONMENTAL ANALYSIS

Date: November 7, 2011

From: GREGG ERICKSON
Chief, Biology & Technical Assistance Office
Division of Environmental Analysis

Subject: **Amendment - Non-Infrastructure Project Natural Environmental Study – No Effect Memo**

Additional Undertaking added, per this amendment.

There have been an increasing number of non-infrastructure projects eligible for federal-aid highway funds. These non-infrastructure projects are part of the Safe Routes to Schools (SRTS), Transportation Enhancement, and Congestion Mitigation and Air Quality programs. These projects will not involve engineering design, right of way, ground disturbance or construction.

The Office of Biological and Technical Assistance have determined in advance that the non-infrastructure classes of non-construction related undertakings do not have the potential to affect natural resources. Projects listed below will have no effect or impact on natural resources including but not limited to; state or federally listed species; designated critical habitat, state or federally recognized sensitive habitats, or potential waters of the state or U.S. Furthermore, these activities will not require any permits associated with natural resource laws, regulations, or policies. Therefore, the activities listed below may be considered exempt without further review related to natural resources. Should the description of these undertakings change or involve other activities, additional review will be necessary to assess the effects to natural resources.

List of Non-infrastructure Classes of Non-construction Undertakings

1. Ridesharing activities, including purchase of vehicles, but not including establishment of park-and-ride lots.
2. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increased service to meet routine changes in demand.
3. Freeway service patrol.
4. Conversion of vehicles to alternative fuels.
5. Alteration of vehicles to make them accessible for the elderly or persons with disabilities
6. Contracts to hire media organizations to produce non-English language commercials.
7. Purchase of transit fare boxes.
8. Upgrading diesel powered vehicles.
9. Purchase of transit buses.
10. Classroom training.
11. Software development.
12. Purchase of CNG or alternative fuel vehicles
13. Purchase of School Buses
14. Computer Purchases

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Margaret Buss
November 7, 2011
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15. Safety Education for Pedestrians and bicyclists
16. Virtual museums
17. Educational outreach
18. HSIP safety awareness and public outreach
19. Traffic data collection and analysis
20. Purchase Crossing guard uniforms
21. Purchase Cones
22. Preparation of Crossing Plans
23. Publicity
24. Staff Time
25. Public awareness campaigns and outreach to press and community leaders
26. Traffic education and enforcement in the vicinity of schools
27. Student sessions on bicycle and pedestrian safety
28. Conducting school traffic safety rodeos or bicycle rodeos
29. Training volunteers and managers of safe routes to school programs
30. Modest incentives for SRTS contests, and incentives that encourage more walking and bicycling over time
31. Creation of safety and educational tokens that also advertise the program.
32. Photocopying, duplicating, and printing costs, including CDs, DVDs, etc.
33. Mailing costs.
34. Costs for data gathering, analysis, and evaluation reporting at the local project level.
35. Pay for substitute teacher if needed to cover for faculty attending SRTS functions during school hours.
36. Costs for additional law enforcement or equipment needed for enforcement activities.
37. Equipment and training needed for establishing crossing guard programs.
38. Stipends for parent or staff coordinators.
39. Costs to engage the services of a consultant (either non-profit or for-profit) to manage a SRTS program as described in the prior bullet.
40. Implementation of walking school bus program
41. Walkability/bikeability audits
42. Conducting an effective traffic enforcement activity
43. Plans and Programs that do not involve major decisions that would lead to irretrievable commitment of resources, present or future construction, or ground disturbance, such as the installation of new sign posts.

c: Pettler

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