Local Programs Procedures

LPP 04-03 Manual Update
Subject: Environmental Procedures

Reference: *Local Assistance Procedures Manual,* Chapter 6, "Environmental Procedures"

Effective Date: January 26, 2004 Approved: **Original Signed By**
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WHAT IS AN LPP?

LPPs are Local Programs Procedures. These documents are used for the rapid deployment of new procedures and policies between updates of Local Assistance manuals, guidelines and programs. They are numbered according to calendar year and order in which released. This is the third LPP issued in 2004, hence it is LPP 04-03.

PURPOSE

The purpose of this LPP is to update Chapter 6, "Environmental Procedures" of the *Local Assistance Procedures Manual* (LAPM). Other, minor administrative changes have been made as well.
Chapter 6 is hereby released in its entirety. The attached pages will replace the entire chapter in the hard copy of the LAPM. Chapter 6 is also available online at:
http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p06envrp.pdf

BACKGROUND

Chapter 6 contains the policies and procedures local agencies must follow to be in compliance with the National Environmental Policy Act (NEPA) and other federal environmentally related laws. Failure to comply with the provisions of NEPA will render the local agency federal-aid transportation project ineligible for federal reimbursement. This chapter establishes the roles and responsibilities of local agencies, Caltrans District Local Assistance Engineers (DLAEs), Environmental Office Chiefs (EOC), and Professionally Qualified Staff (PQS). It also provides the procedural steps for ensuring compliance by the most efficient means possible. The development and release of this LPP coincides with the revised Programmatic Categorical Exclusion (PCE) Agreement, implemented on November 18, 2003, and with the new Section 106 Programmatic Agreement, implemented on January 1, 2004.

PREVIOUS PROCEDURE

Under the September 9, 1990 Programmatic Categorical Agreement, DLAEs were authorized to sign the Categorical Exclusion/Categorical Exemption/Programmatic Categorical Exclusion (CE/CE/PCE) form (when applicable) when all of the questions on the Preliminary Environmental Study (PES) form (except Question #10) could be answered "No." The District Environmental office would only sign the PES form

for regular CEs, EAs or EISs, when technical studies were required, or when specifically requested by the DLAE. District Environmental did not sign the CE/CE/PCE Form once the DLAE determined that all conditions of the Programmatic Categorical Exclusion had been met. There was no separate review by district cultural staff unless specifically requested.

NEW PROCEDURE

Under the November 18, 2003 Programmatic Categorical Agreement, the circumstances under which the DLAE **and** Environmental Office Chief (or designee), must now sign the PES form has been expanded. The DLAE may unilaterally determine that the project meets the conditions of Programmatic Categorical Exclusion and sign the CE/CE/PCE Form ONLY for projects listed in 23 CFR 771.117 (c). For all other projects, including those listed in 23 CFR 771.117 (d), both the District EOC (or designee) and the DLAE must determine whether meet the conditions of the PCE. Both the EOC (or designee) and the DLAE must sign the CE/CE/PCE Form.

Under the new Programmatic Agreement for Section 106 (cultural resources), effective January 1, 2004, all local agency federal aid transportation projects must now also be screened by a District Professionally Qualified Staff (PQS) person. The PQS will determine whether the project meets the definition of an "undertaking" and whether there is a potential for the project to affect historic properties. In accordance with 30 CFR 800.2, "Undertaking" means any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the Area of Potential Effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106. Under the new procedures, District PQS staff must indicate the results of their screening on the PES form and sign the PES Form.

USER-FRIENDLY FEATURES

- These new procedures are incorporated in the electronic version of the *Local Assistance Procedures Manual* (LAPM) which is available at the Division of Local Assistance (DLA) web site at: http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm. You may also purchase the "Publications for Local Assistance CD" which includes the LAPM in its entirety, along with many other publications. The CD acts as a one-stop shop for information and promotes flexible access to helpful information for local project delivery. It may be purchased from Caltrans Publications.

- Additional user-friendly features were developed to make the manual easier to edit and to access on the DLA web site. The added features will allow the user to navigate more quickly through the manual. Chapter formatting has been changed to enhance user-friendliness and reduce overall document size. Internal bookmarks allow for direct access to chapters and subheadings from the table of contents. Right justification has been eliminated, resulting in tighter text, more compact paragraphs and an overall reduced chapter size.

- To receive electronic notification when new information is posted on the DLA website, please subscribe to the DLA list server at: http://www.dot.ca.gov/hq/LocalPrograms/sub.htm.

SUMMARY OF CHANGES

Item	Change
General Chapter-wide	All references to the Local Programs Manual, Volume III have been changed to the Standard Environmental Reference (SER). All references to the Office of Local Programs have been changed to the Division of Local Assistance.
Table of Contents, Exhibits	Deleted Exhibits 6-D, 6-E, 6-F, 6-G, 6-H, 6-T, 6-U, 6-V, 6-W, 6-X, 6-Y, 6-Z, 6-AA. Updated Exhibits 6-I and 6-K, reordered Exhibits.
Section 6.1, (Introduction), page 6-2, (Roles and Responsibilities)	Expanded to include the roles of the District Environmental Office Chief (EOC), or designee, and the District Professionally Qualified Staff (PQS) person consistent with the Instructions for Completing the Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Determination Form, and as stipulated in the new Section 106 Programmatic Agreement respectively. Clarified that local agencies are responsible for providing a more complete project description on the PES Form, for ensuring that all consultant contracts and scopes of work reference the Standard Environmental Reference, and for notifying the DLAE of changes in project scope or limits. Added the roles and responsibilities of the District EOC and PQS.
Section 6.1, page 6-5 Applicability	Clarified that any amount of FHWA involvement in a project requires that the entire project, regardless of phases or segments not funded by FHWA, be included in the process.
Section 6-2 (An Overview of Environmental Process), page 6-5 (Categorical Exclusions)	Added new Programmatic Categorical Exclusion Agreement dated 11/18/03.
Section 6.2, page 6-10 (Other Federal Environmentally Related Processes)	Added Executive Order (E.O.) 13112 Invasive Species and the Clean Water Act. Clarified need for Area of Potential Effect (APE) map for Section 106 purposes.
Section 6.2, page 6-11, (Interagency Agreements and Memorandums of Understanding)	Updated to include the new Programmatic Categorical Exclusion (PCE) and Section 106 Programmatic Agreements modified the titles of the Programmatic 4(f) evaluations to more accurately reflect their official title, and added Interim Guidance for Section 4(f) for Transportation Enhancement Activity projects.
Section 6.2, page 6-13, (Integrating CEQA and NEPA)	Updated reference to the number of Categorical Exemptions from 29 to 32.
Section 6.2, page 6-14, (Timing for Environmental Processes)	Expanded to include time for Section 106 screened undertakings.

Item	Change
Section 6-2, page 6-16, (Scope Change)	New - Clarifies the local agency's responsible for notifying the DLAE of any change in project scope or limit, and the DLAEs responsibility to notify FHWA to determine if a re-consultation or re-evaluation will be necessary.
Section 6-2, page 6-16 (ReEvaluations)	New - Clarifies when reevaluations of CEs and PCEs are needed and documentation requirements for the project record.
Section 6.3, page 6-17 (Preliminary Environmental Studies; Purpose)	Clarified the difference in process for local agency projects "ON" and "OFF" the State Highway System.
Section 6-3, page 6-17, (Preliminary Environmental Investigation)	Changed "coordinate with" to "request technical information from" resource and regulatory agencies, to clarify that coordination does not equate to consultation. Only Caltrans is authorized to undertake Section 7 Informal Consultation and only FHWA is authorized to undertake Formal Consultation under interagency agreement or regulation respectively.
Section 6.4, Programmatic Categorical Exclusion page 6-18, (Programmatic CE Without "Required Technical Studies)	Clarified that a Professionally Qualified Staff (PQS) review is required for all projects and that the EOC or designee must review and sign the PES form prior to the DLAE and/or EOC or designee signing the CE/CE/PCE Form.
Section 6.4, page 6-19 (Annual Reporting Requirement)	Clarified that the DLAE ensures that all "green" environmental fields in LP2000 are complete.
Section 6.5, page 6-19 (Regular Categorical Exclusion)	Clarified that a PQS review is required for all projects and that the DLAE and/or EOC are responsible for signing the Area of Potential Effect (APE) map prior to the local agency initiating Section 106 studies.
Section 6.7 # 1, page 6-20 (Develop Complete Project Description and Detailed Map)	Updated consistent with revisions to PES Form.
Section 6.7 #2, page 6-20, (Review Relevant Literature, Maps and Inventories)	Replaced references to Exhibit 6-G, Natural Resources Conservation Service (NRCS) addresses with general statement to check with the NRCS office in your area.

Item	Change
Section 6.7 #3, page 6-21 (Request Technical Information from Resource and Regulatory Agencies)	Changed title of this subsection from "Coordinate with Resource and Regulatory Agencies" to "Request Technical Information from Resource and Regulatory Agencies" New - Under the new Section 106 PA, the District PQS will indicate, in the PQS signature block of the PES Form, whether an Information Center record search is necessary. New - Cultural resource information can only be obtained from appropriate State Historic Preservation Officer (SHPO) sponsored Information Centers by qualified resource specialists.
Section 6.7 #8, page 6-22 (Forward Completed PES Form and CE/CE/PCE Form to the DLAE)	Clarified required list of items local agency is to submit to the DLAE in order for Caltrans to review and provide environmental approval.
Section 6.7 #9, page 6-24 (Reviews PES and Signs the Programmatic CE)	Clarified items DLAE is confirming are present prior to forwarding packet to the EOC (or designee). Expanded to include EOC (or designee) and PQS review and clarifies signatures on the PES and CE/CE/PCE Form.
Section 6.7 #10, page 6-25, (Environmental Approval Complete)	Clarified DLAEs responsibilities to (1) provide immediate notification to the local agency that the CE/CE/PCE Form has been signed and (2) to update applicable "green" environmental fields in LP2000.
Section 6.7 #12, page 6-26 (Coordination Meeting and Signatures on the PES)	Clarified required list of items local agency is to submit to the DLAE in order for Caltrans to review and provide environmental approval. Clarifies DLAE, EOC and PQS actions. Reiterates that all local agency scopes of work and consultant contracts should reference the SER.
Section 6.7 #14, page 6-27 (Complete Required Technical Studies)	Clarified that local agency is responsible for the quality of their technical reports and as such should provide the first line of review, to insure report format and content is consistent with guidance set forth in the SER, prior to submittal to the DLAE.
Section 6.7 #17, page 6-27 (Technical Study Review and Approval of Programmatic CE)	Clarified that the EOC (or designee) determines whether the project meets the conditions of the new 11/18/03 PCE Agreement and that the DLAE indicates concurrence by also signing the CE/CE/PCE Form.
Section 6.7 #18, page 6-27, (Environmental Approval Complete)	Clarified DLAEs responsibilities to (1) provide immediate notification to the local agency that the CE/CE/PCE Form has been signed and (2) to update applicable "green" environmental fields in LP2000.

Item	Change
Section 6.7.19, page 6-28 (Complete Required Technical Studies)	Clarified that local agency interaction with resource and regulatory agencies should be limited to requests for technical information; that only FHWA may consult with the SHPO and (accept for the delegation of authority to CT for Informal Section 7 Consultation) the U.S. Fish and Wildlife Service. Clarifies that local agency is responsible for the quality of their technical reports and as such should provide the first line of review, to insure report format and content is consistent with guidance set forth in the SER, prior to submittal to the DLAE.
Section 6.7 #20, page 6-28 (Determine Whether "Required Technical Studies" Support a CE)	Updated reference to CE/CE/PCE Form Exhibit (formerly 6-J, now 6-E).
Section 6.7 #21, page 6-28 (Local Agency Prepares and Forwards CE/CE/PCE Form and Technical Studies to DLAE)	Clarified the DLAE forwards technical studies to the EOC (or designee) for review.
Section 6.7 #22, page 6-28, (District Environmental Staff Review Technical Reports and Concur in the CE Determination)	Clarified EOC (or designee) (1) review technical reports to ensure format and content are consistent with guidance set forth in the SER and (2) determine whether the project meets the conditions of the new 11/18/03 PCE Agreement. The DLAE indicates concurrence by also signing the CE/CE/PCE.
Section 6.7 #23, page 6-29, (FHWA Approves Studies)	Clarified DLAEs responsibilities to (1) provide immediate notification to the local agency that FHWA has signed the CE/CE/PCE FORMand (2) to update applicable "green" environmental fields in LP2000.
Section 6.7 #24, page 6-29 (Local Agency Prepares Environmental Document)	Clarified that consultation with the DLAE and the District EOC (or designee) is recommended and that EA and EIS document templates are available in the SER.
Section 6.8, page 6-29 (Tracking Environmental Document Review)	Changed "monitoring" to "tracking." Clarified that the DLAE is responsible for tracking EOC (or designee) and PQS review of local agency environmental documents and that every effort should be made to meet local agency project delivery.
Section 6.8, page 6-29 (Other District Priorities)	Updated to include District EOC (or designee) and PQS.
Section 6.8, page 6-30 (Quality of Documentation)	Clarified that the DLAE and the EOC (or designee) should utilize the SER to determine if reports and documents are complete and sufficient.
Section 6.8, page 6-30 (Disagreements Regarding Interpretation of Federal Law)	Updated to include District EOC (or designee) and PQS

Item	Change
Section 6.8, page 6-30 (Resource and Regulatory Agency Reviews)	Updated to include District EOC (or designee) and PQS.
Exhibit 6-A, page 6-33 (Preliminary Environmental Study (PES) Form	Modified format of first page. Expanded project information component and added Preliminary Design Information component to facilitate expedient reviews under the new PCE Agreement and the new Section 106 Programmatic Agreement. Updated Sections C, D, E and G consistent with both agreements.
Exhibit 6-B, page 6-41 (Instructions for Completing the (PES) Form	Updated consistent with the new PCE Agreement and the new Section 106 Programmatic Agreement.
Exhibit 6-C; page 6-51 (Sample Letter - Biological Resources)	Modified to request a federally listed species list from the USFWS and anadromous fish information from the NMFS.
Exhibit 6-D, page 6-53 Text of November 18, 2003, Programmatic Categorical Exclusion Agreement	Formerly "Sample Letter – Request Information on Cultural Resources from Native American Heritage Commission" which was deleted. The new Exhibit 6-D contains the text of the new PCE Agreement (November 18, 2003) between Caltrans and FHWA, which replaces the prior PCE Agreement (9/9/90).
Exhibit 6-E, page 6-55 CE/CE/PCE Determination Form	Formerly "Sample Letter – Request Information on Cultural Resources from Information Centers of the Historical Resources Information System". Deleted for same reason identified under Exhibit 6-D above. The new Exhibit 6-E, "CE/CE/PCE Form" (11/2003) replaces the June 29, 1999 CE/CE/PCE Form (issued as LPP 99-04).
Exhibit 6-F, page 6-57 Instructions for Completing the CE/CE/PCE Determination Form	Formerly "Sample Letter – Request Information on Cultural Resources from Local Historical Society". Deleted for same reason identified under Exhibit 6-D above. The new Exhibit 6-F, Instructions for Competing the CE/CE/PCE Form (11/2003) replaces the Instructions issued in LPP 99-04.
Exhibit 6-G, page 6-61 Actions Which Meet the Criteria for a CE In Accordance with 40 CFR 1508.4 and 23 CFR 771.117(A) and Normally Do Not Require Any Further NEPA Approvals by FHWA	Formerly "List of Natural Resources Conservation Service (NRCS) Field Offices." Deleted. Difficulty in maintaining current field office addresses and phone numbers. The new Exhibit 6-G lists activities from 23 CFR 771(d). The CE/CE/PCE Form must be signed by both the DLAE and the District EOC (or designee).

Item	Change
Exhibit 6-H, page 6-63 Additional Actions Which Meet Criteria For a CE In Accordance With 40 CFR 1508.4 and 23 CFR 771.117(A) and Which May Be Designated As a CE Only After FHWA Approval	Formerly "Information Centers of the Historical Resources Information System." Deleted for reasons identified under Exhibit 6-D above. The new Exhibit 6-H lists activities from 23 CFR 771 (c). The CE/CE/PCE Form for these types of projects may be signed unilaterally by the DLAE.
Exhibit 6-I, page 6-65 Sample Transmittal Letter To The District Local Assistance Engineer	Formerly "September 5, 1990 Programmatic Categorical Exclusion (PCE) Agreement." Replaced with the newly expanded November 18, 2003, Programmatic Categorical Exclusion Agreement.
Exhibit 6-J, page 6-67 Section 4(f) Evaluation – Coordination Meeting Suggested Point for Discussion	Exhibit 6-J was formerly "Categorical Exemption/Categorical Exclusion Determination for Seismic Safety Retrofit Projects." This exhibit was deleted.
Exhibit 6-K, page 6-69 Section 106 (Cultural Resources) Report – Coordination Meeting – Suggested Points for Discussion	Exhibit 6-K was formerly "Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Determination Form," which was replaced with the latest version of the CE/CE/PCE Form and moved to Exhibit 6-F.
Exhibit 6-L, page 6-71 Biology Study (Section 7 Compliance) Coordination Meeting Points for Discussion	Exhibit 6-L was formerly "Actions Which Meet the Criteria for a CE in Accordance with 40 CFR 1508.4 and 23 CFR 771.117(a) and Normally Do Not Require Any Further NEPA Approvals by FHWA," which was moved to Exhibit 6-G.
Exhibit 6-M, page 6-73 Wetlands Report – Coordination Meeting – Suggested Points for Discussion	Exhibit 6-M was formerly "Additional Actions Which Meet the Criteria for a CE in Accordance with 40 CFR 1508.4 and 23 CFR 771.117(a) and Which May be Designated as a CE Only After FHWA Approval," which was moved to Exhibit 6-H.
Exhibit 6-N, page 6-75 Floodplain Report-Coordination Meeting – Suggested Points for Discussion	Exhibit 6-N was formerly "Sample Transmittal Letter to the District Local Assistance Engineer," which was moved to Exhibit 6-I.
Former Exhibit 6-O Section 4(f) Evaluation – Early Coordination Meeting – Suggested Points for Discussion	Moved to Exhibit 6-J.

Item	Change
Former Exhibit 6-P Cultural Resource Reports – Early Coordination Meeting – Suggested Points for Discussion	Moved to Exhibit 6-K
Former Exhibit 6-R Wetlands Report – Early Coordination Meeting – Suggested Points for Discussion	Moved to Exhibit 6-M
Former Exhibit 6-S Floodplain Report – Early Coordination Meeting – Suggested Points for Discussion	Moved to Exhibit 6-N
Exhibit 6-T Draft Section 4(f) Evaluation or Documentation with Request for CE Approval - "Complete and Sufficient" Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and the format and content requirements of Draft Section 4(f) Evaluations. Local agencies, Caltrans EOCs (or designee) and PQS staff will now refer to the SER when determining whether Draft Section 4(f) Evaluations are complete and sufficient.
Exhibit 6-U Final Section 4(f) Evaluation - "Complete and Sufficient" Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and Final Section 4(f) Evaluation format and content requirements. Local agencies, Caltrans EOCs (or designee) and PQS staff will now refer to format and content guidance in the SER when determining whether Final Section 4(f) Evaluations are complete and sufficient.
Exhibit 6-V Historic Property Survey Report (HPSR) - "Complete and Sufficient" Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and the HPSR format and content requirements. Local agencies, and Caltrans PQS staff will now refer to the SER when determining whether HPSRs are complete and sufficient.
Exhibit 6-W Appropriate Inventory/Evaluation Forms - "Complete and Sufficient" Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and appropriate inventory and evaluation forms. Local agencies and Caltrans PQS staff will now refer to the SER when determining whether inventory and evaluation forms are complete and sufficient.
Exhibit 6-X Request for Determination of Effect - "Complete and Sufficient" Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and format and content requirements of Determination of Effect documents. Local agencies and Caltrans PQS staff will now refer to the SER when determining whether Determination of Effect documents are complete and sufficient.

Item	Change
Exhibit 6-Y Biological Assessment for Section 7 – "Complete and Sufficient" Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and format and content requirements for Natural Environment Studies (NES) Minimal Impact (MI), Natural Environment Studies, and Biological Assessments. Local agencies, Caltrans EOCs (or designee) and District Biologists will now refer to the SER when determining whether biological reports are complete and sufficient.
Exhibit 6-AA Floodplain Report – "Complete and Sufficient Review Checklist".	Deleted. Local agencies and their consultants will now refer to the SER for guidance on consultant qualifications, survey methodology and format and content requirements of Floodplain Reports. Local agencies and Caltrans EOCs (or designee) will now refer to the SER when determining whether Floodplain Reports are complete and sufficient.

AUTHORITIES AND REFERENCES

- National Environmental Policy Act (NEPA) of 1969, as amended (42 USC, 4321-4347)
- Council on Environmental Quality (CEQ), 40 Code of Federal Regulation (CFR) Part 1500, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," (November 29, 1978)
- U.S. DOT Order 5610.1C, Considering Environmental Impacts by Agencies within the U.S. DOT (September 18, 1979)
- 23 CFR 771, Environmental Impact and Related Procedures (April 1, 1994)
- FHWA Technical Advisory T6640.8A, RE: Guidance on Environmental and Section 4(f) Documents (October 30, 1987)
- Programmatic Categorical Exclusion Agreement (November 18, 2004)
- 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)
- Caltrans *Local Assistance Procedures Manual, Chapter 6 Environmental Procedures*, http://www.dot.ca.gov/hq/LocalPrograms/
- Caltrans *Standard Environmental Reference*, http://www.dot.ca.gov/ser/vol1/vol1.htm

CHAPTER 6 ENVIRONMENTAL PROCEDURES

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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 provisions of the National Environmental Policy Act (NEPA) and the implementing regulations thereto. Local agencies may not proceed with the final design of a project or request project authorizations for right-of-way or construction until full compliance with the provisions of NEPA has been documented and approved by Caltrans and/or the Federal Highway Administration (FHWA). Failure to follow this requirement will make the project ineligible for 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 Categorical Exemption, Categorical Exclusion, or Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form or approved environmental document so the local agency can commence with final design.

This chapter provides an overview of the NEPA process and the other federal environmentally related processes that must be completed prior to receiving federal-aid for local assistance projects "OFF" the State Highway System, and may not adequately address the environmental requirements for local agency projects "ON" the State Highway System, or transit projects administered by the Federal Transit Administration (FTA). Refer to the Caltrans *Standard Environmental Reference* (SER), Chapter 5, for guidance on preparing environmental documents for local agency projects "ON" the State Highway System, and to the FTA *Procedures and Technical Methods for Transit Project Planning* for guidance on preparing environmental documents in support of transit projects.

Since the majority of federal-aid local assistance projects qualify for Categorical Exclusion (CE) from the provisions of NEPA, this chapter is limited to the preliminary environmental investigation, completion of the Preliminary Environmental Study (PES) Form, and processing of a CE.

Local agencies should refer to the *Standard Environmental Reference* (SER) for detailed instructions on preparing and processing environmental documents in support of projects that *do not qualify* for a CE.

The SER (http://www.dot.ca.gov/ser/) is an extensive, on-line, electronic reference that sets forth document content and format, as required by law or regulation, and recommended format, if not specified by law or regulation. It will be referenced frequently in this chapter.

AUTHORITY

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." Brief summaries of relevant Federal statutes are provided below:

- The National Environmental Policy Act of 1969, as amended, is the basic national charter for protection of the environment. It establishes policy, sets goals (Section 101(b)) and provide a means (Section 102) for carrying out the policy. Section 102 (2) of the Act contains "action-forcing" provisions to ensure Federal agencies act according to the letter and spirit of the Act.

- On November 29, 1978, the Council of Environmental Quality (CEQ) issued 40 CFR Part 1500, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," specifying Federal agency actions required to comply with the procedures and achieve the goals of the Act.
- In response to the CEQ regulation the U.S. Department of Transportation (U.S. DOT) issued the U.S. DOT Order 5610.1C, effective September 18, 1979, establishing the general procedures and requirements for consideration of environmental impacts by agencies within the U.S. DOT.
- The CEQ regulation and the DOT order require agencies such as FHWA to develop supplementary implementing procedures to fully integrate the agency's program with the CEQ regulation and the DOT order. FHWA developed 23 CFR 771, "Environmental Impact And Related Procedures" to establish the specific NEPA requirement that must be followed by FHWA and by applicants for grants, permits, and other actions.

  On October 30, 1987, FHWA issued guidance (Technical Advisory T6640.8A) on the preparation and processing of environmental and Section 4(f) documents.

ROLES AND RESPONSIBILITIES

LOCAL AGENCY

Develops complete Project Description (including project limits, purpose and need, logical termini and independent utility), prepares project area maps and cross-sections (showing existing and proposed project). Conducts preliminary environmental investigation, requests technical information from resource and regulatory agencies, and completes the PES Form (Exhibit 6-A, "Preliminary Environmental Studies [PES] Form") in accordance with instructions provided in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Studies (PES) Form." Insures consultant contracts and scopes of work direct the development of technical studies, reports and NEPA documents in accordance with guidance set forth in the SER.

Note: Coordination with the State Historic Preservation Office (SHPO) and the U.S. Fish and Wildlife Service (USFWS), beyond information gathering is the responsibility of FHWA Project Development Engineer.

- Prepares the Area of Potential Effect (APE) map and identifies historic properties.
- Is responsible for ensuring that the qualifications of consultants preparing Section 106 studies meet the Secretary of Interior Standards for the appropriate discipline.
- Submits the PES Form, technical reports and NEPA documents to the DLAE in accordance with the "Step by Step Procedures" provided at Section 6.7 of this chapter.
- Is responsible for the *quality* of all required technical reports and NEPA documents and for ensuring that the format and content of each submittal is consistent with guidance set forth in the SER.
- 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.
- Maintains copies of NEPA documents and supporting technical reports for a period of three (3) years following FHWA reimbursement for final project costs. When

mitigation is required, environmental documentation shall be maintained until all required mitigation has been fully implemented.

- Is responsible for notifying the DLAE of changes in project scope or project limits.

CALTRANS

DISTRICT LOCAL ASSISTANCE ENGINEER

- Processes the PES Form and supporting documentation through the District Environmental Office Chief (EOC) (or designee) for their review and concurrence with the studies to be performed and the recommended level of NEPA document for all projects
- Reviews the PES Form and the recommendations of the District EOC (or designee) and Professionally Qualified Staff (PQS) and indicates concurrence, with the studies to be performed and the recommended level of environmental document, by signing the PES Form for all projects.
- Reviews and signs (in concert with the District PQS) the APE map for undertakings when applicable.
- Arranges and attends Coordination Meetings.
- Solicits district environmental review for all technical reports
- Determines whether the conditions of the PCE are met. Unilaterally signs the CE/CE/PCE Determination Form for 23 CFR 771.117(c) list projects that meet the criteria of the PCE. The DLAE and District EOC (or designee) sign CE/CE/PCE Determination Form for 23 CFR 771.117(d) list projects that meet the criteria of the PCE. The CE/CE/PCE Determination Form is provided as Exhibit 6-E, "Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form."
- Informs the District EOC (or designee) of the local agency project delivery schedule, tracks review of local agency technical reports and NEPA documents, and notifies the EOC (or designee) of projects that have run into difficulty.
- Notifies local agencies of NEPA approval so that they may commence with final design.
- Is the focal point for coordination with FHWA. Transmits (unless otherwise designated) all correspondence and documentation between the local agency and FHWA.
- Ensures all "green" environmental fields, (including Section 106 fields) in the Local Assistance Database, Local Programs 2000 (LP 2000) are completed in support of annual reporting requirements.
- Maintains list of PCEs for each Federal Fiscal Year, forwards list to HQ Division of Local Assistance (DLA) at the end of each Federal Fiscal Year (FFY), and provides training as necessary.

DISTRICT ENVIRONMENTAL OFFICE CHIEF (EOC) OR DESIGNEE

- Reviews the PES Form and supporting documentation, and indicates concurrence, with the studies to be performed and the recommended level of NEPA documentation, by signing the PES Form for all projects.
- Attends Coordination Meetings, insofar as possible, when requested.

- Reviews NEPA documents and supporting technical reports, and determines if they are complete and sufficient in accordance with the guidance set forth in the SER.
- Signs the CE/CE/PCE Determination form.
- EOC initiates Section 7 Informal Consultation with USFWS and/or National Marine Fisheries Service (NMFS).

DISTRICT PROFESSIONALLY QUALIFIED STAFF (PQS)

- Reviews the PES Form and indicates the results of their review in the PQS signature block of the PES Form.
- Indicates appropriate response to Question 25 under Section B of the PES Form; completes Sections C, D and E, (regarding Section 106); ands sign the PES Form for all projects.
- When applicable, reviews and signs (in concert with the DLAE) the local agency-prepared APE maps, indicating approval.
- Attends Early Coordination Meetings, in so far as possible, when requested, and provides the local agency with guidance on proper procedures and required format and content of all cultural reports.
- Reviews and approves cultural resource reports and transmits them to FHWA and SHPO when required.
- Provides the DLAE with periodic updates and copies of all transmittals to FHWA and SHPO.

DIVISION OF ENVIRONMENTAL ANALYSIS (DEA)

- Provides expertise as needed.

DIVISION OF LOCAL ASSISTANCE (DLA)

- Maintains and updates the procedural guidance provided in this chapter and relevant components of the SER, and provides training.
- Performs process reviews to assess compliance with FHWA requirements.
- Assists with and/or coordinates the resolution of issues that cannot be resolved in the district.
- Prepares annual report on Programmatic Categorical Exclusion (PCE) determinations for local agency federal-aid transportation projects.

FHWA

- Is responsible for compliance with the National Environmental Policy Act (NEPA).
- Reviews and signs the PES Form for Environmental Assessment (EAs), Environmental Impact Statements (EISs) and (when recommended by the DLAE, EOC, or designee), regular CEs.
- Attends Coordination Meetings, insofar as possible, when requested.
- Reviews and comments on the adequacy of required technical reports and environmental documents (CEs, EAs, and EISs).
- Consults with State and federal agencies as required under regulation or interagency agreement.

- Makes appropriate findings and determinations required by law, regulation or Presidential Executive Order (EO).
- Provides guidance, technical assistance, and interpretation of federal policy and requirements.
- Coordinates with district staff as needed for reevaluations.
- Provides and assists with training as necessary.

OTHER STATE AND FEDERAL RESPONSIBLE AND REGULATORY AGENCIES

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

APPLICABILITY

Any local assistance project, "...financed, assisted, conducted or approved by a federal agency..." (i.e., FHWA), is subject to compliance with the provisions of the NEPA (40 CFR 1508.18(a)). Any amount of FHWA involvement in a project requires that the entire project, regardless of phases or segments not funded by FHWA, be included in the process. 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 1500.1(b)). Local agencies shall document all sources of information and methodologies used in the research and survey of environmental resources. Current informational sources are cited in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study (PES) Form."

6.2 AN OVERVIEW OF THE ENVIRONMENTAL PROCESS

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

A list of Interagency Agreements and Memorandums of Understanding (MOUs) (intended to expedite compliance with NEPA and other federal environmental requirements) are provided below. Information on the integration of California Environmental Quality Act (CEQA) and NEPA timeframes for achieving environmental compliance, and general information on permits, mitigation, scope change and reevaluations are also discussed in this section.

NEPA

The NEPA process is guided by the National Environmental Policy Act and its implementing regulations, 23 CFR 771.117 (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.

Other federal environmentally related processes 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), and E.O. 11998 (Protection of Floodplains), and E.O. 13112 (Invasive Species).

Federal actions must also comply with the requirements of the above processes. The NEPA document is a summary of the findings made and conclusions reached during the environmental analysis of a proposal. Therefore, when the elements of other federal environmentally related processes are involved, it is expected that these processes be completed prior to completion of the NEPA process.

CATEGORICAL EXCLUSIONS

Categorical Exclusions (CEs) are actions that meet the definition contained in 40 CFR 1508.4, and based on past experience with similar actions, do not involve significant environmental impacts. They are actions that: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historical or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise (either individually or cumulatively) have any significant environmental impacts (23 CFR 771.117(a)).

Any action that normally would be classified as a CE but could involve unusual circumstances will require FHWA, in cooperation with the local agency, to conduct appropriate environmental studies to determine if the CE classification is proper (23 CFR 771.117(b)).

Such unusual circumstances include:

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

A list of actions meeting the criteria for a CE in accordance with 40 CFR 1508.4 and 23 CFR 771.117(a), and normally not requiring any further NEPA approvals by FHWA, are provided as Exhibit 6-G, "Actions Which Meet The Criteria For A CE In Accordance With 40 CFR 1508.4 And 23 CFR 771.117(a) And Normally Do Not Require Any Further NEPA Approvals by FHWA."

Additional actions, meeting the criteria for a CE in accordance with 40 CFR 1508.4 and 23 CFR 771.117(a), may be designated as CEs only after FHWA approval. The local agency shall submit documentation which demonstrates that the criteria for these CEs have been satisfied and that significant environmental effects will not result (23 CFR 771.117(d)). Examples of such actions are provided as Exhibit 6-H, "Additional Actions Which Meet Criteria For A CE In Accordance With 40 CFR 1508.4 and 23 CFR 771.117(a) And Which May Be Designated As A CE Only After FHWA Approval."

When environmental documentation supports the conclusion that no significant environmental impacts will occur as a result of the project, a CE is prepared and processed. Any recommendation by a local agency that a project is a CE must be approved by FHWA, unless Caltrans (DLAE and District EOC [or designee]) determine that the project meets the conditions of any FHWA approved PCE.

Refer to the SER, Chapter 30, for details on preparing CEs and Section 6.7, Steps 11-23 (in this chapter) for procedures for processing CEs.

On November 18, 2003, FHWA approved a **Programmatic Categorical Exclusion Agreement** for all actions that meet the conditions therein.

A copy of the **Programmatic Categorical Exclusion Agreement** is provided as Exhibit 6-D, "Programmatic Categorical Exclusion Agreement (November 18, 2003)."

The advantage of the PCE is a shortened project delivery schedule. PCEs need not be processed through FHWA. The DLAE and the District EOC (or designee) are authorized to determine whether the conditions of the PCE have been met.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment (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 CE by FHWA, and yet it does not clearly require preparation of an EIS, preparation of an EA will assist in determining the need for an EIS.

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

- Based on information gathered during preliminary environmental studies, where it is clear that the proposed project will not qualify for CE or where unusual circumstances are likely. 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 EOC (or designee) indicate concurrence, and the FHWA Project Development Engineer makes the determination 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 FHWA Project Development Engineer. 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. The information provided in the EA is the basis for determining whether the proposed project will have a significant impact on the environment.

If the proposal is expected to not have a significant environmental impact, the local agency signs the document and submits the draft EA to the DLAE for processing. The DLAE forwards the EA to the District EOC (or designee) for review. The District Environmental staff determines if the document is complete and sufficient based on guidance provided in applicable chapters in the SER.

Technical reports and NEPA documents that do not meet the format and content guidance set forth in the SER will be returned to the local agency by the DLAE. When determined to be complete and sufficient, the draft EA and supporting studies are forwarded to the FHWA Project Development Engineer for review and approval for public availability.

Approval may be subject to revisions being made by the local agency prior to circulation. If the FHWA Project Development Engineer determines that deficiencies exist, the DLAE notifies the local agency. If all are in agreement with the scope and content, the FHWA Division Administrator signs and returns the title page of the draft EA to the DLAE for transmittal to the local agency.

The EA must be made available to the public by the local agency for a minimum 30-day review. The local agency initiates public circulation of the draft EA, and following public involvement, responds to comments as necessary and prepares the Final EA. When the EA does not identify any significant impacts, and no significant impacts are identified during the public availability phase, the local agency submits the record of

public comments, responses, and request for a Finding of No Significant Impact (FONSI) to the DLAE for concurrence by the EOC (or designee), and transmittal to FHWA.

The FHWA is responsible for making the official "finding" that a proposed project will not significantly impact the environment. The FHWA signed FONSI makes this "finding."

The DLAE notifies the local agency upon FHWA approval of the FONSI.

When the 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 FHWA signed the FONSI, under "Environmental Data." Refer to, Chapter 3, Exhibit 3-G, "Request for Authorization - Data Sheets," and Exhibit 3-H, "Request for Authorization - Application Instructions" of the Caltrans *Local Assistance Procedures Manual* (LAPM).

ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement (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 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; the DLAE and EOC (or designee) indicate concurrence; and FHWA makes the determination that an EIS is the appropriate NEPA class of action.
- Based on the conclusions of the draft EA where the potential for "cumulative" significant adverse impacts are shown.

  When it is determined that a proposal may have a significant environmental impact, the local agency arranges for a preliminary meeting with the DLAE, the District EOC (or designee) and the FHWA Project Development Engineer.

For details on preparing and processing EISs refer to the SER, Chapter 32. Caltrans and FHWA review and processing of EISs shall also be undertaken in accordance with the procedures set forth in the SER. The DLAE tracks the review and processing, records the environmental document information in LP 2000, and provides notification to the local agency of environmental document status and approval.

Prior to submitting an Request for Authorization for new phases of work, the local agency enters the appropriate coding and date of FHWA's signature on the Record of Decision (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" of 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.

The following is a summary of those federal environmentally related processes most commonly required on transportation projects. Local agencies may be required to satisfy the requirements of one or more of the following laws for any one of the three levels of environmental documentation (EIS, EA and CE). Compliance with the provisions of each law must be fulfilled 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 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 4(f) land is required, a 4(f) avoidance alternative is required. If 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 provided procedures (Section 106) for federal agencies to follow if a proposal could affect a property that is included or eligible for inclusion in the National Register of Historic Places. The ACHP has developed procedures (36 CFR 800) that must be followed on any federal project or action. Guidance on compliance with the provisions of 36 CFR 800 is provided in the SER, Chapter 28.
- **Section 7 of the Endangered Species Act - (Protection of Endangered Species)** The purpose of this act is to provide a means to conserve the ecosystems, which the endangered species and the threatened species depend upon, and to provide a program for conservation of these species. The Endangered Species Act requires FHWA in consultation with, and with the assistance of USFWS and NMFS, to ensure that actions approved or funded by FHWA are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of the critical habitat of such species. Compliance with Section 10 of the Endangered Species Act does not count as meeting Section 7 requirements. Guidance on compliance with the provisions of Section 7 of the U.S. Endangered Species Act is provided in the SER, Chapter 14.
- **Presidential Executive Order 11990 (EO 11990)- Protection of Wetlands –** EO 11990 requires that when a construction project involves wetlands, a finding must be made that: 1) 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 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 (EO 11988) - Floodplain Management** – In response to EO 11988, FHWA 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 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 Justice in Minority Populations and Low Income Populations"** issued on February 11, 1994, emphasizes the intent of Title VI of the Civil Rights Act of 1964. The Order requires federal agencies to ensure that their programs, policies and activities do not have the effect 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 24.

- **Presidential Executive Order 13112 (EO 13112) - Invasive Species, issued on February 3, 1999 (effective November 15, 1999)**, 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. FHWA 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.), the FTA (58 FR 62188, November 24, 1993), and Metropolitan Planning Organizations (MPOs) determine the conformity of federally funded or approved highway and transit plans, programs, and projects to SIPs. The provisions of 40 CFR Parts 51 and 93 (Final Rule effective September 15, 1997) shall apply in all non-attainment and maintenance areas for transportation-related criteria pollutants for which the area is designated non-attainment or has a maintenance plan. For additional information refer to the SER, Chapter 1.

- **Clean Water Act (1977 & 1987)** 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 Board or Regional Board when a project requires a Federal license or permit and will result in a discharge to 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 Army Corps of

Engineers (ACOE) regulating the discharge of dredged or fill material into waters of the U.S. (including wetlands). For additional information refer to the SER, Chapter1.

GENERAL PROCEDURES FOR DEMONSTRATING COMPLIANCE WITH THESE PROCESSES

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

- The local agency consults current databases, reviews relevant literature and maps, requests technical information for resource and regulatory agencies and determines whether compliance with any of the above federal requirements is necessary. The local agency considers the results of this preliminary research when completing the PES form. The local agency submits the PES Form (with all supporting documentation), and the first two pages of the Field Review form to the DLAE.
- The Caltrans DLAE and District EOC (or designee) confirm applicability of relevant laws for the project by signing the PES Form. The District PQS determines applicability of Section 106 and confirms need for APE map.
- Prior to initiation of technical studies, the local agency prepares the APE map for Section 106 purposes (when applicable), and requests the DLAE 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 (when necessary) for Section 106 studies, and discuss the format and content requirements for each technical report.
- Local agencies complete the required technical studies, prepare the technical reports and submit the reports to the DLAE for review and processing. To ensure timely project delivery, local agencies and consultants are responsible for ensuring that the format and content of required technical reports and environmental documents are consistent with guidance set forth in the SER.
- The EOC (or designee) reviews the technical reports and determines if the reports are "complete and sufficient" based on guidance provided in the SER. When they are "complete and sufficient," the District EOC (or designee) transmits the reports to the FHWA Project Development Engineer for action.
- The DLAE (or designee) transmits the packet to FHWA, logs transmittal date (in LP2000), and tracks FHWA review time.
- The FHWA reviews the reports, fulfills their responsibility for 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 District EOC (or designee) and the local agency.
- The local agency prepares the appropriate NEPA document, based on the results of FHWA consultation, and processes the document to the DLAE for review and approval (as necessary).

INTERAGENCY AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING

Several agreements have been developed to expedite compliance with NEPA. These agreements require full documentation, demonstrating that the required conditions have been met.

- **Programmatic Categorical Exclusion Agreement (November 18, 2003)** - The "Programmatic" Categorical Exclusion is an agreement between FHWA and Caltrans that provides for Caltrans determination, and that conditions of the agreement have been met when the action:

  1) meets the criteria for a CE under 23 CFR 771.117(a) & (b);
  2) qualifies for a CE under 23 CFR 771.117 (c) & (d), and
  3) satisfies all conditions of the PCE. A copy of the agreement is provided as Exhibit 6-D. "Programmatic Categorical Exclusion Agreement (November 18, 2003)." Prior to PCE determination, the undertaking must be screened by the District PQS to assess whether it has any potential to affect historic properties, in accordance with the *Section 106 Programmatic Agreement* (see below).

- **Programmatic Agreement Among the Federal Highway Administration, 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 January 1, 2004**. The Section 106 PA supplements the Section 106 regulations (36 CFR 800), except when the undertaking is on federally recognized Native American tribal land, where the 36 CFR 800 procedures must be followed. This Agreement allows Caltrans to consult directly with SHPO for all steps of the Section 106 process except for Adverse Effects or for projects that have properties subject to 4(f) take (anticipated time savings of 30-90 days per project for most projects). It 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 evaluation, defines APE guidelines and sets out qualifications for decision-making staff. Prior to a PCE determination, the 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.

- **Categorical Exemption/Categorical Exclusion Determination for Seismic Safety Retrofit Project (February 5, 1990)** - This agreement covers the majority of retrofit work but is applicable only to actions meeting the conditions on the agreement. Because the conditions of this agreement are relatively consistent with those of the Programmatic Agreement, local agencies should be aware that this agreement is valid but is not used for local agency federal-aid projects, primarily because the PCEs can adequately achieve the same result.

- **Programmatic Agreement Regarding the Seismic Retrofit of Historic Bridge Structures in California (March 21, 1995)** - This agreement is for the 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 (MOU) National Environmental Policy Act and Clean Water Act, Section 404 Integration Process for Surface Transportation Projects in Arizona, California and Nevada (Spring 1994).** The Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, FHWA, the Federal Transit Authority, Caltrans, Arizona DOT, and Nevada DOT 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

individual permit, impact special aquatic sites, or impact greater than three 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 impact more than 1.5 acres of waters of the U.S., the local agency DLAE and EOC (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.

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.
- **FHWA Projects that Necessitate the Use of Historic Bridges, July 5, 1983** - for historic bridge replacement projects. Extensive historic evaluation and coordination to meet Section 106 requirements are still required.
- **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.
- **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.
- **Interim Guidance on Applying Section 4(f) On Transportation Enhancement Projects and National Recreational Trails Projects (August 22, 1994).** Section 4(f) should not be applied to the National Recreational Trails Funding Program, and should only be applied to the "Transportation Enhancements" Program when certain conditions are not met by each project. The interim guidance, issued in the Federal Register as a final policy interpretation, contains the basis for these determinations and will be in effect until changes to 23 CFR 771 are disseminated through the regulatory rulemaking process. Once 23 CFR 771 has been revised to address this subject, the interim guidance will become null and void.

INTEGRATING CEQA AND NEPA

While this chapter deals exclusively with federal environmental requirements, local agencies are responsible for insuring 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 (i.e., CE/CE, IS/EA, EA/FONSI, EIS/EIR) do not necessarily need to match up with each other. An EA/FONSI (NEPA) may be applicable for an EIR (CEQA) and so on. Guidance on development 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. Because the NEPA requires that each federal agency identify its own list of CEs, the list of projects exempt from NEPA is very specific to FHWA, unlike CEQA guidelines that list 32 standard categories. Thus, a careful reading of 23 CFR 771.117 is necessary to determine which actions are Categorically Excluded. Separate determinations must be made for the NEPA and CEQA. Section 6.5, "Regular Categorical Exclusions," of this chapter, describes this phase of the process.
- **Environmental Assessment (EA)/Initial Study (IS) -** The required contents of an EA are similar to that of an IS, however, NEPA requires that an EA discuss alternatives whereas CEQA does not require a discussion of alternatives in an Initial Study. 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 EA or EIS preparation is the requirement for integrating the NEPA with other federal environmental requirements. Local agencies 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" of 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 in addressing the avoidance and minimization of them, with mitigation 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" under CEQA. 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 the NEPA and the other federal environmental requirements varies depending upon project scope and the presence of federally protected environmental attributes within, and immediately adjacent to the project area to address direct, indirect (secondary), and cumulative impacts.

Compliance with the environmental requirements may occur simultaneously with preliminary engineering, however, local agencies may not commence with final design prior to obtaining environmental document approval as follows: a Caltrans- signed CE/CE/PCE for Programmatic CEs, an FHWA-signed CE/CE/PCE for regular CEs, an FHWA-signed FONSI for EAs and an FHWA-signed ROD for EISs. It is incumbent upon the DLAE to notify local agencies as soon as approval is granted and forward a copy of signed environmental approval.

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 or 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 eligible for PCE with no "required technical studies" can be processed in two weeks, assuming the PES Form and supporting information are complete and sufficient.
- PCE with "required technical studies" may take from one to six months, depending upon the studies that must be completed.
- A CE may take from one month to one year depending upon the required technical studies that must be completed and the time of year the studies are initiated.
- It is important to plan for critical survey periods when determining a project schedule. Surveys for certain plants species may have to be performed in the Spring.
- It is also important to factor in sufficient time for potentially lengthy processes such as Section 106. Depending upon the nature of the undertaking and its effects to historic properties, the Section 106 process can take less than one week for screened undertakings, to more than 24 months for very complex projects involving multiple resources.
- An EA (that becomes a FONSI) may take between six months to a year for a situation where everything falls into place. The draft EA must undergo a 30-day public availability period. Environmentally complicated or controversial projects may take more than one year for the document to be completed and approved.
- Processing the EA (which becomes a FONSI) with a Historic Property Survey Report (HPSR) (or any other environmentally related process) may require additional time because these environmentally related processes require more work and more reviews. A preliminary Determination of Effect to cultural or archaeological resources, for example, must be completed before a draft EA or EIS can be circulated for public review. Final Section 106 must be complete before the final EA or FEIS can be approved.
- The local agency should start working on "required technical studies" as early as possible in order to avoid delays. Note: The local agency should not begin "required technical studies" prior to obtaining DLAE, District EOC (or designee) and, if applicable, FHWA Project Development Engineer concurrences on the PES Form and attending the Coordination Meeting.

OTHER CONSIDERATIONS

PERMITS

The local agency will obtain all necessary permits (State/County 404 Permit, Encroachment, Coast Guard Bridge Permit, 1601/03) prior to advertisement for construction.

MITIGATION AND PS&E

The local agency will certify that all required mitigation has been completed and/or is included in the Final Plans, PS&E, and that any required ongoing maintenance of mitigation is implemented. (23 CFR 635,771, and 772).

The DLAE assures that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

MITIGATION AND CONSTRUCTION

The local agency checks plans in the field and certifies that all environmental commitments have been completed and that documentation to this effect has been prepared for inclusion in the projects' final record/voucher.

SCOPE CHANGE

In advance of any commitment, the local agency notifies the DLAE of any change in project scope or project limits. Major changes may require a Transportation Improvement Program (TIP) amendment or air quality re-determination.

The DLAE notifies the FHWA Project Development Engineer of the change, and the FHWA Project Development Engineer determines if additional environmental studies will be required or if any mitigation agreements will require modification. When mitigation agreements require modification, the DLAE, District EOC, or designee, requests FHWA initiate re-consultation/reevaluation immediately. FHWA approved scope changes shall be documented and appended to the PES Form.

REEVALUATIONS

Any change in proposed project, including but not limited to, changes in project scope or limits, changes in project setting, discovery of new information regarding environmental sensitivity, traffic or standards, etc., or changes in environmental laws, regulations, and policies that occurs after the PCE or CE Determination has been made, but prior to the next approval action (i.e., Request for Authorization to Proceed with Right of Way or Construction) must be brought to the attention of the DLAE.

The local agency is responsible for informing the DLAE of any change in the project so that these changes can be evaluated to determine if the change requires a new PCE or CE Determination.

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

PROCESS REVIEW

Caltrans conducts process reviews to determine the adequacy of existing process, to monitor the process for compliance with all laws, regulations and procedures developed to administer federal-aid projects. This includes but not limited to monitoring the use of the PCE, monitoring the quality of NEPA document and supporting technical reports, and monitoring PS&E and project construction to ensure mitigation commitments are incorporated into final design and fully constructed.

TRAINING

The DLAE and District Training Coordinator are responsible for notifying local agencies of available training and for assisting the local agencies with training registration. Training opportunities available through FHWA, ACOE, USFWS, National Highway Institute (NHI), U.S. Environmental Protection Agency (USEPA), universities and colleges, are posted on the DLA homepage.

6.3 PRELIMINARY ENVIRONMENTAL STUDIES

PURPOSE

The purpose of PES is to determine the potential presence of sensitive environmental resources within the project area. The preliminary environmental study process was developed exclusively for federal-aid local assistance projects "OFF" the State Highway System (SHS), and consists of two parts: 1) a four-step Preliminary Environmental Investigation process, and 2) completion of the PES Form. The environmental process for local agency projects "ON" the SHS is set forth in the SER.

PRELIMINARY ENVIRONMENTAL INVESTIGATION

The Preliminary Environmental Investigation process consists of:

1. The development of a complete Project Description (which addresses independent utility and logical termini), existing and proposed cross sections, and project maps;
2. A review of relevant literature, maps and inventories;
3. A request for technical information from resource and regulatory agencies; and
4. Verification of research findings in the field (site visit) and Field Review with Caltrans staff, if appropriate.

Instructions for conducting the preliminary environmental investigation and completing the PES Form are provided in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Studies (PES) Form." A sample letter for requesting biological resource information is provided as Exhibit 6-C, "Sample Letter – Biological Resources."

PRELIMINARY ENVIRONMENTAL STUDIES (PES) FORM

A complete and signed PES Form is required for all local agency federal-aid transportation projects "OFF" the SHS. A PES Form is provided as Exhibit 6-A, "Preliminary Environmental Study (PES) Form." Instructions for completing the PES Form are provided in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Studies (PES) Form."

REQUIRED TECHNICAL STUDIES

When preliminary environmental investigations indicate a potential for sensitive resources within the project area, the local agency is responsible for undertaking the appropriate technical study to confirm the presence of the resource and determine the potential significant affect(s) of the project on the resource. A list of required technical studies is provided under Section C of the PES Form.

Note: Guidance on consultant qualification, technical study methodology and technical report format and content is available in the SER.

6.4 PROGRAMMATIC CATEGORICAL EXCLUSION

CRITERIA

A Programmatic Categorical Exclusion (PCE) may be found to be applicable to a local agency project through one of the following two ways:

- Based on the outcome of preliminary environmental investigations
- Based on the results of technical studies

PROGRAMMATIC CE "WITHOUT REQUIRED TECHNICAL STUDIES"

The first method requires the least amount of time to process. The local agency completes the preliminary environmental investigation and the PES Form.

When all of the answers (except #10) to Sections A and B of the PES Form are "No," the project more than likely meets the conditions of and may be eligible for a PCE. (See Exhibit 6-D, "Programmatic Categorical Exclusion Agreement, November 18, 2003.")

The local agency attaches the completed PES Form, and all supporting information, to the CE/CE/PCE Determination Form, and submits the packet to the DLAE for approval. The DLAE reviews the packet for completeness and forwards to the EOC (or designee) for their review and for review by the PQS.

A District PQS review is required for all undertakings. The PQS will indicate the results of this review in the PQS signature block of the PES Form and return the form to the EOC (or designee).

The EOC (or designee) and DLAE sign the PES Form. If the action meets the conditions of the PCE Agreement, the EOC (or designee) and DLAE will also sign the CE/CE/PCE Form for those projects on the 23 CFR 771.117(d) list. The DLAE unilaterally signs the PES Form for projects on the 23 CFR 771.117 (c) list.

PROGRAMMATIC CE WITH "REQUIRED TECHNICAL STUDIES"

The second method requires the completion of required technical studies prior to determining a project's eligibility for a Programmatic CE. This method may take several months to a year to complete depending upon the resource in question (see prior section entitled "Timing for Environmental Processes").

When one or more of the questions under Sections A and B of the PES Form are answered "Yes" or "To Be Determined" the local agency transmits the completed PES Form and all supporting information to the DLAE. The DLAE forwards the packet to the District EOC (or designee) who coordinates the review of the PES Form (based on "Yes" and "To Be Determined" responses) with District environmental specialists. The District PQS reviews the packet and indicates the results of their review in the PQS signature block of the PES Form.

If the PQS determines that cultural resource studies are required, the PQS will check "Yes" (to Question #25 under Section B of the PES Form) and indicate the additional requirements (i.e., APE map, technical study, agency coordination, permits and approval) under Sections C, D and E of the PES Form and signs and returns the PES Form to the EOC (or designee).

The local agency is responsible for preparing the APE map (in accordance with Attachment 2 of the Section 106 Programmatic Agreement) prior to requesting a

Coordination Meeting or initiating cultural studies. The District PQS (in concert with the DLAE) will review the APE map. The PQS and DLAE will both sign the APE, indicating approval. Following the Coordination Meeting the local agency is responsible for undertaking technical studies and for preparing technical reports in accordance with the guidance set forth in the SER.

When the results of the technical studies conclude that the conditions of the November 18, 2003, PCE Agreement are met, the Caltrans EOC (or designee) and the DLAE will sign the CE/CE/PCE Determination Form. When the results of the technical studies conclude the conditions of the PCE Agreement cannot be met, the FHWA Project Development Engineer must also sign the CE/CE/PCE Determination Form.

ANNUAL REPORTING REQUIREMENT

To facilitate process reviews and annual reporting requirements, the DLAE is responsible for maintaining a log of projects processed under the PCE Agreement and for ensuring that all "green" environmental fields in LP2000 are complete. The Annual Report should include the Federal Project #, County/Project Location, Project Description and PCE Approval Date. The Report should also identify whether any Programmatic Section 4(f) determinations were involved with the PCEs and indicate the date FHWA approved the use.

CRITERIA

A project shall be processed with a regular CE when it is determined that the action does not meet the conditions of the PCE.

6.5 REGULAR CATEGORICAL EXCLUSION

The local agency should not commence with technical studies in support of a regular CE until, as appropriate, a field review and Coordination Meeting have been held, and the DLAE, District EOC (or designee) and (when requested) the FHWA Project Development Engineer have signed the PES Form indicating concurrence with the studies to be performed and the probable class of action under NEPA.

When cultural resource studies are required, the District PQS (in concert with the DLAE) will review the local agency-prepared APE map. The PQS and DLAE both sign the APE, indicating approval, prior to initiation of cultural studies. Following the Coordination Meeting the local agency is responsible for undertaking technical studies and for preparing technical reports in accordance with the guidance set forth in the SER. The DLAE, District EOC (or designee), District PQS and FHWA are responsible for reviewing the report(s). Only FHWA may undertake formal consultation with the appropriate resource or regulatory agency and ultimately approve the CE.

6.6 ENVIRONMENTAL ASSESSMENT (EA) AND ENVIRONMENTAL IMPACT STATEMENT (EIS)

CRITERIA

The preliminary decision to prepare an EA or an EIS may come about through one of the following two ways:

1. Based on the outcome of preliminary environmental investigations
   - When it is clear that the action is not a CE, or

- When it appears that the action has the potential to "significantly affect the quality of the human environment," or
- When the project falls within those classes of action normally requiring an EIS under 23 CFR 771.115(a)

2. Based on the results of required technical studies

When an EIS is being prepared, the Coordination Meeting provides an opportunity to discuss the project with the FHWA Project Development Engineer, determine whether sufficient information has been compiled to draft the Notice of Intent (NOI), and obtain FHWA's signature of concurrence on the PES Form.

The purpose of the formal scoping meeting, scheduled after FHWA has published the NOI, is to identify the range of alternatives and impacts and the significant issues to be addressed in the EIS (achieved through public and agency involvement).

Guidance on the preparation, format and content, and processing of EAs and EISs is available in the SER, Chapter 31 and Chapter 32, respectively.

All EAs and EISs prepared in support of federal-aid local agency projects "OFF" the SHS must be processed through the DLAE prior to transmittal to FHWA.

6.7 STEP-BY-STEP PROCEDURES

The following are step-by-step procedures for completing the preliminary environmental investigation and the PES Form. It is important that local agencies 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.

The preliminary environmental study process is shown in Flowchart 6-1: Environmental Process Flowchart (Page 6-24). The numbers on the flow chart correlate with the step-by-step procedures within this section.

PRELIMINARY ENVIRONMENTAL INVESTIGATION (SECTIONS A & B OF THE PES FORM)

1. Develop Complete Project Description and Detailed Map

The local agency completes the top portion of page 1 of the PES Form, identifying Agency, Project Number, Target Project Approval/Environmental Document (PA/ED), Federal Statewide Transportation Improvement Program (FSTIP) and Construction Time Frame.

The local agency completes the Project Description box on page 1 of the PES Form. The Project Description should be consistent with the project described in the FSTIP. Additional information regarding project limits, purpose and need, logical termini and independent utility should also be provided. The Project Description must discuss all project-related activities. For major or controversial projects, early discussion and coordination on "Purpose of and Need for Action" (for probable EA or EIS) should be undertaken consistent with guidance set forth in the SER.

The local agency completes the Preliminary Design Information box on page 1 of the PES Form by answering "Yes" or "No" to all features listed.

The local agency prepares the Required Attachments (Regional Map, Project Location Map, Project Footprint Map (showing existing and proposed right-of-way), and Engineering Drawings). All maps should be at a minimum scale of 1"=200'.

2. Review Relevant Literature, Maps and Inventories

Prior to completing pages 2 and 3 (Sections A and B) of the PES Form, the local agency reviews relevant literature, maps and databases to determine the potential for sensitive resources within the project area. Detailed instructions for completing the PES Form are provided in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Studies (PES) Form." It is important that local agencies carefully follow these instructions to ensure a "complete and sufficient" submittal. Local agencies are required to submit their preliminary environmental investigation notes to support all answers on the checklist A blank page entitled "Preliminary Environmental Investigation Notes to Support the Conclusions of This Checklist" is provided at the back of the PES Form. To ensure an expeditious review, this page should be attached to the PES submittal. It is important to note that many of the questions on the PES Form can be answered with the assistance of one agency—the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service. NRCS field offices maintain a wide variety of maps including, but not limited to, the National Wetland Inventory (NWI) maps, Federal Emergency Management Agency (FEMA) maps, National Flood Insurance Program (NFIP) maps, Agricultural Wetland maps and prime and unique farmland maps. These maps provide the local agency with the information to accurately respond to questions pertaining to water quality, sole source aquifers, wetlands, floodplains, coastal zone areas, wild and scenic rivers, agricultural wetlands, and farmlands.

NRCS field offices can also delineate and verify prime and unique farmlands (conversions to nonagricultural use require coordination with the U.S. Army Corps of Engineers [ACOE]) and agricultural wetlands (the ACOE remains the agricultural wetlands point of contact for Section 404 Permits).

3. Request Technical Information from Resource and Regulatory Agencies

The local agency requests technical information from those agencies having expertise in the affected environmental elements, and/or having permit or license authority over the proposed project regarding the presence or absence of sensitive biological resources. A sample letter for requesting biological resource information is provided as Exhibit 6-C, "Sample Letter – Biological Resources."

The District PQS will indicate, in the PQS signature block of the PES Form, whether an Information Center record search is necessary. Cultural resource information can only be obtained from appropriate SHPO-sponsored Information Centers by qualified cultural resource specialists.

4. Verify Research Findings in the Field (Site Visit)

Following a map and literature review, the local agency conducts a site visit to verify research findings in the field. Field notes should be taken to confirm the general presence or absence of resources, as necessary. Verification of the presence of biological resources shall be performed by a qualified specialist.

5. Complete Sections A and B of the Preliminary Environmental Study (PES) Form

Using information gathered in the above process, the local agency completes Sections A and B of the PES Form. Refer to Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Studies (PES) Form."

PROGRAMMATIC CE WITHOUT TECHNICAL STUDIES

6. Consider Whether Project Qualifies For A Programmatic Categorical Exclusion Without Required Technical Studies

Typically, when all questions (except #10) in Sections A and B of the PES Form are answered "No", the project meets the conditions of the Programmatic CE without

required technical studies (see Exhibit 6-D, "Programmatic Categorical Exclusion Agreement [November 18, 2003]"). **GO TO STEP 7**. When all questions (except for #10) in Sections A and B of the PES Form cannot be answered "No", **GO TO STEP 11**.

7. Indicate Programmatic CE in Section G of PES Form and Sign Form

The local agency indicates their preliminary recommendation of a Programmatic CE in Section G and signs the PES Form, affirming preparation of the PES in accordance with this manual. It is not necessary to complete Section C through F.

8. Forward Completed PES Form and CE/CE/PCE Determination Form to DLAE

The local agency submits the following information to the DLAE for review and approval:

- Fully completed and signed PES Form with the Preliminary Environmental Investigation Notes attached.
- CE/CE/PCE Determination Form with Project Description (including logical termini and independent utility) completed.
- All required attachments: regional map, project location map, project footprint map showing existing and proposed right of way (ROW), engineering drawings showing existing and proposed cross sections, and photos (if available).
- Any field notes and correspondence from resource agencies.
- Results from literature, maps, and records searches.
- Completed Field Review Form (first two pages minimum, see Chapter 7, "Field Review" of this manual).

A sample transmittal letter is provided in Exhibit 6-I, "Sample Transmittal Letter to the District Local Assistance Engineer."

9. Reviews PES and Signs the CE/CE/PCE Determination Form

The DLAE conducts a cursory review of the packet to insure:

(1) The Project Description is complete,

(2) All boxes on the first page of the PES Form have been checked either "Yes" or "No,"

(3) The project maps and layouts (showing the construction footprint, cross sections showing existing and proposed project, and ROW Assessor's Parcel Numbers [APNs], if applicable) are attached, and

(4) The preliminary recommendations as to NEPA class of action and required technical studies are indicated and the form is signed.

If complete, the DLAE forwards a copy of the PES Form and all supporting documentation to the EOC (or designee). The EOC (or designee) coordinates the review of the PES Form and supporting documentation with the PQS and other appropriate specialists.

The PQS screens the project (in accordance with the Section 106 PA), indicates the results in the PQS signature block of the PES Form and completes Sections B, C, D and E, as appropriate. The PQS signs and returns the PES Form to the EOC (or designee).

The EOC (or designee):

(1) Reviews the PES Form and supporting documentation,

(2) Considers the recommendations of the PQS,

(3) Determines whether the project meets all CE criteria and all conditions of the November 18, 2003, PCE Agreement. In some cases, an on-site environmental review and/or an office meeting may be necessary,

(4) Signs the PES Form, indicating their concurrence with the NEPA class of action and, if applicable, the required technical studies,

(5) Signs the NEPA Determination box of the CE/CE/PCE Determination Form (for 23 CFR 771(d) list projects). **Note:** The DLAE unilaterally signs the CE/CE/PCE Determination Form for 23 CFR 771(c) projects. FHWA must approve Programmatic 4(f) uses before the DLAE or EOC can sign the CE/CE/PCE Determination Form (See Step 9a of the Flowchart 6-1, "Environmental Process Flow Chart," page 6-24.

(6) Returns the signed PES Form and signed CE/CE/PCE Determination Form (if applicable) to the DLAE.

The DLAE reviews the recommendations of the PQS and EOC and indicates concurrence by signing the PES Form. If the project is a 23 CFR 771(c) list project, the DLAE checks appropriate check box, and signs, in the Caltrans NEPA Determination box on the CE/CE/PCE Determination Form. Incomplete documentation is returned to the project sponsor by the DLAE. The FHWA Project Development Engineer must approve Programmatic 4(f) uses before the CE/CE/PCE Determination Form can be signed.

10. Environmental Approval Complete

The DLAE notifies the local agency as soon as the CE/CE/PCE Determination Form has been signed so that they can commence with final design. The signed form is then returned to the local agency. The DLAE ensures that the appropriate fields (including Section 106 fields) in LP2000 are completed for tracking compliance and annual reporting.

The local agency inserts the date the DLAE signed the CE/CE/PCE Determination Form in the Local Agency/State Comments field when completing the Request for Authorization for the next phase of the project (see LAPM Chapter 3 "Project Authorization").

WHEN TECHNICAL STUDIES ARE REQUIRED

11. Complete Section C through F of the PES Form and Coordinate with the DLAE (and FHWA if necessary)

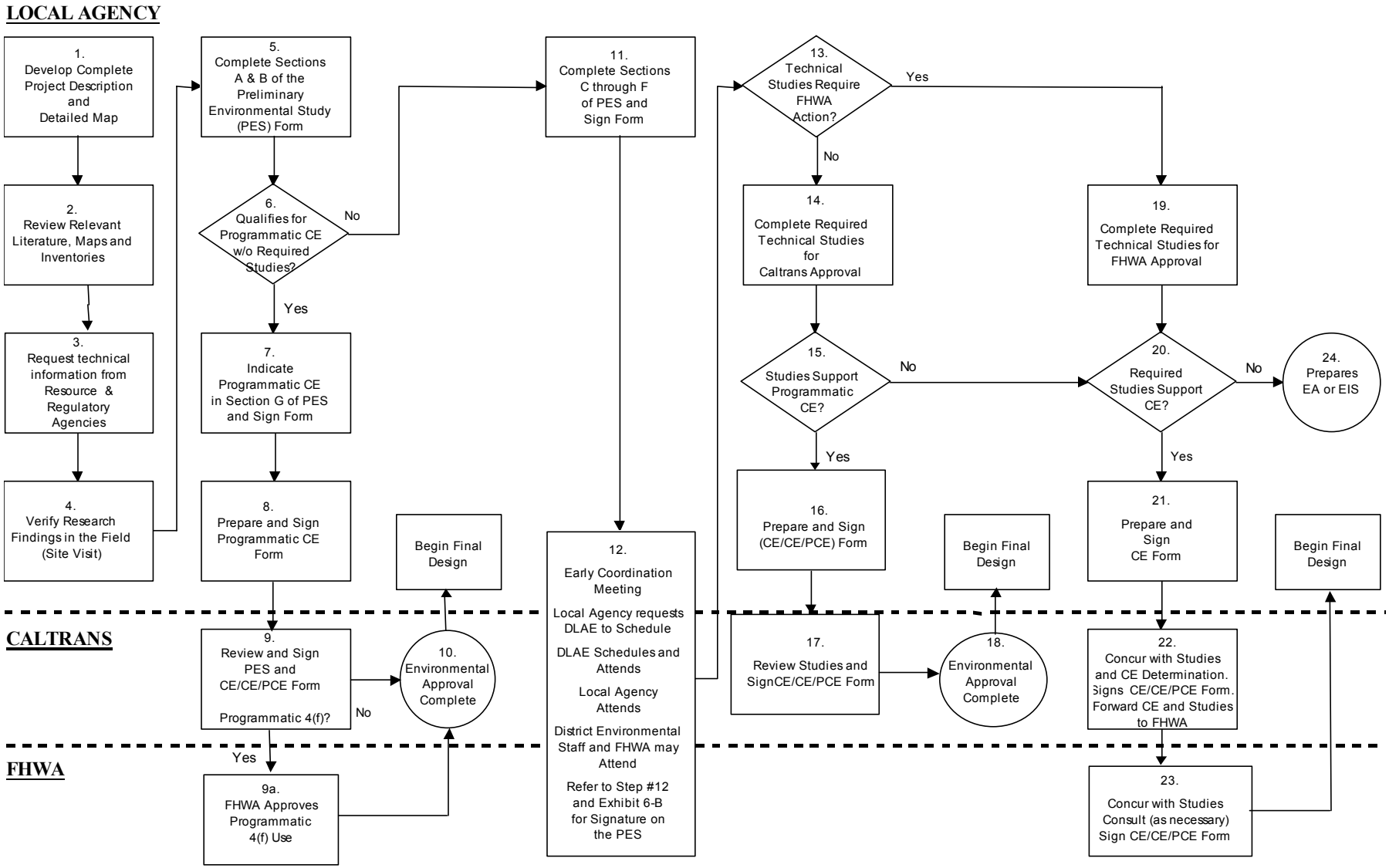
When all questions (except for #10) under Sections A and B of the PES Form cannot be answered "No," the local agency completes Sections C through G, and signs the PES Form. Refer to Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Studies (PES) Form" for detailed instructions on completing Sections C through G.

FHWA does not sign the CE/CE/PCE.

The local agency prepares and submits the following items to the DLAE: A sample Transmittal Letter is provided in Exhibit 6-I, "Sample Transmittal Letter To The District Local Assistance Engineer."

- A fully completed and signed PES Form with the Preliminary Environmental Investigation Notes attached.

Flow Chart 6-1 Environmental Process Flow Chart



- All required attachments (Regional Map, Project Location Map, Project Footprint Map, Engineering Drawings (if available) and Borrow and Disposal Site Location Map (if applicable).
- Any field notes and correspondence from resource agencies.
- Results from literature, maps, and records searches.
- Completed Field Review Form (first two pages minimum, see Chapter 7, "Field Review" of the LAPM).
- APE map, prepared in accordance with Attachment 3 of the Section 106 Programmatic Agreement (when applicable).

The DLAE conducts a cursory review of the packet to ensure:

- The Project Description is complete,
- All boxes under Preliminary Design Information (on the first page of the PES Form) have been checked either "Yes" or "No,"
- The required attachments (Regional Map, Project Location Map, Project Footprint Map, Engineering Drawings (if available) and Borrow and Disposal Site Location Map (if applicable) are included
- The preliminary recommendations as to NEPA class of action and required technical studies are indicated and the form is signed.

If complete, the DLAE forwards a copy of the PES Form and all supporting documentation to the EOC (or designee). The EOC (or designee) coordinates the review of the PES Form and supporting documentation with the PQS.

The PQS screens the project (in accordance with the Section 106 PA), indicates the results in the PQS signature block of the PES Form, and completes Sections B, C, D and E, as appropriate. The PQS signs and returns the PES Form to the EOC (or designee).

The EOC (or designee):

- Reviews the PES Form and supporting documentation,
- Considers the recommendations of the PQS,
- Indicates concurrence with the studies to be performed and the probable level of NEPA document by signing the Section F of the PES Form, and
- Returns the signed PES Form to the DLAE.

The DLAE reviews the recommendations of the PQS and EOC and indicates concurrence by signing the PES Form. Incomplete documentation is returned to the project sponsor by the DLAE.

A copy of the signed PES Form and supporting documentation are forwarded to the FHWA Project Development Engineer when recommended by the EOC (or designee).

The FHWA Project Development Engineer reviews the packet and signs the PES Form for EAs, EISs and (when requested) for Regular CEs. The FHWA Project Development Engineer returns the signed PES Form to the DLAE for transmittal to the local agency.

The DLAE returns the signed PES Form to the local agency and advises the local agency to request a Coordination Meeting prior to developing a scope of work and/or consultant contract for technical studies or initiating technical studies.

NOTE: Consultant qualifications for Section 106 studies must meet the Secretary of Interior Standards for the appropriate discipline.

12. Coordination Meeting and Signatures on the PES

Prior to commencing with required technical studies, the local agency requests the DLAE schedule a field review or Coordination Meeting, as appropriate, to discuss the scope, and required format and content of each required technical study.

Note: Coordination Meeting - Suggested Points For Discussion (on the most commonly prepared technical reports) are provided in Exhibits 6-J through 6-N of this chapter.

The DLAE schedules the Coordination Meeting. Invitation of participants is based on the recommendation of the District EOC (or designee). When a technical study will require FHWA to consult under regulation or interagency agreement (as indicated by an asterisk in Section C of the PES Form), the DLAE will also invite the FHWA Project Development Engineer to the Coordination Meeting. FHWA may attend (at their discretion).

When the FHWA Project Development Engineer is not in attendance at the field review or Coordination Meeting, FHWA's signature on the PES Form should be obtained prior to the local agency commencing with technical studies.

13. Determine Process Based on FHWA Involvement

When technical studies require federal review, **GO TO STEP 19**. When technical studies will not involve federal review**. GO TO STEP 14.**

TECHNICAL STUDIES NOT REQUIRING FHWA ACTION - PROGRAMMATIC CE

14. Complete Required Technical Studies

Local agencies should not initiate technical studies until they have attended a Coordination Meeting, and obtained all required signatures on the PES Form and on the APE map (if applicable).

All local agency-prepared scopes of work and consultant contracts should reference the SER as guidance on consultant qualifications, survey methodology and technical report format and content.

The local agency conducts the required technical study and prepares the necessary report in accordance with guidance set forth in the SER. Written correspondence from resource agencies regarding agency concerns and/or concurrence with the conclusions of technical studies shall be attached to the study.

Note: The local agency is responsible for the quality of the technical report and for providing the first line of review to insure report format and content is consistent with guidance set forth in the SER.

15. Determine Whether "Required Technical Studies" Support a Programmatic Categorical Exclusion

The local agency considers the conclusions of each required study and makes a preliminary determination as to whether the conclusions of the technical studies support the PCE Agreement (refer to Exhibit-6-D, "Programmatic Categorical Exclusion Agreement (November 18, 2003"). If the project qualifies for a PCE **GO TO STEP 16**. If the project does not qualify for a PCE, **GO TO STEP 20.**

16. Prepare and Forward the CE/CE/PCE Determination Form

The local agency completes Project Description portion of the CE/CE/PCE Determination Form and forwards it (with the originally signed PES Form and required technical study) to the DLAE for review and approval. A cover letter summarizing the results of the technical reports shall accompany the packet to facilitate quick review.

17. Technical Study Review and Approval of Programmatic CE

The DLAE forwards the packet to the EOC (or designee) for review.

The District EOC (or designee) reviews the technical report(s) to ensure their format and content are consistent with guidance set forth in the SER and that report conclusions clearly demonstrate that the project meets the conditions of the PCE Agreement.

When it is determined that the report(s) are complete and sufficient and that the conclusions of the technical report(s) support a CE, the District EOC (or designee) makes the determination that the project meets the conditions of the PCE Agreement by signing the NEPA Determination Box of the CE/CE/PCE Determination Form and returns the packet to the DLAE.

The DLAE reviews the determination of the EOC (or designee) and if in concurrence, places an "X" next to "Programmatic Categorical Exclusion" and signs and dates the NEPA Determination box of the CE/CE/PCE Determination Form.

18. Environmental Approval Complete

The DLAE notifies the local agency by fax or phone **as soon as** the CE/CE/PCE Determination Form has been signed. The DLAE ensures that the appropriate environmental "green" fields in LP2000 (including the Section 106 fields) are complete for tracking compliance and annual reporting. The local agency inserts the date the DLAE signed the CE/CE/PCE Determination Form in the Local Agency/State Comments field when completing the Request for Authorization for the next phase of the project (see Chapter 3 "Project Authorization" in the LAPM).

TECHNICAL STUDIES REQUIRING FHWA ACTION - CE

19. Complete Required Technical Studies

The local agency completes the required technical study(ies) and prepares the necessary technical report(s) in accordance with the format and content guidance set forth in the SER. **NOTE: Consultant qualifications for Section 106 studies must meet the Secretary of Interior Standards for the appropriate discipline.** Except where otherwise noted, local agencies are responsible for requesting technical information from appropriate responsible and regulatory agencies. Coordination with the SHPO and the USFWS, beyond information gathering, is the responsibility of the FHWA Project Development Engineer.

Written correspondence from resource agencies regarding agency concerns and/or concurrence with the conclusions of the technical study shall be attached to the technical report study.

The local agency performs a first line quality review of the technical report prior to submittal to the DLAE. The transmittal letter to the DLAE should indicate that a quality review has been conducted and briefly indicate whether the conclusions of the report support a CE.

20. Determine Whether "Required Technical Studies" Support a CE

The local agency considers the conclusions of each required study and makes a preliminary determination as to whether the conclusions of the technical studies support the PCE Agreement (refer to Exhibit-6-D, "Programmatic Categorical Exclusion Agreement (November 18, 2003"). If the project qualifies for a CE, **GO TO STEP 21**. If the project does not qualify for a CE, **GO TO STEP 24**.

21. Local Agency Prepares and Forwards CE/CE/PCE Determination Form and Technical Studies to DLAE)

The local agency completes the Project Description portion of the CE/CE/PCE Determination Form and forwards it, along with three (3) copies of each technical report, to the DLAE. The DLAE forwards the packet to the District EOC (or designee) for review.

22. District Environmental Staff Review Technical Reports and Concur in the CE Determination

The District EOC (or designee) reviews the technical report(s) to ensure their format and content are consistent with guidance set forth in the SER, and that the study and its conclusions are adequate. When it is determined that the report(s) are complete and sufficient and that the conclusions of the technical report(s) support a CE, the District EOC (or designee) signs in the NEPA Determination Box of the CE/CE/PCE Determination Form (confirming that the project meets the conditions of a CE), and returns the packet to the DLAE.

The DLAE reviews the determination of the EOC (or designee) and signs the CE/CE/PCE Determination Form. The DLAE (or designee) forwards the CE/CE/PCE Determination Form and two (2) copies of each technical report to FHWA for review and action, as appropriate. A cover letter, identifying CT reviewers, and briefly summarizing the conclusions of each technical report, should be attached to facilitate quick review.

Incomplete technical reports shall be returned to the local agency (by the DLAE) with a cover letter outlining the deficiencies noted by the District EOC (or designee). When Technical Report conclusions do not support a CE, **GO TO STEP 24**.

23. FHWA Approves Studies

FHWA reviews the technical reports as required.

If inadequate, FHWA notifies the DLAE of the deficiencies and forwards a written description of the deficiencies to the DLAE for transmittal to District EOC (or designee) and the local agency.

When adequate, FHWA consults with the appropriate regulatory and/or resource agency. When all studies and required consultations are complete, FHWA signs and returns the CE/CE/PCE Determination Form to the DLAE for transmittal to the local agency.

The DLAE notifies the local agency as soon as the CE/CE/PCE Determination Form has been signed so that they can commence with final design. The signed form is then returned to the local agency. The DLAE ensures that the appropriate fields (including Section 106 fields) in LP2000 are completed for tracking compliance and annual reporting.

The local agency inserts the date the DLAE signed the CE/CE/PCE Determination Form in the Local Agency/State Comments field when completing the Request for Authorization for the next phase of the project (see Chapter 3 "Project Authorization").

ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT

24. Local Agency Prepares Environmental Document.

When technical studies indicate that the project does not support a CE, the local agency should refer back to the Environmental Process Flowchart (page 6-24) and consider whether an EA or EIS would be the more appropriate document. Consultation with the DLAE and the District EOC (or designee) is recommended. EA and EIS document templates are available in the SER.

6.8 TRACKING ENVIRONMENTAL DOCUMENT REVIEW

The DLAE will track District EOC (or designee) and PQS review of the PES Form, technical studies and NEPA documentation. Every effort should be made to meet local agency project delivery schedules. When delays are identified, the DLAE should determine the cause of the delay. Generally, delays are caused by: 1) other district priorities, 2) quality of documentation, 3) disagreements between local agency and Caltrans District Environmental Specialists over interpretation of federal requirements, and 4) resource and regulatory agency reviews. Options for minimizing these delays are discussed below.

OTHER DISTRICT PRIORITIES

When other district priorities preclude timely reviews by the District EOC (or designee) or the PQS, the DLAE should appeal to district management. When the problem cannot be resolved at the district level, the district should request assistance from the DLAE who will collaborate with HQ DEA and other district environmental offices to ascertain resource availability.

QUALITY OF DOCUMENTATION

Problems regarding the quality of technical reports and environmental documents should be resolved at the district level, insofar as possible. The DLAE and the EOC (or designee) should utilize the SER to determine if reports and documents are complete and sufficient. Incomplete documents should be returned to the local agency with deficiencies clearly identified. Local agencies and their consultants that consistently submit incomplete documentation should be informed of available environmental training. Every effort should be made to address recurring problems with the local agency during Coordination Meetings on future projects.

DISAGREEMENTS REGARDING INTERPRETATION OF FEDERAL LAW

When the local agencies disagree with the District EOC (or designee) or PQS interpretation of federal law and requirements, the DLAE should make every effort to resolve the disagreement at the district level.

When differences of opinion cannot be resolved in the district, the DLAE will notify the HQ DLA who, in turn, will discuss the issue with the HQ DEA and FHWA, if necessary. The HQ DLA will relay that interpretation of federal law, most broadly accepted by Caltrans and (when appropriate) FHWA staff, to the DLAE.

RESOURCE AND REGULATORY AGENCY REVIEWS

When the problem is one of delay associated with resource or regulatory agency review of technical reports, the DLAE should work with District EOC (or designee) to resolve the problem.

When the problem cannot be resolved at the district level, the DLAE should notify the FHWA Project Development Engineer and request streamlining actions or expeditious handling as necessary to meet local agency project delivery schedules.

6.9 DISPUTE RESOLUTION PROCEDURES

Local agencies should notify the DLAE promptly when concerns arise regarding:

- Environmental document review time.
- Need for, or scope of, required technical studies.
- The content of a technical report or environmental document.
- The decision and/or comments received from a district office.

As discussed above, the DLAE will make every effort to resolve the issues informally. When the local agency is not satisfied with the outcome and desires a formal appeal, refer to dispute procedures provided in Chapter 20, "Deficiencies and Sanctions," in this manual.

6.10 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
- U.S. 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)
- FHWA Technical Advisory T6640.8A, October 30, 1987 re: Guidance on Environmental and Section 4(f) Documents
- Programmatic Categorical Exclusion Agreement, November 18, 2003
- 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

EXHIBIT 6-A PRELIMINARY ENVIRONMENTAL STUDIES (PES) FORM

PRELIMINARY ENVIRONMENTAL STUDIES (PES) FORM

TO: (DLAE) (District) (Address)	**FEDERAL PROJECT NUMBER:** (Federal Prog. Prefix-Proj. No., Agreement No.)
FROM: (Local Agency) (Address) (Project Manager's Name & Telephone)	**FINAL DESIGN:** (Expected Start Date)
Is this project **"ON"** the State Highway System? ☐ Yes ☐ No **IF YES, STOP HERE** and contact the District DLAE regarding the completion of other environmental documentation	**FSTIP:** (Plan Date) (Page #) FY for which each Project Component is Programmed for delivery in the FSTIP: **PE FY____/____** **ROW FY____/____** **CONST FY____/____**

PROJECT DESCRIPTION AS SHOWN IN FSTIP:

DETAILED PROJECT DESCRIPTION: (Include scope of work, project limits, purpose and need, logical termini and independent utility)

(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	
☐	☐	Any vegetation removal	☐	☐	Railroad
☐	☐	Bridge work (If yes, discuss bridge type/approach work)	☐	☐	Ramp closure
☐	☐	Construct access roads	☐	☐	Realignment
☐	☐	Disposal/borrow site(s)	☐	☐	Removal of trees
☐	☐	Drainage/culverts	☐	☐	R/W acquisition (If yes, attach map/APN#'s)
☐	☐	Equipment staging	☐	☐	Road cut(s)
☐	☐	Flooding	☐	☐	Temporary road/Detour
☐	☐	Capacity Increasing	☐	☐	Sound walls
☐	☐	Ground disturbance (outside of existing cut slope and all work outside the toe of fill)	☐	☐	Stream channel work
☐	☐	Material site(s)	☐	☐	Temporary easements
☐	☐	New alignment	☐	☐	Utility relocation
☐	☐	Off-pavement detour	☐	☐	Widen existing roadway
☐	☐	Will increase number of through lanes	☐	☐	Part of larger or adjacent project

REQUIRED ATTACHMENTS:

☐ Regional Map
☐ Project Location Map
☐ Project Footprint Map (Showing Existing/Proposed ROW)
☐ Engineering drawings (Existing and Proposed Cross Sections), (if available)
☐ Borrow/Disposal Site Location Map (if applicable)

Note: All maps should be at a minimum scale of 1" = 200' (1" = 60.96 meters) Maps may be ordered online at http://mapping.usgs.gov/

Exhibit 6-A, continued

EXAMINE FOR POTENTIAL EFFECTS ON THE ENVIRONMENT, DIRECT OR INDIRECT, AND ANSWER THE FOLLOWING QUESTIONS (Utilize the notes page at the end of the PES Form to document conclusions)

A. The Physical Environment	Yes	To Be Determined	No
1. 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"?	☐	☐	☐
2. Are there water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	☐	☐	☐
3. Is project within a designated sole-source aquifer?	☐	☐	☐
4. Is project within the State Coastal Zone?	☐	☐	☐
5. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake?	☐	☐	☐
6. Is the project within or immediately adjacent to a Wild and Scenic River System?	☐	☐	☐
7. Is there a potential for a federally listed, threatened, or endangered species or their critical or sensitive habitat within the construction area?	☐	☐	☐
8. Is there a potential for wetlands within the construction area?	☐	☐	☐
9. Is there a potential for agricultural wetlands within the construction area?	☐	☐	☐
10. Air Quality			
a. Transportation Conformity (Air) Does Transportation Conformity apply?	☐	☐	☐
b. Is the project exempt from the requirement to determine conformity (40 CFR 93.126)?	☐	☐	☐
11. Air Quality: Does the project have the potential for adverse emission impacts?	☐	☐	☐
12. Is there a potential for prime or unique farmlands within or immediately adjacent to the construction area?	☐	☐	☐
13. Is there a potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?	☐	☐	☐
14. Are there any publicly owned public parks, recreation areas, or wildlife or waterfowl refuges [Section 4(f)] within construction area?	☐	☐	☐
15. Are there any aesthetically visual resources within the project area?	☐	☐	☐

Exhibit 6-A, continued

B. The Social and Economic Environment	Yes	To Be Determined	No
16. Will the project require any right-of-way, including partial or full takes? Consider construction easements and utility relocations.	☐	☐	☐
17. Is the project inconsistent with plans and goals adopted by the community?	☐	☐	☐
18. Will the project result in the need for public services, including utilities other than those presently available or proposed?	☐	☐	☐
19. Will the project involve changes in access control?	☐	☐	☐
20. Will project involve the use of a temporary road, detour or ramp closure?	☐	☐	☐
21. Will the project reduce available parking?	☐	☐	☐
22. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	☐	☐	☐
23. Will the project generate public controversy based on potential environmental effects?	☐	☐	☐
24. Will project construction encroach on State or federal Lands?	☐	☐	☐
25. Are there National Register listed or potentially eligible historic properties or archaeological resources [Section 106, Section 4(f)] **NOTE**: CT PQS DETERMINES APPLICABILITY OF QUESTION #25.	☐	☐	☐
26. Is there a potential for the introduction or spread of invasive species?	☐	☐	☐

Exhibit 6-A, continued

SECTION C, D & E - CHECK APPROPRIATE BOX TO INDICATE REQUIRED TECHNICAL STUDIES, COORDINATION, PERMITS OR APPROVALS

C.	REQUIRED TECHNICAL STUDIES	D.	COORDINATION	E.	PERMIT/APPROVALS
☐	**NOISE STUDY**				
	__ Traffic Related	__	FHWA		
	__ Construction Related	__	FHWA		
☐	**WATER QUALITY STUDY**				
	__ Discharge Dredged/Fill material (US waters)	__	U.S. Army Corps of Engineers	__	Issues Section 404 Permit
	__ Construction in Navigable Waters	__	U.S. Army Corps of Engineers	__	Section 10 Permit
	__ Construction of Bridges/Causeways Across Navigable Waters	__	U.S. Coast Guard	__	Approves Plans
	__ Construction of Bridge	__	California Regional Water Quality Control Board	__	Water Quality Certification
	__ Stream or Lake Alteration	__	California Department of Fish & Game	__	Section 1601/03 Permit
	__ NEPA/404 MOU	__	FHWA		
☐	**SOLE SOURCE AQUIFER**	__	EPA (S.F. Regional Office)	__	Contamination Threat
☐	**COASTAL ZONE**	__	State Coastal Zone Management agency (California Coastal Commission (CCC))	__	Coastal Zone Consistency
☐	**FLOODPLAIN STUDY ***	__	Federal Emergency Management Agency		
		__	FHWA	__	Floodplain Finding
☐	**WILD & SCENIC RIVERS**	__	U.S. Department of Interior		
		__	Heritage Conservation/Recreation Service		
☐	**BIOLOGY STUDY ***	__	FHWA	__	Sec 7 Consultation
		__	California Department of Fish & Game	__	Incidental Take Permit
☐	**WETLANDS STUDY ***	__	FHWA/EPA	__	Wetlands Findings
		__	U.S. Fish & Wildlife		
		__	U.S. Army Corps of Engineers	__	Verifies juris. wetlands
		__	National Marine Fisheries Service		
	Agricultural Wetlands	__	Natural Resources Conservation Service	__	Verifies agri. wetlands
☐	**AIR QUALITY STUDY***	__	FHWA	__	Conformity Finding
☐	**FARMLANDS STUDY**	__	Natural Resources Conservation Service	__	Verifies prime/unique
		__	U.S. Army Corps of Engineers	__	Approves Conversions
☐	**HAZARDOUS MATERIAL STUDY** (Cleanup of Hazardous Material Sites)	__	1. CALIF. EPA; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Work plan Sites		
		__	2. CALIF. Office of Planning and Research; Hazardous Wastes & Substances Sites List, List of Contaminated Sites		
		__	3. LOCAL; Health & Human Services Dept., Hazardous Waste Operations Div		

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

Exhibit 6-A, continued

C.	REQUIRED TECHNICAL STUDIES	D.	COORDINATION	E.	PERMIT/APPROVALS
☐	**SECTION 4(f) EVALUATION** *	__ __ __ __	FHWA Public Official w/Jurisdictional Responsibility. SHPO/ACHP (as appropriate) DOI/DOA/HUD/USDA (as appropriate)	__	Makes Determination
☐	**SECTION 6(f) EVALUATION**	__ __	Park Official DOI		
☐	**VISUAL IMPACT STUDY (AESTHETICS)**	__	FHWA		
☐	**RELOCATION IMPACTS STUDY**	__	State & Local Planning Departments		
☐	**SOCIO-ECONOMIC STUDY**	__	Airports, Schools, State and Local Planning Departments		
☐	**TRAFFIC**	__	FHWA		
☐	**SECTION 106 STUDY** *				
	__ Exempt Undertaking	__	Caltrans (PQS & DLAE approve APE)	__	Determines whether project qualifies as exempt
	__ APE Map	__	Caltrans	__	Determines applicability of Minimal APE
	__ Historic Property Survey Report (HPSR)	__ __ __ __	Caltrans Local Preservation groups and/or Native American Tribes FHWA SHPO	__ __ __ __	Approves document Provides comment on concerns with project Concurs or Consults with SHPO/ACHP Concurs
☐	**CONSTRUCTION/ENCROACH ON STATE LANDS**				
	__ Under State Lands Commission Jurisdiction	__	State Lands Commission	__	General Permit/Revise General Plans
	__ Under Caltrans Jurisdiction	__	Caltrans	__	Encroachment Permit
☐	**CONSTRUCTION/ENCROACHMENT ON FEDERAL LANDS**	__ __	U.S. Bureau of Reclamation Private Land Owner	__ __	Encroachment Permit Right-of-Entry Permit
	Additional studies may be required for other federal agencies.				

F. Public Hearing and Public Availability

____ Not Required
____ Notices of Availability
____ Environmental Document ONLY
____ Opportunity for a Public Hearing
____ Public Hearing Required

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

Exhibit 6-A, continued

G. Preliminary Environmental Document Classification (NEPA)

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

____ Environmental Impact Statement
____ Environmental Assessment
____ Categorical Exclusion, with required technical studies (involving federal action)
____ Programmatic Categorical Exclusion, without required technical studies
____ Programmatic Categorical Exclusion, with required technical studies (not involving federal action)

LOCAL AGENCY STAFF or CONSULTANT SIGNATURE

Prepared by: _____ Date _____Telephone #:_____

LOCAL AGENCY PROJECT ENGINEER SIGNATURE:
This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual,* Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

Signature local agency: _____ Date:_____Telephone #:_____

THE FOLLOWING SIGNATURES ARE REQUIRED FOR ALL PCEs, REGULAR CEs, EAs, AND EISs

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CALTRANS DISTRICT ENVIRONMENTAL OFFICE CHIEF (EOC) OR DESIGNEE SIGNATURE
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 level of environmental document (if required).

Signature EOC (or designee): _____ Date: _____ Telephone #: _____

CALTRANS DISTRICT PROFESSIONALLY QUALIFIED STAFF (PQS) SIGNATURE

☐ Project does not meet definition of an "undertaking". No further review is necessary under Section 106. ("No" Sec B, #25)
☐ Project meets the definition of an "undertaking", involves the types of activities listed in Attachment 2 of the Section 106 PA, and, based on the information provided in the PES Form, does not have the potential to affect historic properties. ("No" Sec B, #25)
☐ Project meets the definition of an "undertaking" and involves the types of activities 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" Sec B, #25)
☐ Records Search ☐ _____ ☐ _____ ☐ _____
☐ The proposed undertaking is considered to have the potential to affect historic properties. Further studies for 106 compliance are indicated in Sections C, D and E of this PES Form.("Yes" Sec B, #25)

Signature PQS: _____ Date: _____ Telephone #: _____

DLAE SIGNATURE:
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 level of environmental document (if required).

Signature DLAE: _____ Date: _____ Telephone #:_____

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, AND (WHEN RECOMMENDED BY THE EOC (or DESIGNEE), OR DLAE) FOR REGULAR CEs:

FHWA SIGNATURE:
I concur with the studies to be performed and the recommended level of environmental document.

Signature FHWA: _____ Date: _____ Telephone #: _____

Distribution:
Original: District Local Assistance Engineer Copy: Local Agency Project Files, District EOC (or designee), District PQS

PRELIMINARY ENVIRONMENTAL INVESTIGATION
NOTES TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST
(May also include continuation of Detailed Project Description from Page.)

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EXHIBIT 6-B INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

When a local agency desires federal funding for preparing environmental studies and preliminary engineering, the local agency submits a "Request for Authorization" form to the DLAE. The local agency may not proceed with reimbursable activities prior to the project's inclusion in a federally approved FSTIP and receipt of "Authorization to Proceed" notification from Caltrans.

The first step in the environmental process for local agency federal-aid transportation projects "OFF" the State Highway System is a preliminary environmental investigation and completion of the PES Form.

Detailed instructions for conducting a preliminary environmental investigation are provided below. Sections A and B of the PES Form should not be completed until after the preliminary environmental investigation has been conducted. A blank page (titled "Preliminary Environmental Investigation Notes to Support the Conclusions of the Checklist") is provided at the back of the PES Form to record investigation findings and field notes.

A. The Physical Environment:

1. **Noise**: Consult the Caltrans Noise Analysis Protocol (1998) and (23 CFR 772.5(h)) to determine if this is a Type 1 project; "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."

If "No" make sure that the appropriate boxes under Preliminary Design Information are checked "No."

If "Yes" or "To Be Determined," further study will be required. Check "Yes" next to appropriate boxes under Preliminary Design Information (PES Form, page 1), check Noise Study under Section C of the PES Form and request a Coordination Meeting prior to undertaking the Noise Study. The Noise Study must be undertaken in accordance with guidance set forth in the SER and the Noise Report must conclude whether the project will result in predicted traffic noise levels that approach or exceed the noise abatement criteria, or if the predicted traffic noise levels will approach (1 dBA less than Noise Abatement Criteria) or substantially (12 dBA) exceed existing noise levels. When project construction involves pile driving, structure demolition, blasting, etc., the noise study will also need to consider land uses or activities which may be affected by construction noise and determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. (Refer to the SER for guidance on preparing a Noise Report).

2. **Water Quality:** Review maps to determine if there are water resources (i.e., rivers, streams, lakes, reservoirs, impoundments, bays, inlets, estuaries, wetlands, drainage sloughs, vernal pools or swales) within or immediately adjacent to the project area. Confirm and note presence or absence during site visit. Are there water resources in the immediate project vicinity that may be affected by the project?

If "No," indicate "No" next to "Bridge Work," "Stream Channel Work" or "Flooding" in the Preliminary Design Information box on the first page of the PES Form. 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," further study will be required. Appropriately indicate "Yes" next to "Bridge Work," "Stream Channel Work" or "Flooding" in the Preliminary Design Information box on the first page of the PES Form. Check "Water Quality Study," as appropriate, under Section C of the PES Form and request a Coordination Meeting prior to undertaking the Water Quality Study in accordance with guidance set forth in the SER. Indicate applicable coordination and required permits under Sections D and E of PES Form respectively.

For projects involving the construction of a bridge over a Navigable River, local agencies indicate that coordination with the Coast Guard will be required during the environmental and design phases of the project (Section D of the PES Form) and that a Coast Guard Bridge Permit will be required (Section C of the PES Form).

For projects impacting special aquatic sites or greater than three acres, or 500 lineal feet of drainage, of other waters of the U.S., an Individual Section 404 Permit will be required. Local agencies should notify the DLAE as early as possible to consult and conform to the provisions of the Memorandum of Understanding National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada (fully executed Spring, 1994, by the ACOE, FWS, NMFS, EPA, FHWA, FTA, Caltrans, Arizona DOT, Nevada DOT).

AKA: NEPA/404 MOU.

3. **Sole-Source Aquifer**: Consider if the project is located in or near one of the three sites in California that have been designated as sole-source aquifers; one in Fresno County; the Santa Margarita Aquifer in Scotts Valley, Santa Cruz County; and the Campo/Cottonwood Creek Aquifer in Butte County. A fourth site, the Ocotillo Coyote Wells Aquifer in Imperial County is proposed for designation.

   If "No," make sure that the Agency (County) information is provided on page 1 of the PES Form. If the project is proposed within the county of Fresno, Santa Cruz, Butte, or Imperial, the Project Description should clearly state that the project is not within an EPA designated or proposed sole-source aquifer. Where the proximity is questionable, state distance of project from sole source aquifer, in the Preliminary Environmental Investigation Notes page and attach map showing projects relation to sole-source aquifer boundary.

   If "Yes," or "To Be Determined," and 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. If "Yes," and the project is being processed with a CE, will project involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health? If "Yes," EPA review will also be required prior to FHWA approval of the CE. Check Sole Source Aquifer under Section C of the PES Form, note need for EPA review under Section E of the PES Form, and request the DLAE schedule a Coordination Meeting, prior to undertaking the study in accordance with guidance set forth in the SER. If "No," project is exempt from a project-by-project review by the EPA.

4. **Coastal Zone:** Is project within 1000 yards from mean high tide or within an area regulated by the State Coastal Zone Management Agency (SCZMA)?

   If "No," be sure to provide the DLAE with a copy of a regional map.

   If "Yes," or "To Be Determined," further study will be required to confirm projects consistency with the State Coastal Zone Management Program (CZMP) Plan. Check Coastal Zone Study under Section C of the PES Form and request a Coordination Meeting prior to undertaking the study. Indicate need for a consistency determination by the SCZMA under Sections D and E of PES Form.

5. **100-year Floodplain:** Check Federal Emergency Management Agency (FEMA) maps and 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) flood plain?

   If "No," check "No" next to "Flooding" under Preliminary Design Information on the first page of the PES Form. Include a statement in the Preliminary Environmental Investigation Notes page to the effect that the project is not within a 100-year floodplain. For borderline cases, or when

questionable, attach a copy of the relevant FEMA or NFIP map, showing location of project, or include a written note of the map number and date that was checked.

If "Yes," or "To Be Determined," further study will be required to determine if the action would support base floodplain development, and/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 water course or lake. Check "Yes" next to "Flooding" under Preliminary Design Information on the first page of the PES Form and check "Floodplain Risk Assessment" in Section C of the PES Form. Indicate need for coordination under Section D, and request a Coordination Meeting prior to undertaking the study in accordance with guidance provided in the SER.

6. **Wild and Scenic Rivers:** Review National Park Service's most current regional list of Wild and Scenic Rivers. As of August 1, 1997, portions of the Tuolumne, American, Middle Fork of the Feather, Smith, Klamath, Trinity and Eel Rivers, have been classified as Wild and Scenic. Consider the projects proximity to one of these rivers. (Note: Designation protects river and a 0.25-mile corridor from development). Does the action involve 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," be sure to provide the DLAE with a copy of a regional map. When the project is in the general vicinity of a Wild and Scenic River, the Project Description should clearly state that the project is not within the 0.25-mile protected corridor. Attach map showing projects relation to river in question.

   If "Yes," or "To Be Determined," further study will be required to determine if the construction, operation or maintenance of the project will affect the river and whether the affect will be significant. Check Wild and Scenic Rivers Study under Section C of the PES Form, indicate applicable coordination under Section D and request a Coordination Meeting prior to undertaking the study in accordance with guidance set forth in the SER.

7. **Federally Threatened or Endangered Species:** Request a list of federally listed species and critical habitat in the proposed project area from the U.S. Fish and Wildlife Service. Review the habitat requirements of each species and determine whether there is suitable habitat to support any of the species in question. Is there suitable habitat?

   If "No," provide the following evidence, or proof to support your answer:

   - Attach a copy of the U.S. Fish and Wildlife Service's response to your request for a species/habitat list.
   - Provide a brief discussion of the habitat needs of each species on the list.
   - Provide a description of the project setting/habitat within the project area, and
   - Provide the results of a general reconnaissance survey.

   When a review of the databases or maps and site visit indicate the likelihood of sensitive plants or animals within the construction area, indicate, "Yes" or "To Be Determined" next to questions #7 under Section A of the PES Form. Further study will be required to confirm existence and to determine if the project will adversely affect the species or critical habitat in question. Check Biology Study in Section C of the PES Form, and request a Coordination Meeting prior to undertaking the study in accordance with guidance set forth in the SER.

8. **Wetlands:** Consult National Wetland Inventory (NWI) maps, available through the appropriate Natural Resource Conservation Service (NRCS) field office(s). Are wetlands likely to be present?

If "No," include a statement, on the Preliminary Environmental Investigation Notes page, to the effect that the project will not involve any work in wetlands. For borderline cases, or when questionable, attach a copy of relevant NWI map, showing location of project relative to wetland designations, field notes from site visit and photograph, with construction area clearly delineated.

If "Yes," or "To Be Determined," further study will be required to determine the exact boundary of the wetland (based on the ACOE three-parameter definition (33 CFR 323.2(c)), and to quantify the project-related impacts on the wetland. Local agency indicates the need for a Wetland Study in Section C of the PES Form and requests a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. Indicate need to coordinate with FHWA/EPA under Section D and note which agency is responsible for verifying the wetland. FHWA is responsible for making the formal finding under Section E.

9. Agricultural Wetlands: Local agency reviews 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. Are agricultural wetlands present within or immediately adjacent to the project area?

If "No," include a statement, on the Preliminary Environmental Investigation Notes page, to the effect that all work will occur within existing right-of-way. No agricultural or wetland resources will be affected.

If "Yes," or "To Be Determined," further study will be required to determine the exact boundary of the wetland (based on the ACOE three-parameter definition (33 CFR 323.2(c)), and to quantify the project related impacts on the wetland. Local agency indicates the need for a Wetland Study in Section C of the PES Form and requests a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. (Note: The ACOE remains the agricultural wetlands point of contact for Section 404 Permits). Indicate the need to coordinate with ACOE for verification the agricultural wetland boundary (under Section D of the PES Form), and note that FHWA is responsible for making the formal finding (under Section E of the PES Form).

10. Air Quality Conformity:

a. Is the project included in a currently conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) with no substantial changes in the design concept and scope as used in the TIP?

   Check FHWA California Division's Air Quality Conformity page for the most recent information.

   If "No," STOP. Do not continue with Preliminary Environmental Studies. Refer to 40 CFR 93.109 for guidance on projects not included in a conforming plan and TIP.

   If "Yes," or "To Be Determined" identify the specific RTP, TIP or FTIP project number in which the project is contained and include the date of the U.S. DOT conformity determination in the Project Description.

b. Is the project exempt from the requirement to determine conformity 40 CFR 93.126?

   If "No," STOP. Do not continue with the Preliminary Environmental Studies. Refer to 40 CFR 93.109 for guidance on projects not included in a conforming plan and TIP.

   If "Yes," state project category type as defined in Table 2 of 40 CFR 93.126.

11. National Ambient Air Quality Standard (NAAQS): Consult with your local, EPA-approved, Air Monitoring contact. Is the project in a NAAQS non-attainment or maintenance area?

If "No", further study will not be necessary.

If "Yes" or "To Be Determined," further technical study will be required to determine if the project will (1) affect intersections that are currently at Level of Service (LOS) D, E, or F, or those that will change to LOS

D, E, or F because of increased traffic volumes related to the proposed project, and/or (2) result in localized violation of National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) and particulate matter (PM) ten microns or less in diameter (10). Local agencies must demonstrate that the project will not cause or contribute to any new localized CO or PM (10) violations or increase the frequency or severity of any existing CO or PM (10) non-attainment and maintenance areas. Local agency indicates the need for an Air Quality Study in Section C of the PES Form and requests the DLAE schedule a Coordination Meeting prior to commencing with the study in accordance with guidance set forth in the SER. For small projects, coordination with FHWA may not be necessary, and the project may still be eligible for a Programmatic CE. When there is a potential for impact, local agencies should indicate the need to coordinate with FHWA by placing an "X" in Section D of the PES Form.

12. Prime or Unique Farmlands: Will farmland be acquired for the project or will the project indirectly lead to the conversion of farmland?

If "No," make certain the box next to "R/W acquisition" under Preliminary Design Information on Page 1 of the PES Form is checked "No" and that the statement "all work will occur within existing right-of-way" is included in the Preliminary Environmental Investigation Notes. Include field notes from site visit, indicating surrounding land uses (i.e., farmlands).

If "Yes" or "To Be Determined," further study will be required. Check Farmlands Study in Section C of the PES Form, and indicates coordination and permit requirements under Sections D and E of the PES Form, respectively. Request DLAE schedule a Coordination Meeting prior to commencing with the study in accordance with guidance set forth in the SER. If time permits, local agency completes Parts I and III of U.S. Department of Agriculture Form AD 1006, "Farmland Conversion Impact Rating," and submits it, along 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.

13. Hazardous Material Sites including Underground Tanks: Review 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 (i.e., gas stations, auto wrecking yards, railroad yard or tracks, landfills, etc.) and any evidence of past land uses (i.e., above ground tanks, stained soil, 50-gallon drums, etc.) Are there any signs of or any known hazardous materials within the right-of-way?

If "No," include a statement, on the Preliminary Environmental Investigation Page to the effect that all work will occur within existing right-of-way. Include field notes from site visit, indicating absence of staining on soil, proximity to gas station, landfill or rail yard.

If "Yes," further study will be required. Check Hazardous Materials Study in Section C of the PES Form, indicate coordination and permit requirements under Sections D and E of the PES Form respectively, and request the DLAE schedule a coordination meeting prior to commencing with the study in accordance with guidance set forth in the SER.

14. Section 4(f) Parklands: Review right-of-way and/or parcel maps to determine ownership prior to conducting a site visit. Observe existing land uses during the site visit. Are any existing or planned publicly owned public parks, recreation areas, or wildlife or waterfowl refuges, or National Register listed or eligible historic properties within or adjacent to the project area?

If "No," include right-of-way and ownership information, and information from site visit noting surrounding land uses on Project Footprint Map.

If "Yes," or "To Be Determined," further study will be required. Check need for a Section 4(f) Evaluation in Section C of the PES Form, identify coordination and permit requirements under Sections D and E of the

PES Form respectively, and request the DLAE schedule a Coordination Meeting prior to commencing with study in accordance with guidance set forth in the SER. If the park was purchased under the Federal Land and Water Conservation Fund (LWCF) program (Section 6(f) Program) of the National Park Service, Department of the Interior, coordination with the California Department of Parks and Recreation will also be required to ensure consistency with long term management plans.

15. **Visual Impact:** Consider project construction, operation and maintenance. During the site visit, consider the scenic attributes of the project area. Are there scenic attributes within or adjacent to the project?

Will the project involve large cuts or fill areas or large structures? Will the project produce light, glare and/or shadows?

If "No," can be answered to all three of these questions, include a statement on the Preliminary Environmental Investigation Note page to the effect that there are no scenic areas or resources within the project area, the project will not involve large cuts or fill areas or large structures, and the project will not produce light, glare and shadow. Include field notes from site visit, indicating surrounding land uses (i.e., scenic vistas, trees, rock outcroppings waterfalls, residences, buildings, etc.)

If "Yes," or "To Be Determined," is the answer to any of the above questions, further study will be required. Check Visual Impact Study (Aesthetics) in Section C of the PES Form, indicate coordination with FHWA under Section D of the PES Form, and request the DLAE schedule a Coordination Meeting prior to initiating study.

B. The Social and Economic Environment

16. **Right-of-Way:** Does the project require the acquisition of more than minor amounts of temporary or permanent strips of right-of-way for construction of such items as clear vision corners and grading? Consider construction easements and utility relocations and partial or full takes of right-of-way.

If "No," check "No" next to "R/W Acquisition" under Preliminary Design Information on the first page of the PES Form. Indicate whether or not "all work will occur within existing right-of-way" in the Preliminary Environmental Investigation Notes.

If "Yes," or "To Be Determined," check "Yes" next to "R/W Acquisition" under Preliminary Design Information on the first page of the PES Form. Indicate total acreage and ownership under "Project Description." Further study will be required to determine the amount of right-of-way (partial or full takes) whether the acquisition will displace businesses and/or residences or divide or disrupt an established community or a minority or low-income community, or induce unplanned growth. Check Relocation Impacts Study and/or Community Impact Assessment (as appropriate) in Section C of the PES Form, and request a Coordination Meeting prior to commencing with the study in accordance with guidance set forth in the SER.

Note: 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. Consult the Census to identify any minority (more than 50%) or low-income (more than 50%) communities that will be adversely impacted by the project.

17. **Inconsistent with Community Plans:** Check the General Plan or the Community Plan. Is the project inconsistent with plans and goals adopted by the community?

If "No," include a statement to the effect that "project is consistent with local plans" in the Preliminary Environmental Investigation Notes page.

If "Yes," or "To Be Determined," further study will be required. Local Agency indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit

requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth the SER.

18. **Public Services:** Review public services and utilities presently available to the project area. Will the project result in the need for public services, including utilities other than those presently available or proposed?

If "No," include a statement to the effect that "the project will not generate a need for public services, including utilities beyond those presently available or proposed" in the Preliminary Environmental Investigation Notes page.

If "Yes," or "To Be Determined," further study will be required. Local agency indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER.

19. **Access Control:** Will the project involve any changes in access control?

If "No," include a statement in the Preliminary Environmental Notes page that project will not require a change in access. Include Vicinity Map to clearly show the project's relationship to the State highway system.

If "Yes," or "To Be Determined," further study will be required. Local indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting.

20. **Local Traffic Patterns:** Consider local traffic patterns during construction, operation, and maintenance of the proposed facility. Will the project affect local traffic patterns?

If "No," include a statement to the effect that "no changes in local traffic patterns (short or long-term) will occur as a result of the project" in the Preliminary Environmental Investigation Notes page.

If "Yes," local agency indicates the need for a Traffic Study in Section C of the PES Form, identifies coordination and permit requirements under Sections D and E respectively, and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. The traffic study should address provisions for local traffic patterns, through-traffic dependent businesses, construction of detours or ramp closures, local special events or festivals, temporary roads, detours or ramp closures and any substantial public controversy.

21. **Parking:** Consider existing parking. Will the project affect available parking?

If "No," include a statement, in the Preliminary Environmental Investigation Notes page, to the effect that there are no parking spaces within or immediately adjacent to the project. Where parking spaces are in the immediate vicinity, but the project will in no way affect them, expand Project Description to clearly indicate that the project will not change the number and/or location of parking spaces (either temporarily or permanently).

If "Yes" or "To Be Determined," further study will be required. Local agency indicates the need for a Community Impact Assessment in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER. Where parking is a controversial issue in the project community, a public information meeting and/or public hearing may be required.

22. **Future Construction:** Consider whether the project will be able to function independently or if future construction will be required to fully utilize the design capabilities included in the proposed project?

If "No," insure Project Description discusses purpose, need, and logical termini, and clarify that project has independent utility and will not require future construction to function.

If "Yes" or "To Be Determined," further study will be required. Local agency indicates the need for a Traffic Study in Section C of the PES Form, indicates coordination and permit requirements under Sections D and E respectively and requests the DLAE schedule a Coordination Meeting prior to initiating the study in accordance with guidance set forth in the SER.

23. **Public Controversy:** Consider whether there is substantial interest (from a community standpoint) in the project, or in environmental resources surrounding the project.

If "No," include a statement, in the Preliminary Environmental Investigation Notes page, to the effect that the project is non-controversial.

If "Yes," or "To Be Determined," indicate need for public involvement next to the recommended class of action under Section G.

24. **Construction Encroachment:** Will the project encroach on State or federal lands?

If "No," Project Description should clearly indicate that no new right-of-way would be required.

If "Yes," or "To Be Determined," indicate coordination and permit requirements under Sections D and E respectively.

25. **Historic Properties:** All federal-aid transportation projects require screening by a District 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, technical studies are needed. The local agency should not initiate cultural studies until such time as the APE map has been signed by the DLAE and District PQS. The local agency should request the DLAE to schedule a Coordination Meeting to discuss required format and content of required cultural reports.

26. **Invasive Species:** Check the California official noxious weed list. Is there a potential for the introduction or spread of any of these invasive species as a result of the project?

If "No," Project Description should clearly discuss whether the project will involve re-vegetation or landscaping activities and the types of plant species proposed for use.

If "Yes," or "To Be Determined," it is important to note that FHWA prohibits the use of federal-aid for construction, re-vegetation or landscaping activities that purposely include the use of known invasive plant species. 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 E.O. 13112 is available in the SER.

Sections C, D, & E:

Indicate which technical studies will be required based on those questions where a "YES" or "TO BE DETERMINED" answer was checked. Check the required technical study and indicate if coordination or permits and approvals will be required.

Completing Section C of the PES Form - Required Technical Studies

Local agency considers the results of the preliminary environmental investigation and the responses to the questions under Sections A and B of the PES Form. When there is a potential for sensitive environmental resources within or adjacent to the project area, a technical study will be required. Refer to the SER for additional information on the appropriateness of a specific technical study.

Completing Section D of the PES Form - Coordination

Local agency indicates whether coordination with resource and/or regulatory agencies will be necessary. Coordination should be limited to information gathering.

Completing Section E of the PES Form - Permits and Approvals

The local agency indicates whether any permits will be required.

Types of permits to consider include, but are not limited to:

- U.S. Army Corps of Engineers 404 Permit for Bridge Construction
- U.S. Army Corps of Engineers 404 Permit for work in Wetlands
- California Dept. of Fish and Game 1601/03 Permit for Streambed Alteration
- All U.S. land-holding agencies, Archaeological Resources Protection Act (ARPA) permit for work on federal land.

Consult the *California Permit Handbook*.

Completing Section F of the PES Form - Public Hearing and Public Availability

Local agency indicates whether a Public Hearing or Public Availability will be required. See LAPM Chapter 8, "Public Hearings."

When determining whether a public hearing is necessary, note that all Draft EISs require a public hearing, and NEPA requires a public hearing on environmental documents 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 action

Public Involvement for other federal environmental processes includes:

- Section 106 - a public notice if the project will affect a historic (non-archeological) property
- Section 7 - does not in itself require public involvement
- 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.

Completing Section G of the PES Form - Preliminary Environmental Document Classification (Programmatic CE/CE/EA/EIS)

Based on the answers provided in Section A-C of the PES Form, the local agency makes a determination as to the appropriate NEPA class of action. Refer to the SER when determining whether to prepare an EA or an EIS.

Signatures:

Complete signature blocks.

Preparer - Name and telephone number of local agency staff person or environmental consultant that performed the preliminary research and completed the PES Form.

Local Agency - The local agency representative (typically the person having responsible charge for the project; i.e., Public Works Director or City Engineer) signs the PES Form when they are satisfied that the form and all supporting documentation is "complete and sufficient."

Caltrans District Environmental Office Chief (EOC) or Designee: Caltrans Environmental signature is required on the PES Form 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 level of environmental documentation.

District Professionally Qualified Staff (PQS): The District PQS will indicate the results of their screening in the PQS signature block of the PES Form; indicate appropriate response to Question 25 under Section B of the PES Form; complete Sections C, D and E, (regarding Section 106); and sign the PES Form for all projects.

DLAE - The District Local Assistance Engineer (DLAE) signs the PES Form when they are satisfied the form and supporting documentation are complete and sufficient, and when they concur with the studies to be performed and the recommendation level of environmental documentation.

FHWA - The FHWA Project Development Engineer signature is required on the PES Form when the recommended NEPA class of action is an EA, EIS, or (when requested) a regular CE. FHWA signature on the PES means that they have reviewed the PES Form and concur with the studies to be performed and the recommended level of environmental document.

Note: The DLAE will consult with the District EOC (or designee) and determine which projects required early involvement by FHWA. Typically these will be actions, necessitating the preparation of an EA or an EIS, or in cases where the proposed document is a CE, but FHWA has responsibility for consultation under regulation or interagency agreement, or responsibility for a finding or determination required by law, regulation or Executive Order.

PES Distribution

The original completed PES Form shall be maintained in the District Local Assistance Engineer's project file. The local agency, District Environmental staff and FHWA Project Development Engineer to facilitate quick reference should maintain copies of the completed PES Form.

Exhibit 6-C Sample Letter – Biological Resources

Local agency should send this request for information to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as appropriate, whenever vegetation (natural or agricultural) or water resources (including lakes, rivers, creeks, vernal pools, vernal swales, and/or irrigation, agricultural or roadside drainage ditches) are present within or immediately adjacent to the project area.

There are seven USFWS Field Offices in California. Some portions of California fall under the jurisdiction of field offices in Nevada or Oregon.

Locate the Field Office for your area online at: http://pacific.fws.gov/ecoservices/field.htm

Or call the California/Nevada Operations Office at (916) 414-6600.

COUNTY/CITY/ENVIRONMENTAL CONSULTANT LETTERHEAD

RE: Request for List of Federally Listed Species and their Critical Habitat and Listing of Anadromous Fish

Description of proposed action:

_____
_____
_____
_____

Name of USGS Topographic Map (7.5 minute series) on which project location appears.

_____

Please provide us with the following information:

List of Federally Listed Status and their Critical Habitat
Anadromous Fish Map Overlay.

Contact person and telephone:

_____

Sincerely,

_____
Name and Title

Distribution:

Original: **U.S. Fish and Wildlife Service and/or National Marine Fisheries Service**
Copies: **District Local Assistance Engineer**
Local Agency Project Files

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EXHIBIT 6-D PROGRAMMATIC CATEGORICAL EXCLUSION AGREEMENT (NOVEMBER 18, 2003)

PROGRAMMATIC CATEGORICAL EXCLUSION

The Federal Highway Administration, California Division, hereinafter FHWA, and the California Department of Transportation, hereinafter the Department, have developed this programmatic agreement to describe the policy and procedures for environmental processing of certain "Categorical Exclusion" (CE) actions as defined in 23 CFR 771.117 normally found to have no significant social, economic and environmental effects. The Department will act on behalf of FHWA in determining that federal environmental requirements are met on the types of categorical exclusions actions identified in this agreement.

The actions listed under 23 CFR 771.117(c) are hereby established as programmatic categorical exclusions and do not require any further NEPA approvals by FHWA, provided:

1. The action does not, either individually or cumulatively, have any significant environmental impacts as described in 23 CFR 771.117(a), and
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b).

The actions listed under 23 CFR 771.117(d) may be classified as a programmatic categorical exclusion, provided the following conditions are met:

- The action does not, either individually or cumulatively have any significant environmental impacts as described in 23 CFR 771.117(a).
- The action does not involve significant controversy on environmental grounds.
- The action does not involve the acquisition of more than minor amounts of temporary or permanent strips of right-of-way. A minor amount of right-or-way normally is not more than four hectares (ten acres) and involves no more than four relocations. In situations where relocation of residences or businesses would occur, an analysis will be performed to determine the potential for community or environmental justice impacts; if the potential for these impacts exists, the project would not be deemed eligible for treatment as a PCE under this agreement.
- The action does not involve a determination of adverse effect for properties on or eligible for the National Register of Historic Places.
- The action does not require an individual Section 4(f) determination. A programmatic 4(f) determination may be involved, provided that FHWA has concurred in the 4(f) determination. The Department will conduct the necessary research and coordination to ascertain that the conditions associated with each programmatic 4(f) evaluation have been met and will obtain FHWA approval for its use.
- The action does not include wetland impacts of more than 1.5 acres or involvement with the NEPA/404 process. Enough information to issue a wetland finding must be included in the PCE documentation.
- The action does not encroach on a regulatory floodway, or in the event that the Federal Emergency Management Agency (FEMA) has not designated a regulatory floodway, the action will not significantly encroach on the base flood plain.
- The action does not involve construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of Interior/U.S. Department of Agriculture.
- The action does not require any U.S. Coast Guard construction permits.
- The action does not involve any known hazardous materials sites or known hazardous materials remains within the proposed or existing right-of-way, with the exception of aerially deposited lead where levels do not exceed 350 parts per million or five milligrams per liter soluble.

- The action does not require formal Section 7 Consultation for federally listed endangered or threatened species or critical habitat.
- The action conforms to the Air Quality Implementation Plan, which is approved or promulgated by the Environmental Protection Agency in air quality non-attainment areas.
- The action is consistent with the State's Coastal Zone Management Plan, if applicable.
- The action does not involve the acquisition of agricultural land with a total score of 60 points or greater Site Assessment points in Part VI of Natural Resource Conservation Service (NRCS) Form AD 1006.

PROCESS - The Department will consider and approve PCEs as follows:

Where the Department determines the action may be processed as described in this Agreement, the determination shall be appropriately documented in writing and retained in the District/Region's files. "Documentation" as referred to in this agreement is the appropriate engineering and environmental documentation required for a federally funded highway project, which substantiates that conditions of this agreement have been met including any technical analyses.

The Department shall notify FHWA that CE concurrence for the project was programmatically approved in accordance with this Agreement at the time the Department requests authorization to precede using federal funds.

The documentation described above will be retained in the district environmental files and will be accessible to authorized representatives of FHWA and the Department for a minimum of three (3) years following completion of the project.

AGREEMENT REVISIONS – This Agreement may be modified by mutual consent at any time.

AGREEMENT TERMINATION – Either FHWA or the Department may terminate this Agreement in writing at any time.

APPROVAL OF AGREEMENT – The undersigned have reviewed this Agreement and determined that it complies with the laws, regulations, and policies applicable to FHWA and the Department.

Accordingly, it is hereby approved and becomes effective on the last date noted below.

Original signed by Gary N. Hamby, Division Administrator, Federal Highway Administration, California Division on November 7, 2003, and Gary R. Winters, Chief, California Department of Transportation, Division of Environmental Analysis on November 18, 2003.

EXHIBIT 6-E CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION (CE/CE/PCE) DETERMINATION FORM

Revised 11/2003

_____	_____	_____	_____
Dist.-Co.-Rte. (or Local Agency)	K.P./K.P.(P.M/P.M.)	E.A. (State project)	Proj. No. (Local project) (Fed. Prog. Prefix Proj. No., Agr. No.)

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Enter project description in this text 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

☐ **Exempt by Statute** (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☐ **Categorically Exempt**. Class ___ , or **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)])

_____	_____	_____	_____
Signature: Environmental Office Chief	Date	Signature: Project Manager	Date

NEPA COMPLIANCE (23 CFR 771.117)

Based on an examination of this proposal, supporting information, and the following statements.

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In non-attainment or maintenance areas for federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program or is exempt from regional conformity.
- This project is consistent with all federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the statements above under "NEPA Compliance", it is determined that the project is a:

☐ **PROGRAMMATIC CATEGORICAL EXCLUSION (PCE):** Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the November 18, 2003, Programmatic Categorical Exclusion Agreement have been met.

☐ **CATEGORICAL EXCLUSION (CE):** For actions that do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Require FHWA determination.

_____	_____	_____	_____
Signature: Environmental Office Chief	Date	Signature: Project Manager/DLA Engineer	Date

FHWA DETERMINATION

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion (CE).

_____	_____
Signature: FHWA Project Development Engineer	Date

Additional information attached or referenced, as appropriate (e.g. Mitigation commitments for NEPA only; Air Quality studies or documentation of exemption from regional conformity or use of CO Protocol; §106 commitments; §4(f) or Programmatic §4(f); date of COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions. Rev. 11/2003

CONTINUATION SHEET

EXHIBIT 6-F INSTRUCTIONS FOR COMPLETING THE CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION (CE/CE/PCE) DETERMINATION FORM

This form shall be used to document CEQA Categorical Exemptions (CE) and NEPA Categorical Exclusions (CEs), including Programmatic CEs (PCEs) for projects on the State Highway System as well as to document CEs and PCEs for federal-aid projects on local streets and roads.

CEQA COMPLIANCE

Local agencies are not required to complete the CEQA COMPLIANCE or CALTRANS CEQA DETERMINATION portions of this form.

For State Projects:

Include the project's District/County/Route, Kilometer Post and Post Mile information, and the Expense Authorization. The Project Description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the CALTRANS CEQA DETERMINATION box as documentation.

The conditions listed under CEQA COMPLIANCE are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance. Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.

If there is no federal involvement in the project, write "not applicable" in the CALTRANS NEPA DETERMINATION box.

NEPA COMPLIANCE

For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, changes in access control, or connection to the Interstate system. The following represents the distinction between CEs and PCEs). Documentation to support a CE or PCE determination shall be retained in the project file for a minimum of three years and shall be available for periodic FHWA process reviews.

Categorical Exclusions (CE)

State and local agency projects must meet all five declarations of fact listed under NEPA COMPLIANCE on the CE form.

- The Environmental Office Chief (or designee) checks the CE box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief (or designee) and Project Manager (the District Local Assistance Engineer

for local projects off the State highway system) sign and date the CALTRANS NEPA DETERMINATION box to confirm that the project meets the conditions of a CE.

- The FHWA Project Development Engineer signs and dates in the FHWA DETERMINATION space, validating that the action will not individually or cumulatively have a significant effect and is excluded from the requirement to prepare an EA or EIS.

Programmatic Categorical Exclusions (PCE)

State and local agency projects must meet all five conditions listed under NEPA COMPLIANCE and all conditions included in the November 18, 2003, PCE Agreement (provided on page 5 of these instructions).

For Local Agency Projects (off the State Highway System)

- For local agency projects "OFF" the State Highway System, the DLAE and the District/Region Environmental Office Chief make a determination (consistent with the PCE Agreement), that the PES Form is complete and sufficient and that the project has met all CE criteria and all the conditions of the November 18, 2003, Programmatic CE agreement**.** The DLAE and the District/Region Environmental Office Chief both sign the PES Form.
- For projects that meet all the criteria as a CE under 23 CFR 771.117(c), the DLAE checks the PCE box in the CALTRANS NEPA DETERMINATION box, and signs and dates the CALTRANS NEPA DETERMINATION box.
- For projects that meet all the criteria as a CE under 23 CFR 771.117(d), the Environmental Office Chief (or designee) reviews the documentation and signs and dates the CALTRANS NEPA DETERMINATION box.
- The FHWA Project Development Engineer does not sign the PCE.
- Upon final environmental approval, the DLAE is to immediately provide notification and a copy of the approved environmental documents to the local agency so the local agency can commence final design.

Projects on the State Highway System:

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the November 18, 2003, Programmatic CE agreement and checks the PCE box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief and Caltrans Project Manager sign and date the CALTRANS NEPA DETERMINATION box.
- The FHWA Project Development Engineer does not sign the PCE.
- Local agency federal-aid transportation projects "on" the State Highway System are prepared and processed in the same manner as capital projects. Upon final environmental approval, the Caltrans Project Manager is to immediately provide notification and a copy of the approved environmental documents to the local agency so the local agency can commence final design. A copy of the approved environmental documents is to be concurrently provided to the DLAE for information purposes.

Additional Information

Documentation of compliance with other laws or requirements may be necessary to support a CE or PCE. Certain items shall be attached to the CE/CE/PCE Determination Form and others may simply be summarized as follows:

Attachments:

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE/CE/PCE Determination Form.

- A NEPA Categorical Exclusion determination may include commitments to mitigation measures or design conditions. If commitments to mitigation measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE/CE/PCE Determination Form.

Information summarized and attached:

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach a brief statement of the conclusion of Section 106 compliance.

- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require a project level Air Quality study. If an Air Quality study was required, attach of summary of its conclusions.

- If the project involves Waters of the United States, as defined in the Clean Water Act of 1977 (33 USC 1251-1376), and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies and its effective date.

- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach a summary of the conclusions of coordination with the Army Corps of Engineers pursuant to the 1994 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada.

- Documentation of compliance with the Endangered Species Act may also be required. If so, attach a summary of the conclusions of the biological survey.

A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required when the project "uses" land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved prior to the CE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach a summary of its conclusion.

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[1] The full study(s) shall be retained in the project file for a minimum of three years.

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EXHIBIT 6-G ACTIONS WHICH MEET THE CRITERIA FOR A CE IN ACCORDANCE WITH 40 CFR 1508.4 AND 23 CFR 771.117(A) AND NORMALLY DO NOT REQUIRE ANY FURTHER NEPA APPROVALS BY FHWA

(1) Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 USC 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR Part 630; approval of project concepts under 23 CFR 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid Highway System.

(2) Approval of utility installations along or across a transportation facility.

(3) Construction of bicycle and pedestrian lanes, paths, and facilities.

(4) Activities included in the State's "highway safety plan" under 23 USC 402.

(5) Transfer of federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.

(6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

(7) Landscaping.

(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.

(9) Emergency repairs under 23 USC 25.

(10) Acquisition of scenic easements.

(11) Determination of payback under 23 CFR 480 for property previously acquired with federal-aid participation.

(12) Improvements to existing rest areas and truck weigh stations.

(13) Ridesharing activities.

(14) Bus and rail car rehabilitation.

(15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

(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.

(18) Track and rail bed maintenance and improvements when carried out within the existing right-of-way.

(19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.

(20) Promulgation of rules, regulations, and directives.

The above list has been taken from 23 CFR 771(c)

* These activities require the review of District Professionally Qualified Staff (PQS) in order to satisfy the requirements of Programmatic Agreement Among the Federal Highway Administration, 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), which became effective on January 1, 2004

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EXHIBIT 6-H ADDITIONAL ACTIONS WHICH MEET CRITERIA FOR A CE IN ACCORDANCE WITH 40 CFR 1508.4 AND 23 CFR 771.117(A) AND WHICH MAY BE DESIGNATED AS A CE ONLY AFTER FHWA APPROVAL*

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving. turning. climbing)
(2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
(3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
(4) Transportation corridor fringe parking facilities.
(5) Construction of new truck-weigh stations or rest areas.
(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.
(7) Approvals for changes in access control.
(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
(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.
(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
(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.
(12) Acquisition of land for hardship or protective purposes, advance land acquisition loans under Section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisitions 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.

The above list has been taken from 23 CFR 771(d).

Local agencies shall submit documentation demonstrating that the specific conditions or criteria for a CE have been satisfied for these types of actions and that significant environmental effects will not result.

* These activities require the review of District Professionally Qualified Staff (PQS) in order to satisfy the requirements of Programmatic Agreement Among the Federal Highway Administration, 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), which became effective on January 1, 2004

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EXHIBIT 6-I SAMPLE TRANSMITTAL LETTER TO THE DISTRICT LOCAL ASSISTANCE ENGINEER

Local Agency Letterhead

Department of Transportation
District ___
_____
Attn: _____
Local Assistance Engineer

Date:
Project:
Federal Project #:
Description:

_____(Local Agency)_____ is proposing to _____(brief description of project)_____.

The following items are provided for your review and consideration.

- ☐ Fully completed PES Form
- ☐ Required attachments
  - ☐ Regional Map
  - ☐ Project Local Map
  - ☐ Project Footprint Map (showing existing and proposed R/W)
  - ☐ Engineering drawings (plan views and existing and proposed cross sections, if available)
  - ☐ Borrow/Disposal Site Location Map (if applicable)

- ☐ Preliminary Environmental Investigation Notes to support conclusion of this checklist
  - ☐ Any field notes and correspondence from resource agencies
  - ☐ Completed Field Review Form (first two pages)

If additional information is needed, please contact _____ at_____.

Distribution:
Original: District Local Assistance Engineer
Copy: Local Agency Project Files

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EXHIBIT 6-J SECTION 4(F) EVALUATION - COORDINATION MEETING SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review of section 4(f) evaluations, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. Following are suggested points for discussion at the Coordination Meeting.

1. Section 4(f) property in question is a:

   ☐ Publicly Owned Public Park
   ☐ Publicly Owned Public Recreation Area
   ☐ Publicly Owned Wildlife and Waterfowl Refuge
   ☐ Land from a Historic Site (a cultural resource listed on or eligible for listing on the National Register of Historic Places)

2. Briefly discuss the potentially applicable Programmatic Section 4(f) Evaluations or Transportation Enhancement Section 4(f) Applicability Interim Guidance that are available. FHWA may initially determine that one of the following Programmatic Evaluations applies:

   ☐ 1 Bikeways and Walkways in Parklands Programmatic Section 4(f)
   ☐ 2 Historic Bridge Programmatic Section 4(f)
   ☐ 3 Minor Use of Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges Programmatic Section 4(f)
   ☐ 4 Minor Use of Historic Properties, deemed to have "no affect" or "no adverse effect" Programmatic Section 4(f)
   ☐ 5 Transportation Enhancement Activities (TEA) projects (park official is project applicant) Interim Guidance Applicability of Section 4(f)

   NOTE: The <u>documentation</u> necessary to utilize the Programmatic Section 4(f) Evaluations parallels that of the Individual Section 4(f) Evaluation document, however, approval authority for Programmatic Section 4(f) Evaluations has been delegated to the FHWA Division Administrator. Programmatic Section 4(f) Evaluations eliminate requirement to circulate Evaluations to Federal agencies, which do not have jurisdictional authority over the Section 4(f) properties.

   Eligibility for a Programmatic Section 4(f) Evaluation does not eliminate the need for full documentation and analysis to document meeting the conditions of the Individual Section 4(f) Evaluation. FHWA's role does not change if the conditions of a Programmatic Section 4(f) Evaluation can be met.

3. Discuss project specifics and possible alternatives to avoid or minimize use of Section 4(f) properties.

4. Purpose of the Section 4(f) Evaluation:

   (1) To evaluate a project's use (Fee Simple/Permanent Easement/Temporary Easement/ Constructive Use) of the Section 4(f) land
   (2) Document the considerations, consultations and alternative studies for a determination that there are no prudent and feasible alternatives to the use of "Section 4(f) type land."
   (3) Support a determination that the proposed action includes all possible planning to minimize harm to the affected land.
   (4) Document the required consultation process with the Department of Interior (DOI), Housing and Urban Development (HUD), and Agriculture (USDA).

Note: Neither the local agency nor Caltrans may make a Section 4(f) decision. The local agency is responsible for identifying potential Section 4(f) resources and providing documentation that clearly supports a "no Section 4(f) determination" and/or the applicability of a "Programmatic Section 4(f)." The local agency shall not proceed with a document containing these determinations in advance of consultation with FHWA.

The Technical Study shall be undertaken, and the Section 4(f) Evaluation prepared, in accordance with guidance set forth in the SER.

EXHIBIT 6-K SECTION 106 (CULTURAL RESOURCES) REPORT - COORDINATION MEETING – SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of Cultural Reports, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. Following are suggested points for discussion at the Coordination Meeting.

- ☐ An Area of Potential Effect (APE) map for Section 106 purposes shall be prepared by the local agency, then reviewed, approved and signed by the Caltrans DLAE and PQS.

  NOTE: Review of the APE map, or appropriate study area, is required before surveys are initiated.

  - ☐ The local agency shall prepare all reports (containing their findings) and submit one hard copy and electronic copy to the DLAE for submittal to the Caltrans PQS for review. An Archaeological Survey Report (ASR), Historic Resource Evaluation Report (HRER), Bridge Evaluation, and Historic Property Survey Report (HPSR) are the most common reports required. The HPSR serves as the summary document for the attached technical reports (ASR, HRER, etc.). Once the studies have been approved by the District PQS, four copies of the complete HPSR package are usually required for processing by FHWA and SHPO. Once the HPSR has been approved, additional copies may be required for Caltrans' filing and dissemination purposes.

- ☐ Required Cultural Resource Technical Studies:
  - ☐ HISTORIC PROPERTY SURVEY REPORT (HPSR)
    - ☐ Determination of Eligibility, discuss within HPSR.
  - ☐ ARCHAEOLOGICAL SURVEY REPORT (HPSR)
  - ☐ HISTORIC RESOURCE EVALUATION REPORT (HRER)
  - ☐ BRIDGE EVALUATION/REVALUATION
  - ☐ ARCHAEOLOGICAL EXCAVATION REORT
    - ☐ If excavation or test holes are undertaken for archaeological investigations, the designated representative from the local Native American group shall be present.
  - ☐ FINDING OF EFFECT (FOE)
  - ☐ MITIGATION AND MEMORANDUM OF AGREEMENT (MOA)
    - ☐ Report formats and contents for all of the above shall follow guidance provided in the SER, Chapter 28, Environmental Handbook, Volume 2: Cultural Resources, and depend upon their applicability for the particular undertaking under discussion.

  Cautionary Notes:

  - ☐ The report shall not discuss resources outside the APE unless there is good reason.
  - ☐ If project will result in no effect, it is possible to combine the HPSR and FOE into one document.
  - ☐ Caltrans, FHWA, SHPO and ACHP and the Regional Archaeological Clearinghouses need to know where the archaeological sites are located. However, if the report is circulated to the public, any text or maps that disclose the location of the site shall be removed prior to circulation.

NOTE: Section 106 consultation with the SHPO and the ACHP is Caltrans and FHWA's responsibility. The local agency, with Caltrans' assurance of adequacy, is responsible for preparation of the applicable documents.

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EXHIBIT 6-L BIOLOGY STUDY (SECTION 7 COMPLIANCE) COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of the Biological Report, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies.

Following are suggested points for discussion at the Coordination Meeting.

- ☐ Which level of technical report format is required and why:
  - ☐ Natural Environment Study (NES)
  - ☐ Natural Environment Study (Minimal Impact) (NES MI)
  - ☐ Biological Assessment Report (BA)
  - ☐ Biological Evaluation Report (BE)
- ☐ How compliance with the Federal Endangered Species Act differs from compliance with the State Endangered Species Act. Emphasis is on federally listed or proposed Threatened or Endangered plant/animal species and/or their designated or proposed critical habitat. Compliance with the provisions of the State Endangered Species Act is typically achieved during CEQA compliance. State only endangered species are not included in federal Section 7 consultation).
- ☐ What biological information contained in the CEQA document will be useful?
- ☐ Content: the report must contain information requested by the U.S Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to fulfill their respective Federal endangered species act consultation requirements.
- ☐ Local agency shall utilize field procedures recommended by the responsible agency and conduct the necessary general/specific surveys during the appropriate time of year.
- ☐ The report must be suitable for submittal as a Biological Assessment under the Endangered Species Act Section 7 consultation requirements.
- ☐ Guidance on consultant qualifications, survey methodology and report format and content is provided in the SER.
- ☐ Local agency shall recommend mitigation measures to reduce potential impacts to biological resources (including but not limited to avoidance, design, modification, realignment, or compensation replacement). FHWA/Caltrans shall agree on any proposed use of federal funds to be used for mitigation.
- ☐ Local agency shall include all correspondence sent to and received from the CDFG, USFWS, and NMFS regarding the results of the request for species list and the survey results.
- ☐ Consultation under Section 7 is FHWA's responsibilities, as lead agency, <u>not</u> the Corps of Engineers or other federal agency unless specifically agreed to by FHWA.
- ☐ Section 9 or Section 10 consultation does not substitute for Section 7 consultation. If Section 9 or Section 10 consultation has occurred, a separate Section 7 consultation by FHWA must nevertheless be performed. Local agencies and their consultants have not been designated as a non-federal representative by FHWA. Only State DOT's have this delegation. This means that only Caltrans can perform informal consultation with USFWS or NMFS on behalf of FHWA. Again, even Caltrans is not delegated formal consultation.
- ☐ USFWS is issuing Programmatic Section 7 consultations for certain species to federal agencies when those federal agencies request such consultations. They do not preclude the necessity for consultation under Section 7 for the individual project, they merely reduce the paperwork and timeframe for FWS response to FHWA request for consultation.

- ☐ The local agency transmittal letter to the DLAE (requesting review and processing) should include a list of federally-listed and proposed species that are potentially present in the project area, the impacts of the project on each species and the type of consultation proposed, that is, informal consultation for a "not likely to adversely effect"; formal consultation for a "no jeopardy finding," or conferencing for a "candidate species." Section 7 consultation for endangered anadromous fish

.

EXHIBIT 6-M WETLANDS REPORT - COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of the Wetland Report, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. Following are suggested points for discussion at the Coordination Meeting.

At a minimum, the local agency shall:

- ☐ Determine if "wetlands" are present within the project area. The definition of wetlands on a project shall be in accordance with the definition issued by ACOE (33 CFR 323.2(c)). The determination shall be made by a biologist with wetland evaluation experience. Wetland survey(s) shall be undertaken during the appropriate time of year (preferably February, March, and/or April).
- ☐ Determine exact wetland boundaries affected by the project

If wetlands will be affected by the project, the local agency shall:

- ☐ Undertake a Wetland Evaluation in accordance with the SER, Chapter 15.
- ☐ Prepare the Wetland Evaluation consistent with the format and content prescribed in the SER, Chapter 15.
- ☐ Summarize the results of the Wetland Evaluation in the appropriate Environmental Document. Refer to the Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents (available from the DLAE) to ensure a complete and sufficient submittal.
- ☐ Prepare a public notice and invite public comment.

If the proposed action will require construction in wetlands, the local agency shall:

- ☐ Prepare the formal "Wetlands Only Practicable Alternative Finding" in accordance with the SER, Chapter 15.
- ☐ Clearly describe Wetland Mitigation on a separate page and submit with packet.

Local agency shall provide the DLAE with three (3) complete copies of the Wetland Study (Technical Report) and three (3) copies of the Environmental Document containing a summary of the Wetland Study.

NOTE: FHWA is responsible for making the wetlands finding. This is not a finding that is delegated to any other agency. Therefore, FHWA must evaluate any action, which involves a wetland impact.

The NEPA/404 MOU process needs to be followed if a wetland involvement meets the MOU threshold for applicability.

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EXHIBIT 6-N FLOODPLAIN REPORT - COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

To insure the most efficient review and processing of the Floodplain Report, local agencies and their consultants should request a coordination meeting prior to initiating Technical Studies. The following are suggested points for discussion at the Coordination Meeting.

- ☐ A Floodplain Report or Floodplain Risk Assessment is required by FHWA when Preliminary Environmental Studies (PES), Question #5, indicates a proposed project may encroach on a National Flood Insurance Program (NFIP) established (100-year) base floodplain.
- ☐ The minimum required content of the report should be as prescribed in 23 CFR 650A, Section 650.111(b)(c)(d). Additional information regarding the format and content of the report is provided in the SER, Chapter 17 in this chapter and in the Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Document (available from the DLAE).
- ☐ DISCUSSION OF IMPACTS

  Determination of floodplain impacts shall be based on a Location Hydraulic Study and address each alternative, as follows:

  - The degree of encroachment associated with each alternative.
  - The significant potential for flood related property loss or hazard to human life
  - The significant impact on natural or beneficial floodplain values
  - The significant potential for interruption or termination of communities, only evacuation route, or facility needed for emergency vehicle
  - The project's consistency with community floodplain development plan
- ☐ WHEN THE STUDY CLEARLY INDICATES NO IMPACT and the proposed action is to be processed with Categorical Exclusion, the Summary Flood Plain Encroachment form (provided in the SER, Chapter 17) may be used to summarize the flood plain evaluation. Instructions for completing the form are provided in the SER, Chapter 17.
- ☐ WHEN THE STUDY CLEARLY INDICATES THAT THE PROPOSAL WILL: 1) Result in a significant encroachment (as defined by 23 CFR 650.105) and/or 2) is inconsistent with existing watershed and floodplain management programs, thereby resulting in incompatible flood plain development, the Floodplain Risk Assessment shall include a discussion of alternatives, based on the Location Hydraulic Report, and the local agency must prepare an ONLY PRACTICABLE ALTERNATIVE FINDING (in accordance with 23 CFR 650A, Section 650.113 and the SER, Chapter 17.
- ☐ Coordination with FEMA under the four (4) conditions stated above.
- ☐ In order for the project to be eligible for federal funding, FHWA must find that the proposed significant encroachment is the only practicable alternative.
- ☐ MITIGATION

  The report must discuss the mitigation measures to minimize floodplain impacts and the measures to restore and preserve the natural and beneficial floodplain values that are impacted.

NOTE: FHWA is responsible for making the floodplain finding. This is not a finding that is delegated to any other agency. Therefore, FHWA must evaluate any action, which involves a floodplain encroachment.

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