

Memorandum

To: DISTRICT DIRECTORS
DEPUTY DIRECTORS
DIVISION CHIEFS

Date: April 19, 2024

From: DONNA BERRY
Deputy Director
Project Delivery

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Deputy Director
Information Technology

Subject: CEQA ADMINISTRATIVE RECORD AND EMAIL RETENTION

This memorandum supersedes the April 18, 2022 memo "CEQA Administrative Record and Email Retention."

The purpose of this memorandum is to provide updates, clarification, and guidance on California Department of Transportation (Caltrans) practices regarding retention of email communications relating to projects in conformance with state law (Public Resources Code, section 21167.6(e)), federal guidance (Federal Highways Administration Records Disposition Manual), and Caltrans policies.

Public Resources Code, section 21167.6(e)(10) requires the retention of "...written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division..."

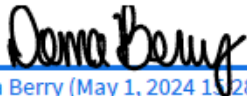
In accordance with legal mandates, such as the *Golden Door vs County of San Diego* (2020) decision, lead agencies under the California Environmental Quality Act (CEQA), such as Caltrans, must take affirmative steps to ensure that there are policies in place so that all emails, attachments, and similar records that are mandated for inclusion in project's administrative record of proceedings, are preserved and retained.

Effective immediately, Caltrans project delivery staff for capital improvement projects, including managers and supervisors, shall ensure that substantive project emails and attachments are retained via the use of an email project inbox which is project specific and shall be created by the Project Manager at the beginning of the Project Initiation Document (PID) phase of every project. The project inbox shall remain in effect during the duration of the project and shall be deactivated at the request of the Project Manager to the Information Technology (IT) unit within one month of Construction Contract Acceptance (CCA). Deactivation of a project inbox releases the license used for that inbox and allows IT to transfer it elsewhere. Specific roles and responsibilities are outlined in Attachment A. Instructions for the creation of a project inbox are included in Attachment B.

Caltrans project delivery staff shall retain all substantive project emails, attachments, analyses, communications, and similar records, including those mandated for the administrative record by CEQA. Emails and attachments that are to be retained include all written materials relevant to Caltrans' compliance with CEQA and all internal agency communications, including staff notes and memoranda related to the project or to compliance with CEQA. This shall apply to all projects for which Caltrans is the CEQA and/or National Environmental Policy Act (NEPA) lead agency, and to other projects and actions not involving a PID where the Division of Environmental Analysis (DEA) determines it to be appropriate. Caltrans project delivery staff shall take training to recognize and properly implement actions to preserve substantive project emails.

This policy does not amend, modify, or supersede any confidentiality laws and requirements pertaining to Caltrans' cultural resource documents.

If you have any questions or require assistance, please contact the HQ Environmental Coordinator.

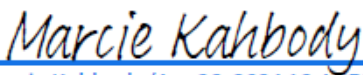


Donna Berry (May 1, 2024 11:28 EDT)

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Deputy Director
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05/01/2024

Date



Marcie Kahbody (Apr 26, 2024 16:46 PDT)

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04/26/2024

Date

Attachments

1. Attachment A: CEQA Administrative Record and Email Retention Roles and Responsibilities
2. Attachment B: Guide for Project Inbox used for the CEQA Administrative Record

Attachment A: CEQA Administrative Record and Email Retention Roles and Responsibilities

District Directors/Deputy Directors:

- Ensure implementation of this policy.
- Ensure appropriate support resources for the activities outlined in this policy.
- Ensure this policy is shared with functional units responsible for delivering capital projects.

Division of Project Management:

- Provide statewide direction to ensure compliance with this policy.
- Ensure the Workplan Standards Guide is consistent with this policy.
- Ensure that cooperative agreement templates require consultants and sub-consultants to provide necessary documents for the administrative record including sending a copy of all substantive, project-related emails to the project inbox.
- As applicable, provide training to staff on the retention of emails, and all other internal agency communications, including staff notes and memoranda related to CEQA on the project.
- Coordinate with Budgets and Accounting to ensure costs for establishing and maintaining project inboxes are covered and invoices are paid timely.

Division of Design:

- Update the Project Development Procedures Manual to reflect the requirements of this policy.
- Provide statewide direction to ensure compliance with this policy.
- As applicable, provide training to staff on the retention of emails and all other internal agency communications, including staff notes and memoranda related to CEQA on the project.

IT Division Management

- Maintain the Service Now (SNOW) "Shared Outlook Accounts" template for requests to create a project inbox (designated for Project Managers only). The request form will require the options for a shared mailbox; inputting the project inbox name, selecting a licensed 50GB storage solution, inputting staff who will be given access to view (but not modify or delete) emails in the project inbox, and identifying the mailbox should be licensed and have an indefinite retention period in the comments section.
- Create a SNOW request form for closing project inboxes.

Attachment A: CEQA Administrative Record and Email Retention Roles and Responsibilities

- Create project inboxes for ongoing projects without an inbox, in the order of priority provided by the Division of Environmental Analysis.
- Store and transfer retained emails to the Project Manager after the project inbox has been deactivated, when requested.

Divisions of Engineering Services, Environmental Analysis, Construction, Right of Way and Land Surveys, and Legal:

- Provide statewide direction to ensure compliance with this policy.
- As applicable, provide training to staff on the retention of emails related to the CEQA, and all other internal agency communications, including staff notes and memoranda related to the project.

Deputy District Directors, Project Delivery Functions, and Division of Engineering Service Deputy Division Chiefs:

- Ensure development of strategies for uniform adoption of this policy across all functional units.
- Require training of staff in the implementation of this policy.
- Ensure that manuals, guidance, and procedures reflect this policy.

Project Managers:

- Request the creation of a project inbox at the beginning of the PID phase of any project requiring compliance with CEQA and/or NEPA. Project inboxes shall retain all emails and attachments until the project inbox is deactivated.
- For projects that reached PID stage prior to the issuance of this memo (April 19, 2024), initiate discussions with the PDT to determine whether administrative record and email retention requirements should still apply to the project based on considerations such as environmental document level, level of community interest, and project milestone.
- Direct members of the Project Development Team (PDT) who may contribute to the environmental analysis and the evaluation of project alternatives, including Executive, Environmental, Design, and Right-of-Way staff, to copy and/or forward all substantive project-related emails to the project inbox.
- Ensure that the email address for the project inbox is not circulated to the public for receipt of comments or

Attachment A: CEQA Administrative Record and Email Retention Roles and Responsibilities

correspondence on the project, and that the project inbox is not otherwise used to receive public comments on the project.

- If the PDT anticipates a project will receive a large number of public comments, create a separate email inbox to receive such comments and/or other correspondence from the public (public project email inbox). If the decision is made to create a public project email inbox, the same process is used as for the project inbox creation. All emails and attachments in the public project email inbox shall be retained for the same period as the internal project inbox.
- Submit a SNOW request to obtain all retained records prior to requesting the mailbox being deactivated.
- Submit a SNOW request that a project inbox be deactivated within one month of the project reaching CCA.

Environmental Seniors and Planners

- When deemed appropriate (*i.e.*, for projects likely to engender substantive project-related email communications), request the creation of a project inbox for a project that does not have a PID but that requires compliance with CEQA and/or NEPA. Project inboxes shall retain all emails and attachments until the project inbox is deactivated.
- Ask the Project Manager to submit a SNOW request to obtain all retained records prior to requesting the mailbox being deactivated.

Project Delivery Managers, Supervisors, Functional Managers, and Task Managers:

- Read and understand this policy. If there are questions, contact the responsible Caltrans legal division. San Diego Legal (Districts 8 – Riverside County, 11 and 12), Los Angeles Legal (Districts 7, 8 – San Bernardino County), Bay Area Legal (Districts 1, 4, 5) and Sacramento (Districts HQ, 2, 3, 6, 9).
- Complete, and ensure all staff that contribute to the preparation of CEQA and/or NEPA documents, complete the online training “The Importance of the Administrative Record” on email retention for the CEQA administrative record.
- Develop and implement strategies to ensure compliance with this policy by staff.

Attachment A: CEQA Administrative Record and Email Retention Roles and Responsibilities

- Communicate regularly to staff the need to save emails, attachments and all internal agency communication related to the project or to compliance with CEQA to the project inbox.

IT Staff:

- Promptly create and deactivate project inboxes upon receiving SNOW requests.
- Upon request and prior to closing the project inboxes, transfer the retained emails to the project manager for record-keeping purposes.

Employees:

- Follow procedures to comply with this policy for all project-related email.
- All staff that contribute to the preparation of CEQA and/or NEPA documents, including project design, management, and decision-makers, shall complete the online training "The Importance of the Administrative Record" on email retention for the CEQA administrative record.
- Save emails, attachments, and all internal agency communication related to the project or to compliance with CEQA to the project inbox.

Attachment B: Guide for Project Inbox used for the CEQA Administrative Record

Background

State law (Public Resources Code, section 21167.6(e), federal guidance (Federal Highways Administration Records Disposition Manual), and existing Caltrans policies require Caltrans to retain all emails, attachments, analyses, communications, and similar records that are mandated by the California Environmental Quality Act (CEQA) for inclusion in the administrative record for individual projects. To improve the ease in which related email and attachment information are retained, project specific email inboxes shall be established for all projects requiring compliance with CEQA and/or the National Environmental Policy Act (NEPA) when Caltrans is the lead agency under CEQA and/or NEPA. Project Managers must submit a SNOW request to set up the project inbox. These project inboxes are exempt from the current IT email retention policy (deleting emails over 120 days old) and are to be used for the entire life of the project. If requested, the contents of the project inbox shall be archived for potential inclusion in the administrative record. This full process will satisfy the legal mandates for the project's administrative record. This process does not however, supersede the requirements of the Uniform Filing System (UFS).

Based on Section 304 of the National Historic Preservation Act and pursuant to Section 6254.10 of the California Public Records Act, Caltrans Professionally Qualified Staff (PQS) are not required to submit technical documents to the project inbox created for each transportation project. Only decision memos, emails, and summary documents such as concurrence letters from the State Historic Preservation Officer (SHPO), screening memos, close-out memos, Historic Property Survey Reports (HPSR) or Historic Resource Compliance Reports (HRCR), etc. are to be submitted to the project inbox, and if necessary, sensitive information shall be excluded/redacted from all materials. PQS will still be responsible for adhering to the UFS requirements for cultural resources documentation.

Process

PROJECT INBOX CREATION

To ensure all proper records are captured, it is important for the project inbox to be created as one of the first deliverables in the K phase. The Project Manager will use IT Service Now (SNOW) to request the creation of a licensed, shared email account.

Attachment B: Guide for Project Inbox used for the CEQA Administrative Record

1. Follow this link to go directly to the request form; [Shared Outlook Account Request Form](#)
 - a) Or use the following steps to navigate through each webpage.
 - i. Navigate to the SNOW portal (<https://cdotprod.service-now.com/sp>) to start the process.
 - ii. Select "Request for Service" from the banner to go to the service catalog.
 - iii. Select "Shared Outlook Accounts" from the boxes listed to navigate to the "Shared Outlook Accounts" request page.
 - iv. If "Shared Outlook Accounts" is not found, select "Email Services" to filter the available selections. "Shared Outlook Accounts" should be on the right.
2. On the request form, include the following information:
 - a) Requester Details
 - i. "Requested For" – should be the Project Manager's name
 - ii. "Primary Contact for Request" – should be "Requested For"
 - iii. "Requested By" – should be your name
 - iv. "Preferred Method of Contact" – the preferred method for contacting the primary contact.
 - v. "Requested For District" – should be the district the Project Manager works for.
 - b) Email Distribution List
 - i. "Email Request" – should be "Create a shared email or calendar".
 - Note this will likely have to be selected, as it is not the default selection.
 - ii. "What is the shared mailbox / calendar name?" – use the following naming convention
 - DD_XXXXX_Project_Inbox
 - DD = district of the project using two digits
 - XXXXX = Project EA using the first five digits
 - iii. "Please specify the individuals you would like to add or remove" – add the following people that will have access to the project inbox contents. (Note that anybody can send emails to the inbox.)
 - Select the "Add" Button

Attachment B: Guide for Project Inbox used for the CEQA Administrative Record

- Verify the “select” box is displaying “Add”,
 - Type in the names of the Project Manager, Environmental lead, and Assistant Project Manager.
 - Note: Names can be added or removed, as required, over the life of the project by using a similar SNOW request. Best practices for security and inbox management suggests limiting those who have access.
 - Select the “Add” Button after each name is added.
- iv. “Additional Comments” – include the following details:
- This is for a licensed inbox
 - It requires an indefinite retention period
 - Suggested verbiage: “This request is to create a LICENSED project inbox with an INDEFINITE HOLD.”
- c) Ensure the request is completed and accurate.
- d) Click the “Submit” button

ENSURE CORRESPONDENCE IS BEING SUBMITTED

Once the project inbox is created, all members of the PDT need to be notified of its existence. A recommended action is to provide an email to all PDT members, with a copy to the project inbox in the cc address line, notifying them of the project inbox address and the requirement for them to include the project inbox on all project related correspondence. Instructions for use of the project inbox including the email address should be added to the project's Communication Plan and contact list.

The Project Manager should send periodic emails to the PDT to ensure any new team members are aware of the inbox, and the existing team members are reminded of the address and its intended use. Invites to CEQA/NEPA-relevant meetings should also be sent to the project inbox but should not be acted upon in the inbox.

Within one month of the project achieving Milestone 600 - Construction Contract Acceptance (CCA), the Project Manager shall request the deactivation of the project inbox from IT. At the time of deactivation, IT will archive the contents of the inbox. The Project Manager and IT Security will

Attachment B: Guide for Project Inbox used for the CEQA Administrative Record

need to coordinate for the Project Manager to have access to the archive.

PROJECT INBOX DEACTIVATION/ARCHIVE

The project inbox deactivation and archival request is similar to the creation request. It is important that as part of the process, IT Security and the Project Manager work together to ensure continuing access to the inbox archive, when requested.

From the steps used to create the inbox (above):

1. Follow all parts of Step 1 to navigate to the request form.
2. Follow all of Step 2, part a) for entering the contact information.
3. In the "Email Distribution List" section of the form enter the following information:
 - e) "Email Request" – should be "Create a shared email or calendar".
 - i. Note this will likely have to be selected, as it is not the default selection.
 - f) "What is the shared mailbox / calendar name?" – provide the name of the project inbox
 - g) "Please specify the individuals you would like to add or remove" – this can be left empty
 - h) "Additional Comments" – include the following details:
 - i. This is a request for mailbox deactivation and archival.
4. Ensure the request is completed and accurate.
5. Click the "Submit" button.

IT will work with the Project Manager to properly archive the project inbox and allow access.

Additional information

Splits/Combines

As part of the life of a project there may be a need to either split the project into one or more child projects or combine two or more projects into a combined project. If this occurs, it is important to document the events within the appropriate project records folder and ensure the project inboxes are properly managed.

Attachment B: Guide for Project Inbox used for the CEQA Administrative Record

Splits

1. Document the split(s),
2. Set up a project inbox for each child EA by following the set-up steps.
3. Inform the PDT of the new project inbox(s) for each child project.
4. Direct the PDT to send documents for the child projects to the appropriate child project inbox.
 - a. The parent project inbox shall remain open until the child projects achieve CCA. This is to preserve the parent project information as it is part of the administrative record for each child project.
 - b. Each child project will have their own administrative record and project file.
5. Deactivate the parent project inbox after the last remaining child project achieves CCA.

Combines

1. Document the combine in each administrative record of the projects being combined.
2. Set-up the project inbox for the combined EA following the set-up steps.
3. Inform the PDT of the new project inbox for the combined project.
4. Direct the PDT to begin sending all email to the project inbox for the combined project.
 - a. Previous project inboxes for the projects that were combined shall remain open.
5. Deactivate all project inboxes after CCA of the combined project.