REPORT TO THE CALIFORNIA TRANSPORTATION COMMISSION BY THE DEPARTMENT OF TRANSPORTATION ON THE STATUS OF ENVIRONMENTAL STREAMLINING

January 2003 Meeting

Initiatives/Activities with Federal Highway Administration (FHWA):

- Mutually define and commit to deadlines to expedite environmental document review.
    - In March 2002, FHWA committed to 30 day review timelines for environmental documents pursuant to the National Environmental Policy Act of 1969 (NEPA), evaluations pursuant to Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)), biological assessments pursuant to Section 7 of the Endangered Species Act, and compliance documents pursuant to Section 106 of the National Historic Preservation Act.
- Expand the California Department of Transportation's role as an "agent" of FHWA in coordinating and negotiating directly with federal resource and regulatory agencies.
    - FHWA has agreed to allow the Department to consult informally with the United States Fish and Wildlife Service and the National Marine Fisheries Service on certain issues involving federally-listed threatened and endangered species.
    - The Department and the FHWA are finalizing a new National Historic Preservation Act Section 106 Programmatic Agreement, which will be the most comprehensive and broad programmatic agreement for Section 106 in the nation. The Department expects the Programmatic Agreement to be in place by June 2003.
- Expand programmatic categorical exclusion (PCE) approval authority to the Department, with appropriate monitoring by the FHWA California Division.
    - The FHWA California Division and the Department's Divisions of Environmental Analysis and Local Assistance are initiating a process review of the Department's and Local Agencies' compliance with the current (1990) Programmatic Categorical Exclusion agreement to ascertain how it is being employed. The results of the process review, together with Programmatic Categorical Exclusion agreements from a number of other State Departments of Transportation, will inform the development of revised Programmatic Categorical Exclusion agreement.
- Develop and maintain a formal tracking system for movement of environmental work products between the Department, FHWA and resource and regulatory agencies.

- The Department is currently conducting a business process review as the first step in the development of a comprehensive environmental document tracking system. In the interim, the districts and regions have been instructed to develop an internal tracking system to allow themselves, the Division of Environmental Analysis, and FHWA to monitor the status of environmental work products during the review process.

- Establish a Department environmental document quality assurance program with elements of peer, technical specialist, and legal review; technical editing; document consistency; and document production improvements.

  - Each district or region has submitted a Quality Control process to the Division of Environmental Analysis outlining its method to implement a minimum of five internal quality control reviews. These reviews shall be documented in writing to ensure that the review occurred. The DEA Environmental Coordinators will monitor compliance with the QC processes.

- Increase internal legal sufficiency review of the Department's environmental documents and augment legal staff availability for consultation during project and environmental document development.

  - The Department's Legal Division has been given additional resources statewide to conduct reviews of EISs, as outlined in the Quality Control processes, and to enable attorneys to participate in Project Development Teams, commensurate with the complexity of the project.

<u>Additional Department initiatives to improve the efficiency of the environmental process:</u>

Interagency efforts:

- Entered into a partnering agreement among the Resources Agency, the California Environmental Protection Agency, and the Business, Transportation, and Housing Agency ("Tri-Agency Partnership") whereby the agencies have committed to work together to streamline the provision of transportation projects without compromising the environmental process.

- District upper management (Directors/Deputy Directors) are actively partnering with regional resource and regulatory agencies. Regular meetings are being held between the various district/region managements and their resource/regulatory counterparts to address transportation related environmental issues.

- Continue to provide Federal and state resource and regulatory agencies with staff to increase their early involvement in the project development process. U.S. Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency (EPA), U.S. National Marine Fisheries Service (NMFS), and U.S. Corps of Engineers (ACOE),

Calif. Coastal Commission (CCC), and the California Department of Fish and Game (DFG) have participated.

- Providing two in-house agency liaison positions, with ACOE in San Francisco and the California Coastal Commission, to facilitate agency review of The Department projects, and to provide guidance to The Department staff regarding the agencies' information needs.

- Developing of a Memorandum of Understanding (MOU) for NEPA/404 Integration Process with FHWA, U.S.EPA, U.S. Corps of Engineers to address issues pertaining to waters of the United States.

- Entered into a Partnership Agreement with U.S.EPA (Region 9) and U.S.DOT (FHWA, California Division) to support cooperative and collaborative work among the three agencies during the environmental planning process. The Merced "Partnership in Planning" is a pilot effort to integrate early environmental considerations into the update of the Regional Transportation Plan.

- Significant cross training with resource agency staffing in techniques, designs and technical data to facilitate cooperation/understanding of the expectations of the agencies.

Department Efforts:

- The Department has completed an Environmental Program Business Process Review (BPR) to identify tools and processes that would make the process more effective and efficient.

- The Division of Environmental Analysis has requested, received and put in place 3 HQ Environmental Coordinators positions. These positions provide liaison, information transfer, statewide consistency, knowledge document review and revision and quality assurance functions for the various environmental initiatives the department is implementing in it streamlining efforts.

- The Department has requested, received and filled 3 District Environmental Deputy positions. All Districts/Regions now have Environmental Deputies to provide elevated and focused management and attention to the environmental process and the delivery of documents and technical reports. The Deputies are able to directly deal with resource/regulatory regional management and assure environmental issues related to transportation projects are addressed in a timely manner.

- A Deputy Chief Counsel for environmental matters has been established to oversee the expanded emphasis on Legal's involvement in environmental analysis and permitting issues.

Transportation Planning

- Improving the development of project "purpose and need" to ensure that it is consistent from project conception in the Regional Transportation Plan, through programming of a project in the STIP, and in the formal Purpose and Need statement contained in the environmental document.

- Developed and deployed a GIS-based computer applications to provide preliminary information of mapped environmental resources to planners for the development of Regional Transportation Plans.

Project Programming

- The Department has mandated the use of a Preliminary Environmental Analysis Report (PEAR) to inform the programming of the cost, schedule, and scope of work to complete the environmental analysis step of project development. The PEAR includes a preliminary work plan for the environmental analysis phase of the project. Use of the PEAR has improved the Department's ability to more accurately estimate the funds and time needed to complete the environmental work and program funds accordingly.

- Developing, with the University of California at Davis, a web-based GIS tool to identify known constraints and issues that may be affected in a proposed project area. It would be used as a preliminary identification tool and to inform development of alternatives during the Project Initiation phase.

Project Approval &Environmental Document (PA/ED)

- The Department has established a environmental document quality control program with elements of peer, technical specialist, technical editing and legal review. The process requires appropriate managers to certify compliance/quality by signature. The Environmental District Coordinators are the Quality Assurance (QA) part of the program.

- Reinforced its policy on the level of project information, preliminary mapping and project description, necessary to start environmental studies.

- Developed a "streamlined" EIS format that combines the discussions of the Affected Environmental, Environmental Consequences and Mitigation Measures, making the document more readable and internally consistent. The Department has mandated the use of this format for all new EISs for projects on the State Highway System; Local Assistance is strongly encouraging its use for federal-aid projects on local streets and roads.

- Developed standardized report formats for other types of environmental documents to improve document preparation and facilitate electronic publishing. The Department

has developed formats for NEPA and CEQA documents, Biological Assessments and Biological Evaluations, Noise Analysis and is in the process of developing templates for the other technical studies and compliance reports. Standard language is also being developed to include in the documents, as appropriate, to explain certain requirements and regulations.

- Improved the consistency of the Departmental review processes for EISs prepared for federally funded projects on the State Highway System and those for local streets and roads.

- Pursuing programmatic agreements for assessing impacts, determining level of mitigation, and coordinating with the resource agencies in a predetermined manner. Examples of efforts in development either at the statewide or regional level include:

  - Section 106 Programmatic Agreement for cultural resources.
  - Programmatic consultations for recently listed salmon and additional species such as red-legged frogs, kit fox, and marbled murlets (north coast bird).
  - Coordination of maintenance and emergency repairs along the California Central Coast.

- Implementing a "Change Control" policy which "locks in" elements of project design after PA/ED to avoid unplanned environmental documentation resulting from project changes.

- Developing a system to monitor environmental analysis and document preparation to identify obstacles to achieving various milestones. The notion is predicated upon a number of assumptions, such as having public acceptance of the project, no major environmental controversy, etc., with an ultimate goal of producing an EIS in 3.5 years.

- Developing a Standard Environmental Reference (SER) of federal and state requirements for use by the Department and, for federal-aid projects, by local agencies to comply with federal laws.

- A new Right of Entry Process has been developed and implemented to allow expedited access to properties for environmental survey activities under certain conditions. Right of Entry procedures are currently being worked on to find ways to more effectively access properties.

- The Department has initiated a process for the funding of Pre-Project Mitigation Cost. The process addresses two approaches to addressing pre-project mitigation and associated costs on a programmatic or project basis, to improve delivery through advanced project mitigation planning and funding mechanisms.

- A Transportation Corridor Conservation Planning concept is currently being developed in conjunction with the California Department of Fish and Game for

programmatically addressing mitigation needs for a suite of projects within a given transportation corridor. Addressing mitigation needs ahead of the project environmental process will shorten environmental compliance timelines. Timelines are shortened because effective larger scale mitigation efforts put in place prior to actual need eliminates the significant time needed to consult with the resource agencies over such activities as selecting appropriate sites, development of plans, buy off on mitigation ratios, etc.