

# Executive Summary

## 2022 Monitoring of Caltrans Performance under the Surface Transportation Project Delivery Program July 2021–June 2022

---

The California Department of Transportation (Caltrans) has prepared this monitoring report of its performance under the Surface Transportation Project Delivery Program (commonly known as the NEPA Assignment Program), pursuant to Section 10.2 of the 23 United States Code Section 327 (23 USC 327) memorandum of understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans. The 23 USC 327 MOU stipulates that Caltrans perform annual self-monitoring of its performance against four performance measures and 10 performance measure components, identified in the MOU, and transmit a report on the results of its monitoring to FHWA. This report documents the results of Caltrans' monitoring reviews of completed NEPA document approvals from July 1, 2021, through June 30, 2022 (Quarters 57 through 60 of NEPA Assignment, referred to in this report as the 2022 monitoring period).

As noted in the past three monitoring reports, Caltrans has transitioned from monitoring reviews that focus on implementation of the specific details of Caltrans' environmental document quality control (QC) process, such as precise consistency with Caltrans' environmental document annotated outlines and proper completion of Caltrans' QC forms and checklists, to one that now broadly evaluates the determinations, findings, and approvals made in compliance with federal environmental regulations. As a result, changes to review elements and metrics were introduced during the 2020 and 2021 monitoring periods to reflect the maturity of the program as well as best practices developed in response to these reviews. Implementation of further refinements to performance metrics were adopted in the current 2022 monitoring period.

As with the previous two years of monitoring reports, this report distinguishes between *substantive* findings that require corrective actions and *non-substantive findings* (such as inconsistencies with Caltrans' annotated outlines, internal documentation tools, and filing requirements) that do not require corrective actions. *Non-substantive* findings are not included in calculating compliance with the MOU performance measures since they don't affect the soundness and validity of findings and conclusions made under federal regulations. They are, however, reported to relevant district staff, together with reminders on best practices and references to Caltrans' Standard Environmental Reference (SER) in order to find guidance on internal documentation and filing requirements.

Caltrans' 2022 findings are summarized in Table 1. The compliance percentages in Table 1 are based on the *substantive* findings of the 2022 reviews, as measured against the four performance measures identified in Section 10.2 of the 2022 MOU. The four performance measures are labeled A–D to correspond with their identifiers in the MOU (Table 1). Also

listed in Table 1 are the “components” of each measure (labeled i, ii, and iii), as also identified in the MOU. Finally, Table 1 shows the measurable “metrics” associated with each component (labeled with Arabic numerals such as 1, 2, and 3).

Table 1 illustrates that Caltrans exceeded the performance goal for each of the 18 applicable metrics<sup>1</sup> related to the following general areas:

**100% compliance:**

- Submittal of annual monitoring reports
- Implementation of 2021 corrective actions
- Compliance with Sections 7, 106, 4(f), and 176(c) and Executive Orders (E.O.) 11990 and 11998
- Compliance with 23 USC Section 139 Efficient Environmental Reviews for Project Decision-making
- Documentation of compliance with the Traffic Noise Analysis Protocol
- Completion of legal sufficiency determinations
- General consistency with the filing system protocols
- Draft environmental documents with notices soliciting public comments
- Percentage of final environmental documents (FEDs) with evidence that public comments received at draft environmental document (DED) public meeting/hearing were addressed in FED
- Percentage of DEDs and FEDs for which QA/QC review procedures were appropriately completed based on documented evidence that QA/QC reviews were completed prior to approval
- Consistency with the environmental document annotated outlines in terms of inclusion of the exact NEPA Assignment language required by the 23 USC 327 MOU

**Exceedance of (non-percentage-based) performance goal:**

- Communications with the resource agencies.

**Achievement of cumulative median time savings in environmental document and Section 7 approvals:**

---

<sup>1</sup> 3 of the 21 metrics in scope were determined not to be applicable in 2022. See Table 1.

- 12.0 median months saved for 321 draft environmental assessment (EA) approvals
- 15.3 median months saved for 296 FONSI approvals
- 25.5 median months saved for 24 draft environmental impact statements (EIS) approvals
- 124.0 median months saved for 21 final EIS approvals
- 5.0 median months saved for 202 Section 7 Biological Opinions

For the 12 applicable percentage-based metrics (identified in Table 1 as those with 95% Performance Goal), Caltrans achieved an overall rating of 100% or 5% over the goal. These monitoring results show that Caltrans is successfully carrying out the federal responsibilities assigned by FHWA, under the 23 USC 327 MOU, in accordance with all applicable federal laws and policies.

Caltrans' self-monitoring effort continues to find minor irregularities in its NEPA documentation, such as insignificant inconsistencies with the environmental document annotated outlines, documentation of QC review certification procedures, and environmental filing protocols. To address these inconsistencies, Headquarters will continue to work closely with district staff to train new environmental generalists; clarify and refine guidance, as needed; and provide ongoing reminders regarding areas that need improvement.

In the fall of 2019, Caltrans' Division of Environmental Analysis (DEA) formed a NEPA Process Improvement Team to identify ways in which DEA's policies, tools, and procedures could be modified to provide more efficiencies in achieving environmental approvals and in delivering projects. As described in the FY 2020-2021 report, a number of changes were proposed to the monitoring approach to improve the effectiveness of monitoring efforts and reporting. The Team subsequently approved a number of improvements to the monitoring review methods that have been implemented over the past three years as each was authorized. Additional changes implemented in FY 2021-2022 are summarized in the "Changes to Monitoring Methods" section of this report.

**Table 1. Caltrans 2022 Monitoring: Findings and Corrective Actions**

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2022 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>A. Compliance with NEPA and other federal laws and regulations</b>	<b>A.i.</b> Maintain documented compliance with procedures and processes set forth in the MOU for the environmental responsibilities assumed under NEPA Assignment	<b>A.i.1.</b> Percent of self-assessment reports submitted to FHWA	100% of the required self-assessment summary/ monitoring reports have been submitted to FHWA.	95%	Yes	None required
		<b>A.i.2.</b> Percentage of corrective actions identified in most recent self-assessment that have been implemented	100% of all corrective actions from the 2021 Monitoring Report were implemented.	95%	Yes	None required
	<b>A.ii.</b> Maintain documented compliance with requirements of all federal laws and regulations being assumed (Section 106, Section 7, etc.)	<b>A.ii.1.</b> Percent of final environmental documents (FEDs) that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	100% of 16 reviewed FEDs appropriately documented compliance with requirements of Section 7, Section 106, and Section 4(f).	95%	Yes	None required
		<b>A.ii.1.a.<sup>c</sup></b> <i>Compliance with other Executive Order 11990; Executive Order 11988; and Section 176(c) of the federal Clean Air Act</i>	<i>100% of 16 reviewed FEDs appropriately documented compliance with Executive Orders 11990 and 11988 and Section 176(c).</i>	95%	Yes	None required
		<b>A.ii.1.b.<sup>c</sup></b> <i>Compliance with 23 USC Sec.139 (Efficient Environmental Reviews for Project Decision-making)</i>	<i>100% (one final EIS) appropriately documented compliance with 23 USC 139.</i>	95%	Yes	None required
		<b>A.ii.1.c.<sup>c</sup></b> <i>Compliance with Traffic Noise Analysis Protocol requirements</i>	<i>100% of 16 reviewed FEDs appropriately documented compliance with the Noise Protocol.</i>	95%	Yes	None required
		<b>A.ii.1.d.<sup>c</sup></b> <i>Appropriate Use of Categorical Exclusions</i>	<i>Not applicable since no 23 USC 327 CEs were reviewed</i>	95%	Not applicable	Not applicable

Table 1. Caltrans 2021 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2022 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>A.ii.1.e.<sup>c</sup></b> Appropriate use of 23 USC 326 versus 23 USC 327 Categorical Exclusions	Not applicable since no 23 USC 327 CEs were reviewed	95%	Not applicable	Not applicable
<b>B.</b> Attainment of supportable NEPA decisions	<b>B.i.a.</b> Legal sufficiency determinations made by counsel (FEISs and individual Section 4(f) determinations)	<b>B.i.a.1.</b> Percent of final EISs and individual Section 4(f) determinations with legal sufficiency determinations completed prior to environmental document approval	100% (1 Individual Section 4(f) determination and 1 FEIS) had a legal sufficiency determination	95%	Yes	None required
<b>B.i.</b> Maintain internal quality control and assurance measures and processes, including a record of:	<b>B.i.b.</b> Compliance with Caltrans environmental document content standards and procedures	<b>B.i.b.1.</b> Percentage of internal QC certification forms certifying consistency with annotated outline	Metric removed <sup>d</sup>	95%	Not applicable	Not applicable
		<b>B.i.b.2.</b> Percentage of sampled environmental documents that address applicable environmental topics and generally follow the organization of the annotated outlines	100% of 32 reviewed DEDs and FEDs followed the annotated outlines in terms of chapter, section organization and required NEPA Assignment language.	95%	Yes	None required
		<b>B.i.b.3.</b> Percent of sample of approved DEDs and FEDs with evidence that QA/QC reviews were completed prior to approval <sup>e</sup>	100% of 32 reviewed DEDs and FEDs were QC reviewed in accordance with Caltrans' QA/QC procedures.	95%	Yes	None required

Table 1. Caltrans 2021 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2022 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>B.i.b.4.</b> Percent of DEDs and FEDs with completed checklists	Metric removed <sup>d</sup>	95%	Not applicable	Not applicable
	<b>B.i.c.</b> Documentation of project records for projects under the NEPA Assignment Program	<b>B.i.c.1.</b> Percent of sampled EA/EIS project files organized according to the established filing system	100% of 9 reviewed electronic files generally contained the environmental documentation required by Uniform Filing System (UFS) requirements.	95%	Yes	None required
<b>C.</b> Monitor relationships with agencies and the general public (effectiveness of relationships with agencies and the general public)	<b>C.i.</b> Assess change in communication among Caltrans, federal and state resource agencies, and the public	<b>C.i.1.</b> Resource Agency Survey: Compare average evaluation ratings for each period and cumulatively over time	88% cumulative average of positive responses	Equal to or above cumulative average of 76% positive responses since first survey in 2009	Yes	None required
		<b>C.i.2.</b> Public Meeting Material Review: Percent of sampled DEDs with notices soliciting public comments	100% of 16 reviewed DEDs had public notices	95%	Yes	None required
		<b>C.i.3.</b> Anonymous Third-Party Public Meeting Review: Compare average evaluation ratings for each self-assessment period and cumulatively over time	Metric removed <sup>d</sup>	Equal to or above cumulative average rating of 4.5 (out of 5.0) since 4th Self-Assessment	Not applicable	Not applicable
	<b>C.ii.</b> Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents	<b>C.ii.1.</b> Percentage of signed final document internal QC certification forms in file with public review comments box checked	Metric removed <sup>d</sup>	95%	Not applicable	Not applicable

Table 1. Caltrans 2021 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2022 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>C.ii.2</b> Percent of sample of approved FEDs with evidence that comments were received at DED public meeting/hearing, and were addressed in the final environmental document <sup>f</sup>	100% of 16 reviewed FEDs included documentation that public comments on the DED were addressed.	95%	Yes	None required
	<b>C.iii.</b> Maintain effective NEPA conflict resolution processes whenever appropriate	<b>C.iii.1.</b> Date that formal conflict resolution action began to date resolution reached	No formal conflict resolution actions were required during the 2022 monitoring review period.	Not applicable	Not applicable	Not applicable
<b>D.</b> Timely completion of NEPA process	<b>D.i.</b> Compare time to completion for environmental document approvals before and after Assignment (July 1, 2007)	<b>D.i.1.</b> For SHS and Local Assistance projects, compare median time from begin administrative DED QC process to DED approval before and after assignment	3.2 (draft EAs) and 3.3 (draft EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		<b>D.i.2.</b> For SHS and Local Assistance projects, compare median time from begin administrative FED QC process to FED approval before and after assignment	0.9 (FONSIs) and 4.2 (final EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		<b>D.i.3.</b> Compare median time from begin environmental studies/NOI to DED approval before and after assignment	12.0 (draft EAs) and 25.5 (draft EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required

Table 1. Caltrans 2021 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2022 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>D.i.4.</b> Compare median time from begin environmental studies/NOI to FED approval before and after assignment	15.3 (FONSIs) and 124.0 (final EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
	<b>D.ii.</b> Compare time to completion for key interagency consultations formerly requiring FHWA participation before and after Assignment (July 1, 2007)	<b>D.ii.1.</b> Compare median time from submittal of biological assessments to receipt of biological opinions before and after assignment	5.0 median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required

<sup>a</sup> The four performance measures listed in this table are identified in Section 10.2 of the 2022 MOU (labeled A–D to correspond with their identifiers in the MOU). The 2016 MOU also identifies the “components” of each measure (labeled i, ii, and iii consistent with the MOU).

<sup>b</sup> The “metrics”, associated with each component (labeled with Arabic numerals such as 1, 2, 3 etc.), were developed in discussions with FHWA and have been evaluated consistently each year under NEPA Assignment.

<sup>c</sup> In addition to the metrics developed in conjunction with FHWA (see footnote “b” above), Caltrans also measures and reports on performance of five additional metrics that are related to specific federal environmental regulations. These additional metrics, shown in italics, broaden the review of compliance with federal requirements with additional regulations that protect specific sensitive environmental resources. These metrics are identified as A.ii.1.a–e.

<sup>d</sup> Performance metric was eliminated to address revisions approved by the NEPA Process Improvement team.

<sup>e</sup> Performance metric was rewritten to reflect current QC procedures. Formerly listed as “Percentage of DEDs and FEDs for which the completed QA/QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow up information.”

<sup>f</sup> Performance metric was added to reflect changes to monitoring approach for measuring effectiveness of public outreach as approved by the NEPA Process Improvement team.

# Report on 2022 Monitoring of Caltrans Performance under the Surface Transportation Project Delivery Program

## July 1, 2021–June 30, 2022

---

## Scope of Monitoring

During the 2022 monitoring effort, Caltrans evaluated all NEPA documents that were approved statewide during the July 1, 2021, through June 30, 2022, monitoring period; a selection of environmental files for approved environmental documents was also reviewed. As with last two years, due chiefly to the pandemic, Caltrans conducted the file review by inspecting electronic files; Districts 6, 7, and 8 were selected for the virtual review. Caltrans NEPA Assignment staff have evaluated the effectiveness of virtual reviews of environmental files and determined this approach has proven efficient and less disruptive to districts than on-site reviews, and Caltrans will continue with remote reviews moving forward.

A total of 32 approvals for State Highway System and Local Assistance projects were reviewed, statewide, against each of the four performance measures, 10 performance measure components, and 18 performance metrics (see Table 1). These 32 approvals are identified below by NEPA class of action:

- 15 Environmental Assessments (EAs)
- 15 Findings of No Significant Impact (FONSIs)
- One draft Environmental Impact Statement (DEIS)
- One final Environmental Impact Statement (FEIS)

Nine electronic project files for Districts 6, 7, and 8 were reviewed in mid-September 2022.

Caltrans also conducted a program-level review of the NEPA Assignment Program to determine if environmental document guidance, policies, tools, and training are up to date.

## Monitoring Methods

The monitoring findings are based on Caltrans' progress toward meeting performance metrics that Caltrans identified in collaboration with FHWA. Caltrans also measured the performance of five additional metrics related to specific federal environmental regulations, identified in italicized print and labeled *Ia*, *Ib*, *Ic*, *Id*, and *Ie* in Table 1 under measure component A.ii. . These additional metrics broaden the review of compliance with federal requirements including regulations that protect specific sensitive environmental resources.

## Substantive and Non-Substantive Findings

As with last year's monitoring report, two categories of findings are identified for the purposes of this report.

- **Substantive findings:** Substantive findings are the focus of the monitoring reviews and are made for deficiencies related to compliance with federal environmental regulations or other federal documentation or procedural requirements. Examples of substantive findings include:
  - Failure to obtain an air quality conformity determination or to document a Wetlands Only Practicable Alternative finding prior to NEPA approval;
  - Failure to obtain written concurrence for a Section 4(f) de minimis finding prior to NEPA approval from the agency with jurisdiction over the Section 4(f) resources;
  - Failure to include the correct NEPA Assignment language on the cover of environmental documents/FONSI/Record of Decisions, as required by Section 3.1.2 of the 23 USC 327 MOU; or
  - Failure to conduct a QC review of environmental documents prior to document approval as stipulated in the Integrated Quality Control/Quality Assurance Review Procedures described in the Caltrans SER, Chapter 38 NEPA Assignment.

**Corrective actions** are identified for substantive findings. Corrective actions for project-specific findings typically involve completion of a revalidation form and corrections to documentation, as needed, by District staff.

Substantive findings are quantified in calculating the compliance percentages and determining whether the performance metric goals are met.

- **Non-Substantive findings:** Non-substantive findings are identified for irregularities in documentation or in implementing procedures per Caltrans' guidance such as:
  - Minor deviations or inconsistencies in approved environmental documents compared with the environmental document annotated outlines. For example, a conclusion in an environmental document does not correspond exactly, word-for-word, with the conclusory language found in the annotated outline, but the meaning of the conclusion is consistent with the meaning found in the annotated outline;
  - Irregularities in completing checklists that provide supporting documentation for Caltrans' decisions. For example, the Air Quality Conformity Checklist is not filled out completely for a project (such as a missing checkbox or project type exemption), but an FHWA conformity determination is obtained, or a finding is documented that a project is exempt from having to make a conformity determination;

- Project follows the required QC review and certification procedures, but the project's QC documentation incorporates minor irregularities. For example, a technical editor certification signature is not provided on the internal certification form, but the review was completed prior to document approval; or
- Environmental files are generally organized according to Caltrans' UFS requirements, but not all documentation, such as final technical reports that were prepared, are placed in the environmental file.

**Reminders** for district project staff, which clarify Caltrans' requirements, are typically provided for non-substantive findings. The purpose of these reminders is to ensure that the irregularities are not repeated in subsequent environmental documentation that is prepared. The reminders include identifying where in the SER the related guidance can be found and an explanation of the guidance.

Non-substantive findings are not quantified in calculating the performance metric compliance percentages.

The methods used in evaluating each of the four performance measures, identified in the 23 USC 327 MOU, are described below.

## Changes to Monitoring Methods

Since 2019, Caltrans' NEPA Process Improvement Team has been evaluating and approving measures to make DEA's environmental review and approval policies, tools, and procedures more efficient. This effort includes determining how monitoring methods and performance metrics can be improved to provide more meaningful results that lead to higher quality environmental documents. The FY 2020-2021 monitoring report described changes to approach and metrics implemented during that monitoring period as well as further revisions proposed for 2022.

The following changes have been adopted beginning July 1, 2021, and were applied to the 2022 monitoring review<sup>2</sup>:

- **Compliance with federal regulations:** Streamlining this review to focus on evidence that findings/conclusions have been made in compliance with federal environmental regulations. Review questions related to the specific content requirements of Caltrans' environmental document annotated outlines (for example, the inclusion of Section 7 species lists and wetland figures in the environmental document) have been eliminated.

---

<sup>2</sup> As described in the 2021 monitoring report, a scope change from reviewing *all* approved environmental documents to reviewing a *sample* for metrics related to consistency with the annotated outlines and environmental document QC reviews was also proposed to begin with the 2022 monitoring period; however, the NEPA Assignment office elected to continue reviewing 100 percent of approved environmental documents due to sample size considerations.

- **Environmental document QC review procedures:** Employ a broader approach for this review by replacing the form-focused reviews which relied on whether these forms are filled out correctly with confirmation that the procedures were generally followed or not. Review criteria were updated to reflect the new Integrated Quality Control/Quality Review Procedures implemented in 2021.

Major changes to the existing quality control review procedures include:

- Peer review/certification is not required;
  - The internal and external forms are only submitted once, not with each iteration of the environmental document;
  - The HQ Coordinator conducts review concurrently with the District/Region. The Coordinator then signs the internal QC certification form; and
  - The ED Review Checklist is an optional tool.
- **Responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents:** This metric was replaced with one that assesses whether a response to comments section has been included in all final environmental documents.

These monitoring improvements were communicated to district staff through multiple channels including: environmental coordinator updates; quarterly NEPA Assignment statewide teleconferences; and brown-bag webinars providing an overview of monitoring changes. In addition, these changes have also been documented on the Caltrans SER Policy Memos webpage: <https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos>.

As a result of these changes, the following metrics shown in Table 1 have been removed from scope and are not discussed under the 2022 findings.

- **B.i.b.1. Certifications for Consistency with Annotated Outlines**

This metric, related to whether the environmental document preparer certified that the documentation was prepared consistent with the environmental document annotated outline, was eliminated when DEA updated its QC review procedures.

- **B.i.b.4. Completed Environmental Document Checklist**

This metric was eliminated as result of the QC review procedures updates. As described above, the environmental document checklist is now optional.

- **C.i.3. Average Evaluation Ratings for Anonymous Third-Party Public Meeting Review**

As described in the 2021 monitoring report, this review element was eliminated beginning with the 2022 monitoring period.

- **C.ii.1. Percentage of Signed Final Document QC Forms with Public Review Comments Box Checked**

The review of whether the public review comments checkbox was checked on the internal QC certification form was deemed not accurate for measuring responsiveness to comments received on NEPA documents as this review does not accurately measure this metric. This review element was replaced with C.ii.2, which focuses on complete documentation rather than a checkbox on the QC form.

## **A. Compliance with NEPA and other Federal Laws and Regulations**

Compliance with this performance measure was judged by the following:

- Determination if all self-assessment and monitoring reports, prepared by Caltrans, have been submitted to FHWA;
- Review of 16 final environmental documents approved statewide against specific review elements related to the following regulations, in order to determine whether the documentation and processes used were appropriate and complete.
  - Section 7 of the federal Endangered Species Act (FESA)
  - Section 106 of the National Historic Preservation Act (NHPA)
  - Section 4(f) of the U.S. Department of Transportation Act
  - Section 176(c) of the Clean Air Act
  - E.O. 11990, Protection of Wetlands
  - E.O. 11998, Floodplain Management
  - Caltrans Traffic Noise Analysis Protocol
  - Compliance with 23 USC 139

## **B. Attainment of Supportable NEPA Decisions**

This performance measure was evaluated based on confirming that the following requirements were met for NEPA approvals during the 2022 monitoring period:

- Legal sufficiency determinations for one Individual Section 4(f) Evaluation and one Final Environmental Impact Statement;
- Consistency in the organization and environmental topics and inclusion of the required NEPA Assignment language, evaluated in 32 approved draft and final environmental documents, as compared to the requirements of Caltrans' environmental document annotated outlines;

- Implementation of Caltrans' QC review procedures for 32 draft and final environmental documents; and
- Review of 9 electronic environmental files for projects in Districts 6, 7, and 8 for general consistency with Caltrans' UFS requirements.

## C. Monitor Relationships with Agencies and the Public

### Agencies

Caltrans conducted a survey of state and federal resource agencies to assess whether the relationships between Caltrans and resource agencies have remained consistent or have changed since initiation of NEPA Assignment. Of the 56 resource agency staff who were invited to participate in this survey, 19 (34%) responded to the survey and were polled regarding Caltrans' effectiveness as the NEPA lead agency.

### Public

To monitor relationships with the public, Caltrans reviewed files for the presence of public notices for draft environmental documents and for certifications that public comments were addressed. Additionally, all approved FEDs were reviewed for evidence that public comments received at the time of DED circulation were addressed.

## D. Timely Completion of NEPA Process

Caltrans calculated the median number of months it is taking to review and approve environmental documents and obtain Section 7 Biological Opinions under NEPA Assignment, as compared with FHWA timeframes prior to NEPA Assignment (See Tables 2, 3, and 4).

## Program-Level Review

For the program-level review, Caltrans reviewed its SER to identify the updates and improvements made to NEPA guidance, policies, and tools, and to evaluate the effectiveness of its NEPA Assignment training plan by determining whether planned training sessions were completed.

## 2022 Findings

This section summarizes the *substantive* and *non-substantive* findings from the 2022 monitoring review. The compliance percentage for *substantive* findings, relative to the metric's performance goal, is identified in parentheses in the bolded metric titles below (see also Table 1). These compliance percentages reflect whether deficiencies, related to

compliance with federal environmental regulations or other federal documentation or procedural requirements, were found.

*Non-substantive* findings are also generally summarized below, under each relevant metric. The project-specific *non-substantive* findings were communicated to all affected environmental staff, and reminders were provided identifying the reason for the inconsistency and the related guidance.

## **A. Compliance with NEPA and Other Federal Laws and Regulations**

**A.i.1. Percentage of Monitoring Reports Submitted (100%):** One hundred percent of required self-assessment and monitoring reports were submitted to FHWA. The reports from the prior years (since 2017) are available on the Caltrans' DEA website, and earlier reports are available upon request.

### **A.i.2. Percentage of Identified Corrective Actions Implemented (100%)**

The following corrective actions, identified in the 2021 Monitoring Report, were implemented:

- Caltrans discussed the absence of the most current NEPA Assignment language, per the MOU, in environmental documents. One final environmental document and one draft document did not use the correct language on the document cover. Additionally, one FONSI for another project did not use the most current MOU language.
- Caltrans also discussed the absence of a public comments check mark on the nine internal certification forms with appropriate district managerial and project staff. The responses to public comments had been reviewed and addressed, but the public comments check box had been inadvertently left blank.

### **A.ii.1. Compliance with Sections 7, 106, and 4(f) (100%)**

The 16 reviewed final environmental documents did not result in any *substantive* findings related to Sections 7, 106, and 4(f) compliance. The following *non-substantive* irregularities were found for one or more documents. These irregularities didn't alter the conclusions made under these federal environmental regulations:

- **Section 7**
  - Regulatory language was not used for No Effect findings.
- **Section 106**
  - Regulatory language was not used for No Historic Properties Affected findings.
  - Consultation with the State Historic Preservation Officer for a Section 106 finding was completed prior to final environmental document approval, but the FED was not updated in all applicable sections to reflect consultation status.

### **A.ii.1a. Compliance with Executive Order 11990, Executive Order 11988, and Section 176(c) of Federal Clean Air Act (100%)**

No *substantive* deficiencies were found related to these executive orders/regulations during the 2022 monitoring period. The following *non-substantive* irregularities were identified:

- **E.O. 11988:** Regulatory language was not used in concluding that there would be no significant encroachment in the 100-year base floodplain.
- **Section 176(a):** An air quality conformity checklist was missing the date of FHWA's AQ conformity determination.

### **A.ii.1.b. Compliance with 23 USC 139 (100%)**

Caltrans was in compliance with elements of 23 USC 139 requirements per review of one final EIS.

### **A.ii.1.c. Traffic Noise Analysis Protocol (100%)**

Caltrans did not find any deficiencies in the documentation prepared under 23 CFR 772.

### **A.ii.1.d and e. Categorical Exclusions (Not Applicable)**

For this monitoring review, Districts 6, 7, and 8 did not approve any 23 USC 327 CEs, and, therefore, none were reviewed.

## **B. Attainment of Supportable NEPA Decisions**

### **B.i.a.1. Legal Sufficiency Determinations (100%)**

The final Individual Section 4(f) Evaluation and final EIS approved during this monitoring period had a legal sufficiency determination prior to NEPA approval.

### **B.i.b.2. Consistency with Annotated Outlines (100%)**

All 32 reviewed draft and final environmental documents were generally consistent with the organization and coverage of topics required by the annotated outlines. This review did not result in any *substantive* findings. The following *non-substantive* irregularities were noted:

- One draft document did not include a paleontological resources chapter or dismiss the topic under *Topics Considered but Determined Not to Be Relevant* section of the document, per the annotated outline. Scoping documents confirmed this topic was not relevant to project analysis.
- Another draft document did not contain a comments and coordination chapter.

### **B.i.b.3. Proper Implementation of Environmental Document Quality Control Requirements (100%)**

All approved draft and final environmental documents were QC reviewed per the Caltrans Environmental Document Quality Control Program. In a few cases, QC reviews were completed, but reviewers failed to check the appropriate check box or sign the certification form. One district used a region-specific QC form that differed in format from the Internal QC Form. The document preparer used this form rather than the Internal QC Certification form on the SER in error.

### **B.i.c.1. Files Organized According to the Established Filing System (100%)**

Some of this year's reviewed electronic files in Districts 6, 7, and 8 deviated organizationally from the UFS, but the required documentation was found. In some cases, district staff were contacted to locate the documentation, or the documentation was located in the STEVE supercontainer; district project staff were asked to save the documentation in the project's electronic files.

As noted earlier, electronic, rather than paper-based files, were reviewed for this monitoring period, largely due to the pandemic. Most, but not all districts, retain both electronic and hard copy files while some districts have converted to using electronic files only. Considering this move to the use of electronic files statewide, the NEPA Assignment team will update guidance to provide direction on organization of electronic files to be consistent with the UFS.

## **C. Monitor Relationships with Agencies and the General Public**

For the 2022 monitoring period, this performance measure was evaluated based on three performance metrics: (1) ratings provided by the resource agencies with whom Caltrans partners; (2) presence of draft environmental document public notices; and (3) documented evidence that comments on the DED were addressed.

### **C.i.1. Average Evaluation Ratings from Resource Agency Surveys (88% versus a goal of 76% or higher)**

Figure 1 shows the percentage of Resource Agency Survey respondents who rated Caltrans favorably for the following 10 categories:

- 2a. Capable of assuming FHWA's NEPA responsibilities
- 2b. Responsiveness
- 2c. Listening skills
- 2d. Consultation efficiency
- 2e. Quality
- 2f. Conscientiousness in adhering to federal laws

- 2g. Cooperativeness on existing programmatic agreements and MOUs
- 2h. Interagency coordination
- 2i. Consideration of resource agency mission
- 2j. Timeliness in which project resolutions are reached

Favorable responses include the following:

- Answers of “yes” (but excludes answers of “no”) on questions regarding whether Caltrans possesses a specified quality;
- Answers of “strongly agree”, or “somewhat agree” (but excludes answers of “neither agree nor disagree”, “somewhat disagree”, or “strongly disagree”) to questions asking if Caltrans possesses a specified quality;
- Ratings of “excellent”, “very good”, or “good” (but excludes ratings of “average” and “poor”) relative to a specified quality.

The goal for this metric is that the average 2022 percentage of favorable responses for all 10 categories is equal to or exceeds the cumulative average percentage of favorable responses received for all categories during the surveys undertaken between 2009 and 2022. During the 2022 monitoring period, Caltrans had an average of 88% favorable responses to survey questions, as compared to 76% for 2009-2022. Therefore, Caltrans exceeded the cumulative average rating and has exceeded its 2022 goal for this metric.

#### **C.i.2. Draft Environmental Documents with Notices Soliciting Public Comments (100%)**

All 16 reviewed draft environmental documents had notices that were distributed to solicit public comments on the draft document and to invite the public to scheduled public meetings/hearings.

#### **C.ii.2. Percentage of approved FEDs that Incorporate Response to Public Comments (100%)**

All 16 of the reviewed final environmental documents contained evidence that public comments received on the draft environment document were addressed.

#### **C.iii.1. Date that Formal Conflict Resolution Action Began to Date Resolution Reached (Not Applicable)**

No formal conflict resolution action has been initiated on any NEPA Assignment project.

### **D. Timely Completion of NEPA Process**

Review of the timeliness metrics, as described below, indicates that Caltrans achieved a substantial time savings for each measured environmental milestone.

### D.i.1. Draft Environmental Document Review and Approval Median Time Frames

Caltrans achieved a savings of 3.2 (draft EA) and 3.3 (draft EIS) months in the median time that it took to review and approve draft environmental documents that were approved through the 2022 monitoring period, as compared to the baseline of pre-NEPA Assignment approvals by FHWA. These time savings are shown in the first and third rows of Table 2 below; the numbers in parentheses reflect the number of approvals made by Caltrans since the initiation of NEPA Assignment.

**Table 2. Environmental Document Review and Approval Time Savings**

Milestone	Median Timeframe in Months (Number of Projects)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2022	
Begin QC of administrative draft EA to <b>draft EA</b> approval	5.4 (29)	2.2 (291)	3.2
Begin QC of administrative final EA to <b>FONSI</b> approval	2.5 (22)	1.6 (279)	0.9
Begin QC of administrative draft EIS to <b>draft EIS</b> approval	9.3 (8)	6.0 (24)	3.3
Begin QC of administrative final EIS to <b>final EIS</b> approval	9.9 (4)	5.7 (23)	4.2

### D.i.2. Final Environmental Document Review and Approval Median Time Frames

As shown in the second and fourth rows of Table 2, Caltrans also achieved savings of 0.9 (FONSI) and 4.2 (final EIS) months in the median time that it took to review and approve final environmental documents.

### D.i.3. Draft Environmental Document Preparation Median Time Frames

Caltrans achieved savings of 12.0 (draft EA) and 25.5 (draft EIS) months in the median time that it took to prepare draft environmental documents approved through the 2022 monitoring period, as compared to the FHWA baseline (Table 3).

**Table 3. Environmental Document Preparation Time Savings**

Milestone	Median Timeframe in Months (Number of Projects)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2022	
Begin environmental studies to <b>draft EA</b> approval	42.3 (31)	30.3 (321)	12.0
Begin environmental studies to <b>FONSI</b> approval	54.1 (31)	38.8 (296)	15.3
Notice of Intent to <b>draft EIS</b> approval	69.9 (8)	44.4 (24)	25.5
Notice of Intent to <b>final EIS</b> approval	193.9 (5)	69.9 (21)	124.0

### D.i.4. Final Environmental Document Preparation Median Time Frames

Caltrans also achieved savings of 15.3 (FONSI) and 124.0 (final EIS) months in the median time that it took to prepare final environmental documents (Table 3).

#### D.ii.1. Section 7 Consultation Median Time Frames

Table 4 shows the median time savings that has been achieved for Section 7 FESA formal consultations. Caltrans has achieved a savings of 5.0 months for the past 13 years of the NEPA Assignment Program as compared to pre-NEPA Assignment consultations.

**Table 4. Section 7 Consultation Time Savings**

Milestone	Median Timeframe in Months (Number of Biological Opinions)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2022	
Submittal of Section 7 documentation to resource agency to Biological Opinion	11.0 (25)	6.0 (202)	5.0

## Program-Level Review

### Improved Guidance: Standard Environmental Reference Updates

Caltrans continues to update the SER, Local Assistance Procedures Manual, and the NEPA Assignment external and internal website pages to clarify NEPA Assignment requirements, as needed. The most notable updates to the SER during this monitoring period included the following updates and additional guidance:

#### Volume 1

- Chapters 11 and 38 were updated to reflect the new requirement that FHWA Conformity Determination requests be submitted to Caltrans Division of Transportation Planning and DEA AQ offices prior to sending to FHWA.
- Chapters 30, 31, 32 and 37 were updated to reflect the new “Integrated Quality Control/Quality Review Procedures” approved by the NEPA Process Improvement Team.
- Chapter 38 was updated to reflect the renewed 23 USC 326 and 23 USC 327 MOUs.

#### MOUs, MOAs, and Agreements

The renewed 23 USC 327 MOU and 326 MOU (CE Assignment MOU) were posted to the SER along with associated fact sheets summarizing key changes to the MOUs.

#### Other Guidance and Tools

DEA developed or updated policies, tools and reference materials for use in developing environmental documents, including:

- Changes to Environmental Document QC Review Procedures and Forms aimed at increasing efficiency of ED review and approval processes.
- A “Streamlined” Environmental Assessment (EA) writing template to provide more concise EAs for projects that have 1-2 build alternatives and for which the potential for significant effect to resources is limited.
- “Considering Equity in Community Impact Analysis for Projects” fact sheet with guidance developed by Caltrans Community Impacts Analysis Working Group.
- Fact sheet summarizing the Council of Environmental Quality’s updates to implementing NEPA regulations.

## Training

Due to the continued COVID-19 pandemic, the training program was forced to cancel all the planned in-person trainings through January of 2022 due to the unforeseen spike in Covid cases due to the Delta Variant. Minor changes to the 2021-22 schedule were made to conduct virtual meetings and/or on-demand. In-person training sessions resumed in January 2022. In all, Caltrans taught 22 courses during FY 2021-2022 either virtually or on-demand.

The FY 2022-2023 Training Plan identifies all training courses to be offered to Caltrans environmental staff and technical specialists on an as-needed basis during the current fiscal year. The plan shows that 29 courses have been or are to be offered. This training plan was developed in consideration that in-person trainings would be allowed after the widespread distribution of the COVID-19 vaccine within the travel and budgetary constraints set by state or departmental mandates.

The NEPA Assignment Team is once again updating the monitoring webinar that is offered to district staff for delivery in 2023. The webinar will include a summary of additional improvements made to the monitoring reviews, together with procedural changes adopted by the NEPA Process Improvement Team. The team will also deliver additional sessions providing an overview of creating and developing digital project files for NEPA Assignment.

## Statement by Chief, Division of Environmental Analysis

Based on Caltrans' monitoring of its performance during FY 2021-2022, under the Surface Transportation Project Delivery Program, I find the responsibilities assumed by Caltrans under the 23 USC 327 MOU are being carried out in accordance the MOU and all applicable federal laws and policies.

Signed:

---

Jeremy Ketchum  
Chief, Division of Environmental Analysis  
California Department of Transportation

Date:

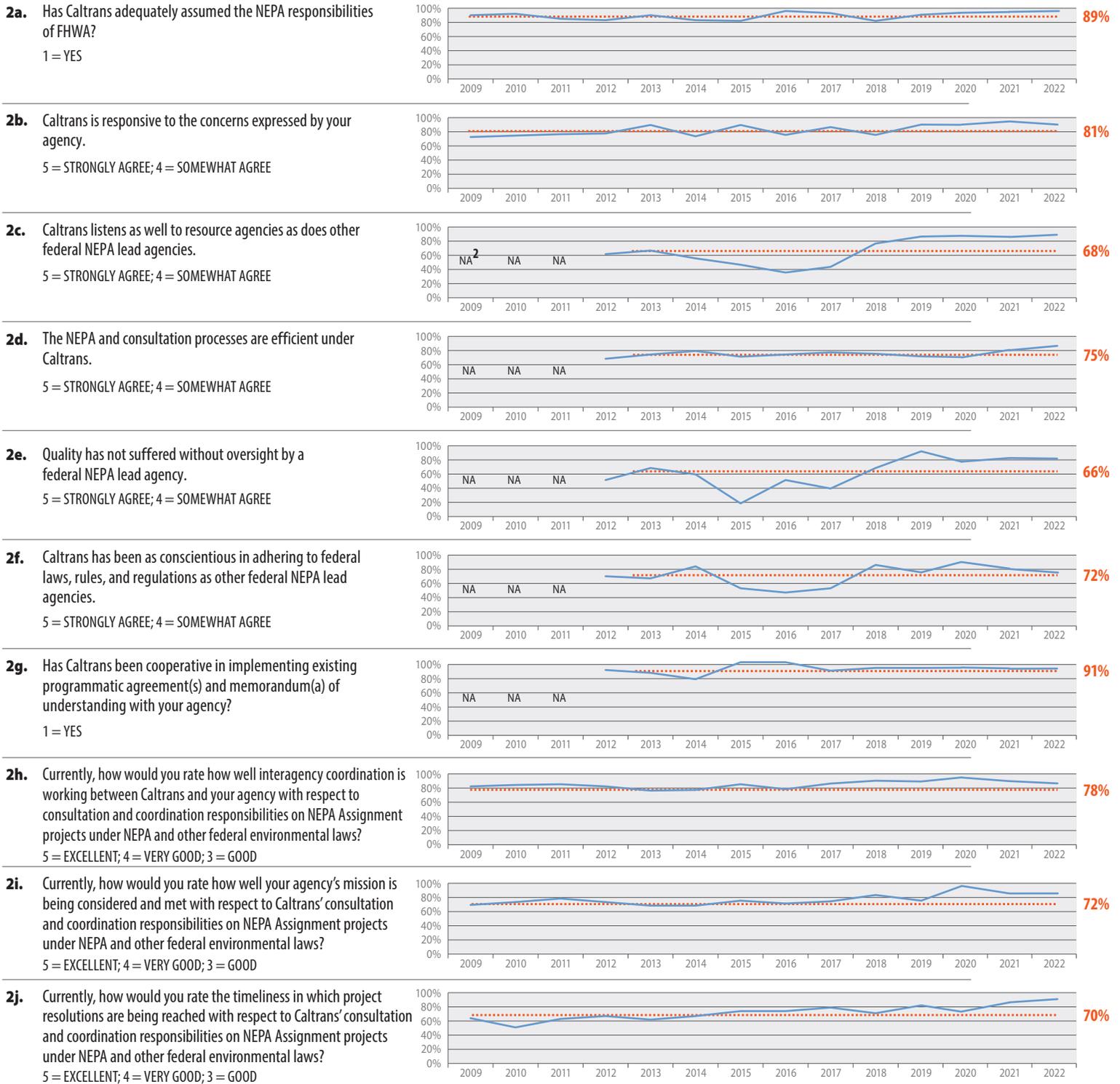
---

**Figure 1**  
**2022 Resource Agency Survey Results<sup>1</sup>**

**All questions combined: Cumulative average percentage (2009-2022) – 77%**  
**Cumulative average percentage (2022) – 88%**

**Legend**

— Average by year  
 ..... Cumulative average (2009-2022)



<sup>1</sup> Sample sizes for each survey year are as follows:  
 2009: 49 completed surveys  
 2010: 54 completed surveys  
 2011: 46 completed surveys  
 2012: 46 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 18 completed surveys for questions 2c through 2g  
 2013: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 15 completed surveys for questions 2c through 2g  
 2014: 43 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 18 completed surveys for questions 2c through 2g  
 2015: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 12 completed surveys for questions 2c through 2g  
 2016: 25 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 12 completed surveys for questions 2c through 2g  
 2017: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 18 completed surveys for questions 2c through 2g

2018: 27 completed surveys  
 2019: 23 completed surveys  
 2020: 25 completed surveys  
 2021: 24 completed surveys  
 2022: 19 completed surveys

<sup>2</sup> NA = Not Applicable, since questions and responses are not comparable to the 2022 questions.