LEAD AGENCY DECISION TREE FOR FHWA OR CALTRANS (as Assigned) ACTIONS

- **Will the project have $1 or more of FHWA funding in any phase of the project?**
  - 23 CFR 771.107(b)
  - **Yes** → NEPA APPLIES TO THE PROJECT.
  - **No**

- **Does the project require FHWA’s approval for a new or revised access to an interstate?**
  - 23 CFR 771.107(b)
  - **Yes** → CALTRANS IS NOT THE ASSIGNED NEPA LEAD AGENCY.
  - **No**

- **Does the project require approval from another federal agency such as the U.S. Coast Guard or the U.S. Army Corps of Engineers?**
  - **Yes** → CALTRANS IS THE ASSIGNED NEPA LEAD AGENCY (See the “NEPA Process Overview for FHWA or Caltrans (as assigned) Actions” flowchart in Chapter 1 of the SER).
  - **No**

- **Does the project meet any of the criteria that would exclude the project from the 23 USC 326 CE Assignment MOU**
  - OR the 23 USC 327 NEPA Assignment MOU**
  - **Yes** → NEPA APPLIES TO THE PROJECT.
  - **No**

- **Does the project encroach upon lands that are managed by another federal agency?**
  - **Yes** → CALTRANS IS THE ASSIGNED NEPA LEAD AGENCY.
  - **No**

- **Does the project require a permit or approval from another federal agency such as the U.S. Coast Guard or the U.S. Army Corps of Engineers?**
  - **Yes** → STOP: NEPA APPLIES TO THE REGULATORY ACTION. Caltrans will prepare a CEQA-only determination for the project. THE PERMITTING AGENCY IS THE NEPA LEAD AGENCY FOR THEIR REGULATORY ACTION. Caltrans will likely (but not always) prepare technical studies and a NEPA environmental document or determination for approval by the NEPA lead agency.
  - **No** → STOP: NEPA DOES NOT APPLY. Caltrans will prepare a CEQA-only determination for the project. If there are endangered species concerns, Section 10 compliance will be required.

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- **STOP: NEPA DOES NOT APPLY.** Caltrans will prepare a CEQA-only determination for the project. If there are endangered species concerns, Section 10 compliance will be required.

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*23 USC 326 CE ASSIGNMENT MOU EXCLUSION CRITERIA
- The CE ASSIGNMENT MOU applies only to projects for which Caltrans is the direct recipient of Federal-aid Highway Program funding or other funding administered by FHWA, or is the project sponsor or co-sponsor for a project requiring approval by the FHWA-California Division Office. This assignment does not apply to responsibilities carried out by other modal administrations of the USDOT or the Office of the Secretary.

**23 USC 327 NEPA ASSIGNMENT MOU EXCLUSION CRITERIA
- Highway projects that are designated under EO 13274.
- Federal Lands highway projects unless such projects will be designed and constructed by Caltrans.
- Multi-state and international highway projects.
- Projects specifically excluded from NEPA Assignment.