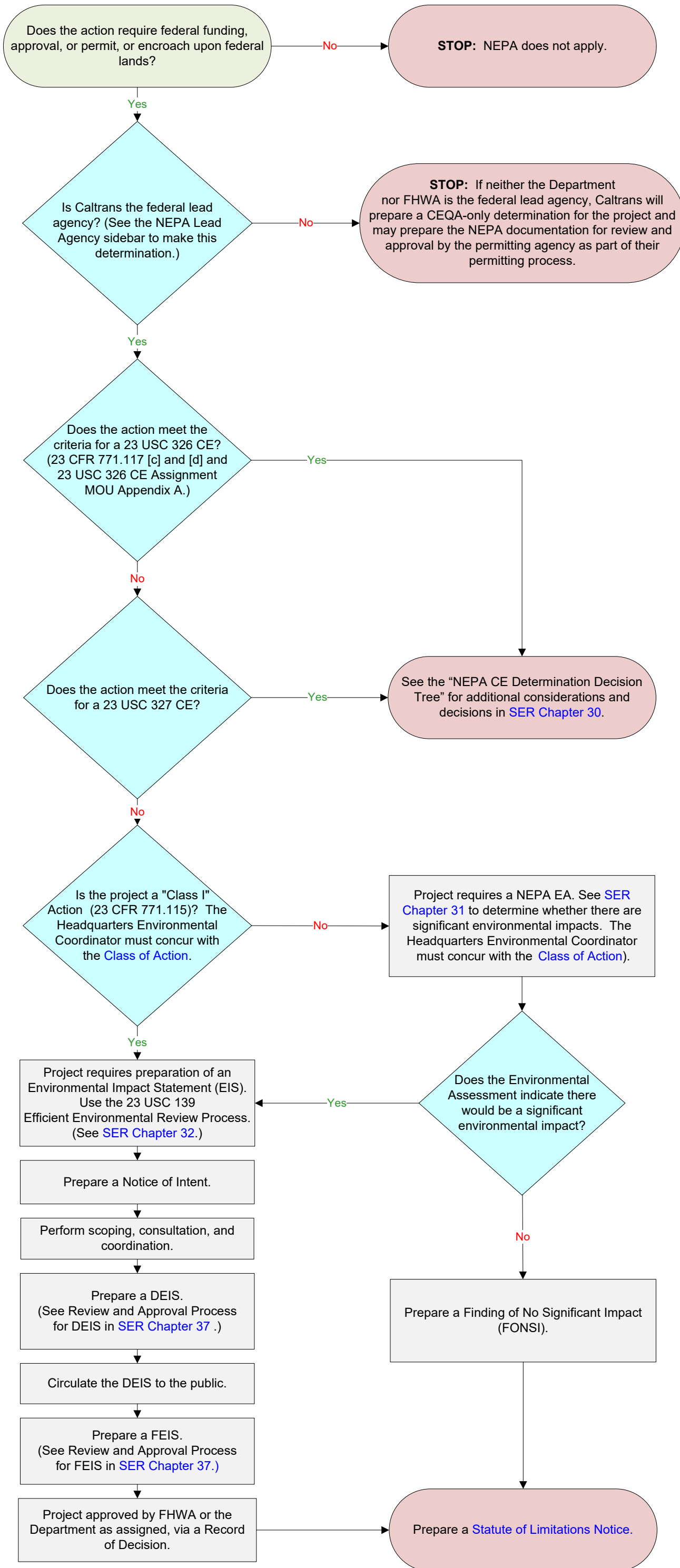


# NEPA PROCESS OVERVIEW FOR FHWA OR CALTRANS (as Assigned) ACTIONS\*



### NEPA Lead Agency Sidebar

- If the project requires FHWA funding or approval and the project *is not* excluded from the 23 USC 326 CE Assignment MOU OR the 23 USC 327 NEPA Assignment MOU (<http://www.dot.ca.gov/ser/mou.htm>), then the Department is the federal lead agency.
- If the project requires FHWA funding or approval and the project *is* excluded from the 23 USC 326 CE Assignment MOU AND the 23 USC 327 NEPA Assignment MOU\*, then FHWA is the federal lead agency.
- If the project does not have FHWA funding, and the project does not require FHWA approval, but does require a federal permit or approval (USACE, USFWS, etc.), then the federal agency granting that federal permit or approval is the federal lead agency and will approve the NEPA documentation as part of the permitting or approval process.
- For more details, please see the "[Lead Agency Decision Tree for FHWA or Caltrans \(as Assigned\) Actions](#)" flowchart in Chapter 38 of the SER.

- \*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.
  - Highway projects funded under 49 USC, Chapter 53 (FTA Projects).
  - Multi-state and international highway projects.
  - Projects specifically excluded from NEPA Assignment.

U.S. Coast Guard, United States Army Corps of Engineers, etc., have separate regulations for compliance with NEPA.