



## *Local Programs Procedures*

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### **LPP 00-04**

### **Revised Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion (CE/CE/PCE) Form**

References: LPP 99-04 New Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form & Metrication, and the *Local Assistance Procedures Manual*, Chapter 6, “Environmental Procedures”

Effective Date: December 4, 2000

Approved: (Original Signed by)

TERRY L. ABBOTT

Acting Assistant Program Manager

Design and Local Programs

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**User-Friendly Feature:** For convenience, the text of this Local Programs Procedures (LPP) has been formatted into new and/or revised pages that can be easily inserted into the *Local Assistance Procedures Manual* (LAPM).

Furthermore, these new procedures are incorporated in the electronic version of the LAPM. This information can be found on the Local Programs Home Page on the Internet at <http://www.dot.ca.gov/hq/LocalPrograms/>. Once there, click on “publications” and then click on item 4, “Local Assistance Manuals.”

The purpose of this LPP is to:

Distribute the Revised Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion (CE/CE/PCE) Form and instructions.

### **CURRENT PROCEDURES:**

Currently, the local agency project sponsor completes the California Environmental Quality Act (CEQA) process and submits a copy of the Notice of Exemption (NOE) to the District Local Assistance Engineer (DLAE) as verification of CEQA compliance. The NOE must be signed by the lead agency and stamped with the date filed by the County Clerk. The DLAE checks the box indicating that a copy of the NOE (or Record of CEQA compliance) is attached. The CEQA Determination Box is not completed for Local Programs projects.

**LPP 00-04 Revised Categorical Exemption/Categorical Exclusion/  
Programmatic Categorical Exclusion (CE/PCE) Form  
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Revisions to the form were necessary to account for the fact that many local agencies could not provide evidence of CEQA compliance prior to complying with NEPA.

**NEW PROCEDURES:**

While local agencies must still comply with the provisions of CEQA, they are no longer required to complete the CEQA Compliance or CEQA Determination portions of the Revised CE/CE/PCE Form or attach a copy of their NOE or record of CEQA compliance for Federal-aid local street and road projects.

For State-only funded projects, the California Transportation Commission (CTC) may request a copy of a local agency's CEQA document prior to allocating funds for right of way acquisition or construction. While the Commission does not typically request copies of Categorical Exemptions (as these are projects with few or no environmental impacts), in an effort to protect the State's investment, they may request a copy of a Categorical Exemption (CE) or Notice of Exemption (NOE) to insure that the time frame for bringing legal action against a proposed project has expired and there is no pending litigation. For this reason, CTC staff strongly recommends local agencies maintain a copy of *their* CE/NOE in the project file in the event Commission staff and/or the Commission requests a copy. Where this is the case, local agencies shall submit a copy of *their* CEQA document (**not** the Revised CE/CE/PCE form) immediately upon request.

The air quality portion of the Revised Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion (CE/CE/PCE) Form, NEPA Compliance section, has also been revised to address projects exempt from regional conformity. The bullet on air quality in the NEPA Compliance section has been expanded to include "*or projects exempt from regional conformity*". Users indicated concern that the previous form only mentioned projects exempt from regional conformity as a footnote, and recommended that this consideration be more clearly called out by adding it on to the air quality bullet in the NEPA Compliance section of the form.

This form supersedes the form distributed in LPP 99-04 New Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form & Metrication.

In accordance with the FHWA California Division Administrator's letter of August 15, 2000, the use of this form is mandatory for Caltrans District Environmental Staff and District Local Assistance Engineers, and FHWA Transportation Engineers, effective immediately.

The attached pages replace the Contents and pages 6-11, 6-12, 6-15, 6-16, 6-17, 6-18, 6-21, 6-22, 6-23, 6-24, 6-25, 6-26 of the *Local Assistance Procedures Manual*. The Revised CE Form (Exhibit 6-J; page 6-65) replaces the old Exhibit 6-J Categorical Exemption/Categorical Exclusion Determination for Seismic Safety Retrofit Projects; and the Instructions (Exhibit 6-K; pages 67, 68, 68a and 68b) replace Exhibit 6-K Programmatic Categorical Exclusion/Categorical Exclusion Determination Form.

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## INTERAGENCY AGREEMENTS AND MEMORANDUM OF UNDERSTANDINGS

Two agreements have been developed to expedite compliance with NEPA. These agreements require full documentation demonstrating that required conditions have been met.

- **Programmatic Categorical Exclusion Agreement** (September 7, 1990) - A “Programmatic” Categorical Exclusion is an agreement between the FHWA and Caltrans that provides for Caltrans DLAE determination that conditions of the agreement have been met when the action: 1) meets the criteria for a CE under 23 CFR 771.117(a), 2) qualifies for a CE under 23 CFR 771.117(d), and 3) satisfies all conditions of the Programmatic Categorical Exclusion.

Refer to Exhibit 6-I, “Programmatic Categorical Exclusion,” for a copy of the agreement with conditions.

- **Categorical Exemption/Categorical Exclusion Determination for Seismic Safety Retrofit Project** (February 5, 1990) - This agreement covers the majority of retrofit work but is applicable only to actions meeting the conditions on the agreement. Because the conditions of this agreement are relatively consistent with those of the programmatic agreement (Exhibit 6-I), local agencies should be aware that this agreement is valid but is not used for local agency Federal-aid projects, primarily because the Programmatic CEs can adequately achieve the same end.

~~For informational purposes, a copy of the agreement with conditions is provided as Exhibit 6 J, “Programmatic Categorical Exemption/Categorical Exclusion Determination for Seismic Safety Projects.”~~

Six processes have been developed to expedite compliance with other environmental laws. These are as follows:

- **Programmatic Agreement Regarding the Seismic Retrofit of Historic Bridge Structures in California** (March 21, 1995) - This agreement is for the Section 106 process only and provides for the expeditious fulfillment of the requirements under Section 106. Additional assistance from the Caltrans environmental cultural resources specialist is required when utilizing this agreement (a copy of the agreement is available from the district local assistance office).
- **Bikeways and Walkways Programmatic 4(f) Evaluation** (May 1977) - This is for independent bikeway and pedestrian walkway projects which require the use of recreation and park areas.
- **Historic Bridge Programmatic 4(f) Evaluation** (July 1983) - This is for historic bridge replacement projects. Extensive historic evaluation and coordination to meet Section 106 requirements are still required.
- **Minor Use of Parklands Nationwide Section 4(f) Evaluation** - This is for federally assisted highway projects which use minor amounts of land from publicly owned public parks, recreation areas, and wildlife and waterfowl refuges.
- **Minor Involvement with Historic Sites Nationwide Section 4(f) Evaluation** - This is for federally assisted highway projects which use minor amounts of land from historic sites which are eligible for inclusion on the National Register of Historic Places.

- **Memorandum of Understanding (MOU) National Environmental Policy Act and Clean Water Act, Section 404 Integration Process for Surface Transportation Projects in Arizona, California and Nevada** (Spring 1994) -

The U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Federal Highway Administration, Federal Transit Administration, California DOT, Arizona DOT, and Nevada DOT agree on early and on-going coordination for issues pertaining to waters of the U.S. and associated sensitive species, and specifically for projects likely to require an individual permit, impact special aquatic sites, or impact greater than three acres of other waters of the U.S. The MOU specifies written concurrences that must be obtained from the resource agencies.

If it is anticipated that the project may need an Individual Section 404 Permit, the local agency should notify the DLAE and consult the NEPA/404 MOU as early as possible to ensure conformity (copies of the NEPA/404 MOU may be obtained from your district local assistance office).

## INTEGRATING CEQA AND NEPA

While this chapter deals exclusively with Federal environmental requirements, local agencies are responsible for insuring full compliance with other state and local environmental laws and, to the fullest extent possible, integrating the NEPA process with the review processes established by these laws. Because State and Federal requirements are similar, it is possible to perform only one environmental process that satisfies both State and Federal requirements simultaneously when Federal approval is required. Where the requirements of the two laws differ, the stricter of the two takes precedence.

Following are some of the basic similarities and differences between the NEPA and CEQA.

- **Categorical Exclusion (NEPA)/Categorical Exemption (CEQA) Determination** - The list of projects exempt from the Federal legislation is quite different from that for the State. Because the NEPA requires that each Federal agency identify its own list of Categorical Exclusion(s), the list of projects exempt from NEPA is very specific to FHWA, unlike CEQA guidelines that lists 29 standard categories. Thus, a careful reading of 23 CFR 771.117 is necessary to determine which actions are Categorically Excluded (A list of actions that may be Categorically Excluded from NEPA is provided at Exhibit 6-L). Separate determinations must be made for the NEPA and CEQA. Section 6.5 of this chapter describes this phase of the process. Refer to *Local Programs Manual*, Volume III, Chapter 2, for additional information.
- **Environmental Assessment (EA)/Initial Study (IS)** - The required contents of an EA are similar to those of an IS. However, the NEPA requires that an EA discuss alternatives whereas CEQA does not require a discussion of alternatives in an Initial Study.
- **Findings of No Significant Impact (NEPA)/Negative Declaration (CEQA)** - There are different circulation requirements in the two laws. Refer to *Local Programs Manual*, Volume III, Chapter 3, for public circulation requirements for Environmental Assessments.

## OTHER CONSIDERATIONS

### PERMITS

The local agency will obtain all necessary permits (404 Permit, Coast Guard Bridge Permit, 1601/03) prior to advertisement for construction.

### MITIGATION AND PS&E

The local agency will certify that all required mitigation has been completed and/or is included in the final PS&E and that any required ongoing maintenance of mitigation is implemented.

The DLAE assures that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

### MITIGATION AND CONSTRUCTION

The local agency checks plans in the field and certifies that all environmental commitments have been incorporated.

In advance of any commitment, the local agency notifies the DLAE of any significant change in project scope (major changes could require a TIP amendment or air quality re-determination), impacts, or mitigation which may compel environmental re-evaluation.

The DLAE notifies the FHWA of any significant change in project scope, impacts or mitigation, and the FHWA determines if additional environmental studies will be required or if any mitigation agreements will require modification. If so, the local agency requests and FHWA initiates reconsultation/reevaluation immediately.

### PROCESS REVIEW

Caltrans conducts process reviews of local agency procedures for preparing environmental documents and backup reports and for ensuring that all environmental commitments have been incorporated in construction.

### TRAINING

Caltrans will notify DLAE and local agencies and their consultants regarding training opportunities available through FHWA, U.S. Corps of Engineers (USCE), U.S. Fish and Wildlife Services (USFWS), National Highway Institute (NHI), Environmental Protection Agency (USEPA), universities and colleges, professional societies and private interest groups.

## 6.3 PRELIMINARY ENVIRONMENTAL STUDIES

### PURPOSE

The purpose of preliminary environmental studies is to determine the potential presence of sensitive environmental resources within the project area. The preliminary environmental study process was developed exclusively for Federal-aid local assistance projects, and consists of two parts: 1) a four-step Preliminary Environmental Investigation process, and 2) completion of the Preliminary Environmental Study (PES) form.

## PRELIMINARY ENVIRONMENTAL INVESTIGATION

The Preliminary Environmental Investigation process consists of:

1. The development of a complete project description and project map
2. A review of relevant literature, maps and inventories
3. Coordination with resource and regulatory agencies for information gathering purposes only
4. Verification of research findings in the field (site visit)

Instructions for conducting the preliminary environmental investigation and completing the PES form are provided in Exhibit 6-B.

The information gathering tasks associated with the Preliminary Environmental Investigation process (including, but not limited to, requests for information from resource agencies, and map and literature reviews) can be carried out by persons without specialized training. Relevant literature, maps, databases and sample letters for requesting information from resource and regulatory agencies are provided in Exhibits 6-B through 6-H. Verification of biological and archaeological research findings in the field, however, must be undertaken by a qualified specialist.

Preliminary research should be sufficient to confirm the presence, or potential presence, of a sensitive environmental resource within the project area.

Extensive literature reviews, map reviews, and agency coordination may not be required when the project is proposed within existing right of way and the project area is devoid of vegetation (both natural and ornamental) and water resources. These site characteristics should be well documented under the Project Location on both Exhibit 6-A, "Preliminary Environmental Study (PES) Form" and Exhibit 6-J "Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form." Because archaeological resources are often concealed or not always evident, local agencies shall at a minimum obtain cultural resource information utilizing Exhibit 6-D, "Sample Letter - Cultural Resources (Native American Heritage Commission)," Exhibit 6-E, "Sample Letter - Cultural Resources (Information Centers of the Historic Resources Information System)," and Exhibit 6-F, "Sample Letter - Cultural Resources (Local Historical Society)" regarding the site, and verify research findings in the field.

## PRELIMINARY ENVIRONMENTAL STUDIES (PES) FORM

A complete and signed PES form is required for all projects. A PES form is provided as Exhibit 6-A, "Preliminary Environmental Study (PES) Form." "Instructions for Completing the Preliminary Environmental Study (PES) Form" are provided in Exhibit 6-B.

## REQUIRED TECHNICAL STUDIES

When preliminary environmental investigations indicate a potential for sensitive resources within the project area, the local agency is responsible for undertaking the appropriate technical study to confirm the presence of the resource and determine the potential significant affect(s) of the project on the resource. A list of required technical studies is provided under Section C of the Preliminary Environmental Study (PES) Form.



Note: Several technical studies (including, but not limited to, Biology, Wetlands, Publicly Owned Public Parks and Wildlife Refuges, and Historic Preservation) require FHWA involvement for consultation under regulation or interagency agreement. Detailed instructions for completing these technical studies are contained in the *Local Programs Manual*, Volume III.

## 6.4 PROGRAMMATIC CATEGORICAL EXCLUSION

### CRITERIA

A Programmatic Categorical Exclusion (Programmatic CE) may be found to be applicable to a local agency project through one of the following two ways:

- Based on the outcome of preliminary environmental investigations
- Based on the results of technical studies (not requiring Federal involvement)

### PROGRAMMATIC CE WITHOUT “REQUIRED TECHNICAL STUDIES”

This first method requires the least amount of time to process. The local agency completes the preliminary environmental investigation and the PES form.

When all answers to Sections A and B of the Preliminary Environmental Study (PES) Form are “no,” (except for # 10), the project meets the conditions of and is eligible for a Programmatic Categorical Exclusion (see Exhibit 6-I, “Programmatic Categorical Exclusion”).

The local agency attaches the completed PES form, and all supporting information, to the Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion (CE/CE/PCE) Form (Exhibit 6-J), and submits the packet to the DLAE for approval. The DLAE reviews the information provided by the local agency and certifies that the conditions of the Programmatic Categorical Exclusion are satisfied. DLAE requests assistance from the district environmental staff as necessary.

### PROGRAMMATIC CE WITH “REQUIRED TECHNICAL STUDIES”

The second method requires the completion of required technical studies prior to determining a project’s eligibility for a Programmatic CE. This method may take several months to a year to complete depending upon the resource in question (see prior section entitled “Timing for Environmental Processes”).

Note: Technical studies requiring FHWA involvement for consultation under regulation or interagency agreement may not be processed with a Programmatic CE.

### ANNUAL REPORTING REQUIREMENT

The DLAE is responsible for maintaining a log of the projects on which the Programmatic Categorical Exclusion is used in order to facilitate process reviews and to compile an annual list.

At the close of each Federal fiscal year, the DLAE shall furnish their respective FHWA Transportation Engineer with a complete list of projects for which the Programmatic Categorical Exclusion has been used.

## 6.5 REGULAR CATEGORICAL EXCLUSION

### CRITERIA

A project shall be processed with a regular Categorical Exclusion when one or more of the technical studies involves a FHWA action (either consultation under regulation, interagency agreement, formal finding or determination) and when technical reports support the conclusion that no significant environmental impacts will occur as a result of the project. Studies requiring FHWA involvement have been identified by an asterisk in Section C of the PES form (see Exhibit 6-A).

### REGULAR CE

The local agency should not commence with technical studies in support of a regular CE until an early coordination meeting has been held and the DLAE, district environmental specialist, and (if consulted) the FHWA Transportation Engineer have signed the PES form indicating concurrence with the studies to be performed and the probable class of action under NEPA. When cultural resource studies are required, the local agency must communicate through the DLAE to obtain the FHWA's signature of approval on an Area of Potential Effects (APE) map prior to commencing with studies.

Following the early coordination meeting the local agency is responsible for undertaking the technical study and for preparing a "complete and sufficient" technical report. The DLAE, district environmental staff, and the FHWA are responsible for reviewing the report(s), but only FHWA may undertake formal consultation with the appropriate resource or regulatory agency and ultimately approve the Categorical Exclusion.

## 6.6 ENVIRONMENTAL ASSESSMENT (EA) AND ENVIRONMENTAL IMPACT STATEMENT (EIS)

### CRITERIA

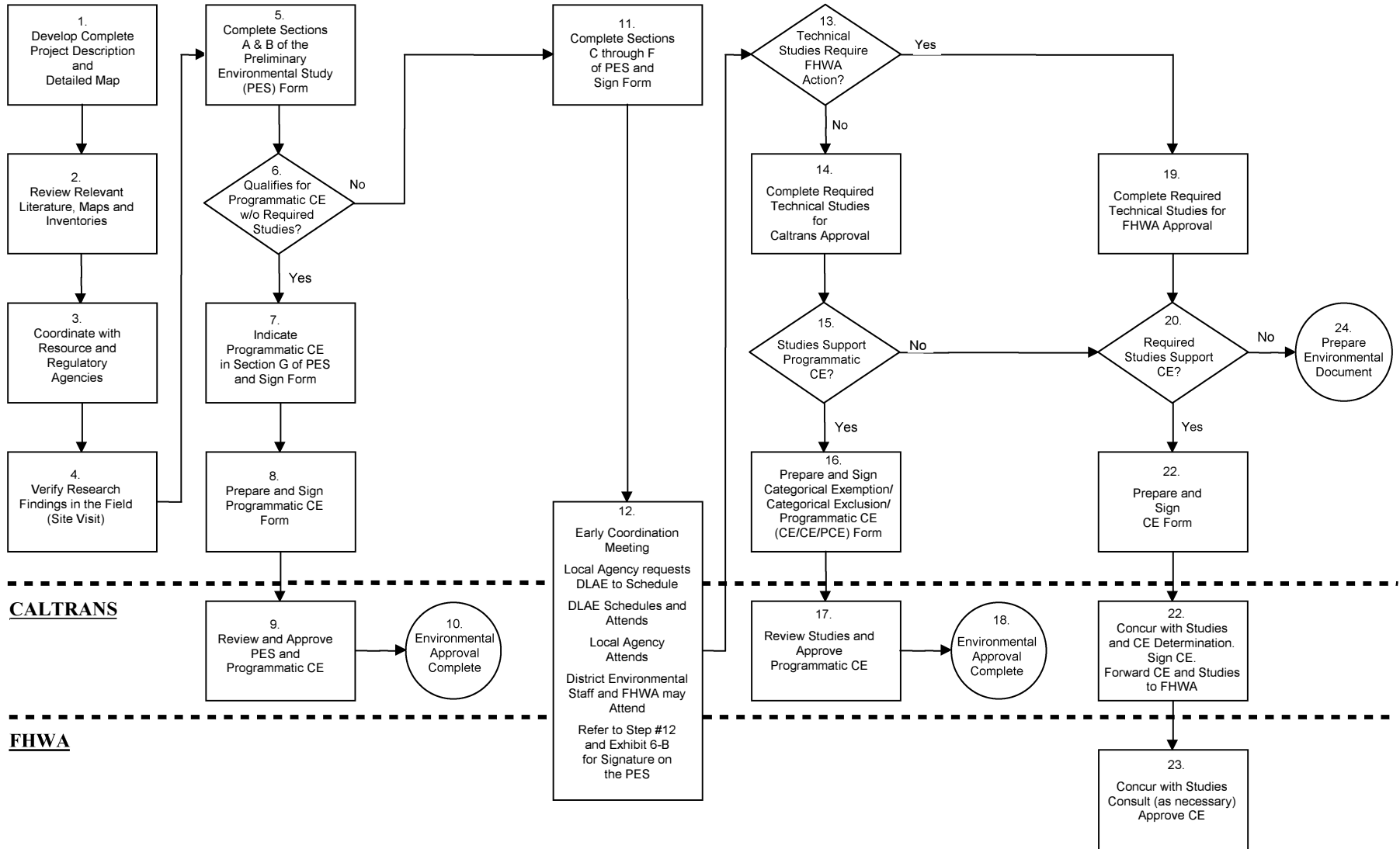
The preliminary decision to prepare an EA or an EIS may come about through one of the following two ways:

1. Based on the outcome of preliminary environmental investigations
  - When it is clear that the action is not a CE, or
  - When it appears that the action has the potential to "significantly affect the quality of the human environment," or
  - When the project falls within those classes of action normally requiring an EIS under 23 CFR 771.115(a)
2. Based on the results of required technical studies

The early coordination meeting may satisfy the scoping requirements for an EA when those agencies, having an interest in the action, are invited to the early coordination meeting.

**ENVIRONMENTAL PROCESS FLOW CHART**

**LOCAL**



### **7. Indicate Programmatic CE in Section G of PES form and Sign Form**

The local agency indicates their preliminary recommendation of a Programmatic CE in Section G and signs the Preliminary Environmental Study (PES) form (Exhibit 6-B), affirming preparation of the PES in accordance with this manual. It is not necessary to complete Section C through F.

### **8. Forward Completed PES Form and CE/CE/PCE Form to DLAE**

The local agency submits the following information to the DLAE for review and approval:

- Fully completed and signed PES form
- CE/CE/PCE Form (Exhibit 6-J), with Project Description section completed.
- Project Map
- Any field notes and correspondence from resource agencies
- Results from literature, maps, and records searches
- Completed Field Review Form (first two pages minimum, see Chapter 7)

A sample transmittal letter is provided at Exhibit 6-N.

### **9. Reviews PES and Signs the Programmatic CE**

The DLAE reviews the Preliminary Environmental Study (PES) form and makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 Van Loben Sels letter to FHWA, “the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.”) In some cases, an on-site environmental review and/or an office meeting may be necessary. The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box. Incomplete documentation is returned to the project sponsor. The FHWA Transportation Engineer does not sign the PCE.

### **10. Environmental Approval Complete**

The local agency inserts September 7, 1990 as the date of FHWA approved Programmatic CE in Local Agency/State Comments field when completing the Request for Authorization form for the next phase of the project (see Chapter 3 “Project Authorization”).

## WHEN TECHNICAL STUDIES ARE REQUIRED

### 11. Complete Section C through F of the PES Form and Coordinate with the DLAE (and the FHWA if necessary)

When all questions under Sections A and B (except for #10) of the PES form cannot be answered “NO,” the local agency completes Sections C through F of the Preliminary Environmental Study (PES) form. Refer to Exhibit 6-B, “Instructions for Completing the PES Form” for detailed instructions on completing Sections C through F. **GO TO STEP 12.**

### 12. Early Coordination Meeting and Signatures on the PES

Prior to commencing with required technical studies, the local agency requests the DLAE to schedule an early coordination meeting to discuss the scope of the required technical study, the format and content of the technical report, and the procedures for processing the report for review and approval.

When the technical study requires FHWA consultation under regulation or interagency agreement (as indicated by an asterisk in Section C of the PES form), the DLAE consults with the environmental specialist to determine if the FHWA should attend the early coordination meeting. DLAE invites the district environmental representative and the FHWA Transportation Engineer as necessary. FHWA may attend (at their discretion).

The DLAE schedules and attends the early coordination meeting. The local agency prepares the following items for the early coordination meeting:

- Fully completed and signed PES form
- Project Map
- Any field notes and correspondence from resource agencies
- Results from literature, maps, and records searches
- Completed Field Review Form (first two pages minimum, see Chapter 7)
- Area of Potential Effects (APE) map (when applicable)

**Note:** Early coordination meeting -- suggested points for discussion (on the most commonly prepared technical reports) are provided at Exhibits 6-O through 6-S.

The DLAE signs the PES form indicating concurrence with the studies to be performed and the probable level of environmental document. The district environmental representative signs the PES form for EAs, EISs, Regular CEs, and (when requested) for Programmatic CEs. The FHWA Transportation Engineer (TE) signs the PES form for EAs, EISs and (when requested) for Regular CEs. When FHWA review is recommended, but the FHWA TE is not in attendance at the early coordination meeting, FHWA’s signature on the PES form should be obtained prior to the local agency commencing with technical studies. Refer to Exhibit 6-A, “Preliminary Environmental Study (PES) Form,” Section G, for recommendations.

**Note:** The early coordination meeting will not satisfy formal scoping requirements for Environmental Assessments (EAs) or Environmental Impact Statements (EISs).

The local agency should refer to the *Local Programs Manual*, Volume III, Technical Advisory T6640.8A, and the *Federal Highway Administration California Division Environmental Checklist “Draft” Environmental Documents* (available from the

DLAE), for detailed instructions on preparing and processing an Environmental Assessment (Chapter 3), or an Environmental Impact Statement (Chapter 4).

### **13. Determine Process Based on FHWA Involvement**

When the study requires Federal involvement, GO TO STEP 19. When the study will not involve Federal action GO TO STEP 14.

## **TECHNICAL STUDIES NOT REQUIRING FHWA ACTION - PROGRAMMATIC CE**

### **14. Complete Required Technical Studies**

The local agency completes the required technical studies, prepares the necessary reports, and seeks concurrence from appropriate resource agencies. Refer to the *Local Programs Manual*, Volume III for detailed instructions.

Except where otherwise noted, local agencies are responsible for coordinating with and seeking concurrence from appropriate responsible and regulatory agencies.

Written correspondence from resource agencies regarding agency concerns and/or concurrence with the conclusions of technical studies shall be attached to the study.

### **15. Determine Whether “Required Technical Studies” Support a Programmatic Categorical Exclusion**

The local agency considers the conclusions of each required study and makes a preliminary determination as to whether the project qualifies for a Programmatic Categorical Exclusion (refer to Exhibit 6-I). When the project qualifies for a Programmatic CE **GO TO 16**. When the project does not qualify for a Programmatic CE, **GO TO 20**.

### **16. Prepare and Forward the CE/CE/PCE Form**

The local agency completes Project Description portion of the CE/CE/PCE Form (Exhibit 6-J) and forwards it (with the PES form and required technical study attached) to the DLAE for review and approval. A cover letter summarizing the results of each technical report shall be attached to facilitate quick review.

### **17. DLAE Reviews the Technical Study and Approves Programmatic CE**

The DLAE reviews the technical study(ies). Assistance from district environmental staff is requested, as necessary. The DLAE makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 letter from the Caltrans Director to FHWA, “the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.”) The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box. The FHWA Transportation Engineer does not sign the PCE.

### **18. Environmental Approval Complete**

The local agency inserts September 7, 1990 as the date of FHWA approved Programmatic CE in Local Agency/State Comments field when completing the Request for Authorization form for the next phase of the project (see Chapter 3 “Project Authorization”).

## TECHNICAL STUDIES REQUIRING FHWA ACTION - CE

### 19. Complete Required Technical Studies

The local agency completes the required technical study(ies) and prepares the necessary technical report(s).

**Note:** To ensure complete and sufficient submittals and quick processing, local agencies should refer to Exhibits 6-T through 6-AA, and the *Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents* (available from the DLAE). These exhibits should also be considered when preparing consultant contracts.

Except where otherwise noted, local agencies are responsible for coordinating with and seeking concurrence from appropriate responsible and regulatory agencies. Coordination with the State Historic Preservation Officer and the U.S. Fish and Wildlife Service, beyond information gathering, is the responsibility of the FHWA Transportation Engineer.

Written correspondence from resource agencies regarding agency concerns and/or concurrence with the conclusions of additional preliminary studies shall be attached to the study.

The local agency shall sign the technical report(s), acknowledging that it is "complete and sufficient", and indicate the qualifications of the preparer.

### 20. Determine Whether "Required Technical Studies" Support a Categorical Exclusion

The local agency considers the conclusions of each report and determines (based on information provided in Section 6.2 and Exhibit 6-L of this chapter) whether the required technical studies support a Categorical Exclusion. When the project qualifies for a CE, **GO TO STEP 21**. When the project does not qualify for a CE, **GO TO STEP 24**.

### 21. Local Agency Prepares and Forwards CE/CE/PCE Form and Technical Studies to DLAE)

The local agency completes the Project Description portion of the CE/CE/PCE form (Exhibit 6-J) and forwards it, along with three (3) copies of each technical report, to the DLAE for review and processing to FHWA. A cover letter, summarizing the conclusions of each technical report, shall be attached to the packet to facilitate quick review..

### 22. DLAE and District Environmental Staff Review Technical Reports and Concur in the CE Determination

The DLAE should screen submittals for obvious errors and omissions and, only when complete and sufficient, forward the submittals to the district environmental staff. Incomplete documentation will be returned to the local agency. The district environmental staff should review the technical report(s) and use the checklists provided at Exhibits 6-T through 6-AA to determine if the reports are complete and sufficient. When complete and sufficient, and when in concurrence with the conclusions, District Environmental office chief (or designee) signs in the NEPA Determination Box of the form to confirm that the project meets the conditions of a CE. The DLAE forwards the CE/CE/PCE form and two (2) copies of each technical report to the FHWA for review and action. A cover letter, summarizing the conclusions of each technical report, shall be attached to facilitate quick review.

### 23. FHWA Approve Studies

FHWA reviews the technical reports.

If inadequate, FHWA notifies the DLAE of the deficiencies and forwards a written description of the deficiencies to the DLAE for transmittal to the local agency.

When adequate, FHWA consults with the appropriate regulatory and/or resource agency. When all studies and required consultations are complete, FHWA signs and returns the CE/CE/PCE form to the DLAE for transmittal to the local agency.

Local agency inserts date FHWA approved CE/PCE on the Request for Authorization form for the next phase of the project (see Chapter 3 "Project Authorization").

## ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT

### 24. Local Agency Prepares Environmental Document.

When technical studies indicate that the project does not support a CE, the local agency should refer to the *Local Programs Manual*, Volume III, the *Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents and Technical Advisory (TA) T6640.8A* for detailed instructions on preparing and processing an Environmental Assessment (Chapter 3), or an Environmental Impact Statement (Chapter 4).

## 6.8 MONITORING ENVIRONMENTAL DOCUMENT REVIEW

The District Local Assistance Engineers (DLAE) will monitor the district review of local agency environmental documents. Every effort should be made to meet local agency project development schedules. But when delays are identified, the DLAE should determine the cause of the delay. Generally, delays are caused by: 1) other district priorities, 2) quality of documentation, 3) disagreements between local agency and Caltrans environmental specialists over interpretation of Federal requirements, and 4) resource and regulatory agency reviews. Options for minimizing these delays are discussed below.

### OTHER DISTRICT PRIORITIES

When other district priorities preclude timely reviews by district environmental staff, the DLAE should appeal to district management. When the problem cannot be resolved at the district level, the district should request assistance from the Office of Local Programs environmental coordinator who will collaborate with headquarters Environmental Program and other district environmental branches to ascertain resource availability.

### QUALITY OF DOCUMENTATION

Problems regarding the quality of technical reports and environmental documents should be resolved at the district level, insofar as possible. The DLAE and the district environmental staff should utilize the checklists provided as Exhibits 6-T through



**Categorical Exemption/Categorical Exclusion  
Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form**

**CATEGORICAL EXEMPTION  
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION  
DETERMINATION FORM**

Dist.-Co.-Rte. (or Local Agency)

K.P./K.P.(P.M/P.M..) E.A. (State project)

Proj. No. (Local project)  
(Fed.Prog. Prefix  
Proj. No., Agr. No.)

**PROJECT DESCRIPTION:** (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

*Enter project description in this text box.*

**CEQA COMPLIANCE** (for State Projects only)

**Categorical Exemption** (See 14 CCR 15300 et seq.)

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION**

**Exempt by Statute** (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

**Categorically Exempt**. Class \_\_\_\_, or  **General Rule exemption** (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Signature: Environmental Office Chief

Date

Signature: Project Manager

Date

**NEPA COMPLIANCE** (23 CFR 771.117)

**CATEGORICAL EXCLUSION**

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In nonattainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program or is exempt from regional conformity.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

**PROGRAMMATIC CATEGORICAL EXCLUSION**

Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1990 Programmatic Categorical Exclusion have been met.

**CALTRANS NEPA DETERMINATION**

Based on an examination of this proposal, supporting information, and the above statements, it is determined that the project is a:

**Categorical Exclusion**

**Programmatic Categorical Exclusion**

Signature: Environmental Office Chief  
(for all State & Local CEs)

Date

Signature: Project Manager/DLA Engineer  
(PM: for all State CEs / DLAE: for Local Asst.PCEs)

Date

**FHWA DETERMINATION** (if applicable)

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion.

Signature: FHWA Transportation Engineer

Date

Additional information attached or referenced, as appropriate (e.g. Mitigation commitments for NEPA only ; Air Quality studies and documentation of exemption from regional conformity or use of CO Protocol; §106 commitments; §4(f) or Programmatic §4(f); date of COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions. **Rev. 8/2000**

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## Instructions for Categorical Exemption Form

This form shall be used by Caltrans staff for documenting Categorical Exemptions and Categorical Exclusions (CE) for projects on the State Highway System and for federal-aid projects on local streets and roads. The form combines the CEQA Categorical Exemption documentation for State projects and the NEPA Categorical Exclusion documentation, including Programmatic Categorical Exclusions.

### CEQA COMPLIANCE

Local agencies are not required to complete the CEQA Compliance or CEQA Determination portions of this form.

#### For State Projects:

Include the project's District/County/Route, Kilometer Post and Post Mile information, and the Expense Authorization. The project description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the Caltrans CEQA Determination box as documentation.

The conditions listed under "CEQA Categorical Exemption" are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

If there is no federal involvement in the project, write "not applicable" in the Caltrans NEPA determination box.

### NEPA COMPLIANCE

#### For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, changes in access control, or connection to the Interstate system.

### Categorical Exclusions

State and Local Programs projects must meet all five declarations of fact listed under Categorical Exclusion on the CE form.

- The Environmental Office Chief (or designee) checks the Categorical Exclusion space in the Caltrans NEPA Determination Box.
- The Environmental Office Chief (or designee) and Project Manager (the District Local Assistance Engineer for local projects off the state highway system) signs in the NEPA Determination Box to confirm that the project meets the conditions of a CE.
- The FHWA Transportation Engineer (or designee) validates the determination, signs and dates in the FHWA Determination space.

### Programmatic Categorical Exclusions

State and Local Programs projects must meet all five conditions listed under Categorical Exclusion and all conditions included in the September 7, 1990 Programmatic Categorical Exclusion (PCE) agreement.

Projects that would otherwise meet the criteria of a PCE but which involve technical studies that require FHWA action or approvals shall not be processed as a PCE, but shall be treated as a CE.

**Instructions for Completing the Categorical Exemption/Categorical Exclusion/  
Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form**

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**For Local Programs Projects (off the State Highway System)**

- The DLAE makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 Van Loben Sels letter to FHWA, “the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.”)
- The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box.
- The FHWA Transportation Engineer does not sign the PCE.

**Projects on the State Highway System:**

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement.
- The Environmental Office Chief and the Caltrans Project Manager sign in the Caltrans NEPA Determination box.
- The FHWA Transportation Engineer does not sign the PCE.

**Additional Information**

Documentation of compliance with other laws or requirements may be necessary to support a Categorical Exclusion or Programmatic Categorical Exclusion. Certain items shall be attached to the CE form and others may simply be summarized and referenced, as follows:

**Attachments:**

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE form.
- A NEPA Categorical Exclusion determination may include commitments to mitigation measures or design conditions. If commitments to mitigation measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE form.

**Conclusions of Other Documentation:**

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach the conclusion of Section 106 compliance.
- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require a project level Air Quality study. If an Air Quality study was required, attach its conclusions.
- If the project involves Waters of the United States, as defined in the Clean Water Act of 1977 (33 USC 1251-1376), and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies and its effective date.

- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach the conclusions of coordination with the Army Corps of Engineers pursuant to the 1994 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada.
- Documentation of compliance with the Endangered Species Act may also be required. If so, attach the conclusions of the biological survey.
- A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required when the project “uses” land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved prior to the CE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach its conclusion.

**CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance.** Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.

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