Chapter 6 **Environmental Procedures**

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Exhibits

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All LAPM Exhibits are located at:
https://dot.ca.gov/programs/local-assistance/forms/local-assistance-procedures-manual-forms

SER Forms and Templates are located at:
https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates

Chapter 6 **Environmental Procedures**

6.1 Introduction

One of the most important phases of the project development process is full and early compliance with the National Environmental Policy Act (NEPA) and other applicable federal environmentally related laws. Local Public Agencies (LPAs) may not proceed with the final design of a project, or request "Authorization to Proceed with Right of Way," or "Authorization to Proceed with Construction" until California Department of Transportation (Caltrans) has signed a Categorical Exclusion (CE), a Finding of No Significant Impact (FONSI), or a Record of Decision (ROD). Failure to follow this requirement will make the project ineligible for federal funds reimbursement. Upon final environmental approval, it is incumbent upon the District Local Assistance Engineer (DLAE) to provide the LPA with immediate notification and a copy of the signed CE, FONSI, or ROD, so the LPA can commence with final design.

This chapter provides an overview of the NEPA process and contains ~~procedural~~ guidance for preparing and processing CEs, routine Environmental Assessments (EAs), complex EAs, and Environmental Impact Statements (EISs) in support of Local Assistance projects (LPA federal-aid transportation projects "off" the State Highway System (SHS)). The LPA is required to complete the Preliminary Environmental Study (PES) as the first step of the environmental process.~~, or the Preliminary Environmental Screening Non-Infrastructure (PES(NI)) form, if applicable, first, and then follow the step-by-step procedures beginning at Section 6.4 (if applicable) or Section 6.5 of this manual.~~

For LPA projects proposed on the SHS ("locally sponsored" projects), LPAs are required to prepare a Preliminary Environmental Analysis Report (PEAR) first, and then follow the procedures set forth in the Project Development Procedures Manual (PDPM). The content and format requirements of environmental technical studies/reports and NEPA documents prepared in support of either a Local Assistance project or a locally sponsored project must follow the guidance set forth in the Caltrans Standard Environmental Reference (SER) at: http://www.dot.ca.gov/ser/.

Authority

National Environmental Policy Act (NEPA) and its supporting federal regulations establish certain requirements that must be adhered to for any project "...financed, assisted, conducted or approved by a federal agency...." In short, federal regulations require that a federal agency "...determine whether the proposed action may significantly affect the quality of the human environment." https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-1-federal-requirements.

Fixing America's Surface Transportation Act (FAST Act). On December 4, 2015, President Barack Obama signed the Fixing America's Surface Transportation (FAST) Act which is a five-year legislation to improve the Nation's surface transportation infrastructure, including our roads, bridges, transit systems, and rail transportation network. The FAST Act reforms and strengthens transportation programs, refocuses on national priorities, provides long-term certainty and more flexibility for states and local governments, streamlines project approval processes, and maintains a strong commitment to safety. Furthermore, Section 1304 of the FAST Act made several changes to the Efficient Environmental Review Process codified in 23 U.S.C.139. Some

of these changes are summarized below. The changes apply to projects that have a notice of intent to develop an EIS published after December 4, 2015 (note: the requirements of 23 U.S.C.139 remain mandatory only for EISs (23 U.S.C.139(b)(1)). The requirements listed in 23 U.S.C.139 would only apply to EAs if FHWA, or Caltrans as assigned, chose to apply the Efficient Environmental Review Process to a project for which an EA was being prepared.

The FAST Act makes the following changes to the 23 U.S.C.139 Efficient Environmental Review Process:

- The lead agency must now identify participating agencies no later than 45 days after the date of publication of a notice of intent (NOI) to prepare an EIS or the initiation of an EA.
- A coordination plan must now be established no later than 90 days after the date of publication of an NOI or the initiation of an environmental assessment.
- A schedule is now REQUIRED as part of the coordination plan.
- The lead agency now has the responsibility to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies.
- To the maximum extent practicable and consistent with federal law, all federal permits and reviews for a project must rely on a single environmental document prepared under NEPA under the leadership of the lead agency.
- The lead agency for a project, in consultation with participating agencies, must develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the project area.

  Note: FHWA is developing a checklist for projects subject to 23 U.S.C.139. Until this checklist is available, this requirement can be met through the completion of a Preliminary Environmental Study (PES) for Local Assistance projects.
- To the maximum extent practicable and consistent with federal law, the range of alternatives determined for the project must be used for all federal environmental reviews and permit processes required for the project unless the alternatives must be modified to address significant new information or circumstances or for the lead agency or participating agency to fulfill the responsibilities of the agency under NEPA in a timely manner.
- The lead agency may eliminate from detail consideration an alternative proposed in an EIS if, as determined by the lead agency, it meets one of the criteria listed in 23 U.S.C. 139(f)(4)(E)(ii).
- The FAST Act reiterates that errata sheets can be attached to a Draft EIS (DEIS) in-lieu of preparing a traditional Final EIS (FEIS) when the comments received on a DEIS are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response.
- The FAST Act reiterates that to the maximum extent practicable, the lead agency should develop a single document that combines a FEIS and ROD (23 U.S.C.139(n)(2)), unless:

- The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
- There is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

Moving Ahead for Progress in the 21st Century (MAP-21). On July 6, 2012, President Barack Obama signed into law the new Federal Transportation Act with an effective date of October 1, 2012. MAP-21, a two-year funding bill, is the first long-term highway authorization enacted since 2005.

MAP-21 promotes accelerating project delivery and encourages innovation through the increased use of CE, programmatic approaches, and planning and environmental linkage (http://www.fhwa.dot.gov/map21/legislation.cfm).

Two provisions in particular, "Section 1312 State Assumption of Responsibility for CEs" and "Section 1313 Surface Transportation Project Delivery Program" provide for the continuation of the formal assignment from FHWA to any qualified State Department of Transportation responsibility and authority for the federal environmental review process, thus eliminating the need for separate FHWA review of environmental documents. These processes together are referred to in Caltrans as "NEPA Assignment," (formerly called NEPA Delegation).

Memorandum of Understanding (MOU) between FHWA, California Division and the California Department of Transportation State Assumption of Responsibility for Categorical Exclusions (effective June 7, 2007, June 7, 2010, and June 7, 2013). On May 31, 2016, FHWA renewed the 23 U.S.C. 326 CE MOU for another 3-year term. No comments related to the MOU were received during the public comment period. Section 1312 of MAP-21 allows the USDOT Secretary acting through FHWA to assign responsibilities for CE determinations to Caltrans through a MOU (326 MOU).

The 326 MOU stipulates that the CE responsibilities assigned to the state by FHWA include:

- Activities listed in 23 CFR 771.117(c)
- The example activities listed in 23 CFR 771.117(d)
- Additional actions listed in Appendix A of the MOU

The 326 MOU transfers to Caltrans all responsibilities for approving the CEs designated in Stipulation I(B) and any required reevaluations of CEs under 23 CFR 771.129. The Renewed 326 MOU supersedes the original June 7, 2007, 326 MOU.

Memorandum of Understanding between FHWA and the California Department of Transportation Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (effective October 1, 2012). Section 1313 of MAP-21, codified in Title 23 U.S.C. 327, allows FHWA and Caltrans to make permanent, but renewable through a MOU (327 MOU), the Surface Transportation Project Delivery Pilot Program (NEPA assignment program) established by SAFETEA-LU Section 6005. It also had provisions that allow any state to apply for and assume (if assigned) USDOT Secretary responsibilities for NEPA and all or part of the USDOT Secretary's responsibilities for environmental review, consultation, or other action required under any federal environmental law and regulation for highway projects within that state.

MAP-21 amended 23 U.S.C.327 to establish a revised and permanent Surface Transportation Project Delivery Program. As a result, on October 1, 2012, the Department entered into a memorandum of understanding pursuant to 23 U.S.C.327 (NEPA Assignment MOU) with FHWA. On April 1, 2016, that MOU was approved by FHWA for extension to December 31, 2016, and on December 23, 2016, the MOU was renewed for a 5-year term.

A list of applicable federal environmental statutes, regulations, policy, and guidance are provided below:

- 40 CFR 1500, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," (CEQ, November 29, 1978)
- USDOT Order 5610.1C, (September 18, 1979)
- 23 CFR 771, "Environmental Impact and Related Procedures"
- Technical Advisory T6640.8A
- Clean Air Act (CAA) (42 U.S.C.7401-7671(q), except for Conformity Determinations required under CAA (42 U.S.C.7506, Section 176)
- Compliance with the Noise Regulations under 23 CFR 772
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C.1531-1544 and Section 1536
- Marine Mammal Protection Act, 16 U.S.C.1361
- Anadromous Fish Conservation Act, 16 U.S.C.757(a)-757(g)
- Fish and Wildlife Coordination Act, 16 U.S.C.661-667(d)
- Migratory Bird Treaty Act, 16 U.S.C.703-712
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C.1801 et seq.
- National Historic Preservation Act of 1966, Section 106 as amended, 16 U.S.C.470(f) et seq.
- Archeological Resources Protection Act of 1977, 16 U.S.C.470(aa)-11
- Archeological and Historic Preservation Act, 16 U.S.C.469-469(c)
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C.3001-3013
- American Indian Religious Freedom Act, 42 U.S.C.1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C.4201-4209
- Clean Water Act, 33 U.S.C.1251-1377: Section 404, Section 401, and Section 319
- Coastal Barrier Resources Act, 16 U.S.C.3501-3510
- Coastal Zone Management Act, 16 U.S.C.1451-1465
- Land and Water Conservation Fund Act (LWCF), 16 U.S.C.4601-4604
- Safe Drinking Water Act (SDWA), 42 U.S.C.300(f)-300(j)(6)
- Wild and Scenic Rivers Act, 16 U.S.C.1271-1287
- Emergency Wetlands Resources Act, 16 U.S.C.3921, 3931
- Mitigation of Impacts to Wetlands and Natural Habitat, 23 CFR 777
- TEA-21 Wetlands Mitigation, 23 U.S.C.103(b)(6)(m), 133(b)(11)
- Flood Disaster Protection Act, 42 U.S.C.4001-4128
- 23 U.S.C.138 and Section 4(f) of the Department of Transportation Act of 1966
- 49 U.S.C.303 and implementing regulations at 23 CFR 774

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C.9601-9675
- Superfund Amendments and Reauthorization Act of 1986 (SARA)
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C.6901-6992(k)
- Executive Order (EO) 11990 - Protection of Wetlands
- EO 11988 - Floodplain Management
- EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- EO 13112 - Invasive Species

Refer to the SER (Chapter 1) for a description of each of the above statutes, regulations, policy, and guidance.

Roles and Responsibilities

Local Public Agency

1. Programs project in current federally-approved Federal Statewide Transportation Improvement Program (FSTIP).
2. Develops complete Project Description consistent with the FSTIP. Defines project limits and purpose and need. For EAs or EISs, justifies logical termini and independent utility. Prepares project area maps and cross-sections showing existing and proposed project.
3. ~~For non-infrastructure projects, completes Preliminary Environmental Screening form-Non-Infrastructure projects (PES (NI)) according to the instructions.~~
4. ~~For all other projects,~~ Completes the PES according to the instructions.
5. ~~Submits the PES or PES (NI) to the DLAE according to the Step-by-Step Procedures provided at Section 6.4 of this chapter.~~
6. Waits to initiate required technical studies until the PES has been signed by Caltrans DLAE and ~~Senior Environmental Planner (SEP)~~ District Environmental Branch Chief.
7. Waits to proceed with final Design, property acquisition, or construction until after Caltrans has approved the CE, FONSI, or Final EIS/ROD.
8. Prepares a draft Area of Potential Effect (APE) map, and once the APE map is signed by Caltrans Professionally Qualified Staff (PQS) and DLAE, identifies historic properties.
9. Ensures that consultants preparing technical studies meet the preparer qualifications identified in the SER for the appropriate discipline.
10. Ensures that consultant contracts and scopes of work direct the development of technical studies and reports consistent with the fully signed PES, and that the format and content of all technical reports and the NEPA document is consistent with SER templates and annotated outlines.
11. Utilizes the NEPA-Only EA or EIS Annotated Outline, or the Joint EIR/EIS, Joint EIR/EA, or Joint IS/EA Annotated Outlines.
12. Performs the External Quality Control Review on all Draft and Final EAs and EISs and their supporting technical studies.

13. Completes the ~~Environmental Document Review Checklist and the~~ External Readiness Certification form for all EAs and EISs.
14. Prepares the Notice of Availability (NOA) of EAs and EISs and provides copy of the Draft EA and EIS to the state and area wide clearinghouses.
15. Prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper and provides a copy to Caltrans.
16. Attends and supports public hearings on EAs and EISs.
17. Is responsible for complying with applicable federal, state, and local laws, obtaining necessary permits, and ensuring that mitigation commitments are fully incorporated into Final Plans, Specifications and Estimates (PS&E), and fully implemented during construction.
18. Provides Caltrans with a list of mitigation commitments required to comply with NEPA.

    Note: Reference to mitigation is in a NEPA context, not CEQA.
19. Provides Caltrans with a copy of all environmental permits, approvals, and agreements from resource and regulatory agencies, including all terms and conditions of the permits, agreements, and approvals.
20. Maintains copies of NEPA documentation and supporting technical reports for a period of three (3) years following FHWA reimbursement for final project costs. When mitigation is required, environmental documentation must be maintained until all terms of required mitigation have been fully implemented. This includes any required monitoring period. The 327 MOU stipulates the following specific record retention requirements (327 MOU 8.3.2).
21. For Major Projects exceeding $500 million, a draft Project Management Plan (PMP) must be submitted by the LPA to the DLAE prior to the finalization of the Initial Financial Plan (IFP); see LAPM Chapter 2: Roles and Responsibilities for details.
22. Notifies the DLAE of changes in project scope, cost, schedule, or project limits, and requests NEPA Re-evaluation.

Caltrans

1. District Local Assistance

1.1. DLAE or designee when applicable

1.1.1. Reviews the PES ~~form or PES (NI) form, if applicable,~~ and supporting documentation for all projects to ensure the form is complete and ready to be submitted to the Environmental Branch Chief (or designee). This includes verifying that all required attachments are included and all questions are answered and sufficiently explained.

1.1.2. Verifies that project is properly listed in the Regional Transportation Program (RTP) and FSTIP prior to signing PES and CE form.

1.1.3. Reviews and signs PES, and provides copy to the district Right of Way Local Program Coordinator. ~~indicating concurrence with Preliminary NEPA Class of Action (CE, EA, EIS) and required technical studies.~~

~~1.1.4. Reviews and signs PES (NI) form, if applicable, indicating concurrence with Preliminary NEPA Class of Action and non-infrastructure nature of project.~~

1.1.5. Ensures that~~, where the PES form indicates that no technical studies are required, the continuation sheet of the PES form summarizes how the requirements of relevant federal environmentally related laws have been met~~ that there is an explanation for every question on the PES.

1.1.6. Arranges and attends Early Coordination Meeting.

1.1.7. Jointly approves CE Determinations (with District ~~SEP~~ Environmental Branch Chief or designee).

1.1.8. Informs the District ~~SEP~~ Environmental Branch Chief (or designee) of the LPA project delivery schedule, tracks review of LPA technical reports and NEPA documents, and notifies the District ~~SEP~~ Environmental Branch Chief (or designee) when issues arise, or any changes occur that may affect the NEPA process.

1.1.9. Reviews and signs APE map (in coordination with District PQS) for undertakings, when applicable.

1.1.10. Immediately notifies LPA in writing of NEPA approval so that they may commence with final design.

1.1.11. Serves as the focal point (unless otherwise designated) between the LPA and Caltrans.

1.1.12. Serves as the focal point for coordination with FHWA regarding engineering decisions and design exceptions.

1.1.13. Transmits (unless otherwise delegated) all correspondence and documentation between the LPA and Caltrans.

1.1.14. Transmits (unless otherwise delegated) all correspondence and documentation between Caltrans and FHWA.

1.1.15. Determines and approves Reasonable and Feasible Noise Abatement Measures.

1.1.16. Jointly approves Summary of Floodplain Encroachment Form (with District ~~SEP~~ Environmental Branch Chief).

1.1.17. Makes Only Practicable Alternative Finding (for significant Floodplain encroachments).

Note: If a significant floodplain encroachment is identified as a result of floodplains studies, FHWA will need to approve the encroachment and concur in the Only Practicable Alternative Finding. See SER: Chapter 17 for additional information regarding floodplains.

1.1.18. Attends and supports public hearings on EAs and EISs.

1.1.19. Determines in coordination with the District ~~SEP~~ Environmental Branch Chief (or designee) whether mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures (23 CFR 771.105(d)(2)).

1.1.20. Maintains project files and general administrative files.

1.1.21. Ensures project files and general administrative files are available for inspection by FHWA staff upon reasonable notice.

1.1.22. Assists, as needed, with the self-assessment of the Caltrans Quality Control and Quality Assurance process in the identification of areas needing improvement and the implementation of corrective actions necessary to address areas needing improvement.

1.1.23. Assists, as needed, in the development of the 23 U.S.C.326/327 Quarterly Reports to FHWA.

1.1.24. Assists, as needed, with any monitoring or process reviews pursuant to 23 U.S.C. 326/327.

1.1.25. Maintains adequate organizational resources and sufficient staff capability and expertise to carry out the responsibilities assigned under the 23 U.S.C.326/327 MOUs effectively.

1.2. District ~~SEP~~ Environmental Branch Chief or Designee

1.2.1. Reviews the PES ~~form or PES (NI) form, if applicable,~~ and supporting documentation.

1.2.2. Ensures that where the PES indicates that no technical studies are required, ~~the continuation sheet of~~ the explanation of each question in the PES summarizes how the requirements of relevant federal environmentally related laws have been met.

1.2.3. Signs the PES indicating ~~concurrence with~~ the Preliminary NEPA Class of Action (CE, EA, EIS) and required technical studies.

~~1.2.4. Ensures that clarification of each "TBD" response, identified under Section A of the PES (NI) form, is provided on the PES (NI) Continuation Sheet.~~

~~1.2.5. Signs PES (NI) form, if applicable, indicating concurrence with NEPA Class of Action and non-infrastructure nature of project.~~

1.2.6. Attends Early Coordination Meeting when requested.

1.2.7. After review of CE Checklist and Air Quality Conformity Findings Checklist, determines if the CE/CE Determination Form is ready for signature. Jointly signs the NEPA section of the CE/CE Determination Form with DLAE.

Note: District ~~SEP~~ Environmental Branch Chief signature on CE/CE Determination Form may not be delegated ~~below the level of the District SEP~~.

1.2.8. Reviews NEPA documents and supporting technical reports and determines if they are complete and sufficient according to the guidance set forth in the SER.

1.2.9. Jointly signs the Summary of Floodplain Encroachment form with DLAE.

1.2.10. Initiates Section 7 Conference Opinion for Endangered Species Act (ESA) Proposed Species or Proposed Critical Habitat.

1.2.11. Initiates Section 7 Formal and Informal Consultation with USFWS or NMFS for ESA listed species or their critical habitat and NMFS essential fish habitat (EFH) consultations.

1.2.12. Ensures establishment of the environmental project file utilizing the Caltrans Uniform Environmental File System as soon as environmental studies begin.

1.2.13. Ensures completion of all environmental fields in the LP2000 database in support of all reporting requirements and compliance with performance measures.

1.2.14. Monitors District Local Assistance environmental process relating to project determinations, environmental analysis, and project file documentation, checks for errors and omissions, and takes corrective action as needed.

1.2.15. Provides training to both internal and external partners on environmentally related topics, as requested or as resources allow.

1.2.16. Cooperates in monitoring performance under the 23 U.S.C.326 MOU and modifies practices as needed to assure quality performance.

1.2.17. Assists, as needed, with any Monitoring or Process Reviews pursuant to 23 U.S.C. 327.

1.2.18. Assists with the development of the 23 U.S.C.327 Quarterly Reports and the Quarterly Performance Reports under 23 U.S.C.326.

1.2.19. Cooperates fully with FHWA in all quality assurance activities.

1.2.20. Provides FHWA with any information necessary in order for the FHWA to carry out its government-to-government consultation.

1.2.21. Ensures that the NEPA compliance and any other environmental responsibilities assigned under the 23 U.S.C.326/327 MOUs have been completed according to the MOUs.

1.2.22. Carries out assigned consultation, review, and coordination activities in a timely and proactive manner.

1.2.23. Makes all reasonable and good faith efforts to identify and resolve conflicts with federal, state, and LPAs.

1.2.24. Performs Document Quality Control Review and signs Certification forms for EAs and EISs.

1.2.25. Makes Wetlands Only Practicable Alternative Finding (WOPAF) and Least Environmentally Damaging Practicable Alternative (LEDPA) Finding.

1.2.26. Makes determination that proposed action includes all Practicable Measures to Minimize Harm.

1.2.27. Approves WOPAF.

1.2.28. Coordinates with the U.S. Army Corps of Engineers (USACE), Environmental Protection Agency (EPA), USFWS, and NMFS prior to making Wetland Determination.

1.2.29. Approves Section 4(f) de minimis and Programmatic Section 4(f) Evaluations.

1.2.30. Jointly approves Draft Section 4(f) Evaluations for Public Circulation with HQ District Environmental Coordinator and Legal.

1.2.31. Determines validity of approved CEs, EAs, and EISs for FHWA NEPA Reevaluations (23 CFR 771.129) and Caltrans NEPA/CEQA Revalidation Form.

1.2.32. Approves Notice of Intent (NOI) to prepare an EIS and sends to FHWA for publication in the Federal Register (FR).

Note: Only a federal agency can post in the FR.

1.2.33. Attends public hearing on EAs and EISs.

1.3. District Professionally Qualified Staff (PQS)

1.3.1. Reviews the PES and supporting documentation for all projects.

~~Note: PQS does not review PES (NI) form.~~

1.3.2. Reviews the PES ~~form and indicates the results of their review in the PQS signature block of the PES form~~ and prepares screening memo if applicable.

~~1.3.3. Indicates appropriate response to Question #35 under Section A of the PES form, completes Sections B, C, and D (regarding Section 106), and signs the Section G of the PES form for all projects.~~

~~1.3.4. Reviews and signs (with the DLAE) the LPA-prepared APE maps, indicating approval.~~

1.3.5. Attends Early Coordination Meetings when requested and provides the LPA with guidance on proper procedures and required format and content of all cultural reports.

1.3.6. Reviews and approves cultural resource reports and transmits them to the State Historic Preservation Officer (SHPO) or Caltrans Cultural Studies Office (CSO) when required.

1.3.7. Provides the DLAE and project Generalist with periodic updates and copies of all transmittals to the SHPO.

1.4. District Local Assistance NEPA Assignment Coordinator/QC Reviewer

1.4.1. Assists as needed with the district review of EISs and routine and complex EAs.

1.4.2. Assists with record-keeping and reporting to document Caltrans' performance, and measures how 23 U.S.C.326/327 streamline the project delivery process.

1.4.3. Participates in 327 Monitoring Review and reviews of 326 CEs of Local Assistance projects.

1.4.4. Assists with FHWA Process Reviews.

1.4.5. Assists with training internal staff and LPAs on required forms and procedures needed to implement 23 U.S.C.326/327.

1.4.6. Provides training to LPAs and internal staff on procedures under NEPA Assignment and assists them through the processes.

1.4.7. Assists in maintaining consistency in document review, reporting, and training between cross-district allocations.

1.4.8. Reviews Draft and Final EISs, routine EAs, Complex EAs, and technical reports as needed.

1.4.9. Signs Internal Quality Certification form.

1.5. Deputy District Director (DDD) for Environmental or Designee

1.5.1. Approves stand-alone Individual Section 4(f) Evaluation

1.5.2. Signs EA (NEPA-only) title page, FONSI, and Supplemental EIS.

1.6. District Director (DD) or Designee

1.6.1 Signs EIS title page and ROD.

1.6.2 Signs Section 106 MOAs as concurring party.

2. Division of Environmental Analysis (DEA)

2.1. HQ Division of Environmental Analysis Environmental Coordinator (HQ EC)

2.1.1. Provides guidance and assistance to resolve disputes on environmental findings according to the protocols in the SER.

2.1.2. Reviews and comments on EISs, complex EAs, and routine EAs (when requested) and Individual Section 4(f) Evaluations for compliance per Quality Control/Quality Assurance procedures set forth in the 327 MOU.

2.1.3. Provides expertise as needed.

2.1.4. Provides concurrence with NEPA Class of Action (via email) or on the PES for EAs, Complex EAs, and EISs.

2.2. Chief, HQ Division of Environmental Analysis

2.2.1. As the Caltrans-designated Preservation Officer, signs Section 106 MOAs as signatory for Caltrans.

3. Division of Legal

3.1. Reviews Local Assistance Draft and Final EISs and Complex EAs (if requested) to ensure their legal sufficiency in final document.

3.2. Defends Local Assistance NEPA documents in federal court.

3.3. Reviews Individual Section 4(f) Evaluations to ensure they are legally sufficient.

3.4 Reviews Local Assistance Draft and Final routine EAs if requested, to ensure their legal sufficiency in final document.

4. Division of Local Assistance (DLA)

4.1. Statewide Local Assistance NEPA Assignment and Office of Environmental Compliance and Outreach (ECO)

4.1.1. Manages the implementation of the NEPA Assignment Program for the Local Assistance Program.

4.1.2. Ensures the questions and concerns of Caltrans District Local Assistance offices, cities, counties, Regional Transportation Planning Associations (RTPAs), Metropolitan Planning Organizations (MPOs), other Headquarters units, and FHWA are addressed in Caltrans DEA policies and procedures.

4.1.3. Serves on or leads statewide and corporate teams regarding NEPA Assignment and other federal environmental requirements.

4.1.4. Participates in FHWA Process Reviews as requested.

4.1.5. Ensures statewide quality control of Local Assistance environmental reporting.

4.1.6. Ensures statewide consistency and quality in NEPA compliance for the Local Assistance Program by informing District Local Assistance staff ~~SEPs and DLAEs~~ of changes in policy and procedures, and by providing training.

4.1.7. Monitors Local Assistance Program environmental resources and takes appropriate action to obtain the additional resources as needed to implement the requirements set forth in 23 U.S.C.326 and 327 and respective MOUs.

4.2. Statewide NEPA Compliance Coordinators (Policy and Reporting)

4.2.1. Maintains and updates the NEPA compliance components of the LAPM, LAPG, relevant components of the SER, and DLA Environmental webpage.

4.2.2. Serves on or leads statewide and corporate teams to ensure Local Assistance Program environmental needs and issues are addressed.

4.2.3. Maintains environmental screens in LP2000 database, coordinates with districts regarding data completeness and accuracy, and produces environmental reports required for NEPA Assignment, Workload Norms, and as needed to satisfy other federal environmental requirements.

4.2.4. Develops and provides training to DLAEs, District Local Assistance environmental staff, and LPAs as needed.

4.2.5. Performs process reviews to assess compliance with federal requirements.

4.2.6. Assists with or coordinates the resolution of issues that cannot be resolved in the district.

4.2.7. Assists as needed with FHWA's Process Reviews, Risk Assessments, and Compliance Assessment Program reviews.

5. FHWA

5.1. Posts Notices of Intent (NOI), Records of Decision (ROD), and Statute of Limitation (SOL) Notices in the Federal Register (FR).

5.2. Performs environmental review, consultation, or other related action for the following types of projects not assigned to Caltrans pursuant to 23 U.S.C.326/327:

- Projects requiring FTA funding or approval
- Projects involving international and state border crossings
- High priority projects under EO13274
- Projects funded by Federal Lands Highway Program unless Caltrans or LPA designs and constructs

5.3. Performs all government-to-government consultation with Indian Tribes as defined in 36 CFR 800.16(m).

5.4. Makes Air Quality Conformity Determinations for 327 CEs, EAs, and EISs.

5.5. Approves Significant Floodplain Encroachments and concurs in Only Practicable Alternative Findings.

5.7. Performs USDOT responsibilities for statewide and metropolitan planning.

5.8. Provides and assists with training as necessary.

6. Other State and Federal Responsible and Regulatory Agencies

6.1. Determine whether the LPA's action complies with the provisions of law germane to their statutory responsibility.

Applicability

Pursuant to 40 CFR Part 1508.18(a): any Local Assistance project, "... financed, assisted, conducted, regulated or approved by federal agencies..." is subject to compliance with the provisions of the NEPA.

Any amount of federal involvement in a project requires that the entire project be included in the process, regardless of phases or segments not funded by FHWA. The scope of NEPA responsibility is not determined based on funding alone.

Scientific and Commercial Data

NEPA requires that environmental information be "... of high quality based on accurate scientific analysis and expert agency comment…" (40 CFR Part 1500.1(b)).

LPAs are required to follow Caltrans policy and guidance set forth in the SER to ensure that NEPA determinations and documents reflect the most current scientific methodologies, and that analysis is of the highest quality.

Scope

Pursuant to 40 CFR Part 1500.1(b), NEPA further and most importantly requires that the "... NEPA document concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."

6.2 An Overview of the Environmental Process

This section provides a general overview of the NEPA process and the three classes of actions possible to achieve compliance with the requirements of NEPA. A brief overview of other applicable federal environmental requirements and general procedures for demonstrating compliance with these requirements is also provided.

A list of MOUs intended to expedite compliance with NEPA and other federal environmental requirements are provided later in this section. Information on the integration of CEQA and NEPA time frames for achieving environmental compliance, general information on permits, mitigation, scope change, and reevaluations are also discussed in this section.

NEPA

As discussed in Section 6.1, the NEPA process is guided by the Act and its implementing regulations, 23 CFR Part 771.

The process helps determine the appropriate class of action (EIS, EA, or CE) based on the potential for "significant" impact as defined in 40 CFR 1508.27.

Other federal-environmentally related laws are intended to protect a specific element of the environment. These include, but are not limited to, Section 4(f) (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge or Land from Historic Sites), Section 106 (Protection of Cultural Resources & Historic Properties), Section 7 (Protection of Endangered Species), EO 11990 (Protection of Wetlands), EO 11998 (Protection of Floodplains), and EO 13112 (Invasive Species). These laws and others are discussed in additional detail later in the chapter.

Federal actions must comply with the provisions of NEPA and all applicable federal environmentally-related laws. The NEPA document is a summary of the findings made and conclusions reached during the environmental analysis of a proposed federal action. Therefore, when other federal environmentally related laws are involved, it is expected that compliance with these laws will be completed prior to completion of the NEPA process.

Early Scoping

Preliminary Environmental Study (PES)

The PES is designed to provide the early coordination needed to determine required technical studies, level of analysis, and NEPA Class of Action (CE, EA or EIS) pursuant to 23 CFR 771.111.

~~**Preliminary Environmental Screening Form for Non-Infrastructure (PES (NI)) Projects**~~

~~On November 8, 2011, in response to legislation allowing or mandating that a percentage of program funds (e.g., Active Transportation Program (ATP), Transportation Enhancement (TE), and Congestion Mitigation and Air Quality (CMAQ)) be used for non-infrastructure projects, it was decided that a lower level of analysis may be appropriate for non-infrastructure projects, resulting in the development of the PES (NI) form.~~

~~Non-infrastructure projects are those transportation-related projects that will not involve engineering design, right of way acquisition, or physical construction of transportation facilities. Examples of non-infrastructure projects include but are not limited to: public awareness campaigns and outreach, traffic education and enforcement in the vicinity of schools, student~~

~~sessions on bicycle and pedestrian safety, freeway service patrol, ridesharing activities, and purchase of vehicles. The eligibility of non-infrastructure projects for federal participation is governed by the various federal funding program guidelines, that is, ATP, and CMAQ Programs.~~

~~While non-infrastructure projects will not involve engineering design, right of way, ground disturbance, or construction, review by Caltrans is still necessary to ensure none of the activities would affect the environment in unanticipated ways. A copy of the PES (NI) form is provided at Exhibit 6-J: PES (NI) Form, and the Instructions for Completing the PES (NI) form are provided at Exhibit 6-K: PES (NI) Form Instructions and Attachments A and B to Exhibit 6-K.~~

~~The checklist on the PES (NI) form enables LPAs and Caltrans staff to document that no environmental studies would be needed and that the normal PES form is not required.~~

~~Both the PES form and the PES (NI) form identify the Preliminary NEPA Class of Action CE, EA, or EIS. Each of these Classes of Action are discussed below.~~

NEPA Class of Action

Categorical Exclusion (CE)

CEs are actions that, as defined in 40 CFR 1508.4, do not have significant environmental impacts. 23 CFR Part 771.117(a) further defines CEs as actions that do not: (a) induce significant impacts to plan growth or land use for the area, (b) require the relocation of significant numbers of people, (c) have a significant impact on any natural, cultural, recreational, historical, or other resources, d) involve significant air, noise, or water quality impacts, and e) have significant impacts on travel patterns, or do not otherwise, either individually or cumulatively, have any significant environmental impacts.

A CE determination may be made when environmental documentation supports the conclusion that no significant environmental impacts will occur as a result of the action. Refer to the SER: Chapter 30 for details on preparing CEs and Section 6.6: Step by Step Procedures - Categorical Exclusion with no Technical Studies and Section 6.7: Step by Step Procedures - Categorical Exclusion with Technical Studies (in this chapter) for Local Assistance procedures on processing CEs.

23 CFR Part 771.117(b) states that any action that normally would be classified as a CE, but would involve unusual circumstances, will require further technical studies prior to determining if the CE classification is appropriate.

Unusual circumstances include:

a. Significant environmental impacts
b. Substantial controversy on environmental grounds
c. Significant impacts on properties protected by Section 4(f) of the DOT Act
d. Significant impacts on properties protected by Section 106 of the National Historic Preservation Act
e. Inconsistencies with any federal, state, or local law, requirement, or administrative determination relating to the environmental aspects of the action

Lists of actions meeting the criteria for a CE according to the 40 CFR 1508.4 and 23 CFR 771.117(a) are provided at 23 CFR 771.117(c), 23 CFR 771.117(d), and in Appendix A of the 326 MOU. For a quick reference, these lists have been incorporated at:

https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

For projects that are not on the 'c' or 'd' list, or the Appendix A list, but for which a CE determination is appropriate under 23 CFR 771.117 'a' and 'b', Caltrans will assume CE responsibility under NEPA Assignment (23 U.S.C.327): https://dot.ca.gov/programs/environmental-analysis/nepa-assignment/assignment-under-the-23-usc-327-mou.

Environmental Assessment (EA)

An EA is an analysis of the impacts of a project and is used to determine if the project will have significant environmental impacts. When a project cannot be designated as a CE by Caltrans and yet does not clearly require preparation of an EIS, preparation of an EA will assist in determining whether an EIS is needed.

The requirement to prepare an EA may come about through one or more of the following situations:

a. Based on information gathered during the PES, where it is clear that the proposed project will not qualify for a CE, or where it is likely to have unusual circumstances. ~~The LPA identifies the potential for significance under Sections A and B of the PES Form and recommends the development of an EA (under Section E of the PES form).~~ The DLAE and District ~~SEP~~ Environmental Branch Chief determine that an EA is the appropriate NEPA Class of Action by signing the PES ~~Form~~, and the HQ EC will concur via e-mail to the District ~~SEP~~ Environmental Branch Chief.
b. During or upon completion of technical studies when it becomes apparent that the proposed project will not qualify for a CE, or that unusual circumstances exist, the decision to prepare an EA is made by the District ~~SEP~~ Environmental Branch Chief in collaboration with the DLAE and with the written concurrence by email of the HQ EC.

Depending upon the complexity of issues involved in the project, Caltrans may determine that the Draft EA be reviewed and processed as a "Complex EA." Complex EAs are projects that typically involved one or more of the following:

- multiple location alternatives
- debate related to purpose and need
- strong public controversy
- issues of logical termini or independent utility
- individual Section 4(f) determinations
- complex Endangered Species Act issues
- numerous cumulative impacts
- high mitigation costs

The DLAE and District ~~SEP~~ Environmental Branch Chief with concurrence of the HQ EC must determine if the EA should be processed as a complex EA.

The LPA is responsible for conducting all required technical studies and for preparing the technical reports and the Draft EA according to the guidance set forth in the SER. The EA is a summary of the findings and conclusions of technical reports and the results of regulatory and

resource agency coordination, and should accurately reflect the outcome of both. LPAs are required to use one of the following Caltrans annotated outlines, which can be found at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates#aos.

- Initial Study/Environmental Assessment
- Environmental Impact Report/Environmental Assessment
- NEPA-Only Environmental Assessment

The LPA is also responsible for performing the initial Quality Control Review of their Draft EA and supporting technical studies and documenting their Quality Control Review on the External Readiness Certification form before submitting their Draft and Final EAs to Caltrans for review and approval. The form is provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

The District ~~SEP~~ Environmental Branch Chief (or designee) and district technical specialists are responsible for performing the Internal Quality Control Review of the Draft EA, supporting technical studies, and documenting their Quality Control Review on the Internal Quality Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

For additional information about the NEPA QC program, please refer to: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-38-nepa-assignment.

Approval of the Draft EA may be subject to revisions being made by the LPA prior to circulation. When district environmental staff determine that deficiencies exist, the DLAE notifies the LPA.

Technical reports and Draft EAs that do not comply with FHWA policies and guidance, requirements of all applicable federal laws, executive orders and regulations, are not internally consistent, or are not prepared using the applicable SER annotated outlines will be returned to the LPA by the DLAE or designee with guidance on revisions needed for a compliance and sufficiency determination.

Technical reports and Draft EAs that comply with FHWA policies and guidance and the requirements of all applicable federal laws, executive orders and regulations, and are found to be internally consistent and prepared using with the applicable SER annotated environmental document outlines are approved for public availability by the Caltrans District Director or Deputy District Director (Environmental) or the Environmental Office Chief, if designated by District Director.

NEPA encourages public participation; however, because there is no formal scoping requirement for an EA, the degree of public participation and the means of soliciting public input are determined on a case-specific-basis, taking into consideration the level of public interest or controversy. The LPA initiates public circulation of the draft EA following approval by Caltrans and following public involvement, responds to comments as necessary, and prepares the Final EA. LPAs are responsible for performing the initial Quality Control Review on Final EAs. When an EA does not identify any significant impacts, and no significant impacts are identified during the period of public availability, the LPA submits the record of public comments, responses to those comments, and a request for a FONSI to the DLAE.

In accordance with the 327 MOU, Caltrans is responsible for making the official "finding" that a proposed project will not significantly impact the environment. The Caltrans District Director or Deputy District Director (Environmental) or Environmental Office Chief, if designated by District Director, signs the FONSI making this "finding."

The DLAE notifies the LPA immediately upon Caltrans approval of the FONSI so that they may commence with final design.

When an EA indicates that the project has the potential to result in a significant impact, an EIS must be prepared. An EA is not required when a decision has already been made to prepare an EIS. For details on preparing and processing an EA refer to the SER: Chapter 31.

Upon submitting a "Request for Authorization" for new phases of work, the LPA will enter the appropriate coding and the date Caltrans signed the FONSI on the LAPM 3-A: Project Authorization/Adjustment Request (refer to LAPM Chapter 3: Project Authorization).

The District ~~SEP~~ Environmental Branch Chief (or designee) completes appropriate environmental fields in LP2000 for tracking, reporting, and performance monitoring.

Environmental Impact Statement (EIS)

An EIS is a full disclosure document and is the highest level of analysis required by NEPA. The determination to prepare an EIS may result from one or more of the following situations:

- Based on information gathered during the PES, where it is clear that the proposed project will have significant impacts. ~~The LPA indicates the potential for significance under Sections A and B of the PES Form, and the DLAE and District SEP (with written concurrence of HQ EC in email) determine that an EIS is the appropriate NEPA Class of Action, by signing the PES form.~~
- Based on the conclusions of the Draft EA where the potential for cumulative or significant adverse impacts are shown.

When it is determined that a proposed project may have a significant environmental impact, the LPA drafts the NOI to prepare an EIS in collaboration with the DLAE and District ~~SEP~~ Environmental Branch Chief (or designee) and arranges for the Early Scoping Meeting.

The LPA conducts the Early Coordination Meeting, undertakes all required technical studies, and prepares the required technical reports and the Draft EIS according to the guidance set forth in the SER.

An EIS is a summary of the findings and conclusions of technical reports, the results of regulatory and resource agency coordination and should accurately reflect the outcome of both. The LPA is required to use the NEPA only Environmental Impact Statement Annotated Outline but may use the joint Environmental Impact Report/Environmental Impact Statement Annotated Outline which are both provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser.

The LPA is responsible for performing a quality control review of their EIS and supporting technical studies and completing the External Readiness Certification form.

Details on preparing and processing EISs are provided in Section 6.10: Step by Step Procedures – Environmental Impacts Statement (EIS) in this chapter. The District ~~SEP~~ Environmental Branch Chief (or designee) tracks the review and processing of the EIS and

records relevant dates and information in LP2000. The DLAE provides notification to the LPA of environmental document status and approval.

Upon submitting a "Request for Authorization" for new phases of work, the LPA enters the appropriate coding and date of Caltrans district director signature on the ROD on the LAPM 3-A: Project Authorization/Adjustment Request (refer to the LAPM Chapter 3: Project Authorization).

Other Federal Environmentally-Related Processes

Every action that has federal involvement must comply with laws that protect particular elements of the environment. Although NEPA requirements have remained relatively unchanged over the years, environmentally-related processes have increased in number and importance.

Following is a summary of those federal environmentally-related laws processes most commonly required on Local Assistance transportation projects. LPAs are required to comply with the provisions of these laws prior to finalizing NEPA documentation.

- **Section 4(f) - (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge, or Land from Historic Sites)** - The Section 4(f) process was established in the U.S. Department of Transportation Act of 1966 to give certain protections to publicly owned public parks, recreational areas, wildlife and waterfowl refuges, and land from historic sites of national, state, or local significance. Section 4(f) requires that the agency must show that there are no feasible or prudent alternatives to the use of these areas. If Section 4(f) land is required, a Section 4(f) avoidance alternative is required. If Section 4(f) land is still required, all possible planning must be taken to minimize the impact. Guidance on compliance with the provisions of Section 4(f) is provided in the SER: Chapter 20.
- **De Minimis Impacts to Section 4(f) Resources** - When it is determined that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, no further Section 4(f) evaluation is required. LPAs must work with the district/region ~~SEP~~ Environmental Branch Chief to complete the analysis and is responsible for making the *de minimis* impact finding.
- **Section 106 - (Protection of Cultural Archaeological Resources & Historic Properties)** The National Historic Preservation Act of 1966 declares a national policy of historic preservation and encourages preservation. It established the Advisory Council on Historic Preservation (ACHP) and required that federal agencies take into account the effect of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking. ACHP promulgated procedures, codified in 36 CFR 800, et seq. that must be followed on any federal project or action. Caltrans and FHWA entered into a Programmatic Agreement (PA) on how to implement 36 CFR 800 for California's federal-aid highway program. Guidance for compliance with the provisions of 36 CFR 800 and the PA is provided in the SER: Chapter 28 and the Environmental Handbook, Volume II.
- **Section 7 of the Endangered Species Act - (Protection of Endangered Species)** – The federal Endangered Species Act (ESA) provides a means to conserve the ecosystems upon which federally-listed threatened and endangered species depend and provide a program for the conservation of those species.

The ESA requires federal agencies consult with the USFWS and NMFS to ensure that actions approved or funded by federal agencies such as FHWA are not likely to jeopardize the continued existence of threatened or endangered species, or result in the destruction or adverse modification of the critical habitat of such species. Compliance with Section 10 (Section 10 allows for permitting take of threatened or endangered species for scientific research, or purposes of propagation or survival of the species) of the ESA does not meet Section 7 requirements. Guidance on compliance with the provisions of Section 7 of the U.S. ESA is provided in the SER: Chapter 14.

- **Presidential Executive Order 11990 (EO 11990): Protection of Wetlands** – EO 11990 requires that when a construction project involves wetlands, a finding must be made: (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize impacts to wetlands resulting from such use. The FHWA division administrator or Caltrans, where assigned under 23 U.S.C.326 or 23 U.S.C.327 makes the finding required by EO 11990. Guidance on compliance with the provisions of EO 11990 is provided in the SER: Chapter 15.
- **Presidential Executive Order 11988 (EO 11988): Floodplain Management** – In response to EO 11988, FHWA or Caltrans, where assigned under 23 U.S.C.326 or 23 U.S.C.327 requires a formal "Floodplain Finding" be made for federal actions involving significant encroachments in floodplains. The formal Floodplain Finding is based on information contained in the Location Hydraulic Report. The formal Floodplain Finding is included as part of the supporting documentation for the Final Environmental Impact Study (FEIS) and Final EA. Guidance on compliance with the provisions of EO 11988 is provided in the SER: Chapter 17.
- **Presidential Executive Order 12898 (EO 12898): Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** – This EO, issued on February 11, 1994, emphasizes the intent of Title VI of the Civil Rights Act of 1964. The E.O. requires federal agencies to ensure that their programs, policies, and activities do not have the effects of: 1) excluding persons and populations from participation, 2) denying persons and populations the benefits of federal programs, or 3) subjecting persons and populations to discrimination because of race, color, or national origin. Consideration of environmental justice impacts must be addressed in all NEPA classes of action. When preparing an EIS and EA, LPAs must disclose disproportionate impacts on minority or low-income communities. Guidance on compliance with the provisions of EO 12898 which directs each federal agency to develop a strategy to address environmental justice concerns in programs, policies, and regulations. The intent of the order is to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment. Additional information on EO 12898 is provided in the SER: Chapter 25.
- **Presidential Executive Order 13112 (EO 13112): Invasive Species, issued on February 3, 1999 (effective November 15, 1999)** – This EO prohibits the use of federal-aid for construction, re-vegetation, or landscaping activities that purposely include the use of known invasive plant species. Until an approved national list of invasive plants is defined by the National Invasive Species Council, "known invasive plants," must be consistent with the official noxious weed list of the State in which the activity occurs. FHWA recommends use of federal-aid for new and expanded invasive species control efforts

under each state's Department of Transportation roadside vegetation management program**.** Where the potential exists for the introduction or spread of invasive species, the environmental document should include a discussion of the potential impact of these species and any anticipated prevention or control measures to be taken. Guidance on compliance with the provisions of E.O.13112 is available in the SER: Chapter 1.

- **Clean Air Act, as amended (42 U.S.C. 7401 et seq.)** – This Act requires that federally supported activities must conform to the State Implementation Plan (SIP), whose purpose is that of attaining and maintaining the National Ambient Air Quality Standards (NAAQS). Section 176(c) of the Clean Air Act as amended in 1990, established the criteria and procedures by which FHWA (Title 23 U.S.C.) and MPOs determine the conformity of federally-funded or approved highway and transit plans, programs, and projects to SIPs. The provisions of 40 CFR Part 51 and Part 93 (Final Rule effective November 24, 1993) shall apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. For additional information refer to the SER: Chapter 11.
- **Clean Water Act of 1977 & 1987 (33 U.S.C. 1251-1359)** – This Act protects the chemical, physical, and biological integrity of the Nation's waters by regulating discharges of pollutants into waters of the U.S. Section 401 of the Clean Water Act (CWA) requires a water quality certification from the State or Regional Water Quality Control Board when a project requires a federal license or permit and will result in a discharge into waters of the U.S. Section 402 of the CWA establishes a permitting system for the discharge of any pollutant into waters of the U.S. A National Pollutant Discharge Elimination System (NPDES) permit is required for all point discharges of pollutants to surface waters. Section 404 of the CWA establishes a permit program administered by the USACE regulating the discharge of dredged or fill material into waters of the U.S. (including wetlands). For additional information refer to the SER, Volume 1 (Chapter 9).

General Procedures for Demonstrating Compliance with These Processes

The general procedures for demonstrating compliance with these Acts are provided below:

- For Non-Infrastructure Projects only, the LPA confirms the project is in the FSTIP; project does not involve right of way acquisition or physical construction; and all questions on the PES (NI) section can be answered "No". If these criteria can be met, then the District DLAE and ~~SEP~~ District Environmental Branch Chief jointly sign the PES ~~(NI) form~~ concurring with the NEPA Class of Action, and that the project will involve no disturbance to the ground or natural environment. The DLAE and District ~~SEP~~ Environmental Branch Chief (or designee) jointly signs the PES~~(NI) form~~ and the CE/CE Determination Form. The last page of the PES ~~(NI) form, Section B,~~ would suffice for the Categorical Exclusion Checklist and the Transportation Air Quality Conformity Findings Checklist. ~~A brief explanation stating that Section B of the PES (NI) meets the requirements for the Categorical Exclusion Checklist and Transportation Air Quality Conformity Findings Checklist would be the inserts to include for the PES (NI) project Uniform File. No other documentation is required.~~
- For all other projects, the LPA, after reviewing relevant databases, literature, and maps, completes the PES and submits the PES with all supporting documentation to the DLAE. The DLAE and District ~~SEP~~ Environmental Branch Chief (or designee) jointly concurs with

the NEPA Class of Action (CE, EA, EIS) and the required technical studies by signing the PES.

The District PQS determines applicability of Section 106 and the need for APE map. Prior to initiation of technical studies, the LPA prepares a draft APE map for Section 106 studies according to the guidance in the SER (and preferably with the assistance of the district PQS) and, if necessary, requests the DLAE to schedule a Coordination Meeting. The Coordination Meeting is the appropriate forum to meet the Caltrans district staff responsible for reviewing and determining the adequacy of the technical reports, obtain district PQS and DLAE signatures on the APE map, and discuss the format and content requirements for each technical report.

- LPA completes the required technical studies, prepares the technical reports, and submits the reports to the DLAE for review and processing. To ensure timely project delivery, LPA and consultants are responsible for ensuring that the format and content of required technical reports and environmental documents are consistent with guidance and annotated outlines set forth in the SER and have passed external quality control reviews.
- District ~~SEP~~ Environmental Branch Chief (or designee) reviews the reports, facilitates consultation under regulation or interagency agreement (or makes the appropriate finding or determination required by law, regulation or E.O.), and forwards the results of their action to the DLAE for transmittal to the LPA.
- District ~~SEP~~ Environmental Branch Chief (or designee) logs transmittal date in LP2000 and tracks Caltrans and resource and regulatory agency review time and various other milestones.
- LPA prepares the appropriate NEPA document based on the results of Caltrans consultation and provides the document to the DLAE for review and approval.

Interagency Agreements and Memorandums of Understanding

Several Agreements have been developed to expedite compliance with NEPA. These Agreements require full documentation and demonstration that the required conditions have been met.

First Amended Programmatic Agreement among the FHWA, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA), effective January 1, 2014. The Section 106 Programmatic Agreement (PA) implements Section 106 of the NEPA for the Federal-aid Highway Program in California, except when the undertaking is on Native American Tribal Trust Land, in which case the 36 CFR Part 800 procedures must be followed, unless an Indian tribe elects to become a party to the Section 106 PA. This Agreement allows Caltrans to consult directly with the SHPO for all steps of the Section 106 process on projects assigned under NEPA Assignment and for most steps on projects exempted from assignment. The Agreement exempts certain property types from evaluation and exempts certain types of projects from any 106 involvements. It re-emphasizes the use of Environmentally Sensitive Areas (ESAs) to avoid site excavations for evaluation, defines APE guidelines, and sets out qualifications for decision-making staff. Any project must be screened by the district PQS to determine applicability of Section 106. A copy of the

Agreement and guidance on compliance with the terms of the Agreement are provided in the SER, Volume 2: Chapter 2.

Memorandum of Understanding Among the Federal Highway Administration, California Department of Transportation, U.S. EPA, U.S. USACE, USFWS and the NMFS. National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California.

https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/mous-moas-agreements.

The Memorandum of Understanding (MOU) merges the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA) Section 404 processes. It applies to federal aid surface transportation projects that have five or more acres of permanent impacts to waters of the United States and that require a NEPA Environmental Impact Statement (EIS). The USACE, USFWS, FHWA, EPA, NMFS, and Caltrans agree on early and ongoing coordination for issues pertaining to waters of the U.S. and for projects that require an EIS. The MOU specifies written concurrences that must be obtained from the resource agencies.

If it is anticipated that the project will permanently impact more than five (5) acres of other waters of the U.S. and is being processed with an EIS, the LPA, DLAE, and District ~~SEP~~ Environmental Branch Chief (or designee) must meet as early as possible to discuss MOU procedures and ensure conformity. A copy of the MOU and procedures for its use are provided in the SER at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/mous-moas-agreements.

FHWA Section 4(f) Nationwide Programmatic Evaluations

FHWA developed five programmatic evaluations below. Each of the five programmatic evaluations has its own applicability criteria, alternatives, findings, and coordination requirements. The advantage of using a programmatic evaluation is that there is no requirement to circulate the evaluation to the Department of the Interior, the Department of Agriculture, or the Department of Housing and Urban Development. There is also no need for legal sufficiency review. However, coordination with the official with jurisdiction over the Section 4(f) property is required.

- **Independent Bikeway and Walkway Construction Projects, May 23, 1977**
  For independent bikeway and pedestrian walkway projects that require the use of recreation and park areas.
  https://www.environment.fhwa.dot.gov/legislation/section4f/4fbikeways.aspx.
- **FHWA Projects that Necessitate the Use of Historic Bridges, July 5, 1983**
  For historic bridge replacement projects. Full historic evaluation to meet Section 106 requirements are still required.
  https://www.environment.fhwa.dot.gov/legislation/section4f/4f_bridges.aspx.
- **Federally-aided Highway Projects with Minor Involvements with Public Parks, Recreation lands and Wildlife and Waterfowl Refuges, December 23, 1986**
  This is for federal-aid projects that use minor amounts of land from publicly owned public parks, recreation areas, and wildlife and waterfowl refuges.
  https://www.environment.fhwa.dot.gov/legislation/section4f/4f_minor_parks.aspx.

- **Federally-aided Highway Projects with Minor Involvements with Historic Sites, December 23, 1986**
  This is for federal-aid projects which use minor amounts of land from historic sites, which are eligible for inclusion on the National Register of Historic Places. This only applies when the use of the land does not constitute an adverse effect to the historic property. https://www.environment.fhwa.dot.gov/legislation/section4f/4f_minor_hist.aspx.
- **Projects that have a Net Benefit to a Section 4(f) Property**
  For any project, regardless of NEPA Class of Action (CE, EA, or EIS), where a net benefit, or overall enhancement is achieved to the Section 4(f) property. A project does not achieve a net benefit if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection. https://www.environment.fhwa.dot.gov/legislation/section4f/4f_netbenefits.aspx.
- **De Minimis Impacts to Section 4(f) Resources**
  When it is determined that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a de minimis impact on that property, no further Section 4(f) evaluation is required. Although de minimis is not a programmatic evaluation, de minimis is often applied more often now than programmatics. LPAs must work with the district/region ~~Senior Environmental Planner~~ Environmental Branch Chief to complete the analysis and is responsible for making the de minimis impact finding. Consultation with the HQ District Environmental Coordinator is strongly recommended. Additional guidance can be found in the Standard Environmental Reference website. SAFETEA-LU Section 6009(a) amended 49 U.S.C.303 and 23 U.S.C.138, modified Section 4(f) legislation to allow the U.S. DOT to determine that certain uses of Section 4(f) land will have no adverse effect on the protected resource. Under the NEPA assignment, Caltrans determines if a transportation use of Section 4(f) property results in a de minimis impact on that property: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-20-section-4f#deminimis.

Integrating CEQA and NEPA

While this chapter deals exclusively with federal environmental requirements, LPAs are responsible for ensuring 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. The environmental document types for CEQA/NEPA (that is, CE/CE, IS/EA, EIR/EIS) do not necessarily need to match up with each other. An EA may be the appropriate document to prepare under NEPA when an EIR is appropriate under CEQA. Guidance on developing Joint CEQA/NEPA documents is available in the SER: Chapter 37.

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 of the State of California. NEPA requires that each federal agency identify its own list of CEs; therefore, the list of projects exempt from NEPA used for Caltrans purposes is specific to

FHWA. CEQA guidelines list 33 standard categories for all state agencies to use. Thus, a careful reading of 23 CFR 771.117 and the FHWA/Caltrans MOUs prepared pursuant to 23 U.S.C.326 and 327 is necessary to determine which actions are CEs. Caltrans may use a CE for a project not listed if it meets the criteria for CE under 23 CFR 771.117 (a) and (b). Separate determinations must be made for the NEPA and CEQA. The "Categorical Exclusions" sections in this chapter describe this phase of the process.

- **Environmental Assessment/Initial Study**
  The required contents of an EA are similar to that of an Initial Study (IS). However, NEPA requires that an EA discuss at least one build alternative and the no-build alternative, whereas CEQA does not require a discussion of alternatives in an IS. Guidance on the development of Joint IS/EAs is available in the SER: Chapter 37.
- **Integrating Other Environmentally-Related Processes (NEPA/CEQA)**
  One of the more complex aspects of the EA or EIS preparation is the requirement for integrating NEPA with other federal environmental requirements. The LPA must identify and list in the EA or EIS all other federal environmental requirements that may be applicable to the proposed action and, to the fullest extent possible, integrate the NEPA process with the review processes established by these laws. See Section 6.2: An Overview of the Environmental Process for a brief overview of the other federal environmental requirements. This degree of integration of state and local environmental review is not required under CEQA.
- **Significant Impact (NEPA) vs. Significant Effect (CEQA)**
  NEPA requires the identification of any impacts and the avoidance and minimization of them, with compensation considered when reasonable. NEPA does not focus on assessment of whether each and every adverse impact is significant or not. Presence or absence of "**significant impacts**" as defined by NEPA is the determining factor for what type of environmental document is appropriate. NEPA's definition of a significant impact does not necessarily correlate with CEQA-identified "**significant effects**." Further, CEQA requires mitigation only when an impact is designated as "**significant**." This can result in measures to avoid or reduce impacts being identified under NEPA that would not be identified under CEQA.

Local Assistance projects are federal-aid highway projects that are located off the SHS. Because these projects are located off the SHS, the LPA serves as the CEQA lead for the project and is solely responsible for compliance with CEQA. In cases where the LPA project is processed with no federal involvement, the project will only require compliance with the CEQA. Caltrans is the NEPA lead agency for all local assistance projects. The LPA will prepare (or cause to have prepared) the NEPA documentation for approval by Caltrans. Local Assistance projects follow the procedures outlined in this Chapter of the LAPM and the SER.

Timing for Environmental Processes

Estimating the time required for preparing and processing technical studies and environmental documents is very important when establishing a project delivery schedule. The amount of time needed to demonstrate full compliance with the provisions of NEPA and other federal environmental requirements varies depending upon project scope and the presence of federally-protected environmental resources within and immediately adjacent to the project area (direct), indirect (secondary), and cumulative impacts.

Compliance with the environmental requirements may occur simultaneously with Preliminary Engineering. However, the LPA may not commence with final design prior to obtaining NEPA approval (a Caltrans signed CE, FONSI, or ROD). It is incumbent upon the DLAE to notify the LPA as soon as NEPA approval is obtained and to forward a copy of the Caltrans signed CE, FONSI, or ROD.

The following time frames reflect best case scenarios and do not take into account the time involved in consultant selection, correction of inadequate studies, regulatory or advisory agency review and comment, projects involving large numbers of very complex, unusual environmental issues or controversy. The time frames also assume the various environmental studies and documents are performed and written simultaneously.

Below are some examples for estimating time frames:

- A project that meets the criteria for a CE with "no required technical studies" can be processed in one month, assuming the PES ~~or PES (NI)~~, if applicable, and supporting information are complete and sufficient.
- A CE "with required technical studies" may take from six months to two years depending upon the required technical studies that must be completed and the time of year the studies are initiated. It is important to identify and plan for critical survey periods when determining a project schedule. For example, surveys for certain plant species may have to be performed in spring or during their appropriate blooming/identifiable period.
- It is also important to factor in sufficient time for potentially lengthy processes such as Section 106 of the NHPA. Depending upon the nature of the undertaking and its effects to historic properties, the Section 106 process can take less than one week for screened undertakings to more than 20 months for very complex projects involving multiple resources or requiring archaeological excavation.
- An EA that results in a FONSI may take between two to three years. At a minimum, the Draft EA must consider the build alternative and the no build. Complex Draft EAs must undergo a separate review by Caltrans HQ environmental coordinator and Legal Office. The Complex Draft EAs go through a thirty (30) day public review period. The Routine Draft EAs also go through a 30 day review period. Processing an EA which results in a FONSI with an Historic Property Survey Report (HSPR), or any other environmentally-related process may require additional time because these environmentally-related processes require separate studies and separate regulatory reviews. For example, a preliminary Finding of Effect for cultural or archaeological resources must be completed before a draft EA or an EIS can be circulated for public review. Section 106 requirements and Section 7 or other technical requirements must be completed before the final EA or an EIS can be approved.
- An EIS may take between three to four years. Draft EISs require consideration of multiple alternatives and separate reviews by Caltrans HQ environmental coordinator and Legal Office.
- The LPA should begin "required technical studies" as soon as possible after the PES is fully signed.

Note: The LPA must not begin "required technical studies" before obtaining the DLAE and District ~~SEP~~ Environmental Branch Chief (or designee) signatures on the

PES. Section 106 studies should not begin until the district PQS and the DLAE give verbal approval of the APE map. This will minimize the potential for investing in studies that may not be required.

6.3 Other Considerations

Permits

The LPA is responsible for obtaining all necessary permits, agreements, and approvals from resource and regulatory agencies (401/404, Encroachment, and Coast Guard Bridge Permit, etc.) before advertisement for construction. With the exception of Emergency Opening projects, construction should not proceed before permits have been obtained and submitted to the DLAE. If work occurs prior to permits being obtained, the LPA is assuming the risk that elements of work may not be fully reimbursable. The LPA must transmit one copy of each permit (with conditions) to the DLAE for submittal to the District ~~SEP~~ Environmental Branch Chief (or designee) prior to the first invoice. The District ~~SEP~~ Environmental Branch Chief (or designee) must enter permit data (as required) into LP2000.

Mitigation Commitments and Plans, Specifications, and Estimate

The LPA is also responsible for developing a list of all mitigation as related to NEPA and providing it along with the technical reports and draft environmental document to the DLAE. The DLAE forwards list to District ~~SEP~~ Environmental Branch Chief (or designee) who in turn enters this mitigation data into the LP2000 database.

The LPA must certify that all required mitigation has been completed or is included in the Final Plans, Specifications and Estimate (PS&E) and that any required ongoing maintenance of mitigation is implemented (23 CFR 771.109(b)). The DLAE (in coordination with the District ~~SEP~~ Environmental Branch Chief) ensures that mitigation is a reasonable expenditure of federal funds. Caltrans assures that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews (23 CFR 771.105(d)(2)).

Mitigation Commitments and Construction

The LPA is responsible for ensuring that all required mitigation is included in the construction contract. The LPA checks plan in the field and certifies that all mitigation commitments have been completed and documentation to this effect has been prepared for inclusion in the project's final record/voucher.

Scope Change

In advance of any mitigation commitment, the LPA must notify the DLAE of any changes in the project scope or project limits. Major changes may require a Transportation Improvement Program (TIP) amendment or air quality re-determination.

The DLAE notifies the District ~~SEP~~ Environmental Branch Chief (or designee) of the changes, and the District ~~SEP~~ Environmental Branch Chief (or designee) determines if additional environmental studies will be required. When the project scope changes after NEPA approval, and the permits, approval/agreements from resource and regulatory agencies require modifications, the DLAE notifies the District ~~SEP~~ Environmental Branch Chief of the change, and the District ~~SEP~~ Environmental Branch Chief conducts a reevaluation (23 CFR 771.129(c)).

The DLAE will request the District ~~SEP~~ Environmental Branch Chief (or designee) initiate re-consultation/reevaluation immediately. Scope changes must be documented and appended to the PES.

Re-evaluation

There are three triggers that necessitate the initiation of the consultation or re-evaluation process:

1. Project is proceeding to the next major federal approval
2. Project changes
3. Three year timeline for an EIS

Re-evaluations may include a site visit and evaluation by a qualified environmental planner and any technical specialists deemed necessary. Assessments by technical specialists should be prepared for any topical areas affected by a change in the project, its surroundings, new information or requirements, or other factors that may cause the original evaluation to no longer be valid. Additional studies or coordination with other agencies should be conducted as appropriate.

The LPA is responsible for informing the DLAE of any changes in the project so that these changes can be evaluated, and the validity of the environmental document or CE Determination can be reevaluated.

The LPA, DLAE, and District ~~SEP~~ Environmental Branch Chief (or designee) will consult and depending on the circumstances, there will be one of three possible conclusions: (1) the original environmental document or CE remains valid, (2) the original environmental document or CE is in need of updating (in this case, additional documentation and/or public review might be required), or (3) the original document or CE is no longer valid and requires public review, supplemental documentation, or new document is needed. Documentation of the decision and supporting information as appropriate must be prepared and signed by the DLAE and the District ~~SEP~~ Environmental Branch Chief (or designee) and placed in the project file.

The Caltrans NEPA/CEQA Re-validation form is available at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

Process Review

FHWA and Caltrans periodically conduct reviews to determine the adequacy of existing processes and monitor the process for compliance with applicable laws, regulations, and procedures. This includes, but is not limited to, monitoring compliance with the assurances stated in the NEPA Pilot Program application; stipulations of the FHWA/Caltrans 326 and 327 MOUs; monitoring the quality of NEPA documents and supporting technical reports; and monitoring PS&E and project construction to ensure mitigation commitments are included in PS&E, constructed, and (in the case of long-term commitments) monitored by the LPA.

Training

The DLAE and district training coordinator are responsible for notifying the LPA of available training and for assisting them with training registration. Training opportunities available through

external agencies or other federal/state agencies are posted at: https://dot.ca.gov/programs/local-assistance/training.

Record Keeping

The District ~~SEP~~ Environmental Branch Chief (or designee) is responsible for establishing the environmental project file as soon as environmental studies begin and for converting existing environmental project files to the Uniform Environmental File System. Instructions for using the Uniform Environmental Filing System are provided at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/index-uniform-filing-system-a11y.pdf.

The District ~~SEP~~ Environmental Branch Chief (or designee) is also responsible for updating the environmental fields in LP2000 as soon as an action occurs.

Consultant Contracts for Technical Studies

Locally-administered environmental consultant contracts for NEPA documents and technical studies must comply with the provisions of the Brooks Act (40 U.S.C.1101-1104), and the scope of services agreement negotiated between the LPA and its consultant must be based on information contained in the complete and fully signed PES. Furthermore, the LPA should reference LAPM Chapter 10: Consultant Selection which provides more detail information on consultant contracting and selection procedures.

Environmental consultant's qualifications and the format and content of the environmental technical reports must be consistent with guidance set forth in the SER, and the processing of technical reports must be in accordance with procedures set forth in this chapter.

Quarterly Reporting Requirement

According to Stipulation IV.E.1 of the FHWA/Caltrans 326 MOU pertaining to performance monitoring and quality assurance, Caltrans must submit to FHWA a list of all CE determinations made each fiscal quarter. Quarterly reporting is required under both 326 and 327 MOUs. The DLA will provide the DEA with a Discoverer Report on quarterly Local Assistance CE determinations based on information contained in LP2000. The DLAE and District ~~SEP~~ Environmental Branch Chief (or designee), with assistance from the Local Assistance NEPA Assignment coordinators, are required to maintain all environmental fields in LP2000.

Record Retention

The District Local Assistance environmental office must maintain all NEPA documentation and supporting technical reports for a period of three (3) years following FHWA reimbursement for final project costs. When mitigation is required, environmental documentation must be maintained until all terms of required mitigation have been fully implemented. This includes any required monitoring period. Per the 327 MOU records retention requirements (8.3.2), records forwarded to FHWA will be stored at the Federal Records Center.

6.4 Step-by-Step Procedures – PES (NI) ~~Form~~

The PES (NI) is now incorporated into LAPM 6-A.

~~Following are step-by-step procedures for completing the PES (NI) form: Exhibit 6-K: PES (NI) Form Instructions.~~

~~It is important that the LPA carefully follow and complete each step to avoid unexpected project costs or delays in project development and to ensure a "complete and sufficient" submittal. The LPA must not commence with Authorization to Proceed until the funds are appropriated in the Construction Phase. However, there is no formal physical construction. The PES (NI) projects do not involve physical construction. The LPA must not commence with Authorization to Proceed until after the PES(NI) Form has been fully signed by all signatories.~~

1. LPA confirms project is programmed in federally-approved FTIP/FSTIP.
2. LPA confirms project will not involve right of way (R/W) acquisition or the physical construction of any facilities.
3. LPA is ready to request federal Authorization to Proceed for the project.
4. LPA completes the PES (NI) ~~form Exhibit 6-J: Preliminary Environmental Screening for Non-Infrastructure Project PSE (NI),~~ section of LAPM 6-A indicating "Yes" or "No"~~, or "To Be Determined" as appropriate for questions 1-29~~.
5. ~~LPA provides additional information on PES (NI) Continuation Sheet for all "TBD" responses.~~
6. LPA ~~completes Section B of PES (NI) form,~~ signs and submits form to DLAE.
7. DLAE verifies project is in FSTIP and forwards PES (NI) to District ~~SEP~~ Environmental Branch Chief (or designee).
8. District ~~SEP~~ Environmental Branch Chief (or designee) reviews PES (NI) ~~form and additional information provided for 'TBD' responses~~ and coordinates with LPA as needed.

~~**Are all responses justifiably "NO"? If "Yes," GO TO STEP #10. If "No," GO TO STEP #9.**~~

9. District ~~SEP~~ Environmental Branch Chief (for designee) informs LPA that PES is required if any questions are answered "Yes".
10. ~~District SEP (or designee) confirms project is type of action included in Exhibit 6-K, Attachment A (Undertakings Exempt from Further Review Memo), and Exhibit 6-K, Attachment B (Amendment Non-Infrastructure Project NES – No Effect Memo).~~

~~**Is action included in Memos? If "Yes," GO TO STEP #12. If "No," GO TO STEP #11 first and then CONTINUE TO STEP #12.**~~

11. ~~If all responses to questions 1-29 on the PES(NI) are justifiably "NO," District SEP (or designee) informs HQ of action not included in Exhibit 6-K, Attachments A & B, in order for HQ to consider adding the action to the memos. Additional review by District PQS will be required if the undertaking involves any activities that are not listed, including those listed as screened activities in Attachment 2 of the PA.~~
12. District ~~SEP~~ Environmental Branch Chief signs the PES (NI) and prepares and signs the CE form.
13. DLAE signs the PES (NI) ~~form~~ and the CE form.

6.5 Step-by-Step Procedures – PES ~~Form~~

~~Following are step-by-step procedures for conducting a preliminary environmental investigation and completing the PES form.~~ It is important that the LPA carefully follow and complete each

step to avoid unexpected project costs or delays in project development and to ensure a "complete and sufficient" submittal. LPAs must not commence with any required technical study until after the PES has been fully signed by all signatories.

~~**The PES/Categorical Exclusion (CE) process is shown in Figure 6-1: PES Form and Categorical Exclusion (CE) Process Flowchart. The numbers on the flowchart correlate with the step-by-step procedures within this section through Section 6.7.**~~

1. LPA develops complete project description and project maps.
2. LPA reviews relevant literature, maps, and inventories.
3. LPA requests technical information from resource and regulatory agencies.
4. LPA verifies research findings in the field (site visit).
5. ~~LPA completes PES Form (Exhibit 6-A: Preliminary Environmental Study (PES) Form), according to Exhibit 6-B: Instructions for Completing the Preliminary Environmental Study (PES) Form. On the PES Continuation Sheet, the LPA provides: (1) additional information on project description, (2) a summary of how the requirements of federal laws have been satisfied for all "No" answers (such as, identify the steps that were taken to determine a "No" response), and (3) specific information for all "Yes" and "To Be Determined" answers (such as, if question #15 regarding Federally Listed Threatened and Endangered Species is checked "Yes," identify the specific plant or animal species observed or that could potentially occur within the project area).~~

   ~~Upon completion of the PES Form, if questions 23-32 are marked "yes," or if the PES results in an Environmental Assessment or Environmental Impact Statement:~~

   ~~a) Title VI implementation and outreach may be triggered. Any vital public communication must be translated and accessible when a significant number or percentage of the population is eligible to be served, or likely to be directly affected by the program/activity, needs, services or information in a language other than English to communicate effectively.~~

   ~~b) The LPA must contact the District Senior Environmental Planner and the District Senior Right of Way Agent to inform them the agency may implement Title VI and outreach for this project.~~

6. LPA completes and signs PES ~~Form~~ and submits to DLAE with all supporting documentation.
7. DLAE ~~date stamps the PES form on day received and~~ verifies that project is in the RTP and FSTIP, and that the scope of work described on the PES is consistent with the project description in the FSTIP.
8. DLAE reviews PES and maps to ensure that the project description matches what is programmed and that the packet is complete and sufficient. If the packet is incomplete, the DLAE returns the packet to the LPA and if necessary, schedules a meeting or field review to assist the LPA with completion of the PES. Note: Field reviews are required for LPA projects on the National Highway System and encouraged for all other federal-aid projects. If the field review is not performed, document on the field review form the reason why the field review was not performed, as a completed field review form is required for all federal-aid projects.

DLAE invites the District ~~SEP~~ Environmental Branch Chief (or designee) and appropriate CT technical specialists to the meeting or field review. For complex projects, the DLAE may also want to invite the Local Assistance NEPA Assignment Coordinator and the HQ Environmental Coordinator.

9. District ~~SEP~~ Environmental Branch Chief identifies which district PQS, biologist, and other technical specialist(s) will assist with project review and circulates the PES to assigned staff.
10. The district biologist reviews the PES, maps and results of general reconnaissance surveys, and indicates the required technical study type in the PES ~~Sections B, and completes applicable Section C and D of the PES form. If appropriate, the district biologist prepares a "Finding of No Effect" memo for compliance with Section 7~~.
11. District PQS reviews the PES ~~form~~, ~~completes questions #35 & #36 in Section A; indicates the required technical study type in Section B, completes applicable Sections C, D; indicates results of preliminary review in Section G; signs the PES form and returns the signed PES form to the District SEP (or designee).~~ and if appropriate, the PQS prepares a Screened Undertaking memo for compliance with Section 106.
12. If the District ~~SEP~~ Environmental Branch Chief concurs with the recommended NEPA Class of Action and the required technical studies as proposed by the Caltrans specialists, the District ~~SEP~~ Environmental Branch Chief signs the PES form.

6.6 Step-by-Step Procedures – Categorical Exclusion with No Technical Studies

Are further technical studies required? If "Yes," "GO TO STEP # 18. If "No," GO TO STEP #13.

13. The District ~~SEP~~ Environmental Branch Chief (or designee) completes the Categorical Exemption/Categorical Exclusion Determination Form (CE/CE): https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

    For 23 U.S.C.326 CEs, the District ~~SEP~~ Environmental Branch Chief (or designee) makes the project–level air quality conformity determination following guidance provided in the SER: Chapter 38 by completing the Transportation Air Quality Conformity Findings Checklist: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-11-air-quality#Conformity.

    Note: Projects meeting the criteria for a 23 U.S.C.326 are processed using certain NEPA CE categories only, and the conformity determination is made along with NEPA approval by Caltrans.

Does project meet the criteria for a CE with No Technical Studies? If "Yes," "GO TO STEP # 14. If "No," GO TO STEP #18.

14. District ~~SEP~~ Environmental Branch Chief signs the CE form.
15. District ~~SEP~~ Environmental Branch Chief (or designee) forwards the signed PES and signed CE form to the DLAE, and updates LP2000.
16. DLAE signs the PES and the CE form. The DLAE retains the original PES and the original CE form for the project files. The DLAE sends a copy of signed CE and a copy of

the fully signed PES to the LPA and informs the LPA that compliance with NEPA is complete.

17. LPA begins final design.

6.7 Step-by-Step Procedures – Categorical Exclusion with Technical Studies

18. When PES indicates that the project meets the criteria for a CE however further technical studies are required, District ~~SEP~~ Environmental Branch Chief (or designee) prepares transmittal letter or email to the LPA or documents telephone conversation or meeting with LPA (if applicable), outlining:
    - All technical studies/reports required.
    - A SER link for each of the technical studies.
    - The LPA's responsibility for ensuring that all required technical reports are prepared according to the guidance set forth in the SER.
    - The LPA's responsibility for ensuring that the conclusions of all technical reports are clearly stated and consistently summarized in the continuation of the CE form.
    - How the project-level conformity determination will be made (see Step #31).
    - The LPA's responsibility for preparing a summary/list of mitigation commitments (avoidance, minimization, and mitigation measures) identified in each required technical report and providing said list to DLAE along with each technical report.
    - The LPA's responsibility to incorporate all of the mitigation commitments (avoidance, minimization, and mitigation measures) included on the list into their PS&E and be able to demonstrate that they have been incorporated into the project design.
    - The LPA's responsibility to provide a copy of all permits, when available, to the DLAE.
    - The preliminary NEPA CE determination.

The District ~~SEP~~ Environmental Branch Chief (or designee) forwards the signed PES and the transmittal letter to the DLAE, and updates LP2000.

19. DLAE reviews project description, project maps, and PES to determine if the project is technically sound (adequate and feasible) from an engineering perspective. DLAE and the District ~~SEP~~ Environmental Branch Chief (or designee) meet to discuss the following:
    - Is the project technically sound from an engineering perspective?
    - Can the city or county get the project done in the amount of time indicated on the PES (such as, have they missed any survey windows, or are the issues more complex than they anticipated)?
    - Will the funding need to be moved out to adjust for the schedule?
    - Do the technical studies/reports identified in the PES indicate that the LPA may need to budget more money for NEPA compliance?

- Is the LPA's preliminary design on track?
- Do the project maps make sense? Are the maps correct? Is the project footprint map consistent with the project, as identified in the FSTIP? Are the engineering drawings consistent with the project, as identified in the FSTIP?
- Is the project likely to include mitigation commitments or mitigation that would warrant environmental review of the PS&E and project during/after construction?

20. DLAE signs the PES. DLAE or District ~~SEP~~ Environmental Branch Chief (or designee) sends a copy of the fully signed PES and transmittal letter, hardcopy or electronically (if preferred) to the LPA, outlining the requirements of each required technical study and report.

    Note: If DLAE authorizes the District ~~SEP~~ Environmental Branch Chief (or designee) to perform this step, a copy of the letter or email must be provided to the DLAE.

21. LPA may request an Early Coordination Meeting with the DLAE, District ~~SEP~~ Environmental Branch Chief (or designee) and others as needed, to discuss the specific requirements of each required technical report, and so forth. The District ~~SEP~~ Environmental Branch Chief (or designee), district PQS, and applicable technical specialists should be invited to participate in the meeting as needed, based on the environmental issues and the complexity of the project, and so forth.

~~Figure 6-1: PES Form and Categorical Exclusion (CE) Process Flowchart~~

LPA prepares scope of work/consultant contract (if necessary) according to LAPM Chapter 10: Consultant Selection, and the requirements contained in the PES and retains environmental consultant to undertake required technical studies (note: Environmental Consultant scope of work must reference the SER and the LAPM). The District ~~SEP~~ Environmental Branch Chief (or designee) is available to review the environmental scope of work to ensure that it accurately reflects Caltrans requirements.

22. LPA prepares a draft APE map (if applicable) according to the guidance in the SER and preferably after consultation with district PQS and obtains DLAE and district PQS approval of the APE map prior to commencing with any Section 106 studies.
23. LPA/Consultant completes required technical studies according to the guidance in SER.

    Note: The LPA is responsible for performing a quality assurance and quality control review of all technical reports, before submittal to the DLAE, to ensure that the format and content of each technical report is consistent with guidance prescribed in the SER.

24. LPA sends the completed technical report(s) to the DLAE.
25. DLAE date stamps the report on the date received and forwards the technical report(s) to the District ~~SEP~~ Environmental Branch Chief (or designee).
26. District ~~SEP~~ Environmental Branch Chief (or designee) requests (in writing) appropriate district technical specialists review the technical report and determine whether the report is complete and sufficient according to the format and content requirements outlined in the SER. The District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000.
27. District technical specialists review technical reports and determine whether technical reports are complete and ready for resource/regulatory agency review (if applicable). (Note: this service does not relieve LPA's responsibility for quality assurance and quality control). If district technical specialists determine that the technical reports are not complete, they must document all noted deficiencies in writing and submit them to the District ~~SEP~~ Environmental Branch Chief (or designee). When district technical specialists determine that the technical reports are complete and ready for resource/regulatory review (if applicable), they inform the District ~~SEP~~ Environmental Branch Chief (or designee).

    Note #1: Under NEPA Assignment, this can no longer be an "informal" or verbal process. All deficiencies must be documented in writing and project files must contain a documented record of deficiencies and demonstrate that any and all deficiencies have been corrected.

    ~~Note #2: When there are no district technical specialists available to review a particular technical report, or when other priorities delay the review of technical reports in support of Local Assistance projects, the District SEP (or designee) must inform the Environmental Branch Chief and request their assistance in resolving the issue.~~

District ~~SEP~~ Environmental Branch Chief (or designee) considers: Are technical reports complete and sufficient? If "No," GO TO STEP #28. If "Yes," GO TO STEP #31.

28. District ~~SEP~~ Environmental Branch Chief (or designee) prepares a transmittal letter, email, or documentation of meeting (if applicable) with LPA summarizing all comments received from district technical specialists and provides a copy to the DLAE.
29. DLAE sends transmittal letter, outlining any deficiencies to the LPA.
30. LPA modifies the technical reports according to the comments and resubmits the report(s) to the DLAE, beginning at Step #24.
31. Some technical studies require review by resource or regulatory agencies (e.g. USFWS, NMFS, SHPO, FHWA), or Caltrans divisions outside the district (e.g. HQ or Legal). If this is the case, when the applicable study is deemed complete and sufficient by the District Environmental Branch Chief ~~SEP~~, the ~~SEP~~ Environmental Branch Chief will initiate the required consultation with the agency.

    Note: For 23 U.S.C.327 CEs, as soon as the Air Quality staff determine that the Air Quality Report is complete and sufficient, the District ~~SEP~~ Environmental Branch Chief (or designee) sends a request for Air Quality Conformity Determination to FHWA.

    District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000.
32. When other agency action is complete, the District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000. When all technical studies and consultations are deemed complete, the District ~~SEP~~ Environmental Branch Chief (or designee) completes the CE Checklist and determines whether conclusions of the technical studies and the results of consultation indicate that the action still qualifies for the CE.

Does project still meet criteria for the CE? If "No," continue with STEP #33. If "Yes," GO TO STEP #35.

33. When the CE Checklist indicates that the action does not meet the criteria for a CE, the District ~~SEP~~ Environmental Branch Chief (or designee) prepares a transmittal letter, email, or documentation of meeting (if applicable) with the LPA explaining why the action does not meet the criteria for a CE, and recommends preparation of an EA or an EIS, as appropriate. The District ~~SEP~~ Environmental Branch Chief forwards a copy of the letter, email, or documentation of telephone conversation with LPA to the DLAE and updates LP2000 accordingly.
34. District ~~SEP~~ Environmental Branch Chief (or designee) sends the letter, email, or documentation of telephone conversation to the LPA.
35. District ~~SEP~~ Environmental Branch Chief (or designee) verifies: (1) that there are no scope changes, or (2) that technical studies address areas where all project scope changes will occur. District ~~SEP~~ Environmental Branch Chief signs CE form.
36. District SEP Environmental Branch Chief (or designee) prepares a transmittal letter, email, or documentation of meeting (if applicable) informing the LPA that:
    - NEPA compliance is complete.
    - LPA may commence with final design.

- LPA is responsible for incorporating all minimization, avoidance and mitigation measures, and the conditions of all permit agreements and approvals into final design.
- LPA is responsible for fully implementing all minimization, avoidance and mitigation measures, and the conditions of all permits during project construction.
- Documentation of mitigation commitments completion and a copy of all permits must be sent to the DLAE prior to advertisement for construction.
- LPA is responsible for notifying the DLAE of any changes in project scope.

The District ~~SEP~~ Environmental Branch Chief forwards the signed CE and transmittal (letter, email, or documentation of telephone conversation or meeting) to the DLAE and updates LP2000 for tracking compliance and annual reporting.

37. DLAE re-verifies that project is in the FSTIP, and that there are no changes in project scope description, footprint; signs the CE form; District ~~SEP~~ Environmental Branch Chief (or designee) sends the signed CE form and transmittal (letter, email, or documentation of telephone conversation or meeting) to the LPA informing them that the NEPA process is complete.
38. LPA inserts the date the DLAE signed the CE/CE Determination form in the LAPM 3-A when completing the Request for Authorization for the next phase of the project (see LAPM Chapter 3: Project Authorization). LPA begins final design. Prior to advertisement for construction, LPA sends the DLAE a copy of all permits (i.e., Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment or Right of Entry) and documentation that the LPA has fulfilled all mitigation commitments.
39. Upon receipt of list of mitigation commitments and permits, the District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000.

6.8 Step-by-Step Procedures – Routine Environmental Assessment (EA)

The requirement to prepare an EA may come about through one or more of the following situations:

- Based on information gathered during PES, where it is clear that the proposed project will not qualify for a CE or where unusual circumstances are likely. ~~The LPA identifies the potential for significance under Section A of the PES and recommends the development of an EA (under Section E of the PES).~~ The DLAE and District Environmental Branch Chief ~~SEP~~ determine (with email concurrence from HQ EC) that an EA is the appropriate NEPA Class of Action by signing the PES.
- During or upon completion of technical studies, when it becomes apparent that the proposed project will not qualify for a CE or that unusual circumstances exist. The decision to prepare an EA is made by the District ~~SEP~~ Environmental Branch Chief in collaboration with the DLAE (with email concurrence from HQ EC) and must be clearly documented for the project file.

~~**The Routine Environmental Assessment (EA) process is shown in Figure 6-2: Routine Environmental Assessment (EA) Process Flowchart. The numbers on the flowchart correlate with the step-by-step procedures within this section.**~~

1. LPA receives signed PES recommending an EA as the NEPA Class of Action.

2. LPA coordinates with interested agencies and others to advise them of the scope of the project and potential social, economic, or environmental impacts identified in the PES.
3. LPA identifies alternatives and measures which might mitigate adverse environmental impacts.
4. LPA (or consultant) completes technical studies and prepares technical reports and Administrative Draft EA according to appropriate Caltrans Annotated Outline. LPA (or consultant) completes the Environmental Document Review Checklist (ED Checklist), cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA.
5. LPA performs Quality Control Review of all technical reports and Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and completes and signs the External Readiness Certification form prior to submitting the Draft EA and technical studies to DLAE. Forms available at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.
6. LPA submits 5 copies of technical reports (or other number agreed upon by ~~SEP~~ Environmental Branch Chief) and Draft EA, original ED Checklist, and signed External QC Reviews form to the DLAE.
7. DLAE date stamps the Draft EA on date received, re-verifies that project is in the RTP and FSTIP, and provides a review of packet to ensure that the original fully signed External QC Reviews form, and the appropriate number of copies of the Draft EA and technical reports have been provided. If the signed External QC Reviews form is not present, the DLAE should return packet to the LPA and request Quality Control Review. If signed External QC Reviews form is present, the DLAE forwards packet to the District ~~SEP~~ Environmental Branch Chief (or designee). The DLAE submits packet (or CD, if acceptable by district) to the district ~~SEP~~ Environmental Branch Chief (or designee) and requests review.
8. District ~~SEP~~ Environmental Branch Chief (or designee) completes appropriate fields in LP2000.
9. District ~~SEP~~ Environmental Branch Chief (or designee) initiates the 3-step Quality Control Review process found in the SER: Chapter 38.
10. Resource/Technical Specialists review technical report(s) in their specialty area and respective sections of Draft EA for technical accuracy and consistency between technical report and EA and sign the Internal Quality Certification form.

    Note: The purpose of the Resource/Technical Specialist Review is to ensure consistency between the conclusions of the specific technical study and the information summarized in the ED. A Resource/Technical Specialist Review will be completed for each resource topic discussed in the ED as necessary.

    The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures, Cumulative Impacts), and will provide comments to ensure the following:

- Accuracy of the information in the ED
- Consistency between the technical study and the information as summarized in the ED
- All avoidance, minimization or mitigation measures are appropriately characterized and are feasible to implement
- All anticipated permit or approval actions have been accurately identified within the ED

The last district environmental technical specialist to review the Draft EA forwards the signed Internal Quality Certification form or list of deficiencies (if applicable) to the District ~~SEP~~ Environmental Branch Chief (or designee).

11. District ~~SEP~~ Environmental Branch Chief (or designee) checks to ensure that all of the Resource/Technical Specialists have signed the Internal QC Reviews form. ~~SEP~~ Environmental Branch Chief then forwards the Draft ED and technical studies to the NEPA Quality Control Reviewer.
12. NEPA Quality Control Reviewer reviews Draft EA for compliance with FHWA's NEPA standards, requirements, and policies, and signs the Internal QC Reviews form, or prepares list of deficiencies, then provides comments to the district Environmental Branch Chief~~/SEP~~ (or designee). The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council on Environmental Quality NEPA regulations and FHWA regulations, policies and standards for the implementation of NEPA, and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

    - Adequacy of the project's purpose and need statement, logical termini, independent utility, and project description.
    - Completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the ED.
    - All proposed avoidance, minimization, and mitigation measures are properly identified, characterized, and are reasonable and practicable to implement.
    - Evidence of coordination with any federal, state, and LPAs necessary to comply with federal regulatory requirements.
    - Compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance.
    - Compliance with other federal laws and regulations such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, E.O.11990-Protection of Wetlands, E.O. 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act.

    Note: The NEPA Quality Control reviewer must have the following qualifications:

    (1) At least 2 years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California;

(2) Demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews Environmental Impact Statements or Environmental Assessments, and

(3) Certificate of Completion in the Caltrans NEPA Compliance Training.

13. The ~~SEP~~ Environmental Branch Chief reviews the environmental document to ensure that all NEPA QC Program standards are being met for the project, and that the document is technically accurate and consistent with the SER, the annotated outlines, and other applicable guidance. The ~~SEP~~ Environmental Branch Chief review must provide comments to ensure:

- The adequacy of the purpose and need statement, logical termini, independent utility, and project description.
- All project alternatives are adequately described to support anticipated project impacts and proposed avoidance, minimization, and mitigation measures.
- All applicable State and federal laws, regulations, and guidance documents have been adhered to relative to resource issues addressed in the ED.
- All resource discussions derived from technical studies and memoranda are accurately summarized in the ED.

The ~~SEP~~ Environmental Branch Chief must ensure that all required appropriate staff members have completed quality control reviews. If Individual Section 4(f) Evaluation is required, District ~~SEP~~ Environmental Branch Chief also requests HQ EC and Legal Office review the draft Individual Section 4(f) Evaluation, if applicable. Once reviewed and accepted by HQ EC, and Legal Office, the ~~SEP~~ Environmental Branch Chief recommends to DDD (Environmental) that title sheet is ready for signature.

Note: Under NEPA Assignment the DDD for Environmental is authorized to approve Individual Section 4(f) Evaluations. A stand-alone Individual Section 4(f) Evaluation and an Individual Section 4(f) Evaluation that is included with a Routine EA must be submitted to the appropriate HQ EC and Legal Office for review. No Individual Section 4(f) Evaluation may be approved until it has been reviewed and accepted by the HQ EC and a Legal review has been completed (for draft evaluation) or legal sufficiency determined (for final evaluation) by the appropriate Legal Office. Caltrans will coordinate with the FHWA prior to determining that any action constitutes a constructive use of land from a publicly owned park, public recreation area, wildlife refuge, waterfowl refuge, or historic site.

~~Figure 6-2: Routine Environmental Assessment (EA) Process Flowchart~~

Is Draft EA complete and sufficient? If "No," GO TO STEP #14. If "Yes," GO TO STEP #17.

14. District ~~SEP~~ Environmental Branch Chief (or designee) prepares transmittal letter or email to the LPA, or documents meeting (if applicable) with LPA, summarizing all comments received from district technical specialists.
15. District DLAE (or designee) sends transmittal letter or email outlining any deficiencies to the LPA; files copy of the letter, email or documented meeting with LPA in the project file and provides the ~~SEP~~ Environmental Branch Chief with a copy.
16. LPA modifies technical reports and/or Draft EA, according to Caltrans comments, and resubmits report(s) and Draft EA to the DLAE beginning at Step #6. The review and comment process (steps 6-16) are repeated until the district determines that the document is completed and sufficient (note: a revised External QC Reviews form is required for each iteration of the document).
17. District ~~SEP~~ Environmental Branch Chief signs and transmits letters to resource and regulatory agency initiating formal consultation and recommends to DD or designee, that title page is ready for signature.

    Note: Copies of the letters requesting formal consultation with resource and regulatory agencies and a copy of the letter requesting AQ Conformity Determination from FHWA must be retained by District ~~SEP~~ Environmental Branch Chief (or designee) in order to complete the required fields in LP2000. Copies of response letters from resource and regulatory agencies are also transmitted to the DLAE and the District ~~SEP~~ Environmental Branch Chief (or designee).

18. DD (or DDD-Environmental or EOC, if designated) signs Draft EA cover sheet and returns to District ~~SEP~~ Environmental Branch Chief (or designee).
19. District ~~SEP~~ Environmental Branch Chief (or designee) prepares transmittal letter or email to the LPA or documents meeting with LPA (if applicable) confirming availability of the signed Draft EA cover sheet.
20. District DLAE (or designee) sends transmittal letter or email to the LPA and files copy of the letter, email or documentation of meeting, if applicable, with the LPA regarding availability of the signed Draft EA in the project file. District ~~SEP~~ Environmental Branch Chief (or designee) completes appropriate fields in LP2000.
21. LPA prepares Notice of Availability (NOA) of EA, available at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates and sends NOA and a copy of the EA to the state and area clearinghouses. If Joint IS/EA, the submissions required by CEQA fulfill NEPA's requirement.
22. LPA prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper.

    Note: 23 CFR 771.119(e) requires that the EA be available for minimum of 15 days in advance of the public hearing.

23. PUBLIC AVAILABILITY – 30 DAYS.

Did the EA or comments received from the public indicate that the proposed action will have a significant environmental effect? If "No," GO TO STEP #24. If "Yes," GO TO Section 6.10: Step by Step Procedures – Environmental Impact Statement, and discuss the need to prepare and EIS with the DLAE and District ~~SEP~~ Environmental Branch Chief STEP #43.

24. LPA prepares Final EA according to appropriate Caltrans Annotated Outline, provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates, and LPA completes the Environmental Document Review Checklist, cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA as necessary to respond to public comments received.
25. LPA performs Quality Control review of the Final EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos and completed and signs the External Readiness Certification provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.
26. LPA sends Final EA, Environmental Document Review Checklist, Notice of Public Hearing or Notice of Opportunity for Public Hearing, and summary of comments received to the DLAE.
27. DLAE forwards packet to the District ~~SEP~~ Environmental Branch Chief (or designee).
28. District ~~SEP~~ Environmental Branch Chief sends a request for AQ Conformity Determination to FHWA: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/conformity-letter-a11y.docx and the District ~~SEP~~ Environmental Branch Chief (or designee) initiates 3-step Quality Control Review process by sending Final EA to appropriate district technical specialists and requesting a Quality Control Review. Per Chapter 38 of the SER, the Internal Peer review and the Technical Editor Review are not required as these steps are performed by the LPA or their consultants.

    Note**:** The conformity determination cannot be completed until there is a public comment period on the analysis. Most of the time the public circulation of the environmental document serves as the public circulation for the conformity analysis.

29. District Technical Resource Specialists review technical report(s) and respective sections of Final EA for technical accuracy and consistency between technical report and EA, sign the Internal QC Reviews form, and forward the signed form or (if applicable) list of deficiencies to the District ~~SEP~~ Environmental Branch Chief (or designee).

    Note: All consultations with resource/regulatory agencies must be complete and applicable documentation included in the ED prior to signing the Final EA. District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000.

30. District ~~SEP~~ Environmental Branch Chief (or designee) reviews the Final EA and technical report(s) to ensure that all Quality Control Program standards are being met for the project, that the document is technically accurate and consistent with the SER, the annotated outlines, and other applicable guidance.

    Note: For Local Assistance projects, only the Resource/Technical Specialist Review, NEPA Quality Control Review, and the Environmental Branch Chief~~/or SEP~~

~~Review~~ are required. The NEPA Quality Control Review may occur concurrent with the ~~SEP~~ Environmental Branch Chief review.

31. NEPA Quality Control Reviewer reviews technical reports and Final EA for compliance with FHWA's NEPA standards, requirements, and policies; signs the Internal Quality Certification form or (if applicable) prepares list of deficiencies, and forwards to the District ~~SEP~~ Environmental Branch Chief (or designee).
32. District ~~SEP~~ Environmental Branch Chief drafts FONSI and requests EOC review of Final EA and FONSI.

Is Final EA complete and sufficient, and is FONSI ready for signature? If "No," GO TO STEP #33. If "Yes," GO TO STEP #37.

33. District ~~SEP~~ Environmental Branch Chief (or designee) prepares transmittal letter or email to the LPA, or documents meeting with LPA, if applicable, outlining deficiencies or reasons why a FONSI is not ready for approval, and forwards a copy to the DLAE.
34. District DLAE (or designee) sends transmittal letter or email outlining deficiencies to the LPA; files the letter, email or documents meeting with the LPA (if applicable) in the project file, and provides the ~~SEP~~ Environmental Branch Chief with a copy.
35. LPA revises Final EA accordingly and resubmits to the District ~~SEP~~ Environmental Branch Chief (or designee) via the DLAE, or if an EIS must be prepared, proceed to Section 6.10: Step by Step Procedures – Environmental Impacts Statement.
36. District ~~SEP~~ Environmental Branch Chief reviews the revised Final EA. If still deficient GO TO Step # 33. Steps 33 through 36 are repeated until the district determines that the document is complete and sufficient. Once sufficient, District ~~SEP~~ Environmental Branch Chief drafts the FONSI.
37. District ~~SEP~~ Environmental Branch Chief requests legal review if an Individual Section 4(f) Evaluation is required either stand-alone or part of ED. Once Legal Office has determined that the Individual Section 4(f) Evaluation is legally sufficient, the District ~~SEP~~ Environmental Branch Chief recommends to the DD (or DDD or EOC, if designated) that the Final EA and FONSI is ready for signature.
38. The DD (or DDD-Environmental or EOC, if designated) signs the Final EA cover sheet and FONSI and returns the signed FONSI to the District ~~SEP~~ Environmental Branch Chief (or designee).
39. District ~~SEP~~ Environmental Branch Chief (or designee) forwards signed Final EA cover sheet and FONSI to the DLAE and updates LP2000.
40. DLAE sends signed Final EA cover sheet and FONSI to the LPA and notifies LPA that they may begin final design.
41. LPA sends the NOA of the FONSI to the affected units of federal, state, and local government, and distributes Final ED to anyone that commented.
42. LPA begins final design and provides the DLAE with each of the following:
    - A list of all Mitigation Commitments
    - A copy of all environmental permits, agreements, or approvals (that is, Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry)
43. District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000.

44. After the FONSI has been signed, the ~~SEP~~ Environmental Branch Chief (or designee) may prepare a "Notice of Statute of Limitations on Claims" and submit to FHWA for publication in the Federal Register: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-31-environmental-assessment-finding-of-no-significant-impact#statuteoflimitations.

    An example of SOL notice can be found at https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/fhwa-sol-guidance-a11y.pdf.

6.9 Step-by-Step Procedures – Complex Environmental Assessment (EA)

Complex EAs are projects that involve one or more of the following:

- multiple location alternatives
- debate related to purpose and need
- strong public controversy
- issues of logical termini or independent utility
- individual Section 4(f) determinations
- complex Endangered Species Act issues
- numerous cumulative impacts
- high mitigation costs

The requirement to prepare an EA in general may come about through one or more of the following situations:

- Based on information gathered during the PES, where it is clear that the proposed project will not qualify for a CE or where unusual circumstances are likely. ~~The LPA identifies the potential for significance under Section A of the PES and recommends the development of an EA (under Section E of the PES).~~ The DLAE and District ~~SEP~~ Environmental Branch Chief determine that an EA is the appropriate NEPA Class of Action with email concurrence of the HQ EC and sign the PES.
- During or upon completion of technical studies when it becomes apparent that the proposed project will not qualify for a CE or that unusual circumstances exist, the decision to prepare an EA is made by the District ~~SEP~~ Environmental Branch Chief in collaboration with the DLAE and with email concurrence of the HQ EC, and must be clearly documented for the project file. A meeting should be conducted with the LPA to discuss why the project is not a CE and to advise the LPA on the requirements for an EA. The decision to follow the Complex EA process will be made by the District Environmental Branch Chief ~~SEP~~ as soon as sufficient information is available.

~~**The Complex Environmental Assessment (EA) process is shown in Figure 6-3: Complex Environmental Assessment (EA) Process Flowchart. The numbers on the flowchart correlate with the step-by-step procedures within this section.**~~

1. LPA receives the signed PES recommending a complex EA as the NEPA Class of Action.
2. LPA prepares the Scope of Work/Consultant Contract (if necessary) according to LAPM Chapter 10: Consultant Selection, and the requirements identified in the PES and policy and guidance set forth in the SER.

3. LPA identifies alternatives and measures to minimize the potential for adverse environmental impacts.
4. LPA completes technical studies and reports, prepares the Administrative Draft EA according to the appropriate Caltrans Annotated Outline. LPA completes the Environmental Document Review Checklist cross-referencing items on the checklist with the corresponding page numbers found in the Administrative Draft EA.
5. LPA performs Quality Control Review of all technical reports and Administrative Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and completes and signs External Readiness Certification form prior to submitting the Draft EA and technical studies to DLAE. External Readiness Certification form is provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.
6. LPA signs Administrative Draft EA title page and submits the following completed and original signed documents to the DLAE:
    - Environmental Document Review Checklist
    - External Readiness Certification form
    - Five hard copies of Administrative Draft EA (or an electronic copy, if requested)
    - Two hard copies of each technical report
    - Electronic copy of each technical report
7. DLAE date stamps the Administrative Draft EA on date received, re verifies that the project is in the FSTIP. Provides a cursory review of packet to ensure that the original fully signed Environmental Document Review Checklist, the completed fully signed External Readiness Certification form, and the appropriate numbers of copies of the Administrative Draft EA and technical reports have been provided. Submits packet (or CD, if requested) to District ~~SEP~~ Environmental Branch Chief (or designee).
8. District ~~SEP~~ Environmental Branch Chief (or designee) updates LP2000.
9. District ~~SEP~~ Environmental Branch Chief (or designee) initiates 5-step Quality Control Review process of the Administrative Draft EA and technical studies by distributing one copy of the applicable technical report and one copy of the Administrative Draft EA to each appropriate district technical specialist, and requesting that each reviewer perform district Quality Control Review of the technical report(s) and the Administrative Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment.
10. Resource/Technical Specialists review technical report(s) in their specialty area and respective sections of Administrative Draft EA for technical accuracy and consistency between technical report and EA and sign Internal Quality Certification form.

    Note: The purpose of the district Resource/Technical Specialists review is to ensure consistency between the conclusion of the specific technical study with information summarized in the Environmental Document (ED). A Resource/Technical Specialist Review will be completed for each resource topic discussed in the ED. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment,

Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measure, Cumulative Impacts) and will provide comments to ensure the following:

- Accuracy of the information in the ED;
- Consistency between the technical study and the information as summarized in the ED;
- All avoidance, minimization, or mitigation measures are appropriately characterized and are feasible to implement; and
- All anticipated permit or approval actions have been accurately identified within the ED.

The last district environmental technical specialist to review the Draft EA forwards the signed Internal Quality Certification form or list of deficiencies (if applicable) to the District ~~SEP~~ Environmental Branch Chief (or designee).

11. District ~~SEP~~ Environmental Branch Chief (or designee) checks to ensures that all of the Resource/Technical Specialists have signed the Internal Quality Certification form. ~~SEP~~ Environmental Branch Chief then forwards the Draft environmental document and technical studies to the NEPA Quality Control Reviewer.
12. NEPA Quality Control Reviewer reviews the Administrative Draft EA for compliance with FHWA's NEPA standards, requirements, and policies.

    Note: The Caltrans NEPA Quality Control reviewer must have the following qualifications:

    (1) At least 2 years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California;

    (2) Demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews Environmental Impact Statements or Environmental Assessments, and

    (3) Certificate of Completion in the Caltrans-Division of Environmental Analysis (DEA) NEPA Compliance Training.

The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council on Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies, and standards for the implementation of NEPA and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

- Adequacy of the project's purpose and need statement, logical termini, independent utility, and project description;
- Completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the document;
- All proposed avoidance, minimization, and mitigation measures are properly identified, characterized, and are reasonable and practicable to implement;
- Evidence of coordination with any federal, state, and LPAs necessary to comply with federal regulatory requirements;
- Compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance; and
- Compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section

404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act.

NEPA Quality Control Reviewer signs the Internal Quality Certification form, or prepares list of deficiencies (if applicable), then provides comments to the district Environmental Branch Chief/~~SEP~~ (or designee).

13. The ~~SEP~~ Environmental Branch Chief performs district quality control review of Administrative Draft EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and considers whether the Administrative Draft EA is ready for HQ review.

Is Administrative Draft EA ready for HQ review? If "No," GO TO STEP #14. If "Yes," GO TO STEP #17.

14. When Administrative Draft or technical reports are deficient, District ~~SEP~~ Environmental Branch Chief (or designee) prepares transmittal letter or email to the LPA, or documents telephone conversation or meeting with the LPA (if applicable) outlining all deficiencies, and requests that the Administrative Draft EA be revised as necessary based on the district/NEPA Quality Control reviewer's comments. Comments received from all 3 levels of review will form the basis of revisions to the Administrative Draft EA.
15. District DLAE (or designee) sends transmittal letter or email to the LPA and files a copy of the letter, email, or documented meeting (if applicable) with the LPA in the project file, and provides a copy to the ~~SEP~~ Environmental Branch Chief.
16. LPA revises Administrative Draft EA per district and NEPA Quality Control reviewer's comments and resubmits at Step #6.
17. When Administrative Draft EA and technical reports are complete and sufficient, District ~~SEP~~ Environmental Branch Chief submits the following to the HQ EC and requests a Quality Assurance Review of the Administrative Draft EA:
    - Transmittal Memo signed by the district/region ~~SEP~~ Environmental Branch Chief requesting review
    - Five copies of the Administrative Draft EA or CD
    - One copy of each technical study (or on CD, if requested)
    - One copy of LPA completed Environmental Document Review Checklist
    - One copy of LPA completed and signed External Readiness Certification form
    - One copy of completed and signed Internal Quality Certification form

    The Legal Office will review EAs, as time is available, at the request of the district/ region. If an Individual Section 4(f) Evaluation is required, District ~~SEP~~ Environmental Branch Chief also requests HQ EC and Legal Office review the draft Individual Section 4(f) Evaluation. Once reviewed and accepted by HQ EC, Legal Office and the district EOC, recommends to DDD-Environmental that the title page is ready for signature.
18. HQ EC performs a QA Review of the environmental document to determine if the Administrative Draft EA is substantively complete and ready for interdisciplinary quality assurance review.

In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:

- Correct title page
- All chapters and necessary resource topics are present and complete
- All appendices are present and complete
- All required correspondence relative to procedural and regulatory requirements
- Complete, clear, legible, and logical exhibits and figures

Once the submittal is deemed complete, the review period is 22 business days.

HQ EC will lead an interdisciplinary team of HQ technical specialists to review the document. Technical specialists will review pertinent portions of the document for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review.

The HQ EC will review the entire environmental document and perform a NEPA quality assurance review.

Did HQ EC find the Administrative Draft EA complete? If "No," GO TO STEP #19. If "Yes," GO TO STEP #22.

19. When the HQ EC finds the Administrative Draft EA incomplete, the HQ EC will consolidate and transmit comments on the Administrative Draft EA to the District ~~SEP~~ Environmental Branch Chief (or designee), who in turn drafts a transmittal memo to the LPA outlining HQ EC quality assurance comments and requesting the LPA make the necessary revisions to the Administrative Draft EA.
20. LPA revises Administrative Draft EA in response to HQ EC comments and resubmits revised Draft to District ~~SEP~~ Environmental Branch Chief (or designee).

    Note: District/Region and HQ EC staff are available to assist LPA with: (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the district/region/DLAE to facilitate this process.

21. District ~~SEP~~ Environmental Branch Chief (or designee) reviews the revised Administrative Draft EA and submits revised Internal Quality Certification form to reflect that all comments have been appropriately addressed and submits the following materials to HQ EC for HQ Pre-Approval Review:
    - Transmittal Memo signed by the district/region ~~SEP~~ Environmental Branch Chief stating that the document has been revised pursuant to HQ EC comments and requesting pre-approval review.
    - One copy of the revised environmental document
    - One copy of revised environmental document with track changes
    - One copy of comments with a response key

- One copy of the completed Environmental Document Review Checklist, as revised
- One copy of the signed revised Internal Quality Certification form

22. HQ EC reviews the revised Administrative Draft EA to ensure that all comments have been adequately addressed and the Administrative Draft EA is ready for signature. The review period is 10 business days. HQ EC must concur that its comments have been addressed. At this point, the HQ EC will take one of the following actions:
    - Find that minor changes are needed and coordinate directly with the document preparer to make the changes. GO TO STEP #19.
    - Determine that substantive issues remain and inform the District ~~SEP~~ Environmental Branch Chief in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision. GO TO STEP #19.
    - Conclude that the environmental document is adequate and ready for circulation. GO TO STEP #24.
23. HQ EC recommends in writing that the revised Administrative Draft EA is ready for signature.
24. District ~~SEP~~ Environmental Branch Chief and the HQ EC will recommend to the DD (or DDD- Environmental or EOC, if designated) that the title sheet is ready for signature.
25. DD (or DDD-Environmental or EOC, if designated) signs the Draft EA title sheet and returns the signed title sheet to the District ~~SEP~~ Environmental Branch Chief (or designee).

    Note: The DD may delegate signature authority to the DDD for Environmental or the EOC managing the environmental assessment unit that reviewed the document.

26. District ~~SEP~~ Environmental Branch Chief (or designee) prepares and sends a letter or email to the LPA, or contacts the LPA via telephone, to inform them that the Draft EA title sheet has been signed and that they may begin public circulation.
27. District ~~SEP~~ Environmental Branch Chief (or designee) provides a copy of the signed Draft EA title sheet to the DLAE and includes a copy of the signed Draft EA title sheet and transmittal in the project file.
28. LPA prepares the NOA of the EA and sends NOA and a copy of the Draft EA to the State and area wide clearinghouses. If Joint IS/EA, the submissions required by CEQA fulfills the NEPA requirement.
29. LPA prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper.

    Note: 23 CFR 771.119(e) requires that the EA be available for minimum 15 days in advance of the public hearing.

30. PUBLIC AVAILABILITY – 30 DAYS

Did the EA or comments received from the public indicate that the proposal will have a significant environmental effect? If "No," GO TO STEP #31. If "Yes," discuss the need to prepare an EIS with DLAE and District ~~SEP~~ Environmental Branch Chief.

31. LPA prepares Administrative Final EA according to appropriate Caltrans Annotated Outline and LPA completes the Environmental Document Review Checklist cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA as necessary to respond to public comments received.

    Completes and signs the External Readiness Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

32. LPA drafts FONSI recommendation.

33. LPA sends the Administrative Final EA, Notice of Public Hearing, Summary of Comments received, and original signed External Readiness Certification form to the DLAE.

~~Figure 6-3: Complex Environmental Assessment (EA) Process Flowchart~~

34. DLAE date stamps and forwards Administrative Final EA packet to the District ~~SEP~~ Environmental Branch Chief (or designee). District ~~SEP~~ Environmental Branch Chief sends request for AQ Conformity Determination to FHWA. FHWA makes Air Quality conformity determination prior to NEPA approval.
35. District SEP Environmental Branch Chief (or designee) initiates 3-step Quality Control Review (Resource/Technical Specialist Review, NEPA Quality Control Review, and Environmental Branch Chief Review~~/SEP~~) by sending one copy of the technical report and one copy of the Final EA to all applicable Resource/Technical Specialists and requesting that each specialist perform district Quality Control Review of the technical report(s) and the Administrative Final EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.
36. Resource/Technical Specialists review technical report(s) in their specialty area and respective sections of Administrative Final EA for technical accuracy and consistency between technical report and EA and sign Internal Quality Certification form.

    The last district environmental technical specialist to review the Draft EA forwards the signed Internal Quality Certification form or list of deficiencies (if applicable) to the District ~~SEP~~ Environmental Branch Chief (or designee).
37. District ~~SEP~~ Environmental Branch Chief (or designee) checks to ensure that all the Resource/Technical Specialists have signed the Internal Quality Certification form. ~~SEP~~ Environmental Branch Chief then forwards the Draft environmental document and technical studies to the NEPA Quality Control Reviewer.
38. NEPA Quality Control Reviewer reviews the Administrative Final EA for compliance with FHWA's NEPA standards, requirements, and policies.

    Note: The Caltrans NEPA Quality Control reviewer must have the following qualifications:

    (1) At least 2 years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California,

    (2) Demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews Environmental Impact Statements or Environmental Assessments, and

    (3) Certificate of Completion in the Caltrans-Division of Environmental Analysis (DEA) NEPA Compliance Training.

    The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council on Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies, and standards for the implementation of NEPA and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

    - Adequacy of the project's purpose and need statement, logical termini, independent utility, and project description;
    - Completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the document;

- All proposed avoidance, minimization, and mitigation measures are properly identified, characterized, and are reasonable and practicable to implement;
- Evidence of coordination with any federal, state, and LPAs necessary to comply with federal regulatory requirements;
- Compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance; and
- Compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act.

NEPA Quality Control Reviewer signs the Internal Quality Certification form, or prepares list of deficiencies (if applicable), then provides comments to the District Environmental Branch Chief~~/SEP~~ (or designee).

39. The ~~SEP~~ Environmental Branch Chief performs district quality control review of Administrative Final EA according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and considers whether the Administrative Final EA is ready for HQ review.

Is Administrative Final EA ready for HQ review? If "No," GO TO STEP #40. If "Yes," GO TO STEP #44.

40. District ~~SEP~~ Environmental Branch Chief (or designee) prepares a letter to the LPA, or notifies the LPA via email, or meeting regarding deficiencies in the Administrative Final EA.
41. District DLAE (or designee) sends transmittal letter or email to the LPA and files a copy of the letter, email, or documented telephone conversation or meeting (if applicable) with the LPA in the project file, and provides a copy to the ~~SEP~~ Environmental Branch Chief.
42. LPA revises Administrative Final EA accordingly and resubmits to District ~~SEP~~ Environmental Branch Chief (or designee) at Step #43.
43. District ~~SEP~~ Environmental Branch Chief reviews the revised Administrative Final EA and determines whether the revised Administrative Final EA is ready for HQ review. If "Yes," District ~~SEP~~ Environmental Branch Chief forwards the revised Administrative Final EA to HQ EC and requests Quality Assurance Review. If "No," District ~~SEP~~ Environmental Branch Chief (or designee) notifies LPA of deficiencies. Steps #40, #41, #42 and #43 are repeated until environmental document is ready for review. When Administrative Final EA is complete and sufficient, District ~~SEP~~ Environmental Branch Chief submits the following to the HQ EC and requests a Quality Assurance Review of the Administrative Final EA:
    - Transmittal Memo signed by the District/Region ~~SEP~~ Environmental Branch Chief stating that the document has been revised pursuant to the legal review or legal sufficiency review and requesting pre-approval review
    - One copy of the revised ED or 4(f)
    - One copy of revised ED or 4(f) with track changes (not read-only) showing additions and deletions

- One copy of comments with a response key
- One copy of LPA completed Environmental Document Review Checklist
- One copy of LPA completed and signed External Readiness Certification form
- One copy of completed and signed Internal Quality Certification form

The Legal Office will review EAs, as time is available, at the request of the district/ region. If an Individual Section 4(f) Evaluation is required, District ~~SEP~~ Environmental Branch Chief also requests HQ EC and Legal Office review the draft Individual Section 4(f) Evaluation. Once reviewed and accepted by HQ EC, Legal Office and the District Environmental Branch Chief ~~SEP~~, recommends to DDD-Environmental that the title page is ready for signature.

44. HQ EC performs a QA Review of the environmental document to determine if the Administrative Final EA is substantively complete and ready for interdisciplinary quality assurance review.

    In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:

    - Correct title page
    - All chapters and necessary resource topics are present and complete
    - All appendices are present and complete
    - All required correspondence relative to procedural and regulatory requirements
    - Complete, clear, legible, and logical exhibits and figures

    Once the submittal is deemed complete, the review period is 30 days.

    HQ EC will lead an interdisciplinary team of HQ technical specialists to review the document. Technical specialists will review pertinent portions of the document for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review.

    HQ EC will review the entire environmental document and perform a NEPA quality assurance review.

Is Administrative Final EA ready for signature? If "No," notify District ~~SEP~~ Environmental Branch Chief (or designee) and GO TO STEP #45. If "Yes," GO TO STEP #49.

45. HQ EC (or designee) notifies the LPA of deficiencies.
46. LPA revises Administrative Final EA per HQ Quality Assurance Review and resubmits revised Administrative Final EA to the District ~~SEP~~ Environmental Branch Chief (or designee).
47. District ~~SEP~~ Environmental Branch Chief (or designee) reviews revised Administrative Final EA, modifies Internal Quality Certification form, as needed, and requests HQ pre-approval review.
48. HQ EC performs HQ pre-approval review.

Is Administrative Final EA ready for signature? If "No," GO TO STEP #45. If "Yes," GO TO STEP #49.

49. HQ EC recommends FONSI ready for signature.
50. District ~~SEP~~ Environmental Branch Chief recommends DD sign FONSI.
51. DD (or designee) signs FONSI and returns signed FONSI to District ~~SEP~~ Environmental Branch Chief.
52. District ~~SEP~~ Environmental Branch Chief forwards signed FONSI to DLAE and updates LP2000.
53. DLAE sends signed FONSI to the LPA and notifies them that they may begin final design.
54. LPA sends the NOA of the FONSI to the affected units of federal, state, and local government, begins final design, and provides the DLAE with each of the following:
    - A list of all Mitigation Commitments
    - A copy of all Environmental Permits (such as Coastal, 401, 404, Sec 10, Encroachment or Right of Entry)
55. District ~~SEP~~ Environmental Branch Chief updates LP2000.

    After the FONSI has been signed, the ~~SEP~~ Environmental Branch Chief (or designee) may prepare a "Notice of Statute of Limitations on Claims" and submit to FHWA for publication in the Federal Register. An example of SOL notice can be found at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/fhwa-sol-guidance-a11y.pdf.

6.10 Step-by-Step Procedures – Environmental Impact Statement (EIS)

The requirement to prepare an EIS may come about through one or more of the following situations:

- Based on information gathered during PES, it becomes clear that the proposed project will have a significant impact, or
- Technical studies or EA conclude that the project will cause a significant impact.

~~**The Environmental Impact Statement process is shown in Figure 6-4: Environmental Impact Statement Process Flowchart. The numbers on the flowchart correlate with the step-by-step procedures within this section.**~~

1. LPA receives signed PES recommending EIS.
2. LPA requests a meeting with DLAE, District ~~SEP~~ Environmental Branch Chief, and HQ EC (if available) to discuss the EIS process, EIS document requirements, and identify potential cooperating and participating agencies.
3. LPA prepares letters to cooperating and participating agencies inviting them to participate in the development of the environmental document. Some of the agencies that may have an interest in the project are listed under Section 7 of the PES. State agencies are considered Responsible and Trustee agencies (CDFW, State Lands, Department of Parks and Recreation) under CEQA. Federal agencies are considered

Cooperating Agencies. FHWA's Revised Guidance on Cooperating Agencies provides examples of letters inviting agencies to participate in the environmental process. LPA also drafts NOI (https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/noi-sample-text-a11y.docx). Typically, federal agencies have accepted their role (as Cooperating Agencies) prior to publication of the NOI and are listed in the NOI (note: a coordination plan must now be established no later than 90 days after the date of publication of an NOI and a schedule is now REQUIRED as part of the coordination plan).

4. LPA transmits NOI and invitation letters to the DLAE.
5. DLAE forwards letters and draft NOI to the District ~~SEP~~ Environmental Branch Chief (or designee).
6. District ~~SEP~~ Environmental Branch Chief sends the invitation letters to federal agencies.
7. District ~~SEP~~ Environmental Branch Chief forwards draft NOI to FHWA for publication in the FR.
8. FHWA publishes the NOI in the FR.
9. LPA arranges and conducts the scoping meeting to determine the scope of issues to be addressed, and identify significant issues related to the proposed actions.
10. LPA undertakes technical studies and prepares technical reports (as required) according to the guidance set forth in the SER.
11. LPA prepares Administrative Draft EIS consistent with Caltrans Annotated Outline in the SER provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates#aos.
12. LPA completes the Environmental Document Review Checklist, provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates#formsnepa.
13. LPA performs Quality Control Review of all technical reports and Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and completes and signs the External Readiness Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.
14. LPA submits the following completed and original signed documents to DLAE:
    - Environmental Document Review Checklist
    - External QC Reviews form
    - Five hard copies of Administrative Draft EIS
    - Electronic copy of Administrative Draft EIS
    - Two hard copies of each Technical Report
    - Electronic copy of each Technical Report
15. DLAE: (1) date stamps Administrative Draft EIS on date received, (2) verifies again that project is in the FSTIP, (3) provides cursory review of packet to ensure that the original

fully signed External QC Reviews form and the appropriate number of copies of the Administrative Draft EIS and technical reports have been provided, and (4) submits packet (or CD, if requested) to District ~~SEP~~ Environmental Branch Chief (or designee).

16. District ~~SEP~~ Environmental Branch Chief (or designee) updates the LP2000.
17. District ~~SEP~~ Environmental Branch Chief initiates and coordinates the Quality Control Review process according to Caltrans Environmental Document Quality Control Program under NEPA Assignment. Note: The LPA is responsible for Peer Review and Technical Editor Review of the environmental documents submitted to Caltrans. The District ~~SEP~~ Environmental Branch Chief initiates the review process of Administrative Draft EIS and technical studies by distributing one copy of the applicable technical report and one copy of the Administrative Draft EIS to each appropriate district technical specialist, and request that each reviewer perform district quality control review of the technical report(s) and the Administrative Draft EIS.
18. District technical specialists conduct quality control review of technical report(s) and respective sections of the Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.

    The purpose of the Resource Technical Specialist Review is to ensure the accuracy and internal consistency of specific resource studies and technical information summarized in the Administrative Draft EIS. A Resource Technical Specialist Review will be completed for each resource topic discussed in the ED. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (for example, Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization, or Mitigation Measures, Cumulative Impacts) and will provide comments to ensure the following:

    - Accuracy of the information in the ED;
    - Consistency between the technical study and the information as summarized in the ED;
    - All avoidance, minimization, or mitigation measures are appropriately characterized and are feasible to implement; and
    - All anticipated permit and/or approval actions have been accurately identified within the ED.

After reviewing the technical report and the Administrative Draft EIS, the district technical specialists sign the Internal Quality Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates, and provides District ~~SEP~~ Environmental Branch Chief with either a list of deficiencies, or the signed Internal QC Review form.

19. District ~~SEP~~ Environmental Branch Chief performs review of Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.

The District ~~SEP~~ Environmental Branch Chief (or designee) checks to ensure all the Technical Specialists have signed the Internal Quality Certification form and requests NEPA Quality Control Review of Administrative Draft EIS and technical studies.

20. District NEPA Quality Control Reviewer reviews the Administrative Draft EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.

The NEPA QC Reviewer signs the Internal Quality Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the District ~~SEP~~ Environmental Branch Chief.

Note: The Caltrans NEPA Quality Control Reviewers must have the following qualifications: (1) at least two years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California; (2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews Environmental Impact Statements (EISs) or Environmental Assessments; and (3) Certificate of Completion in Caltrans-Division of Environmental Analysis (DEA) NEPA Compliance Training.

The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council of Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies, and standards for the implementation of NEPA, and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

- Adequacy of the project's purpose and need statement, logical termini, independent utility, and project description;
- Completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the environmental document (ED);
- All proposed avoidance, minimization, and mitigation measures are properly identified, characterized, and are reasonable and practicable to implement;
- Evidence of coordination with any federal, state, and LPAs necessary to comply with federal regulatory requirements;
- Compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance; and
- Compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act.

21. District ~~SEP~~ Environmental Branch Chief requests EOC review Administrative Draft EIS.

22. District ~~SEP~~ Environmental Branch Chief performs district quality control review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos

    ~~SEP~~ Environmental Branch Chief signs the Internal Quality Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates or prepares list of deficiencies (if applicable).

    The ~~SEP~~ Environmental Branch Chief review ensures that NEPA QC Program standards are being met for the project, and that the document is technically accurate and consistent with the SER, the annotated outlines, and other applicable guidance. The ~~SEP~~ Environmental Branch Chief review must provide comments to ensure:

    - The adequacy of the purpose and need statement, logical termini, independent utility, and project description;
    - All project alternatives are adequately described to support anticipated project impacts and proposed avoidance, minimization, and mitigation measures;
    - All applicable State and federal laws, regulations, and guidance documents have been adhered to relative to resource issues addressed in the ED;
    - All resource discussions derived from technical studies and memoranda are accurately summarized in the ED.

    The ~~SEP~~ Environmental Branch Chief must ensure that all the required appropriate staff members have completed quality control reviews.

23. District ~~SEP~~ Environmental Branch Chief reviews the Internal QC Reviews form and considers all comments received during district quality control review.

Is Administrative Draft EIS complete and sufficient from the district's perspective? If "No," GO TO STEP #24. If "Yes," GO TO STEP #26.

24. When Administrative Draft EIS or technical reports are deficient, the District ~~SEP~~ Environmental Branch Chief (or designee) prepares a transmittal letter or email to the LPA, or contacts the LPA via telephone, to inform them of all deficiencies and requests that the Administrative Draft EIS be revised as necessary, based on the district quality control review. Comments received from all reviewers will form the letter or e-mail requesting revisions to the administrative environmental document. The District ~~SEP~~ Environmental Branch Chief sends the letter or email to the LPA, provides a copy to the DLAE, and updates appropriate fields in LP2000.

25. The LPA revises the Administrative Draft EIS according to the comments received and resubmits the draft (see STEPs #14 through 23).

26. When the Administrative Draft EIS and technical reports are complete and sufficient, the District ~~SEP~~ Environmental Branch Chief notifies HQ EC and the Legal Office that an Administrative Draft EIS will be submitted for their review in one week. To initiate HQ EC review, District ~~SEP~~ Environmental Branch Chief submits the following to the HQ EC and requests a Quality Assurance Review of Administrative Draft EIS (DLAE must be copied on all correspondence between the district, HQ EC, and legal):

- Transmittal Memo signed by the District ~~SEP~~ Environmental Branch Chief, requesting review of Administrative ED
- Five paper copies of the Administrative ED
- Five electronic copies of the Administrative Draft EIS
- One paper copy of each technical study
- One electronic copy of each technical study
- One copy of LPA completed Environmental Document Review Checklist
- One copy of LPA completed and signed External Readiness Certification form
- One copy of completed and signed Internal Quality Certification form

To initiate Legal Division review, the District ~~SEP~~ Environmental Branch Chief submits the following to HQ Legal and requests a legal review on the Administrative Draft EIS.

- Transmittal Memo signed by the District ~~SEP~~ Environmental Branch Chief, requesting legal review of draft EIS
- One paper copy of the Administrative Draft EIS
- One electronic copy of the Administrative Draft EIS
- One electronic copy of each technical study
- One copy of the LPA completed Environmental Document Review Checklist
- One copy of the completed and signed Internal Quality Certification form
- One copy of the LPA completed and signed External Readiness Certification form

27. HQ EC performs a quality assurance review of the Administrative Draft EIS to determine if the Administrative Draft EIS is substantively complete and ready for interdisciplinary quality assurance review. In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:

    - Correct title page
    - All chapters and necessary resource topics are present and complete
    - All appendices are present and complete
    - All required correspondence relative to procedural and regulatory requirements
    - Complete, clear, legible, and logical exhibits and figures

    Once the submittal is deemed complete, the review period is 22 business days. HQ EC will then lead an interdisciplinary team of HQ technical specialists to review the Administrative Draft EIS. HQ technical specialists will review pertinent portions of the Administrative Draft EIS for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review. HQ EC will review the entire Administrative Draft EIS, perform the NEPA Quality Assurance Review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at:

https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.

The responsible Legal Office performs a legal review of the Administrative Draft EIS, concurrently and independently of HQ review, to determine if significant environmental issues are being appropriately addressed. The Legal Office will provide its legal review comments to the District ~~SEP~~ Environmental Branch Chief with a copy to HQ EC. Comments from the Legal Office are independent from HQ EC comments.

~~Figure 6-4: Environmental Impact Statement (EIS) Process Flowchart~~

~~Figure 6-4: Environmental Impact Statement (EIS) Process Flowchart- continued~~

Did HQ EC and Legal find the Administrative Draft EIS complete? If "Yes," HQ EC will recommend to the District ~~SEP~~ Environmental Branch Chief that the Administrative Draft EIS title page is ready for signature. GO TO STEP #35. If "No," GO TO STEP #28.

28. When HQ EC or HQ Legal find Administrative Draft EIS incomplete, HQ EC will consolidate all comments received from the interdisciplinary team and transmit comments on Administrative Draft EIS to the District ~~SEP~~ Environmental Branch Chief. A copy of HQ EC comments will be provided to the responsible Legal Office.

    The Legal Office will also transmit its comments to the District ~~SEP~~ Environmental Branch Chief for local assistance with a copy to HQ EC. Comments from Legal Office are independent from HQ EC comments.

29. District ~~SEP~~ Environmental Branch Chief (or designee) prepares a letter or email to the LPA, or contacts the LPA via telephone, to inform them of HQ EC and HQ Legal comments, and requests LPA make the necessary revisions to the Administrative Draft EIS. District ~~SEP~~ Environmental Branch Chief (or designee) provides the DLAE with a copy of the letter or email, and updates LP2000.

    Note: HQ Legal comments remain internal to Caltrans. Only a summary of HQ Legal comments must be provided to the LPA. District and HQ EC staff should assist the LPA with: (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the district/region/DLAE to facilitate this process.

30. LPA revises Administrative Draft EIS in response to all comments received and resubmits revised Administrative Draft EIS to the DLAE/District ~~SEP~~ Environmental Branch Chief.

31. District ~~SEP~~ Environmental Branch Chief (or designee) reviews revised Administrative Draft EIS and revises Internal Quality Certification form, as appropriate, to reflect that all comments have been appropriately addressed.

Is revised Administrative Draft EIS responsive to HQ comments and ready for HQ EC pre-approval review? If "No," GO TO STEP #29. Steps #29 through #31 are repeated until all comments are adequately addressed. If "Yes," GO TO STEP #32.

32. District ~~SEP~~ Environmental Branch Chief submits the following materials to the HQ EC and requests HQ Pre- Approval Review:

    - Transmittal Memo signed by the District ~~SEP~~ Environmental Branch Chief stating that the Administrative Draft EIS has been revised pursuant to HQ EC comments and requesting pre-approval review
    - One copy of the revised ED
    - One copy of revised ED with track changes
    - One copy of comments with a response key
    - One copy of the completed Environmental Document Review Checklist, as revised
    - One copy of the completed and signed Internal Quality Certification form, as revised

District ~~SEP~~ Environmental Branch Chief also submits the following materials to the Legal Office:

- Transmittal memo signed by the District ~~SEP~~ Environmental Branch Chief stating that the document has been revised pursuant to the legal review and requested Pre-Approval Review
- One copy of the revised ED
- One copy of the revised ED with track changes
- One copy of the comments with a response key
- One copy of the completed Environmental Document Checklist, as revised
- One copy of the signed Internal Quality Certification form, as revised

33. HQ EC performs Pre-Approval Review of revised Administrative Draft EIS to ensure that all comments have been adequately addressed and that Administrative Draft EIS is ready for signature. Review period is 10 business days (note: ten working day review period is a goal; actual review time may vary depending upon complexity of issues and current workload).

34. HQ Legal performs Pre-Approval Review of the revised Administrative Draft EIS concurrently and independently of HQ EC, to ensure all comments have been adequately addressed and that Administrative Draft EIS is ready for signature. Review period is 10 working days (note: ten business days review period is a goal; actual review time may vary depending upon complexity of issues and current workload).

    Both HQ EC and Legal Office must concur that their comments have been addressed. At this point, HQ EC will take one of the following actions:

    - Find that minor changes are needed and coordinate directly with the document preparer to make the changes.
    - Determine that substantive issues remain and inform the district in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision.
    - Conclude that the ED is adequate and ready for circulation.

    No approval action may be taken until both HQ EC quality assurance and legal review are satisfied.

Did HQ EC and Legal find revised Administrative Draft EIS complete and ready for signature? If "No," HQ EC prepares a memorandum for the district detailing deficiencies requiring correction. GO TO STEP #28. Steps #28 through #34 will be repeated until document is ready for signature. If "Yes," Go to Step #35.

35. HQ EC recommends in writing to the District ~~SEP~~ Environmental Branch Chief that Administrative Draft EIS is ready for signature. An Administrative Draft EIS may not be signed until the HQ EC provides the ready for signature recommendation to the district.

36. When HQ EC recommends that revised Administrative Draft EIS is ready for signature, the district DDD and HQ EC jointly recommend to the DD that title page should be signed.

37. DD signs Draft EIS title page and returns the signed Title Sheet to the District ~~SEP~~ Environmental Branch Chief.
38. District ~~SEP~~ Environmental Branch Chief (or designee) prepares a letter or email to the LPA transmitting the signed Draft EIS title page and informing the LPA that they may begin public circulation.
39. District ~~SEP~~ Environmental Branch Chief updates LP2000.
40. District DLAE (or designee) transmits the letter or email, with signed Draft EIS title page, to the LPA and provides a copy to the DLAE.

    Note: In accordance with NEPA regulation 40 CFR 1506.9, the Department is required to submit all EISs, together with comments and responses, to the U.S. Environmental Protection Agency (U.S. EPA) in Washington D.C. U.S. EPA will prepare a Notice of Availability (NOA) for publication in the Federal Register. All submissions will be made electronically via U.S. EPA's e-mail NEPA system. In addition to the e-NEPA submission, two hard copies of the DEIS must be sent to the appropriate U.S. EPA Regional Office.

41. Following receipt of the signed Draft EIS title page and notification to begin public circulation, the LPA prepares the NOA of Draft EIS and sends the NOA and a copy of the Administrative Draft EIS to the state and area wide clearinghouses. If Joint EIS/EIR, the submissions required by CEQA fulfill the NEPA requirement.
42. LPA prepares and places the Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper.

    Note: 23 CFR 771.123(h) requires that the draft EIS be available for a minimum of 15 days prior to the public hearing.

43. PUBLIC AVAILABILITY – 45 DAYS.
44. LPA responds to public comments, revises the EIS (as needed), prepares the Administrative Final EIS consistent with Caltrans Annotated Outline in the SER at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates, and completes the Environmental Document Review Checklist.
45. LPA performs Quality Control review of all technical reports and Administrative Final EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.

    LPA completes and signs the External Readiness Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates.

    LPA submits the following completed and original signed documents to the DLAE:

    - One hardcopy and CD of the Administrative Final EIS
    - Notice of Public Hearing
    - Summary of comments received
    - Original signed External Readiness Certification form

46. DLAE re-verifies that project is in the FSTIP and forwards packet to the District ~~SEP~~ Environmental Branch Chief (or designee).
47. District ~~SEP~~ Environmental Branch Chief updates LP2000.

Note: EIS must be available for a minimum of 15 days in advance of the public hearing.

48. District ~~SEP~~ Environmental Branch Chief sends a request for Air Quality Conformity Determination to the FHWA and the District ~~SEP~~ Environmental Branch Chief initiates and coordinates the 5-step Quality Control Review process of the Administrative Final EIS according to the Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos. This policy memorandum describes procedures that Caltrans would implement for environmental documents to ensure compliance with NEPA and other federal laws. For Local Assistance projects, only the Resource/Technical Specialists Review, NEPA Quality Control Review, and the Environmental Branch Chief Review ~~or SEP Review~~ are required. The NEPA Quality Control Review may occur concurrent with the ~~SEP~~ Environmental Branch Chief review. This Local Assistance 5-step Quality Control Review is consistent with the SER: Chapter 38.

Note: The conformity determination cannot be finalized until there is a public comment period on the analysis. Most of the time the public circulation of the environmental document serves as the public circulation for the conformity analysis.

49. District technical specialists conduct Quality Control Review of technical report(s) and respective sections of the Administrative Final EIS according to the Caltrans Environmental Document Quality Control Program under NEPA Assignment and sign the Internal Quality Certification form and forward the signed form or list of deficiencies to the District ~~SEP~~ Environmental Branch Chief (if applicable).
50. District ~~SEP~~ Environmental Branch Chief performs review of Administrative Final EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and signs the Internal Quality Certification form, prepares list of deficiencies, and requests NEPA Quality Control Review of Administrative Final EIS and technical studies.
51. NEPA Quality Control Reviewer reviews Administrative Final EIS according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and signs the Internal Quality Certification form or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the District ~~SEP~~ Environmental Branch Chief (or designee).
52. District SEP Environmental Branch Chief requests the district EOC to perform the District Quality Control Review of Administrative Final EIS.
53. Environmental Office Chief performs District Quality Control Review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment and signs the Internal Quality Certification form or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the District SEP Environmental Branch Chief (or designee).

54. District Environmental Office Chief reviews Internal Quality Certification form and considers all comments received during District Quality Control Review.

Is Administrative Final EIS complete and sufficient from the district's perspective? If "No," GO TO STEP #55. If "Yes," GO TO STEP #57.

55. When Administrative Final EIS or technical reports are deficient, the District ~~SEP~~ Environmental Branch Chief prepares a letter to the LPA informing them of all deficiencies and requests that the Administrative Final EIS be revised, as necessary, based on the District Quality Control Review. Comments received from all reviewers will form letter requesting revisions to the Administrative Final EIS document.

56. LPA revises the Administrative Final EIS and resubmits document from Step #45.

57. District ~~SEP~~ Environmental Branch Chief notifies the HQ EC and Legal Office that the Administrative Final EIS will be submitted for their review and determination of legal sufficiency, respectively, in one week. To initiate HQ review, District ~~SEP~~ Environmental Branch Chief submits the following to the HQ EC and requests a Quality Assurance Review of the Administrative Final EIS: (DLAE must be copied on all correspondence between the district, HQ EC and Legal).

    - Transmittal Memo signed by the District ~~SEP~~ Environmental Branch Chief requesting review of Final EIS
    - Five hardcopies of the Final EIS and one CD
    - One hardcopy of revised technical reports and one CD
    - One copy of LPA completed Environmental Document Review Checklist (for Final)
    - One copy of LPA completed and signed External Readiness Certification form
    - One copy of completed and signed Internal Quality Certification form

    District ~~SEP~~ Environmental Branch Chief will also request the Legal Office to conduct a Legal Sufficiency Review of the Administrative Final EIS. The HQ EC Review and the Legal Sufficiency Review typically occur in parallel.

    To initiate Legal Sufficiency Review, District ~~SEP~~ Environmental Branch Chief submits the following to the Legal Office and requests determination of legal sufficiency:

    - Transmittal Memo signed by the District ~~SEP~~ Environmental Branch Chief, requesting review
    - One copy of the Administrative Draft EIS
    - One electronic copy of the Administrative Draft EIS
    - One electronic copy of each technical study
    - One copy of the LPA completed Environmental Document Review Checklist
    - One copy of the completed and signed Internal Quality Certification form
    - One copy of the LPA completed and signed External Readiness Certification form

58. HQ EC performs a Quality Assurance Review of the Administrative Final EIS to determine if the document is substantively complete and ready for interdisciplinary quality assurance review.

The review period is 30 days. In making this determination, the HQ EC will confirm that the Final EIS follows the annotated outline and includes the following:

- Correct title page
- All chapters and necessary resource topics are present and complete
- All appendices are present and complete
- All required correspondence relative to procedural and regulatory requirements
- Complete, clear, legible, and logical exhibits and figures

HQ EC will then lead an interdisciplinary team of HQ technical specialists to review the Administrative Final EIS. HQ technical specialists will review pertinent portions of the Administrative Final EIS for accuracy and to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review. The HQ EC will review the entire Administrative Final EIS, performing the NEPA Quality Assurance Review according to Caltrans Environmental Document Quality Control Program under NEPA Assignment provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/policy-memos.

HQ EC signs the Internal Quality Certification form provided at: https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates or (if applicable) prepares list of deficiencies.

The Legal Office performs a Legal Sufficiency Review of the revised Administrative EIS. The Legal Office will provide its Legal Sufficiency Review comments to the District ~~SEP~~ Environmental Branch Chief with a copy to the HQ EC. Comments from the Legal Sufficiency Review are independent from HQ EC comments.

Did HQ EC and Legal find the Administrative Final EIS complete? If "Yes," HQ EC will recommend to the District ~~SEP~~ Environmental Branch Chief that the Final EIS title page is ready for signature. The title page may not be signed until the ready-for-signature recommendation is received by the district/region. GO TO STEP #67. If "No," GO TO STEP #59.

59. If HQ EC or Legal Office find Administrative Final EIS incomplete, the HQ EC will transmit comments on the environmental document to the District ~~SEP~~ Environmental Branch Chief with a copy to the DLAE and to the responsible Legal Office. Legal Office will transmit its Legal Sufficiency Review comments to the District ~~SEP~~ Environmental Branch Chief and DLAE if applicable, with a copy to the HQ EC.

Is revised Administrative Final EIS responsive to HQ EC and Legal comments? If "No," GO TO STEP #60. Steps #60 through #64 must be repeated until document is adequate. If "Yes," GO TO STEP #65.

60. District ~~SEP~~ Environmental Branch Chief (or designee) prepares memo summarizing HQ EC and Legal Office comments and requests LPA make the necessary revisions to the Administrative Final EIS.

    Note: The district staff and HQ EC should assist LPA with: (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the district/region/DLAE to facilitate this process.

61. District EOC signs the letter.

62. District ~~SEP~~ Environmental Branch Chief (or designee) sends the letter to the LPA, provides a copy to the DLAE includes a copy in the project file, and updates appropriate fields in LP2000.

63. LPA revises Administrative Final EIS in response to all HQ comments and resubmits revised Administrative Final EIS to the District ~~SEP~~ Environmental Branch Chief (or designee).

64. District ~~SEP~~ Environmental Branch Chief (or designee) reviews the revised Administrative Final EIS and revises the Internal Quality Certification form, as appropriate, to reflect that all comments have been appropriately addressed.

Is revised Administrative Final EIS responsive to HQ EC and Legal comments? If "No," GO TO STEP #60. Steps #60 through #64 must be repeated until document is adequate. If "Yes," GO TO STEP #65.

65. To initiate HQ EC Pre-Approval Review, the District ~~SEP~~ Environmental Branch Chief submits the following materials to HQ EC and requests HQ Pre-Approval Review.

    - Transmittal Memo signed by the District ~~SEP~~ Environmental Branch Chief stating that the Administrative Final EIS has been revised pursuant to HQ EC comments and requested pre-approval review
    - One copy of the revised Administrative Final EIS
    - One copy of revised Administrative Final EIS with track changes
    - One copy of the comments with a response key
    - One copy of the completed Environmental Document Checklist, as revised
    - One copy of the signed Internal Quality Certification form

    To initiate Pre-Approval Legal Sufficiency Review, the District ~~SEP~~ Environmental Branch Chief submits the following materials to the Legal Office:

    - Transmittal memo signed by the District ~~SEP~~ Environmental Branch Chief stating that the document has been revised pursuant to the legal review and requested pre-approval review
    - One copy of the revised environmental document
    - One copy of the revised environmental with track changes
    - One copy of the comments with a response key
    - One copy of the completed Environmental Document Checklist, as revised
    - One copy of the signed Internal Quality Certification form, as revised

66. HQ EC and Legal Office review revised Administrative Final EIS to ensure that all comments have been adequately addressed and that Administrative Final EIS is ready for signature. Review period is 10 business days. Both HQ EC and Legal Office must concur that their comments have been addressed. At this point, the HQ EC will take one of the following actions:

    - Find that minor changes are needed and coordinate directly with the document preparer to make the changes.
    - Determine that substantive issues remain and inform the district in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision.
    - Conclude that the environmental document is adequate and ready for circulation.

No approval action may be taken until both HQ EC quality assurance and Legal Office review or legal sufficiency is satisfied.

The Legal Office will provide Pre-Approval Legal Sufficiency comments to the District ~~SEP~~ Environmental Branch Chief with a copy to the HQ EC.

Is the revised Administrative Final EIS ready for signature? If "No," GO TO STEP #59. Steps #59 through #66 are repeated until HQ determines document is ready for signature. If "Yes," GO TO STEP #67.

67. HQ EC recommends to District ~~SEP~~ Environmental Branch Chief that FEIS is ready for signature. HQ EC and Legal Office find revised Administrative Final EIS complete, the HQ EC and DDD (Environmental) jointly recommend (in writing) to the DD that the Final EIS title page is ready for signature.
68. DD signs the Final EIS title page and returns the signed Final EIS title sheet to the District ~~SEP~~ Environmental Branch Chief.
69. District ~~SEP~~ Environmental Branch Chief (or designee) forwards the signed Final EIS title page to the DLAE, and updates LP2000.
70. DLAE sends the signed Final EIS title page to the LPA.
71. LPA prepares NOA of the Final EIS to affected units of federal, state, and local government and sends to the DLAE.
72. DLAE sends NOA to the FHWA.
73. FHWA publishes NOA in the FR., and LPA publishes the NOA in local newspaper.
74. LPA prepares draft ROD and sends to the District ~~SEP~~ Environmental Branch Chief (or designee).
75. District ~~SEP~~ Environmental Branch Chief forwards draft ROD to the HQ EC for review and acceptance.
76. HQ EC and Legal Office review ROD (note: the ROD must be reviewed and accepted by the HQ EC before it is approved by the district; while Legal Office review of the ROD is not required by regulation, it is recommended).
77. When HQ EC determines that the ROD is ready for signature, the HQ EC and DDD (environmental) jointly recommend to the DD that ROD is ready for signature.
78. DD signs ROD and returns to the District ~~SEP~~ Environmental Branch Chief (note: this signature may not be delegated).
79. District ~~SEP~~ Environmental Branch Chief forwards signed ROD to the DLAE, ensures environmental files are in Uniform Environmental File System, and updates LP2000.

    Note: Date of ROD should be no sooner than 30 days after publication of the Final EIS notice in the FR or 90 days after publication of a notice for the Draft EIS, whichever is later. CEQ encourages the publication of the ROD and FHWA is the entity that publishes the Federal Register notice.

80. DLAE notifies the LPA that ROD has been signed and that they may begin final design.
81. LPA begins final design and provides the DLAE with each of the following:

    - A list of all Mitigation Commitments

- A copy of all environmental permits, agreements, or approvals (i.e., Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry)

82. District ~~SEP~~ Environmental Branch Chief updates LP2000.
83. After the ROD has been signed, the ~~SEP~~ Environmental Branch Chief (or designee) may prepare a "Notice of Statute of Limitations on Claims" and submit to FHWA for publication in the Federal Register. An example of SOL notice can be found at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/fhwa-sol-guidance-a11y.pdf.

6.11 References

23 CFR 771
https://www.gpo.gov/fdsys/granule/CFR-2016-title23-vol1/CFR-2016-title23-vol1-part771

Air Resources Laws and Regulations
http://www.arb.ca.gov/html/lawsregs.htm

Council of Environmental Quality (CEQ), 40 CFR Part 1500
https://www.fedcenter.gov/Bookmarks/index.cfm?id=786

National Environmental Policy Act of 1969, as amended (42 U.S.C., 4321-4347)
https://www.fsa.usda.gov/Internet/FSA_File/nepa_statute.pdf

US. DOT Order 5610.1C
https://www.transportation.gov/sites/dot.gov/files/docs/DOT%20Order%205610.1D%20Procedures%20for%20Considering%20Environmental%20Impacts_0.pdf