

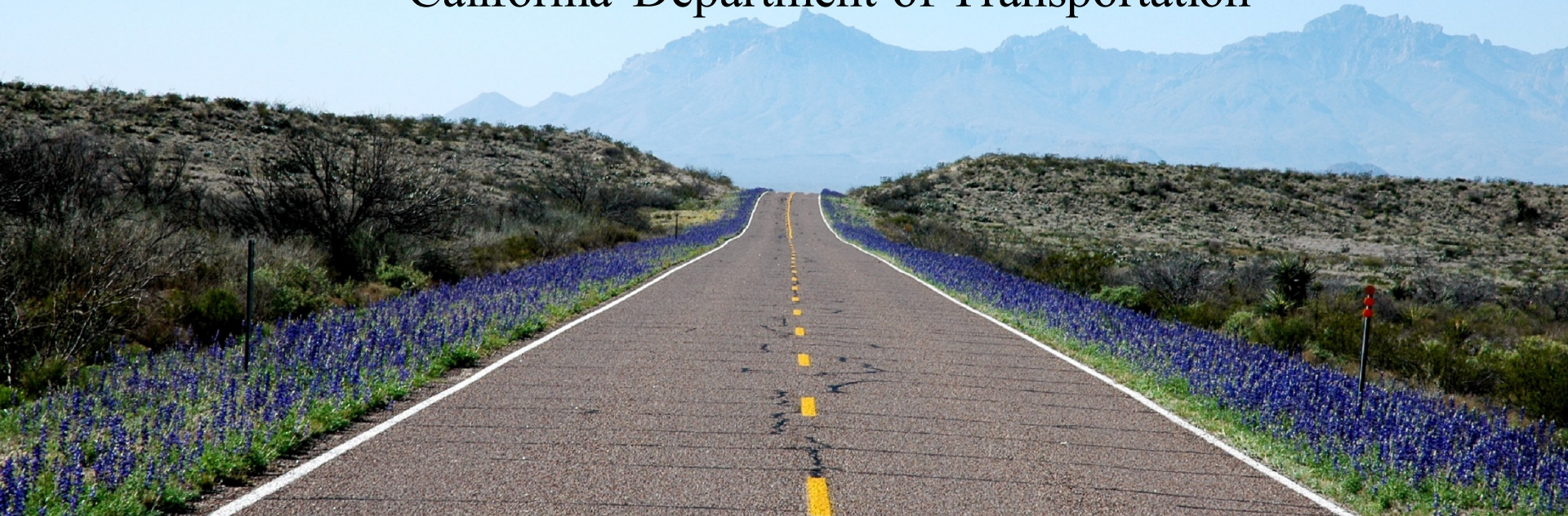


# **Federal Environmental Requirements for Local Agency Transportation Projects**

Office of Environmental Compliance and Outreach

HQ Division of Local Assistance

California Department of Transportation





# Local Assistance Training

## Federal Aid Series

- ◆ Course 1: Getting Started
- ◆ **Course 2: Environmental**
  - 1. Introduction to NEPA
  - 2. Class of Action Determinations
  - 3. Preliminary Environmental Study: Non-Infrastructure Projects
  - 4. Preliminary Environmental Study, Technical Studies, Review & Approval
  - 5. Revalidations
  - 6. PS&E and Permits
  - 7. Construction and Mitigation Monitoring
- ◆ Course 3: Right of Way
- ◆ Course 4: Project Development
- ◆ Course 5: Construction



# Course Objectives

Participants will Gain a Basic Understanding of NEPA and Related Federal Environmental Requirements

## **Session 1**

- Differences between “On-System” vs “Off-System” Projects, NEPA vs. CEQA, etc.
- Determining Class of Action
- Screening Non-Infrastructure Projects
- Performing Re-Evaluations
- Completing Final PS& E and Obtaining Permits
- Monitoring Mitigation During Construction.

## **Session 2**

- Scoping with the PES, Performing Technical Studies, Obtaining Review & Approval



# Introduction

- ◆ Office of Environmental Compliance, Division of Local Assistance
- ◆ Introduce Course Instructors
- ◆ Introduce Course participants
- ◆ Hear from Course Participants:
  - » Expectations
  - » Challenges





# **Introduction to Local Assistance Environmental**



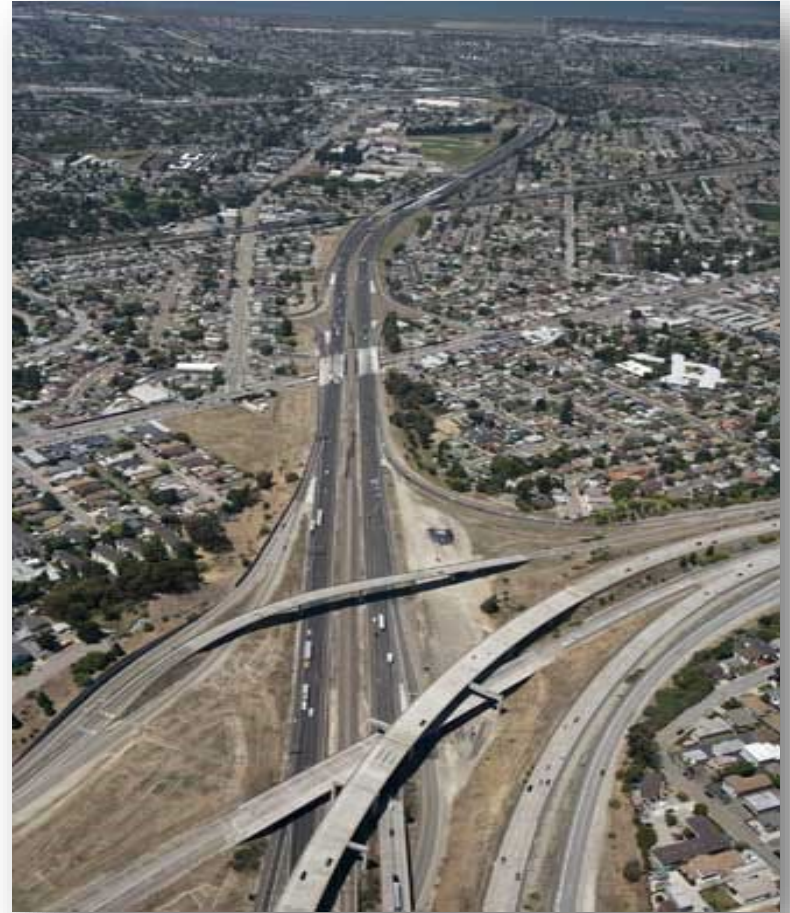
# Course Emphasis: Local Assistance Projects ‘OFF’ the SHS





# Course Does Not Cover

- ◆ Caltrans projects
- ◆ Capital projects
  - » Local-agency sponsored projects 'ON' the State Highway System (SHS)



# Projects 'ON' the SHS are Caltrans Responsibility

Caltrans:

- ◆ Has statutory obligation for SHS.
- ◆ Is responsible for stewardship of resources within R/W.
- ◆ Cannot delegate Stewardship obligation to others.
- ◆ Is responsible for management of the SHS.







# Local Assistance vs. Capital Projects

## Local Assistance

- ◆ ‘Off’ the SHS
- ◆ Local agency is CEQA Lead
- ◆ Caltrans is NEPA Lead
- ◆ Procedures contained in LAPM

## Capital

- ◆ ‘On’ the SHS
- ◆ Caltrans is CEQA Lead *unless delegated*
- ◆ Caltrans is NEPA Lead
- ◆ Procedures contained in PDPM



# Local Assistance vs. Locally-Sponsored Projects (*cont.*)

## Local Assistance

- ◆ Determine environmental scope with PES form
- ◆ Required to use NEPA-only Annotated Outline (AO); *may* use Joint NEPA/CEQA AO

## Capital

- ◆ Determine environmental scope with PEAR form
- ◆ Required to use Joint NEPA/CEQA AO



# **NEPA Overview**

## **Implementing Regulations**

### **NEPA Lead Agency**







# National Environmental Policy Act: Legal Authority

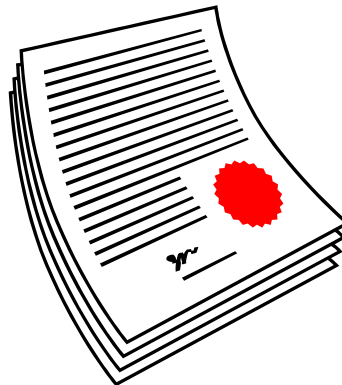
- ◆ Signed into law January 1, 1970 (42 USC 4321 et seq.)
- ◆ Established national policy for all federal agencies to consider the environment when proposing an action.
- ◆ Required each federal agency to establish procedures to comply with NEPA.
- ◆ Created the Council on Environmental Quality (CEQ).





# What Actions are Subject to NEPA?

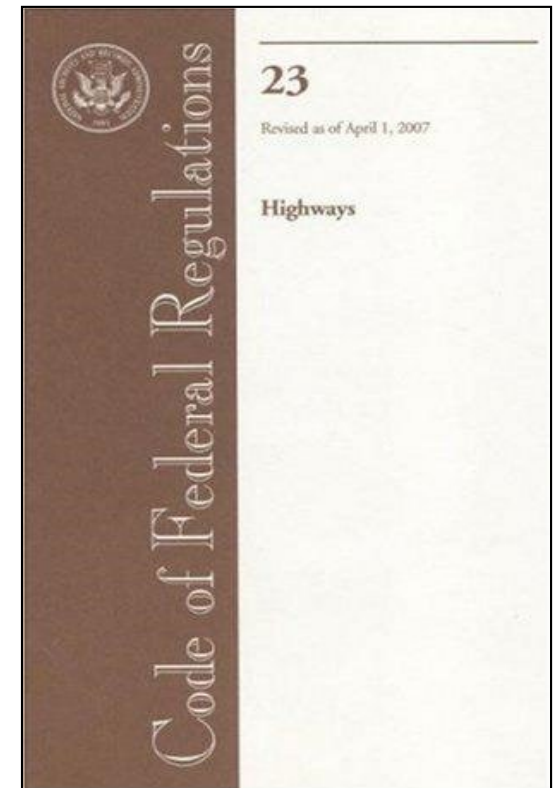
- ◆ Actions that:
  - » use federal land
  - » require federal permit or other federal approval
  - » use federal funding



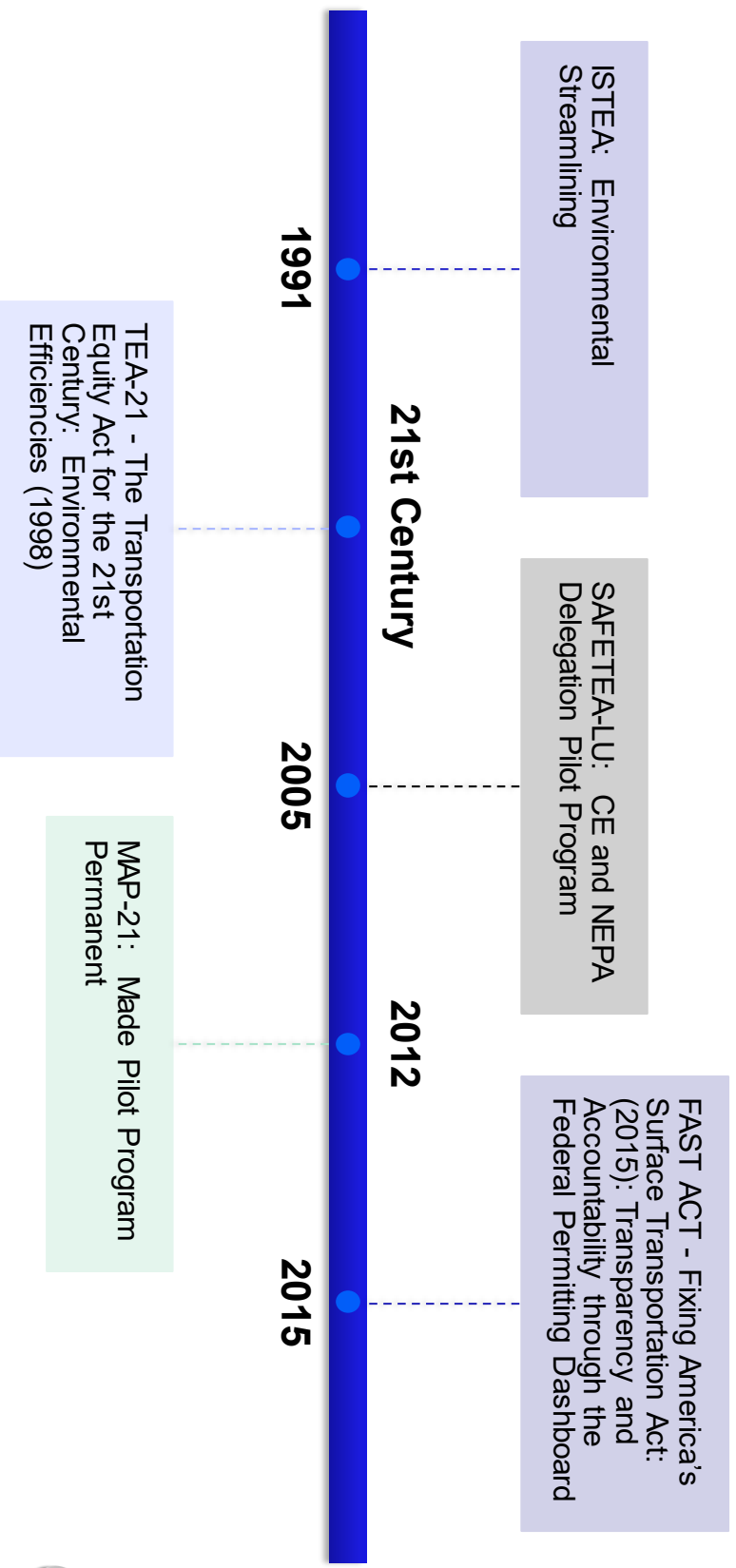
# U.S. DOT (FHWA) NEPA Implementing Regulations

## 23 Code of Federal Regulations (CFR) 771

- ◆ Established by Secretary of the U.S. Department of Transportation (DOT)
- ◆ Used by all DOT agencies for compliance with NEPA



# NEPA Assignment





# NEPA Lead Agency

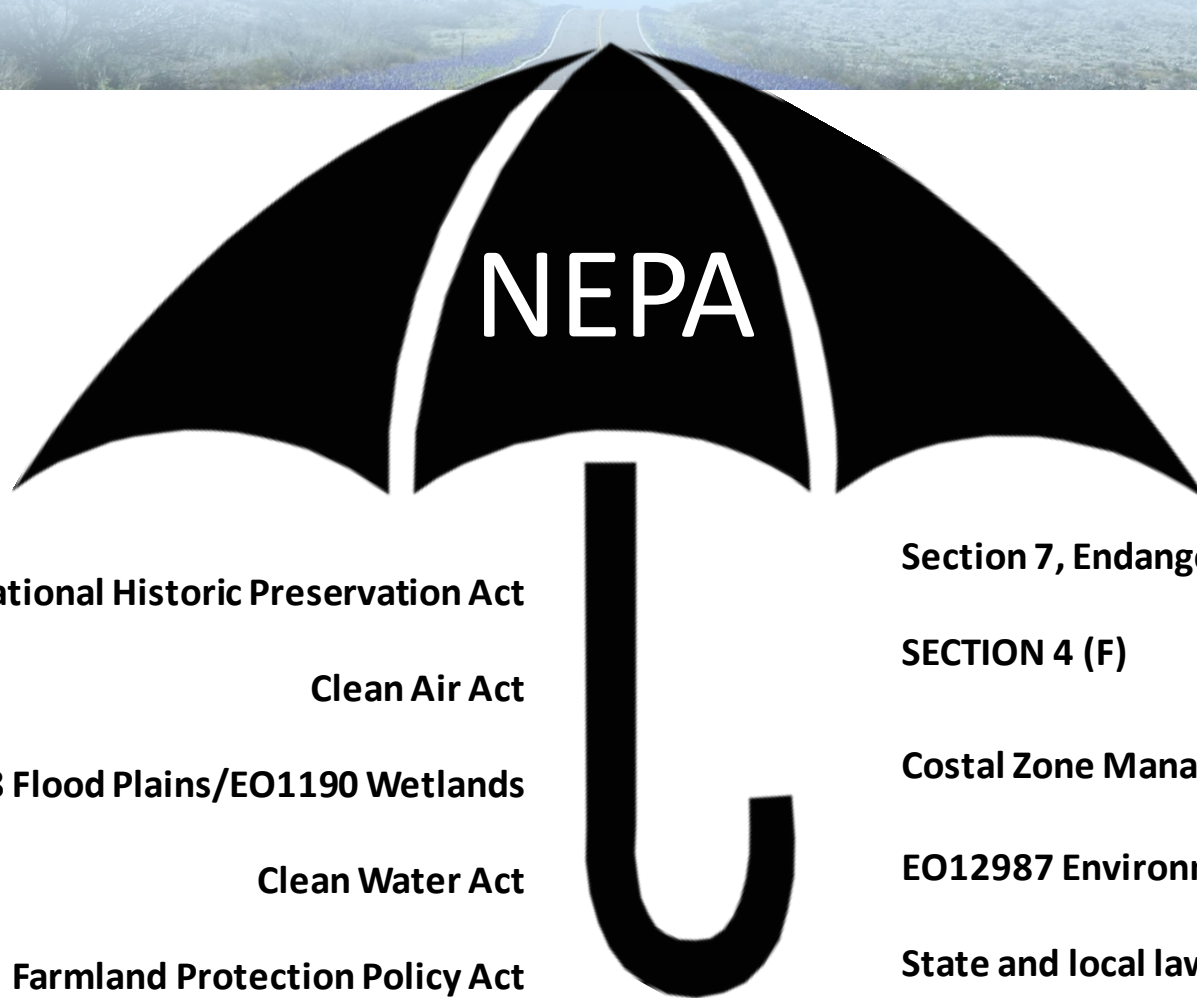
- ◆ Caltrans assumed NEPA Lead Agency status for all federal aid highway projects in California, in July 2007.
- ◆ “Highway project” is defined as *“any undertaking that is eligible for financial assistance under title 23 U.S.C. and for which the FHWA has primary responsibility”*.







# NEPA UMBRELLA



**Section 106, National Historic Preservation Act**

**Clean Air Act**

**EO 11988 Flood Plains/EO1190 Wetlands**

**Clean Water Act**

**Farmland Protection Policy Act**

**Section 7, Endangered Species Act**

**SECTION 4 (F)**

**Costal Zone Management Act**

**EO12987 Environmental Justice**

**State and local law and many, many**

**more ...**



# Other Federal Environmental Laws

- ◆ Federal Endangered Species Act, Section 7
- ◆ National Historic Preservation Act, Section 106
- ◆ U.S. Department of Transportation Act, Section 4(f)
- ◆ Clean Air Act
- ◆ Executive Order 11988 (Floodplain Management)
- ◆ Clean Water Act, Section 404 and EO 11990 (Wetlands Protection)
- ◆ Rivers and Harbors Act, Section 10
- ◆ Farmlands Protection Policy Act
- ◆ Coastal Zone Management Act
- ◆ Resource Conservation and Recovery Act
- ◆ Executive Order 12898 (Environmental Justice)



# FHWA Responsibilities

## **FHWA retains responsibility for:**

- ◆ AQ Conformity for 23 USC 327 Projects;
- ◆ Government-to-Government consultation with Tribes;
- ◆ Projects with Federal Transit Administration (FTA) funding (where FHWA is Lead) under Chapter 53 of Title 49 of the United States Code;
- ◆ Projects funded by the Federal Lands Highway Program unless the Department designs and constructs the project; and,
- ◆ Projects involving international border crossings and projects that cross state boundaries.



# NEPA vs. CEQA







# NEPA vs. CEQA

## Class of Action and Decision Document

### NEPA

- ◆ Categorical Exclusion (CE)
- ◆ Environmental Assessment (EA)
  - » Finding of No Significant Impact (FONSI)
- ◆ Environmental Impact Statement (EIS)
  - » Record of Decision (ROD)

### CEQA

- ◆ Categorical Exemption (CE)
- ◆ Initial Study (IS)
  - » Negative Declaration (ND)
  - » Mitigated Negative Declaration (MND)
- ◆ Environmental Impact Report (EIR)
  - » Notice of Determination (NOD)



# NEPA vs. CEQA

## Terminology

### NEPA

- ◆ Lead Agency
- ◆ Cooperating Agencies
- ◆ Project Purpose and Need
- ◆ Affected Environment
- ◆ Impact

### CEQA

- ◆ Lead Agency
- ◆ Responsible Agencies
- ◆ Project Objectives
- ◆ Environmental Setting
- ◆ Significant Impact



# NEPA vs. CEQA

## Use of “Significance”

### NEPA

- ◆ “Significance” used only to determine the type of NEPA document
- ◆ Individual impacts are described by their “context and intensity”

### CEQA

- ◆ “Significance” used to determine the type of CEQA document
- ◆ “Significance” must be disclosed for each impact in the document



# Pop Quiz







# Pop Quiz

## True or False

1. The PES Form can be used for projects 'ON' the SHS.  
**- False**
2. CEQA and NEPA are exactly the same.  
**- False**
3. If CEQA compliance is achieved, NEPA approval is not required.  
**- False**
4. Caltrans tools you should consult for NEPA compliance for Local Assistance Projects are:
  - (1) LAPM Chapter 6
  - (2) SER**- True**

# NEPA CLASS OF ACTION





# NEPA Classes of Action

There are three (3) Classes of Action which describe the level of documentation required in the NEPA process;

- ◆ Categorical Exclusions
- ◆ Environmental Assessment
- ◆ Environmental Impact Statement

*23 CFR § 771.115*





# NEPA Class of Action Categorical Exclusion (CE)

CEs are actions that:

§ do not induce significant impacts to planned growth or land use for the area;

§ do not require the relocation of significant numbers of people;

§ do not have a significant impact on any natural, cultural, recreational, historic or other resources;

*23 CFR 771.117(a)*



# NEPA Class of Action

## Categorical Exclusion (CE) *cont.*

CEs are actions that:

- § do not involve *significant* air, noise or water quality impacts;
- § do not have *significant* impacts on travel patterns;
- § or do not individually or cumulatively have any *significant* environmental impacts.

*23 CFR 771.117(a)*



# NEPA Class of Action


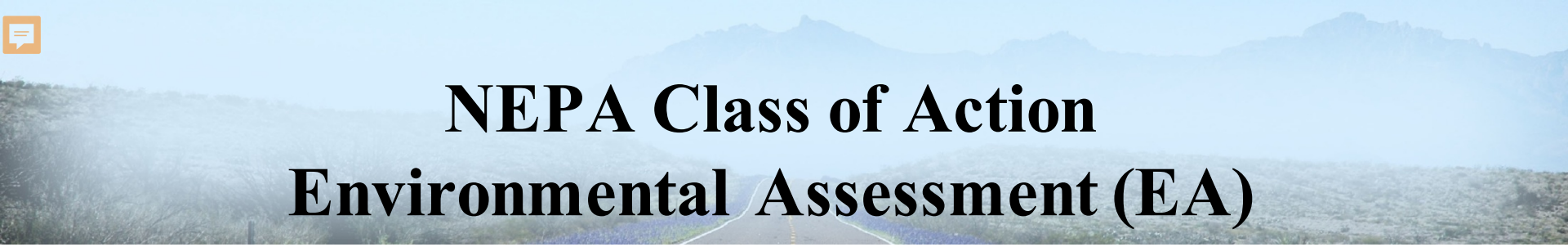
## Categorical Exclusion (CE) *cont.*

CEs are actions that do not involve unusual circumstances such as:

- § *significant* environmental impacts,
- § *substantial* controversy on environmental grounds,
- § *significant* impacts on properties protected by Section 4(f) or Section 106, or
- § inconsistencies with any federal, state, or local law, requirement, or administrative determination relating to the environmental aspects of the action.

*23 CFR 771.117(b)*





# NEPA Class of Action

## Environmental Assessment (EA)

- ◆ EAs are actions in which the *significance* of the environmental impact is not clearly established.
- ◆ All actions that are not EISs or CEs are EAs.
- ◆ Caltrans has two flavors of EA, Routine and Complex. Each with differing review requirements.



# NEPA Class of Action

## Environmental Impact Statement (EIS)

- ♦ An example of an action that *significantly* affects the environment is a highway project of four or more lanes on a new location.

*23 CFR § 771.115 (a)*



# NEPA Class of Action

- ◆ For Local Assistance projects Classes of Action are documented on the PES Form\*
- ◆ Classes of Action for Environmental Assessments and Environmental Impact Statements require HQ DEA Coordinator approval
- ◆ \*Some districts may require an additional Class of Action Determination Form in addition to the PES Form



# Pop Quiz





# Pop Quiz

## True or False

1. In NEPA CE stands for Categorical Exemption.

**- False**

2. COA for EAs and EISs are approved by the Local Agency

**- False**

3. If a project is excluded from NEPA it requires no further documentation or technical studies.

**- False**

4. Caltrans tools you should consult for NEPA compliance for Local Assistance Projects are LAPM Chapter 6 & the SER

**- True**






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







# Examples of Non-Infrastructure Projects

- ◆ 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
- ◆ Purchase of vehicles





# A Non-Infrastructure Project

A non-infrastructure project is a transportation- related project that **does not**:

- » Involve engineering design
- » Require right of way acquisition, or
- » Result in construction - No ground disturbance!



# PES (NI) Form

The PES(NI) was developed in response to legislation allowing or mandating that a percentage of program funds be used for **non-infrastructure** projects.





# An Important Distinction

## Determined to be “Eligible” NI Project

- ◆ DLAE staff determine if project is “*eligible*” as a NI project for program funding.

## Meets PES (NI) Criteria

- ◆ But “*eligible*” NI projects are not automatically processed with a PES (NI).



# Another Important Distinction

## Preliminary Environmental Screening Form

- ◆ PES (NI) form screens for any ground disturbance or other environmental impacts and concludes completion of regular PES form is not needed.

## Preliminary Environmental Study Form

- ◆ PES form scopes for potential impacts and concludes further technical studies required.



# PES (NI) Form

## Programming Information

Local Assistance Procedures Manual

EXHIBIT 6-J

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



### EXHIBIT 6-J PRELIMINARY ENVIRONMENTAL SCREENING FOR NON-INFRASTRUCTURE PROJECTS PES(NI)

Federal Project No. \_\_\_\_\_

(Federal Program Prefix-Project No., Agreement No.)

To: \_\_\_\_\_

(District Local Assistance Engineer)

(District)

(Address)

(Email Address)

From: \_\_\_\_\_

(Local Agency)

(Project Manager's Name and Telephone No.)

(Address)

(Email Address)

Is this Project "ON" the  
State Highway System?

☐

Yes

☐

No

**IF YES, STOP HERE** and contact the District Local Assistance Engineer  
regarding the completion of other environmental documentation.

Federal Statewide Transportation Improvement Program

(FSTIP): <http://www.dot.ca.gov/hq/transprog/oftmp.htm>

(Current FSTIP Approval Date)

(Attach approved FSTIP listing)

Construction  
Programming  
For FSTIP

\_\_\_\_\_  
(Fiscal Year)

\$

\_\_\_\_\_  
(Dollars)

Detailed Project Description (Use Continuation Sheet if necessary):

#### SECTION A: Does project involve any of the following:

Check "Yes", "No" or "TBD" as appropriate. Use "TBD" when there is insufficient information in the project description to provide a definitive "Yes" or "No" response. List all "TBD" items on the [PES\(NI\) Continuation sheet](#) for further research.





# PES (NI) Form

## Programming Information

- ◆ NI project must be in current FSTIP.
- ◆ Attach copy of approved FSTIP page (*showing the project or group of projects*) to PES (NI) form.
- ◆ Write NI project description exactly as it appears in the FSTIP.
- ◆ Enter Programming Info (FY/\$ amt from FSTIP) under construction phase.



# PES (NI) Form Questions

- ◆ PES(NI) questions are designed to determine whether the project has any potential for ground disturbance or other environmental impacts.
- ◆ When all questions can be answered “No,” project may be processed with a PES(NI).
- ◆ One “Yes” response means NI project will be processed with a *regular* PES Form.



# PES (NI) Form

## Section B

- » Preliminary NEPA Class of Action  
*[23 CFR 771.11 (c) (1), (5), (11), (16), (17), and (20)]*
- » Unusual Circumstances
- » Signatory Section



# PES (NI) Form

## Signatures

Caltrans signature means:

- ◆ Project involves no ground disturbance or other environmental impacts.
- ◆ Action is covered under Section 7 and Section 106 blanket exemption.
- ◆ Project is in compliance with all other applicable environmental laws, regulations and Executive Orders.





# Pop Quiz





# Pop Quiz

## True or False

1. Non-infrastructure projects do not need NEPA clearance.

**- False**

2. We use the regular PES to process non-infrastructure projects.

**- False**

3. We can automatically assume that non-infrastructure projects never involve ground-disturbance or other possible environmental impacts.

**- False**

4. We must answer each of the questions contained within the PES-NI form to screen non-infrastructure projects for possible environmental effects.

**- True**



# Revalidations





# NEPA Revalidation

The determination that the environmental document or decision remains valid or supplemental documentation is needed

- ◆ Regulations and Guidance

- » 23 CFR 771.129
- » NEPA Re-Evaluation Joint Guidance for FHWA, FRA, FTA (8/14/2019)
- » FHWA/Caltrans NEPA Assignment MOUs for US Code 326 and 327
- » Chapter 33 of Caltrans' Standard Environmental Reference (SER)
- » Chapter 6 Caltrans' Local Assistance Procedures Manual (LAPM)





# NEPA Revalidation

- ◆ A continuation of the project development process
  - » It can happen at any time after completion of the Environmental Document or CE Determination, and
  - » Only to the extent that there are Federal approvals for the project
  - » Does not necessarily reopen the NEPA Decision



# When is Revalidation Required?

- ◆ Project proceeding to next major federal approval
- ◆ Change in scope, setting, effects, mitigation measures, requirements
- ◆ 3-year timeline (EIS only)

Please remember:

- ◆ Applicants **MUST** Consult with Caltrans prior to requesting major approvals to determine if the documentation remains valid. DLAE must work with Environmental staff to ensure revalidation is completed when required.
- ◆ Caltrans' Local Assistance Environmental staff complete the revalidation form, but project sponsors identify changes to project scope



# What is Needed?

- Clear documentation of conditions that trigger the re-evaluation
- Documentation of the changes in environmental impacts or mitigation
- Determination of whether the original environmental decision remains valid



# How is Revalidation Documented?

- ◆ The analysis and documentation should be minimal (for example, verbal exchange with memo to the file, e-mail, etc.).
- ◆ Caltrans and FHWA have agreed to the use of the Revalidation Form for Documentation:
  - » <https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates>



# NEPA/CEQA Re-Validation Form



## NEPA/CEQA RE-VALIDATION FORM

<b>DIST-CO-RTE:</b>
<b>PM/PM:</b>
<b>EA or Fed-Aid Project No.:</b>
<b>Other Project No. (specify):</b>
<b>Project Title:</b>
<b>Environmental Approval Type:</b>
<b>Date Approved:</b>
<b>Reason for Consultation (23 CFR 771.129), check one:</b> <input type="checkbox"/> Project proceeding to next major federal approval <input type="checkbox"/> Change in scope, setting, effects, mitigation measures, requirements <input type="checkbox"/> 3-year timeline (EIS only) <input type="checkbox"/> <b>N/A (Re-Validation for CEQA only)</b>
<b>Description of Changed Conditions:</b> <i>Briefly describe the changed conditions or new information on page 2. Append continuation sheet(s) as necessary. Include a revised Environmental Commitments Record (ECR) when applicable.</i>

### NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: (Check ONE of the three statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.)

- ☐ The original environmental document or CE remains valid. No further documentation will be prepared.
- ☐ The original environmental document or CE is in need of updating; further documentation has been prepared and ☐ is included on the continuation sheet(s) or ☐ is attached. With this additional documentation, the original ED or CE remains valid.  
Additional public review is warranted (23 CFR 771.111(h)(3)) ☐ Yes ☐ No
- ☐ The original document or CE is no longer valid.  
Additional public review is warranted (23 CFR 771.111(h)(3)) ☐ Yes ☐ No  
Supplemental environmental document is needed. ☐ Yes ☐ No  
New environmental document is needed. ☐ Yes ☐ No (If "Yes," specify type: )

### CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.

Signature: Environmental Branch Chief

Date

Signature: Project Manager/DLAE

Date



# **NEPA/CEQA Re-Validation Form**

- ♦ **Reason for Consultation** (23 CFR 771.129),  
check one:
  - » ☐ Project proceeding to next major federal approval
  - » ☐ Change in scope, setting, effects, mitigation measures, requirements
  - » ☐ 3-year timeline (EIS only)
  
- ♦ **Description of Changed Conditions**
  - » Briefly describe the changed conditions or new information on page 2. Append continuation sheet(s) as necessary.
  - » Include a revised Environmental Commitments Record (ECR) when applicable.



# **NEPA/CEQA Re-Validation Form**

## **CONTINUATION SHEET**

Changes or new information since approval of the original document:

- ◆ Changes in project design
- ◆ Changes in environmental setting
- ◆ Changes in environmental circumstances
- ◆ Changes in environmental impacts of the project
- ◆ Changes to avoidance, minimization, and/or mitigation measures
- ◆ Changes to environmental commitments or permit conditions



# NEPA/CEQA Re-Validation Form

## ♦ NEPA CONCLUSION – VALIDITY

Check *ONE* of the three statements below, regarding the validity of the original document/determination:

- » ☐ The original environmental document or CE remains valid. No further documentation will be prepared.
- » ☐ The original environmental document or CE is in need of updating; further documentation has been prepared and ☐ is included on the continuation sheet(s) or ☐ is attached. With this additional documentation, the original ED or CE remains valid.
  - Additional public review is warranted (23 CFR 771.111(h)(3)) ☐  
Yes ☐ No
- » ☐ The original document or CE is no longer valid.
  - Additional public review is warranted (23 CFR 771.111(h)(3)) ☐  
Yes ☐ No
  - Supplemental environmental document is needed. ☐ Yes ☐ No
  - New environmental document is needed. ☐ Yes ☐ No (If “Yes,” specify type:     )





# Hypothetical Examples

1. Revalidation with no supplemental documentation: No scope changes and no new information; no change in environmental determinations.
2. Revalidation with supplemental studies & updated environmental document: No scope change, but new information needs to be considered; no change in environmental determinations.
3. Revalidation with supplemental studies and updated environmental document: Minor scope change, but no change in environmental determinations.
4. Revalidation with supplemental and/or new studies and new environmental document: Significant scope change, with change in environmental determinations.



# Wrap Up

- ◆ Revalidation is required for all NEPA Documents and Determinations and only for the three triggers identified in 23 CFR 771
- ◆ There is no expiration date for a CE
- ◆ There is no Caltrans DEA or DLA ECO rule that requires a revalidation after one year, the only legislated timeline is the three-year reevaluation requirement for the EIS
- ◆ DLAE and District Environmental Branch Chief Senior need to work together to identify any project changes and to ensure revalidation is done appropriately

# Pop Quiz





# Questions & Answers

## True or False

1. Revalidations are not really required?

**- False**

2. Revalidations do not need to be documented?

**- False**

3. Local agencies are responsible for filling out the revalidation form?

**- False**

4. Local agencies are responsible for notifying Caltrans of changes to project scope?

**- True**





# Final Design and Permits





# Final Design

**DO NOT begin Final Design until Caltrans has signed the CE, FONSI or ROD**





# Environmental Permit Process

**Local Agency** is responsible for obtaining all permits and providing a copy of each permit to Caltrans.

- » **Preparation of the Permit Application** packet may begin concurrent with the technical study
- » **Local Agency** is responsible for incorporating conditions in FINAL PS & E and the construction contract.
- » **Submittal of Permit Application** may occur immediately following NEPA approval. Permits must be obtained prior to completion of Final Design, and all permit conditions must be incorporated into Final Design.

*Note: Obtaining permits can take anywhere from 6 to 12 months.*





# Environmental Permits

Agency	Permits/Approval
US Army Corps of Engineers	Section 404 of Clean Water Act and Section 10 of Rivers and Harbors Act
CA Regional Water Quality Control Board	Water Quality Cert Section 401 of Clean Water Act
California Department of Fish and Wildlife Services	Section 1602 Lake and Streambed Alteration Permit
California Department of Fish and Wildlife Services	Section 2081 for threatened and endangered species (Incidental Take Permit)
California Coastal Commission	Federal Coastal Consistency Determination





# Permit Process (*Cont.*)

For the complete process, visit the respective Resource Agency website and contact your CT District Biologist.

- » <http://www.usace.army.mil/>
  - » Note: Section 106 for USACE September 2017
- » <http://waterboards.ca.gov>
- » <https://wildlife.ca.gov>
- » <http://www.coastal.ca.gov/>

# NEPA and Final PS&E

**Local Agency** is responsible for:

- ◆ Ensuring mitigation commitments and permit conditions are fully incorporated into Final Plans, Specifications and Estimates (PS & E) and Construction Contract.

Caltrans can assist with the interpretation of mitigation measures and permit conditions into your PS&E.





# Pop Quiz





# Pop Quiz

## True or False

1. You may proceed with completing final design and obtaining permits before finishing your environmental document.

**- False**

2. Caltrans is responsible for obtaining permits on local assistance projects.

**- False**

3. Permit conditions do not need to be incorporated with your Plans, Specifications, and Estimates or construction documents.

**- False**

4. Ultimately, it is the local agency's responsibility to ensure that all environmental commitments and permit conditions are reflected in the project's final design and carried out.

**- True**





# NEPA and Construction



# NEPA and Construction

**Local Agency** is responsible for:

- ◆ Ensuring mitigation commitments are fully implemented during construction.
- ◆ CT staff are available for field reviews, if requested, to ensure that measures are being implemented during construction.





# Resident Engineer' s Construction Contract Administration Checklist

By signing the Checklist, the **Local Agency** certifies:

- ◆ Environmental document is in the project file
- ◆ Construction project shall adhere to the mitigation requirements in the environmental document





# Final Inspection

## Report of Expenditures Checklist

### **Local agency:**

- ◆ documents fulfillment of environmental mitigation commitments
- ◆ acknowledges accountability for long-term commitment to maintenance of mitigation measures





# Long-Term Mitigation Monitoring

If project involves long-term mitigation monitoring that will last significantly longer than your construction project:

- ◆ Consider setting up mitigation monitoring as a separate but related project, in order to close-out construction but keep mitigation monitoring open.
- ◆ Talk to your DLAE to see if a “separate project” is warranted.



# Pop Quiz





# Pop Quiz

## True or False

1. Caltrans ensures local agency mitigation measures are carried out.

**- True**

2. There is no documentation verifying that your agency's environmental commitments have been implemented.

**- False**

3. Long-term mitigation monitoring is not required for Local Assistance projects.

**- False**

4. Caltrans DLAEs and Local Assistance environmental staff are available to provide field reviews and advice with regard to mitigation monitoring both during and after construction.

**- True**





# Resources







# Caltrans Staff Available to Help You

- ◆ District Local Assistance Engineer
- ◆ District Local Assistance Environmental Coordinator
- ◆ District Biologist
- ◆ District Cultural Professional Qualified Staff (PQS)
- ◆ District Air Quality Specialist



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# District Local Assistance Environmental Contacts:

Districts	DLA Senior Environmental Contacts	Telephone Numbers	E-mail
1	Darrell Cardiff	(707) 441-4695	<a href="mailto:darrell.cardiff@dot.ca.gov">darrell.cardiff@dot.ca.gov</a>
2	Ian Howat	(530) 225-3484	<a href="mailto:ian.howat@dot.ca.gov">ian.howat@dot.ca.gov</a>
3	Laura Loeffler	(530) 741-4592	<a href="mailto:Laura.Loeffler@dot.ca.gov">Laura.Loeffler@dot.ca.gov</a>
4	Thomas Holstein	(510) 960-0794	<a href="mailto:Thomas.Holstein@dot.ca.gov">Thomas.Holstein@dot.ca.gov</a>
5	Randell Lavack	(805) 549-3182	<a href="mailto:Randy.Lavack@dot.ca.gov">Randy.Lavack@dot.ca.gov</a>
6	Shane Gunn	(559) 445-6310	<a href="mailto:shane.gunn@dot.ca.gov">shane.gunn@dot.ca.gov</a>
7	Michael Enwedo	(213) 897-3245	<a href="mailto:Michael.Enwedo@dot.ca.gov">Michael.Enwedo@dot.ca.gov</a>
8	Aaron Burton	(909) 383-2841	<a href="mailto:Aaron.Burton@dot.ca.gov">Aaron.Burton@dot.ca.gov</a>
9	Forest Becket	(760) 872-0681	<a href="mailto:forest.becket@dot.ca.gov">forest.becket@dot.ca.gov</a>
10	Dominic Vitali	(209) 948-7427	<a href="mailto:Dominic.Vitali@dot.ca.gov">Dominic.Vitali@dot.ca.gov</a>
11	Kevin Hovey	(619) 688-0240	<a href="mailto:Hovey.Kevin@dot.ca.gov">Hovey.Kevin@dot.ca.gov</a>
12	Charles Baker	(949) 724-2252	<a href="mailto:Charles.Baker@dot.ca.gov">Charles.Baker@dot.ca.gov</a>

# Headquarters Local Assistance Contacts:

- ◆ **Division of Local Assistance**

<https://dot.ca.gov/programs/local-assistance/>

- ◆ **Office of Environmental Compliance and Outreach**

<https://dot.ca.gov/programs/local-assistance/environmental/local-environmental-issues>

## **Office Chief**

Kelly Hobbs: [Kelly.Hobbs@dot.ca.gov](mailto:Kelly.Hobbs@dot.ca.gov)

## **Environmental Policy & Training Coordinators**

Lupe Jimenez, Districts 2, 6, 9, 11: [Lupe.Jimenez@dot.ca.gov](mailto:Lupe.Jimenez@dot.ca.gov)

Neil Peacock, Districts 1, 3, 7, 8: [Neil.Peacock@dot.ca.gov](mailto:Neil.Peacock@dot.ca.gov)

Haiyang Zhang, Districts 4, 5, 10, 12: [Haiyan.Zhang@dot.ca.gov](mailto:Haiyan.Zhang@dot.ca.gov)



# Resources

## **Local Assistance Procedures Manual, Chapter 6, Environmental Procedures**

<http://www.dot.ca.gov/hq/LocalPrograms/lam/progp/p06envrp.pdf>

- » Process Flowcharts (PES, Technical Study, CE, EA, and EIS)
- » Step-by-Step Procedures (PES through NEPA approval)

## **Standard Environmental Reference (SER)**

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

- » Technical Study Requirements
- » Preparer Qualifications
- » Technical Report Templates
- » NEPA Document Annotated Outlines





# Resources Video





# Pop Quiz





# Pop Quiz

## True or False

1. There is one chapter in the SER.

**- False**

2. The Local Assistance Home Page only covers Environmental.

**- False**

3. The SER only contains annotated outlines for environmental documents.

**- False**

4. We have numerous resources and staff to help you through the environmental process, both at headquarters and in the districts.

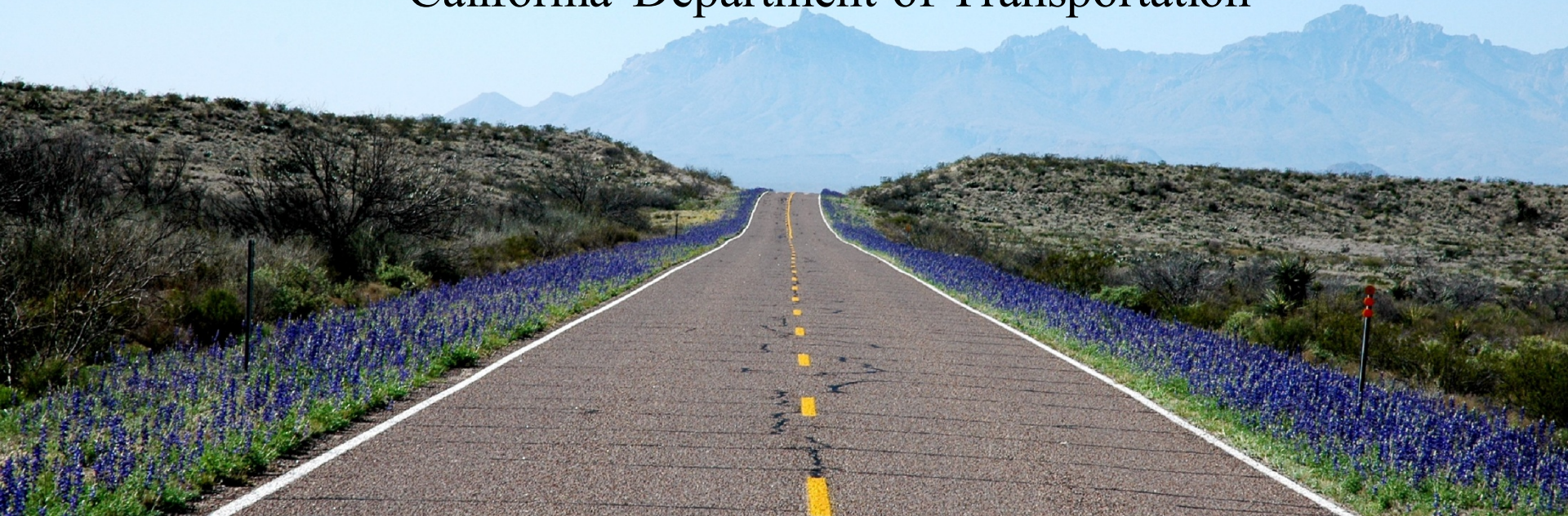
**- True**





# **Federal Environmental Requirements for Local Agency Transportation Projects DAY 2**

Office of Environmental Compliance and Outreach  
HQ Division of Local Assistance  
California Department of Transportation







# Local Assistance Training

## Federal Aid Series

- ◆ Course 1: Getting Started
- ◆ **Course 2: Environmental**
  - 1. **Session 1**
    - A. **Introduction to NEPA**
    - B. **Class of Action Determinations**
    - C. **Preliminary Environmental Study: Non-Infrastructure Projects**
    - D. **Revalidations**
    - E. **PS&E and Permits**
    - F. **Construction and Mitigation Monitoring**
  - 2. **Session 2**
    - A. **Preliminary Environmental Study, Technical Studies, Review & Approval**
- ◆ Course 3: Right of Way
- ◆ Course 4: Project Development
- ◆ Course 5: Construction



# Course Objectives

Participants will Gain a Basic Understanding of NEPA and Related Federal Environmental Requirements

## **Session 1**

- Differences between “On-System” vs “Off-System” Projects, NEPA vs. CEQA, etc.
- Determining Class of Action
- Screening Non-Infrastructure Projects
- Performing Re-Evaluations
- Completing Final PS& E and Obtaining Permits
- Monitoring Mitigation During Construction.

## **Session 2**

- Scoping with the PES, Performing Technical Studies, Obtaining Review & Approval



# Introduction

- ◆ Office of Environmental Compliance, Division of Local Assistance
- ◆ Introduce Course Instructors
- ◆ Introduce Course participants
- ◆ Hear from Course Participants:
  - » Expectations
  - » Challenges



# **Preliminary Environmental Study (PES) Form**







# Purpose of the PES form

- ◆ Understand full scope of project
- ◆ Determine whether there is a potential for Federally-protected resources within the project area.
- ◆ *Preliminarily* determine the NEPA Class Of Action (*CE, EA or EIS*)
- ◆ Identify Required Technical Studies & Permits



# PES Form

## Programming Information

Do not complete PES Form until project is in a federally-approved FSTIP.

- ◆ Enter adoption date on PES Form
- ◆ Attach FSTIP page with project highlighted
- ◆ Enter Fiscal Year/Dollars for PE/RW/Construction

<https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program/federal-transportation-improvement-program-ftip>



# PES Form

## Programming Information *Cont*

### EXHIBIT 6-A PRELIMINARY ENVIRONMENTAL STUDY (PES)

<b>Federal Project No.:</b> _____ <i>(Federal Program Prefix-Project No., Agreement No.)</i>	<b>Final Design:</b> _____ <i>(Expected Start Date)</i>
---	--

<b>To:</b> _____ <i>(District Local Assistance Engineer)</i>	<b>From:</b> _____ <i>(Local Agency)</i>
_____ <i>(District)</i>	_____ <i>(Project Manager's Name and Telephone No.)</i>
_____ <i>(Address)</i>	_____ <i>(Address)</i>
_____ <i>(Email Address)</i>	_____ <i>(Email Address)</i>

Is this Project "ON" the  
State Highway System?

☐ Yes  
☐ No

**IF YES, STOP HERE** and contact the District Local Assistance Engineer  
regarding the completion of other environmental documentation.

**Federal State Transportation Improvement Program  
(FSTIP)**

\_\_\_\_\_  
*(Currently Adopted Plan Date)*

\_\_\_\_\_  
*(Page No. \_\_\_\_ attach to this form)*

<http://www.dot.ca.gov/hq/transprog/oftmp.htm>

**Programming  
for FSTIP:**

**Preliminary Engineering**

\_\_\_\_\_  
*(Fiscal Year)* \$ \_\_\_\_\_  
*(Dollars)*

**Right of Way**

\_\_\_\_\_  
*(Fiscal Year)* \$ \_\_\_\_\_  
*(Dollars)*

**Construction**

\_\_\_\_\_  
*(Fiscal Year)* \$ \_\_\_\_\_  
*(Dollars)*

**Project Description as Shown in RTP and FSTIP:**

**Detailed Project Description:** *(Describe the following, as applicable: purpose and need, project location and limits, required right of way acquisition, proposed facilities, staging areas, disposal and borrow sites, construction activities, and construction access.)*



# PES Form

## Project Description

- ◆ Use the Preliminary Design Information section of PES form to assist in developing a *complete* Project Description.
- ◆ Consider ALL COMPONENTS OF WORK





# PES

## Preliminary Design Information

### Preliminary Design Information:

Does the project involve any of the following? Please check the appropriate boxes and delineate on an attached map, plan, or layout including any additional pertinent information.

Yes	No		Yes	No		Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Widen existing roadway	<input type="checkbox"/>	<input type="checkbox"/>	Ground disturbance	<input type="checkbox"/>	<input type="checkbox"/>	Easements
<input type="checkbox"/>	<input type="checkbox"/>	Increase number of through lanes	<input type="checkbox"/>	<input type="checkbox"/>	Road cut/fill	<input type="checkbox"/>	<input type="checkbox"/>	Equipment staging
<input type="checkbox"/>	<input type="checkbox"/>	New alignment	<input type="checkbox"/>	<input type="checkbox"/>	Excavation: anticipated maximum depth _____	<input type="checkbox"/>	<input type="checkbox"/>	Temporary access road/detour
<input type="checkbox"/>	<input type="checkbox"/>	Capacity increasing—other (e.g., channelization)				<input type="checkbox"/>	<input type="checkbox"/>	Utility relocation
<input type="checkbox"/>	<input type="checkbox"/>	Realignment	<input type="checkbox"/>	<input type="checkbox"/>	Drainage/culverts	<input type="checkbox"/>	<input type="checkbox"/>	Right of way acquisition (if yes, attach map with APN)
<input type="checkbox"/>	<input type="checkbox"/>	Ramp or street closure	<input type="checkbox"/>	<input type="checkbox"/>	Flooding protection			
<input type="checkbox"/>	<input type="checkbox"/>	Bridge work	<input type="checkbox"/>	<input type="checkbox"/>	Stream channel work	<input type="checkbox"/>	<input type="checkbox"/>	Disposal/borrow sites
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Part of larger adjacent project
<input type="checkbox"/>	<input type="checkbox"/>	Vegetation removal	<input type="checkbox"/>	<input type="checkbox"/>	Pile driving	<input type="checkbox"/>	<input type="checkbox"/>	Railroad
<input type="checkbox"/>	<input type="checkbox"/>	Tree removal	<input type="checkbox"/>	<input type="checkbox"/>	Demolition			



# PES Attachments

- ◆ Regional map
- ◆ Project location map
- ◆ Project footprint map (existing/proposed right of way)
- ◆ Engineering drawings (existing/proposed cross sections)
- ◆ Borrow/disposal site location map
- ◆ Project area photos



# PES Form

## Section A

- ◆ Prior to answering each question, consult the Instructions for Completing the PES form.
- ◆ The Instructions provide links to databases and maps, and information on why a technical study may be required.

# Symbols Demystified



**PES Question**



**Legal Mandate**



**Preliminary research to answer question**

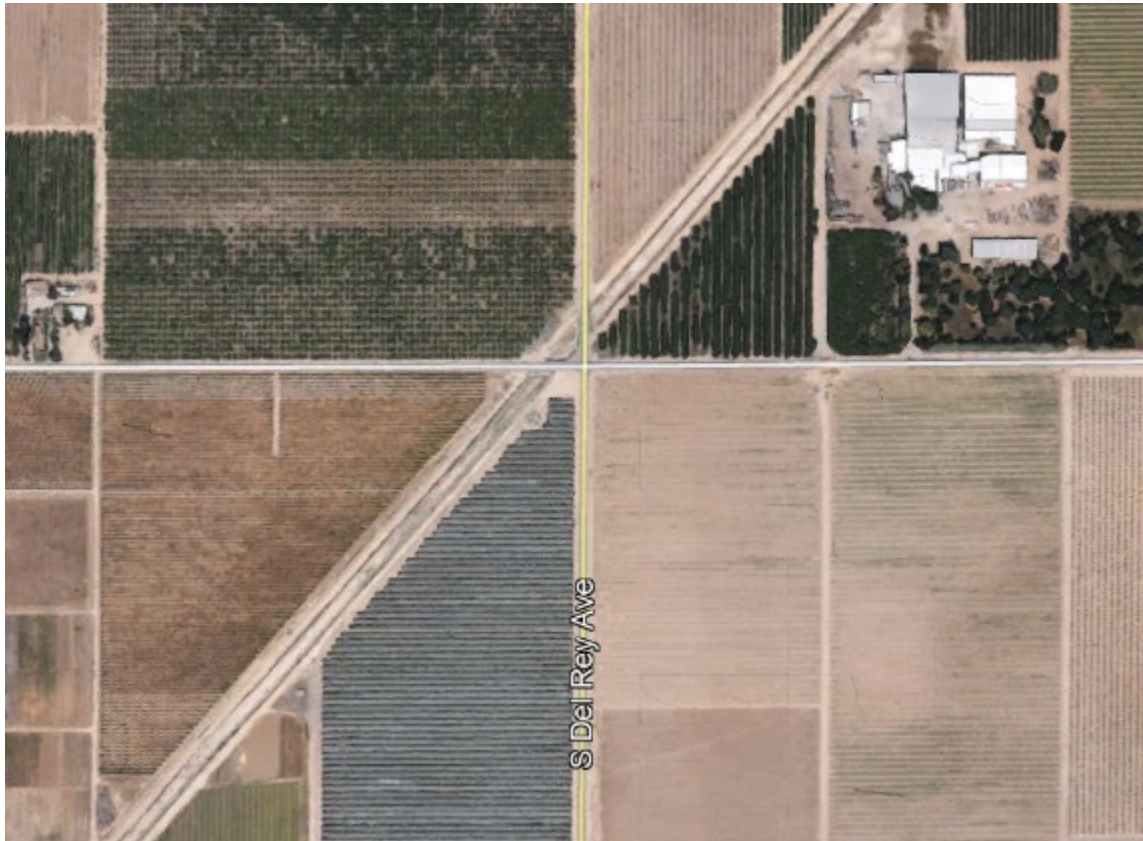


**Critical: Provide justification for “No”, “Yes”, and “TBD” answers in PES form Notes. This is necessary for CT Legal Defensibility of NEPA decision-making.**



# Sample Project

- ◆ Construct a one lane roundabout at the intersection of South Del Rey Ave and East Annadale Ave (HSIP).



# PES Question #1



**Will the project require future construction to fully utilize the design capabilities included in the proposed project?**



23 CFR 771.111(f)



- ✓ Consider the problem you are trying to fix and whether the project will fix it. Are end points rational?



In PES Notes, briefly explain how the project will fix the problem and not generate the need for another project.



# Logical Termini and Independent Utility

- ◆ Logical Termini
  - » Are the end points for the project logical and rational?
  - » Do the end points make sense from a functional perspective?
- ◆ Independent Utility
  - » Can the project function independently?
  - » Are additional improvements necessary in order for the proposed project to function?

# PES Question #2



**Will project generate public controversy?**



23 CFR 771.117[b][2]



✓ Consider community sentiments regarding project type/location.



In PES Notes, briefly explain why controversy is *not* anticipated.



# PES Question #3



**Is the project a Type I project as defined in 23 CFR 772.5?**

- (1) the construction of a highway on a new location or
- (2) the physical alteration of an existing highway where there is either:
  - (a) substantial horizontal alteration, or
  - (b) substantial vertical alteration
- (3) the addition of a through-traffic lane(s).
- (4) the addition of an auxiliary lane, except for turn lane; or
- (5) the addition or relocation of interchange lanes or ramps; or
- (6) restriping existing pavement for the purpose of adding a through traffic lane or an auxiliary lane; or
- (7) the addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot, or toll plaza.

**<https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/volume-1-guidance-for-compliance/ch-12-noise>**

# PES Question #4



**Does the project have the potential for adverse construction-related noise impact (such as pile driving)?**



23 CFR Part 772



- ✓ Review how your agency's Construction Contract Provisions address construction noise.



In the PES Notes, briefly summarize how construction noise will be minimized consistent with local noise ordinances.

# PES Question #5



**Is the project in a NAAQS non-attainment or maintenance area?**



40 CFR 93.102



- ✓ Check NAAQS map for area designation
- ✓ <http://www.dot.ca.gov/hq/env/air/pages/conftable.htm>



If answer is “No,” indicate in PES Notes that no conformity studies are required since conformity only applies in non-attainment and maintenance areas. Proceed to #9. If answer is “Yes,” proceed to #6.

# PES Question #6



**Is the project exempt from the requirement that a conformity determination be made? (If “Yes,” state which conformity exemption in 23 CFR 93.126, Table 2 applies): \_\_\_\_\_**



40 CFR Part 93.126, Table 2



- ✓ Review list of project types in Table 2
- ✓ <http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol21/xml/CFR-2013-title40-vol21-sec93-126.xml>



If the answer is “Yes,” in PES Notes indicate “Exempt. No conformity required.” Skip questions 7 and 8.



## TABLE 2 - EXEMPT PROJECTS

### ***Safety***

Railroad/highway crossing.

Projects that correct, improve, or eliminate a hazardous location or feature.

Safer non-Federal-aid system roads.

Shoulder improvements.

Increasing sight distance.

Highway Safety Improvement Program implementation.

Traffic control devices and operating assistance other than signalization projects.

Railroad/highway crossing warning devices.

Guardrails, median barriers, crash cushions.

Pavement resurfacing and/or rehabilitation.

Pavement marking.

Emergency relief ([23 U.S.C. 125](#)).

Fencing.

Skid treatments.

Safety roadside rest areas.

Adding medians.

Truck climbing lanes outside the urbanized area.

Lighting improvements.

Widening narrow pavements or reconstructing bridges (no additional travel lanes).

Emergency truck pullovers.

# PES Question #7



**Is the project exempt from regional conformity?  
(If “Yes,” state which conformity determination in  
40 CFR 93.127, Table 3, applies): \_\_\_\_\_**



40 CFR Section 93.127, Table 3



- ✓ Review list of projects in Table 3
- ✓ <http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol21/pdf/CFR-2012-title40-vol21-sec93-127.pdf>



On PES Notes, indicate “Exempt. No regional conformity determination required.” (*Hot spot analysis may be required.*)

# PES Question #8



If project is not exempt from regional conformity,  
(If “No” on Question #7), is project in a:

- » metropolitan non-attainment/maintenance area?
- » isolated rural non-attainment area?
- » non-attainment/maintenance for CO, PM10, PM2.5 ?



40 CFR 93.104, 40 CFR 93.109



✓ Review NAAQS Maps



On PES form, indicate NAAQS classification of project area.

# PES Question #9



**Is there a potential for hazardous materials (including underground or above ground tanks, etc.) and/or hazardous waste within or immediately adjacent to the construction area?**



Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. 9601 and Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901



- ✓ Check <http://geotracker.waterboards.ca.gov/> and local and state databases of hazardous material sites.
- ✓ Review local records of prior land uses
- ✓ Conduct site visit.



On PES Notes, describe results of screening and briefly discuss any proposed excavation and demolition.



[FARMEX LAND, INC.](#) (T0601926788)

11156 EAST ANNADALE  
SANGER, CA 93657

*LUST Cleanup Site*

*Cleanup Status: Completed - Case Closed*

*RB Case #: 5T10000856*

*Loc Case #: FA0277808*

# PES Question #10



**Does the project have the potential to impact Water Resources (*rivers, streams, bays, inlets, lakes, drainage sloughs*) within or immediately adjacent to the project area?**



23 CFR 771.117 (a) water quality impacts



✓ Review area maps. Conduct site visit. Take photographs.



On PES Notes, provide names of all rivers, creeks or water bodies. Mention standard construction practices that will be implemented to protect water resources.



S Del Rey Ave



# PES Question #11



**Is the project within a designated Sole-Source Aquifer?**



40 CFR 149.102 (a)



- ✓ Sole Source Aquifers in California (*Santa Cruz, Fresno or Imperial or San Diego counties*).
- ✓ *Does the project have the potential to contaminate the Sole Source Aquifer (wells, sewage or chemicals)?*



In PES Notes, clarify whether project is located within one of the counties with a sole source aquifer. If project is in one of the counties listed above and the response is “No,” indicate distance in miles from sole source aquifer and **Attach map.**



# PES Question #12



**Is the project within the State Coastal Zone, San Francisco Bay or Suisun Marsh?**



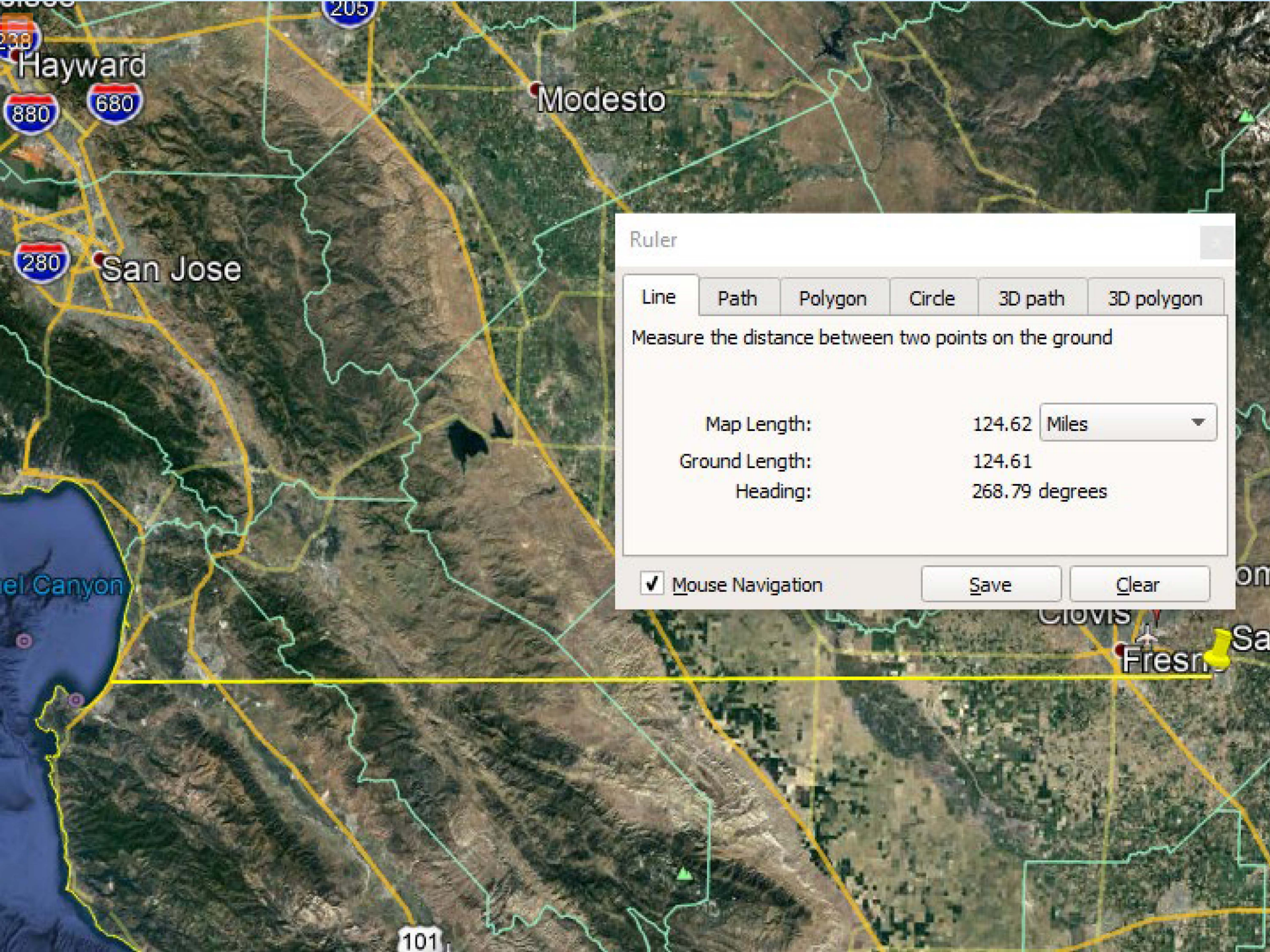
32 CFR 644.318



- ✓ Review State Coastal Zone maps and BCDC jurisdiction maps.
- ✓ [http://www.coastal.ca.gov/nps/Web/cca\\_statemap.htm](http://www.coastal.ca.gov/nps/Web/cca_statemap.htm)



In PES Notes, briefly discuss project's distance from Coastal Zone and BCDC jurisdiction. When the response is "No" and where proximity is questionable, attach a map.



### Ruler

Line

Path

Polygon

Circle

3D path

3D polygon

Measure the distance between two points on the ground

Map Length:

124.62

Miles

Ground Length:

124.61

Heading:

268.79 degrees

☒ Mouse Navigation

Save

Clear



# PES Question #13



**Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake?**



Presidential Executive Order 11988



- ✓ Review current FEMA and NFIP (FIRM) maps to determine if project is within the 100-year base floodplain.

<https://msc.fema.gov/portal/home>



On PES Form, cite FEMA or NFIP map number and date. Attach a copy of FEMA/NFIP map with project location highlighted.



AREA OF MINIMAL FLOOD HAZARD

Zone X

T14S R: Fresno County Unincorporated Areas  
065029

06019 C2155H  
eff. 2/18/2009

T14S R22E S21



# PES Question #14



**Is the project within or immediately adjacent to a designated Wild and Scenic River System?**



36 CFR 297



- ✓ Review list of rivers at <http://www.rivers.gov/>
- ✓ Determine if project is within 1/4-mile of designated corridor.



In PES Notes, indicate name of river and briefly discuss location of project relative to designated corridor. Highlight corridor on Regional Map and attach to PES form.



Ruler

Line

Path

Polygon

Circle

3D path

3D polygon

Measure the distance between two points on the ground

Map Length:

3.12

Miles

Ground Length:

3.12

Heading:

90.57 degrees

☒ Mouse Navigation

Save

Clear



Sample Project

S Del Rey Ave

E North Ave

S Bethel Ave

Greenwood Ave

Academy Ave

North Ave

Newmark Ave

S Newmar

S Riverbend Ave

# PES Question #15



**Is there a potential for federally-listed threatened or endangered species or their designated critical habitat to occur within or adjacent to the construction site?**



50 CFR Part 402, Sections 7, 9 and 10 and Magnuson-Stevens Fishery Conservation and Management Act

Obtain USFWS Species List for County.

**<https://ecos.fws.gov/ipac/>**



Have qualified biologist conduct general reconnaissance survey to determine potential for suitable habitat. Take photos.



Submit Species List, Survey Notes and Photos with PES Form.



# PES Question #16



**Does the project have the potential to directly or indirectly affect migratory birds or their nests or eggs (such as vegetation removal, box culvert replacement/repair, bridge work, etc.)?**



Migratory Bird Treaty Act (16 U.S.C. 703-712)



- ✓ Have qualified biologist conduct site visit to confirm presence or absence of migratory birds, their nests or eggs.



Indicate date of site visit and briefly summarize observations, (i.e., trees or bridges). Submit field notes and photos with PES form. If applicable, indicate work window and any standard avoidance measures. If biologist is not available to conduct a survey, indicate TBD on PES form and submit photographs of the project area along with PES form.





# PES Question #17



**Is there a potential for wetlands to occur within or adjacent to the construction area?**



E.O. 11990 Protection of Wetlands, Clean Water Act



- ✓ Have qualified biologist review National Wetland Inventory (NWI) maps and conduct site visit, *if necessary*, to confirm potential for wetlands.



If no potential for wetlands, check “No,” attach copy of NWI map, field notes and photos.

If biologist is not available, indicate TBD on PES form and submit photographs of the project area with PES form.



BASEMAPS >

MAP LAYERS >

ds

n

n Mapping Areas

ource

Source Type

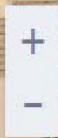
Image Scale

Image Year

of Interest

Managed Lands

Wetland Data



Measure



General

Description

Reports

About

This **2.07 acre Freshwater Emergent Wetland** habitat is classified as a **PEM1A**. For a complete code description, click [here](#).

The wetlands and deepwater habitats in this area were photo interpreted using **1:58,000** scale, **color infrared** imagery from **1984**.

[Zoom to wetland](#)

[Zoom to project area](#)





# National Wetlands Inventory

surface waters and wetlands

BASEMAPS >

MAP LAYERS >

☒ Wetlands



☐ Riparian



☐ Riparian Mapping Areas



☒ Data Source



☐ Source Type

☐ Image Scale

☐ Image Year

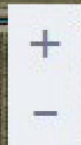
☐ Areas of Interest



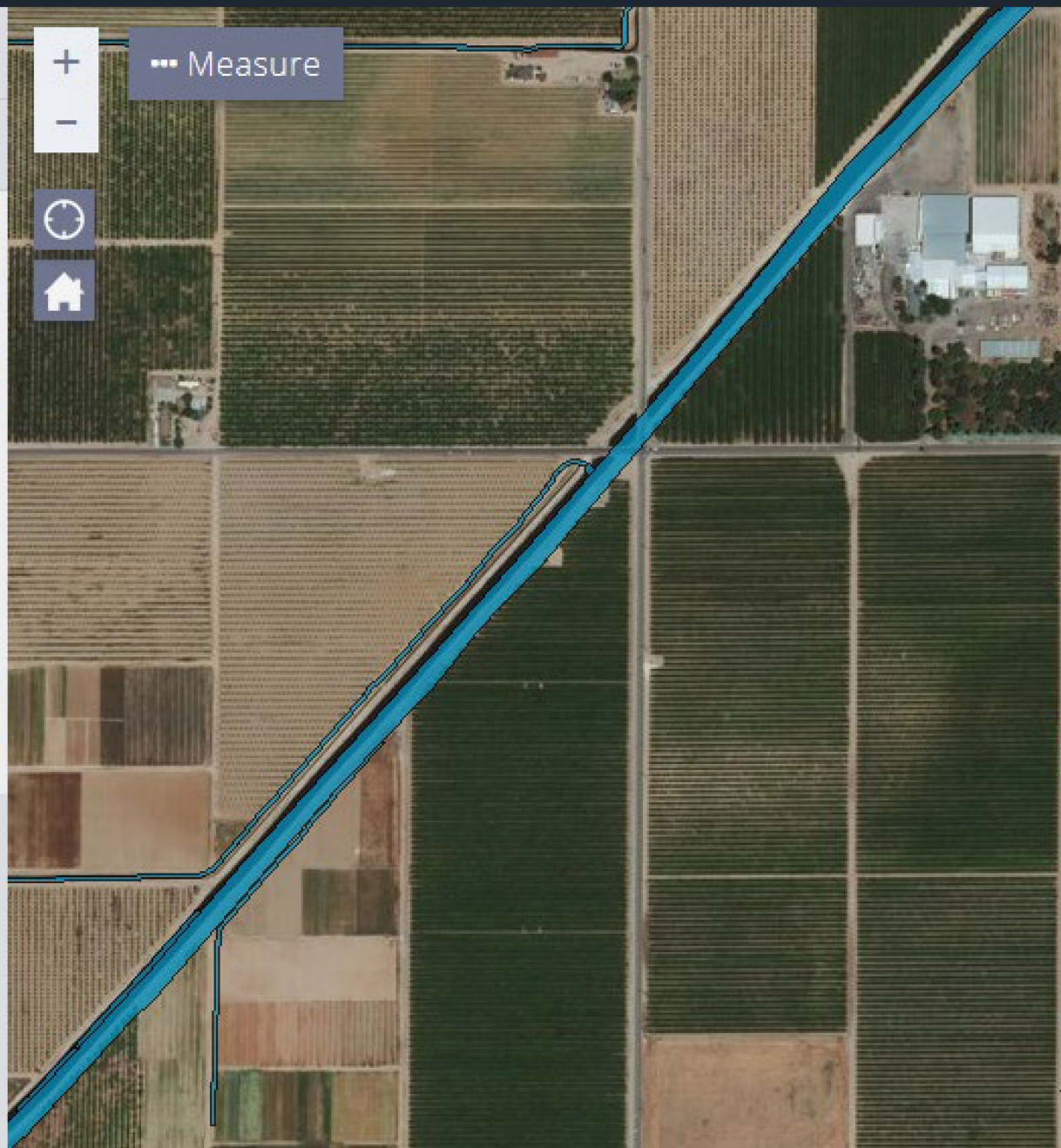
☐ FWS Managed Lands



☐ Historic Wetland Data



... Measure





# PES Question #18



**Is there a potential for agricultural wetlands to occur within or adjacent to the construction area?**



33 CFR 323.2(c), Clean Water Act, 404 Regulatory Program



- ✓ Review General Plan for existing Land Uses. If Farmland or Agricultural Zoning is present, then review NRCS field office maps to determine presence of agricultural wetlands.



In Notes, describe zoning and results of NRCS map review.

# PES Question #19



**Is there a potential for the introduction or spread of invasive plant species?**



Presidential Executive Order 13112



- ✓ Consider if landscaping or vegetation removal is proposed. Review California official noxious weed list and California Invasive Plant Inventory.



Clarify no landscaping or vegetation removal.

# PES Question #20



**Are there any historic sites or publicly owned public parks, recreation areas, wildlife or waterfowl refuges [Section 4(f)] within or immediately adjacent to the construction area?**



49 U.S.C. 303; 23 CFR 771.135




- ✓ Review right of way/parcel maps. Conduct site visit. Note historic sites, and/or publicly-owned public parks, recreation areas, designated wildlife or waterfowl refuges



Briefly describe project setting and land uses. Attach project footprint map showing ownership.





 Sample Project



# PES Question #21



**Does the project have the potential to affect properties acquired with Land and Water Conservation Fund Act [Section 6(f)] lands?**



16 U.S.C. 460 Land and Water Conservation Fund Act



- ✓ Go to:  
<https://www.nps.gov/ncrc/programs/uprr/eligibility.html#ELIGIBLECOUNTIES>
- ✓ Click applicable County in left margin
- ✓ Are there parks and resources within project area that have used LWCF grants?



In PES Notes, document outcome of database check, including date and amount of LWCF grant.

# PES Question #22



**Does the project have the potential to affect any visual or scenic resources?**



23 CFR 771.135; 49 U.S.C. 303



- ✓ Complete Visual Impact Assessment (VIA) Checklist at:
- ✓ <https://dot.ca.gov/programs/design/lap-visual-impact-assessment/lap-via-questionnaire>
- ✓ Total point values.
- ✓ Submit VIA Checklist with PES
- ✓ *See Handouts (page 72 )*



In PES Notes, summarize results of checklist.

# PES Question #23



**Will the project require the relocation of residential or business properties?**



42 U.S.C. 61 (Uniform Relocation Assistance and Real Property Acquisition Policies Act)



- ✓ Review Detailed Project Description and Preliminary Design Information provided on first page of PES form.



In PES Notes, provide an estimate of the number of displacements anticipated.

# PES Question #24



**Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.**



23 CFR 771.111(h)(2)(iii) *Opportunity for public hearing held for projects requiring significant amounts of right of way.*



- ✓ Review Detailed Project Description and Preliminary Design Information provided on first page of PES form.



In PES Notes, provide an estimate of the number of parcels or acreage to be acquired.



# PES Question #25



**Is project inconsistent with plans and goals adopted by the community?**



23 CFR 771.117(b) Unusual circumstances; (4)  
*Inconsistencies with any local law, requirement or administrative determination*



- ✓ Review Zoning Ordinance, General Plan, Transportation Element, Land Use Element, Community Plan and goals adopted by the community and determine if project is consistent.



In the PES Notes, briefly explain how project is consistent with local plans.

# PES Question #26



**Does project have the potential to divide or disrupt neighborhood/communities?**



U.S. DOT Order, Title VI (*42 U.S.C. 2000*)



- ✓ Review demographic data from most recent census tract data (age, ethnicity, income) and determine if project has potential to divide or disrupt neighborhood cohesiveness or economic vitality.



In PES Notes, summarize census tract information and briefly discuss project's affect on neighborhood/community cohesiveness and economic vitality.

# PES Question #27



**Does project have the potential to disproportionately effect low-income and minority populations?**



Presidential Executive Order 12898, Environmental Justice



- ✓ Review demographic data from most recent census tract data to determine if project area is identified as minority or low income.



In PES Notes, briefly describe neighborhood profile and briefly discuss if project has the potential to disproportionately affect.

# PES Question #28



**Will project require the relocation of public utilities?**



NEPA; *disruption of established communities*



- ✓ Review public services and utilities presently available to the project area and determine whether utility relocation will be necessary. This information may also be found in the Field Review Form.



In the PES Notes, clarify which utilities will require relocation.





# PES Question #29



**Will the project affect access to properties or roadways?**



23 CFR 771.111(h)(2)(iii); 23 CFR 771.135, Section 4[f][49 U.S.C. 303]



✓ Review adjacent land uses and construction activities.



In the PES Notes, briefly describe how construction will or will not impact adjacent land uses.

# PES Question #30



**Will the project involve changes in access control to the State Highway System (SHS)?**



23 CFR 771.117(d)(7)

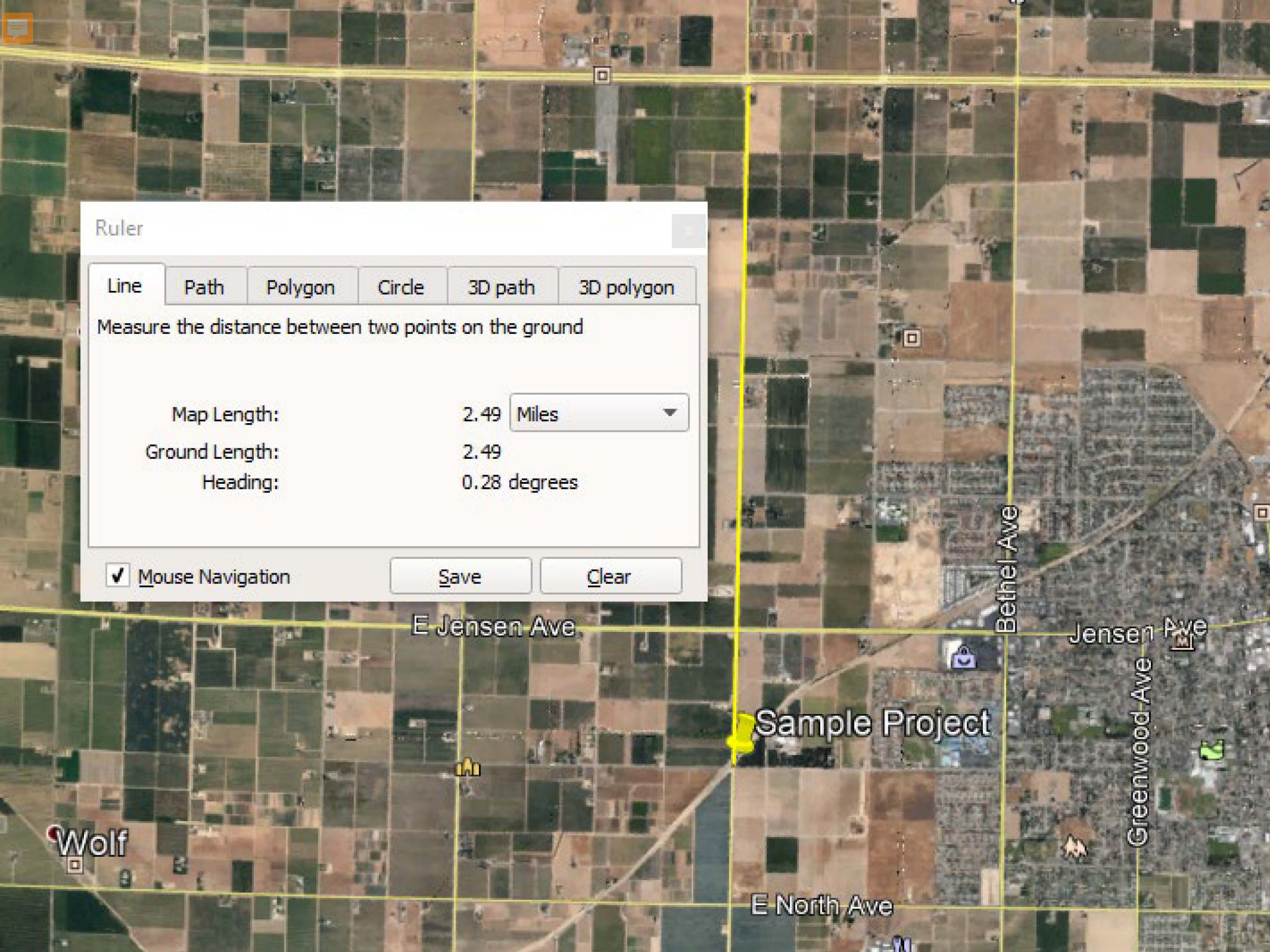


- ✓ Review Field Review form and project plans to determine whether project will require a new connection to the SHS?



In the PES Notes, briefly document findings. Any new access will require concept approval from FHWA.





## Ruler

Line

Path

Polygon

Circle

3D path

3D polygon

Measure the distance between two points on the ground

Map Length:

2.49

Miles

Ground Length:

2.49

Heading:

0.28 degrees

☒ Mouse Navigation

Save

Clear

E Jensen Ave

Sample Project

E North Ave

Bethel Ave

Jensen Ave

Greenwood Ave

Wolf



# PES Question #31



**Will the project involve the use of a temporary road, detour, or ramp closure?**



23 CFR 771.135 23 CFR 771.111(h)(2)(iii)



- ✓ Review Field Review form and project drawings to determine if a temporary road, detour or ramp closure will be needed.



In the PES Notes, briefly describe project construction and whether a temporary road, detour or ramp closure will be required.

# PES Question #32



## Will project reduce available parking?



SER Volume 4, Section 6.2.5 Loss of Parking



- ✓ Consult Field Review form, engineering drawings and project engineer to determine if project will *permanently or temporarily* affect parking.

Delineate location of parking spaces on project footprint map.



In the PES Notes, briefly discuss whether parking will be affected.

# PES Question #33



**Will the project construction encroach on state or federal lands?**



23 CFR 771.111(e)



✓ Review right of way and parcel maps to determine ownership.



In PES Notes, indicate general land ownership surrounding project.

# PES Question #34



**Will the project convert any farmland to a different use or impact any farmlands?**



Title 7 CFR 658 – Farmland Protection Policy Act



- ✓ Consult NRCS Important Farmland Mapping to determine designation(s) of project area.

<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>



In PES Notes, indicate designation(s) of project area.



# PES Question #35



**Are there National Register listed or potentially eligible historic properties or archaeological resources within or immediately adjacent to the construction area?**



36 CFR 800



- ✓ District Professionally Qualified Staff (PQS) conducts screening.



District PQS completes Cultural Resource components of Sections A, B, C, D and G of PES form.

# PES Question #36



**Is the project adjacent to, or would it encroach on Tribal Land?**



23 U.S.C. 326 and 327 CT/FHWA MOUs, Sect. 106 PA, and 36 CFR 800



- ✓ Check with your local planning department
- ✓ Review your General Plan



Document the results of your research.



# **PES Form**

## **Sections B, C and D**

### **Section B – Required Technical Studies and Analyses**

- » For all “Yes” and “To Be Determined” responses in Section A, consider results of preliminary research to determine the appropriate level of technical studies and analyses required.


### **Section C – Coordination**

- » For each required study, check the appropriate Coordinating Agency.

### **Section D – Anticipated Actions/Permits/Approvals**

- » For each required study, check the anticipated Action, Permit and Approval.

**When in doubt, contact your  
District Local Assistance environmental generalist**



# Attachments to the PES Form

## **Required Attachments:**

- 1. FSTIP printout with the project highlighted**
- 2. Project Maps and views**
  - ✓ Regional Map
  - ✓ Location Map
  - ✓ Footprint (showing existing and proposed ROW)
  - ✓ Engineering drawings, if available
- 3. Visual Impact Analysis (VIA) Checklist**  
<https://dot.ca.gov/programs/design/lap-visual-impact-assessment/lap-via-questionnaire>
- 4. FEMA floodplain Map of Project Vicinity**  
<https://www.fema.gov/flood-maps>





# Attachments to the PES Form (*Cont.*)

## Required Attachments cont.:

1. **GeoTracker Printout for Hazardous Materials**  
<http://geotracker.waterboards.ca.gov/>
2. **Federal Threatened and Endangered Species List from USFWS**  
<http://ecos.fws.gov/ipac/>
3. **Federal Threatened and Endangered Species List from NMFS**
4. **Current Photos of Project Site**



# PES Form

## Section E-COA

Local Assistance Procedures Manual

Exhibit 6-A

Preliminary Environmental Study (PES) Form

---

### E. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

*Check one:*

- ☐ Environmental Impact Statement (*Note: Engagement with participating agencies in accordance with 23 USC 139 required*)
  - ☐ Compliance with 23 USC 139 regarding Participating Agencies required
- ☐ Complex Environmental Assessment
- ☐ Routine Environmental Assessment
- ☐ Categorical Exclusion without required technical studies.
- ☐ Categorical Exclusion with required technical studies

*(if Categorical Exclusion is selected, check one of the following):*

- ☐ Section 23 USC 326
  - ☐ 23 CFR 771 activity (c)(\_\_\_\_)
  - ☐ 23 CFR 771 activity (d) (\_\_\_\_)
  - ☐ Activity \_\_\_\_ listed in the Section 23 USC 326
- ☐ Section 23 USC 327



# PES Form

## Section F-Public Hearing

### Public Hearings are required:

- » For all draft EISs
- » For any NEPA environmental document when there is:
  - *Substantial environmental controversy concerning the proposed action.*
  - *Substantial interest in holding a hearing.*
  - *A request for hearing by another agency with jurisdiction over the action.*



# PES Form

## Section F-Public Notice

**A Public Notice is required when the project will:**

- » Affect a historic property
- » Affect a wetland
- » Involve a floodplain encroachment
- » Adversely affect a minority or low-income community





# PES Form

## Section G-Signatures

### » Local Agency

- Staff and/or Consultant (Signature of Preparer)
- Local Agency Project Engineer

The Local Agency signature indicates that the PES was prepared under Project Engineer supervision and in accordance with *Local Assistance Procedures Manual*, Exhibit 6-B, “Instructions for Completing the Preliminary Environmental Study Form.”



# PES Form

## Section G-PQS signature

### Caltrans District Professionally Qualified Staff (PQS) Signature

- ☐ Project does not meet definition of an “undertaking”; no further review is necessary under Section 106 (“No” Section A, #35).
- ☐ Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA and based on the information provided in the PES Form, the project does not have the potential to affect historic properties (“No” Section A, #35).
- ☐ Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA, but the following additional procedures or information is needed to determine the potential for effect (“To Be Determined” Section A, #35):
  - ☐ Records Search      ☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_
- ☐ Project meets the definition of an “undertaking”; all properties in the project area are exempt from evaluation per Attachment 4 of the Section 106 PA (“No” Section A, #35).
- ☐ The proposed undertaking is considered to have the potential to affect historic properties; further studies for 106 compliance are indicated in Sections B, C, and D of this PES Form (“Yes” Section A, #35).

---

*(Signature of Professionally Qualified Staff)*

---

*(Date)*

---

*(Telephone No.)*



# PES Form

## Section G-Caltrans Signatures

### » Caltrans

- District Local Assistance Engineer (DLAE)
- District Senior Environmental Planner (SEP)

Caltrans signature indicates that:

- PES form is complete and sufficient
- Caltrans concurs with required technical studies
- Caltrans concurs with NEPA Class of Action



# PES Form

## Section G-HQ Coordinator signature

» HQ DEA Environmental Coordinator (*required for EISs and Complex EAs only*)

Signature means Coordinator:

- Concurs with required Technical Studies
- Concurs with NEPA Class of Action





# After PES is Signed by Caltrans

## Local Agency:

- ♦ **Develops Scope of Work** for environmental contract *(if necessary)*
- ♦ **Hires environmental consultant** to conduct required technical studies and prepare technical reports *(if necessary)*



# Conducting Technical Studies and Preparing Technical Reports





# Technical Studies

## **NO Technical Studies should begin until PES is Signed by Caltrans**

This will Avoid:

- ◆ Unnecessary work
- ◆ Higher project costs
- ◆ Delivery delays





# Environmental Consultants

- ◆ Shall reference LAPM, Chapter 6 for procedures for processing Technical Studies and NEPA documents
- ◆ Shall reference the SER for:
  - » Technical Study/Report Preparer Qualifications
  - » Scope of Technical Study
  - » Technical Report Format and Content
  - » Available Technical Report Templates
  - » Annotated Outlines for EAs and EISs
- ◆ Consultant Procurement Shall be prepared in accordance with LAPM Chapter 10



# Annotated Outlines

- ◆ NEPA-Only EA
- ◆ NEPA-Only EIS
- ◆ IS/EA
- ◆ EIR/EA
- ◆ EIR/EIS
- ◆ ASR
- ◆ HPSR
- ◆ BA
- ◆ NES

## Initial Study/Environmental Assessment Annotated Outline

Text color key:	Black = required headings	Blue = instructions/guidance to be deleted	Red = boilerplate text
Underlined text:	Internet or Intranet Web link	Purple = sample text	Orange = special attention
		Gray highlight = Coastal instructions	Green = Local Assistance guidance

## Initial Study/ Environmental Assessment Annotated Outline

### Note to authors:

For a "Final" IS/EA mark any changes to the document by placing a line in the margin where the changes are made. Do not show strikethrough of text in the final document.

### Standards used in this template:

Black text = Required headings.

Blue text = instructions and guidance to be considered and deleted from the final document.

Red text = Required boilerplate text to be inserted into document. This text may be deleted if not applicable, but may not be edited.

Gray highlighted text (Coastal) = Instructions and guidance for projects within the coastal zone. This text should be deleted for projects outside the coastal zone.

Purple text = Sample text that can be used in document, as applicable.

Orange text = Text needing special attention; for example, to distinguish between instructions relating to draft and final environmental document.

Green text = Special guidance for Local Assistance projects (local roadway projects off the State Highway System using Federal-aid funds).

Underlined text (regardless of text color) = Internet or Intranet web links.

### Cover Sheet (p. 3)

### General Information about This Document (p. 8)

### Title Sheet (p. 12)

### Finding of No Significant Impact (FONSI) (p. 13)

### Proposed Mitigated Negative Declaration (p. 14)

### Summary (brief) (optional) (p. 16)

### Table of Contents (p. 16)

Note: As you write the body of the document, remember who your audience is. Write to the general public and not to professional planners and engineers. Reword difficult terms or concepts, or explain them in the body of the text. Only when neither of these is practical should you use footnotes or include these terms in a glossary using common language.



# Annotated Outlines

## Key Features

- ◆ Color-coded text
  - » Black: required headings
  - » Blue: instructions/guidance to be deleted
  - » Red: boilerplate text
  - » Purple: sample text
  - » Orange: special attention
  - » Green: local agency guidance
  - » Underlined: internet web links
- ◆ “Magic language” - Language that ensures compliance with federal requirements.
- ◆ “NEPA Assignment Language” - identifies CT as NEPA Lead Agency per 23 U.S.C. 327 NEPA Assignment MOU.



# Environmental Document Review Checklist

*provide link here>>>*

## Environmental Document Review Checklist

Project Name:	_____	<input type="checkbox"/> Local Assistance	<input type="checkbox"/> SHS
Federal-Aid No.:	_____	E A:	_____
DIST-CO-RTE-PM:	_____		
Document Type:	<input type="checkbox"/> Routine E A	<input type="checkbox"/> Complex E A	<input type="checkbox"/> EIS
	<input type="checkbox"/> IS	<input type="checkbox"/> EIR	<input type="checkbox"/> Draft
	<input type="checkbox"/> Final		
Lead Agency	CEQA:	NEPA:	Caltrans
Name of Document Preparer or Oversight Coordinator:	_____		
<input type="checkbox"/> Consultant-Prepared	Consultant:	Name:	_____

Page No. in ED	Check if content is:		Major Required Content Per Annotated Outline
	Included	Not applicable	
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Cover Sheet</b>
	<input type="checkbox"/>	<input type="checkbox"/>	Follows annotated outline format
	<input type="checkbox"/>	<input type="checkbox"/>	Includes 23 U.S.C. 327 assignment language
	<input type="checkbox"/>	<input type="checkbox"/>	<b>General Information About This Document</b> (not required for Final ED)
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Title Sheet</b>
	<input type="checkbox"/>	<input type="checkbox"/>	Title including cooperating agencies
	<input type="checkbox"/>	<input type="checkbox"/>	Legal citations, including 49 USC 303 for Section 4(f), if applicable
	<input type="checkbox"/>	<input type="checkbox"/>	Signature blocks and contacts
	<input type="checkbox"/>	<input type="checkbox"/>	Abstract (only required for EIS)
	<input type="checkbox"/>	<input type="checkbox"/>	Due date for comments
	<input type="checkbox"/>	<input type="checkbox"/>	<b>FONSI</b> (for Final ED and only if applicable)
	<input type="checkbox"/>	<input type="checkbox"/>	<b>[Proposed</b> (insert for Draft ED)] <b>Mitigated Negative Declaration or Negative Declaration</b> (as applicable)
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Summary</b> (optional for IS and E A, but required for EIR and EIS)
	<input type="checkbox"/>	<input type="checkbox"/>	Include 23 U.S.C. 327 assignment language
	<input type="checkbox"/>	<input type="checkbox"/>	Identify lead agency under CEQA and NEPA
	<input type="checkbox"/>	<input type="checkbox"/>	Summary table
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Table of Contents</b>
	<input type="checkbox"/>	<input type="checkbox"/>	List of tables and figures
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Proposed Project</b>

# External Certifications Environmental Document Quality Control Reviews Form

## EXTERNAL CERTIFICATIONS ENVIRONMENTAL DOCUMENT QUALITY CONTROL REVIEWS

<b>Project Name:</b> _____	<input type="checkbox"/> Local Assistance	<input type="checkbox"/> SHS
<b>DIST-CO-RTE-PM:</b> _____	<b>EA:</b> _____	
<b>Federal-Aid No.:</b> _____		
<b>Document Type:</b>	<input type="checkbox"/> EA <input type="checkbox"/> EIS <input type="checkbox"/> IS <input type="checkbox"/> EIR <input type="checkbox"/> Draft <input type="checkbox"/> Final	
<b>District Local Assistance Engineer (DLAE):</b> _____		
<b>Local Agency:</b> _____	<b>Contact:</b> _____	<b>Phone No:</b> _____
<b>Caltrans Oversight Coordinator:</b> _____		
<b>Environmental Consultant:</b> _____	<b>Contact:</b> _____	<b>Phone No:</b> _____

**Technical Specialist Reviewers:** I have performed the required quality control review assigned to me and find that this environmental document satisfactorily meets State and federal requirements, as applicable, in my area of expertise and is consistent with the applicable technical study.

Type of Review	Reviewer (Print Name)	Reviewer's Signature	Verification Date
Check the box for each stand-alone technical study prepared for the environmental document; technical specialist review is only required for each resource topic with a stand-alone technical study.			
<input type="checkbox"/> Biology	_____	_____	_____
<input type="checkbox"/> Cultural	_____	_____	_____
<input type="checkbox"/> CIA	_____	_____	_____
<input type="checkbox"/> Visual	_____	_____	_____
<input type="checkbox"/> Hazardous Waste	_____	_____	_____
<input type="checkbox"/> Floodplain	_____	_____	_____
<input type="checkbox"/> Water Quality	_____	_____	_____





# Reviewing Environmental Documents

## Local Agency:

- ◆ Is **required** to perform the first line review of NEPA documents prior to submittal to Caltrans.
- ◆ Ensures format and content of NEPA document is consistent with NEPA-Only or Joint NEPA/CEQA Annotated Outline
- ◆ Ensures consistency between technical reports and NEPA document.
- ◆ Ensures environmental document preparer completes and signs the Environmental Document Review Checklist.



# Signature

Local Agency signature means the environmental document:

- ◆ Meets state and federal requirements
- ◆ Is consistent with the applicable technical study
- ◆ Is internally consistent
- ◆ Is consistent with Caltrans and FHWA requirements
- ◆ Is consistent with annotated outline
- ◆ Has undergone required QC reviews



# After CT Approval of Draft ED

## **Local Agency:**

- ◆ Circulates Draft ED
- ◆ Revises ED in response to public comment
- ◆ Performs QC Review of Final ED
- ◆ Requests CT approval of FONSI or Final EIS and Record Of Decision (ROD)



# Contact Your District Environmental Staff

To discuss:

- » Available forms and templates
- » Technical Report format and content
- » Technical Study methodology & level of analysis
- » Area of Potential Effect (APE) map for Section 106
- » Other study area maps





# Consultation with Resource and Regulatory Agencies

- ◆ Only **Caltrans** has been assigned the U.S. Secretary's responsibility for consultation with other federal agencies.
- ◆ Local Agencies and their consultants may not consult with, or negotiate mitigation measures with, resource or regulatory agencies.





# Technical Responsibilities for Local Agencies

## Local Agency:

- ◆ Reviews all technical studies to ensure that format and content are consistent with the SER.
- ◆ Is **required** to perform the first line review of all technical reports.
- ◆ Submits Technical Studies to Caltrans
- ◆ Submits list of environmental commitments (e.g., avoidance, minimization and mitigation measures)



# Caltrans' Responsibilities

## Caltrans:

- ◆ Prepares Section 7 “No Effect Memo” (*if appropriate*)
- ◆ Prepares Section 106 “Screening Memo” (*if appropriate*)
- ◆ Reviews and approves Technical Studies
- ◆ Forwards Section 7 document and requests consultation with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS)
- ◆ Forwards Section 106 studies and initiates consultation with the State Historic Preservation Officer (SHPO)



# Caltrans Responsibilities

## Caltrans:

- ◆ Signs Summary of Floodplain Encroachment Form
- ◆ Makes Only Practicable Alternative Findings for Floodplains
- ◆ Makes Wetlands Only Practicable Alternatives Findings
- ◆ Approves Individual and Programmatic Section 4(f) Evaluations and *De Minimis* Findings





# Categorical Exclusion (CE) Approval



## Caltrans:

- ◆ Completes and signs CE Checklist, documenting compliance with all applicable federal environmental laws, regulations, and executive orders
- ◆ Prepares CE Determination form
- ◆ Attaches list of environmental commitments to CE
- ◆ Signs CE Determination form



# After NEPA Approval

## Local Agency:

- ◆ Begins final design
- ◆ Notifies Caltrans when Revalidation is Needed
  - » Scope Changes, Moving to the Next Federal Milestone, etc.
- ◆ Begins Property Acquisition
- ◆ Obtains Environmental Permits and Provides copies to Caltrans
- ◆ Incorporates *Avoidance, Minimization, and Mitigation* measures into final PS&E and Construction Contract Provisions
- ◆ Implements Required Mitigation and Permit Conditions



# Pop Quiz





# Pop Quiz

## True or False

1. Local Agencies and their consultants may consult with USFWS on mitigation.

**- False**

2. Referencing the LAPM and SER in Consultant Contracts is optional for Local Assistance projects

**- False**

3. Technical report requirements, outlined in the PES form, may change as additional information becomes available during technical studies.

**- True**

4. Local Agencies should use the Preliminary Design Information on the first page of the PES Form to assist them in developing a complete project description.

**- False**





# Pop Quiz

## True or False

5. Using the NEPA Annotated Outline for Local Assistance EAs and EISs is optional.

**- False**

6. Local Agencies don't have to worry about reviewing Technical Studies or Environmental Documents prepared by their consultants. They can just send them over to Caltrans.

**- False**

7. A re-evaluation is required when the project is proceeding to the next major federal approval.

**- False**

8. Local agencies are responsible for obtaining all permits, incorporating permit conditions and required mitigation into PS&E, and fully implementing permit conditions and mitigation measures during construction.

**- False**



# Wrap-up and Review

- ◆ Objectives
- ◆ Expectations
- ◆ Evaluations
- ◆ Continuing Education Units (CEUs)



# Final Word



# MANUALS

they come in handy