

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5267
FAX (916) 654-6608
TTY (916) 654-4086



July 13, 2001

The Honorable Norman Y. Mineta
Secretary, U.S. Department of Transportation
400 7th Street SW
Washington, DC 20590

Dear Secretary Mineta:

One of the subjects we discussed at our January 2001 meeting was a preliminary proposal to streamline environmental compliance for transportation projects without compromising environmental protection. In response to your request for a fully developed suite of proposed actions, I have attached the California Department of Transportation's (Department) proposal to streamline environmental compliance procedures through the adoption of a set of administrative efficiencies jointly between the Federal Highway Administration (FHWA) and our Department.

Since TEA-21's passage there has been a very substantial increase in the federal-aid transportation program for both the State and local agencies in California. Coupled with the Department's implementation of the Governor's Traffic Congestion Relief Program (TCRP), these augmentations have nearly doubled the annual funding being invested in California's transportation improvements. This substantial funding increase has resulted in a corresponding increase in the Department's environmental workload and attendant environmental documents and technical studies. However, during the same time period, the FHWA's California Division staffing to review and coordinate environmental documents and technical studies with the federal resources agencies has remained essentially unchanged.

The Department expects to deliver its huge transportation program as promised. However, the collaborative efforts of the U.S. Department of Transportation to establish measures, such as those outlined in this proposal, to improve environmental document processing procedures are needed to be successful. If implementation of improved document processing procedures cannot be achieved, there is reason to believe FHWA's staffing, particularly area engineers and technical staff, will need to be augmented to meet California's increased environmental workload.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Morales".

JEFF MORALES
Director

Enclosure

2001227

Proposal for Environmental Compliance Streamlining

Executive Summary

The California Department of Transportation (Department) proposes to further streamline environmental compliance procedures through adopting administrative efficiency actions jointly with Federal Highway Administration (FHWA) and/or U. S. Department of Transportation (U.S. DOT). The measures are designed to attain environmental compliance more expeditiously without compromising environmental quality.

The proposed actions are:

1. Mutually define and commit to deadlines to expedite environmental document review.
2. Expand the Department's role as an agent of FHWA in coordinating and negotiating directly with federal resource and regulatory agencies.
3. Expand programmatic categorical exclusion (CE) approval authority to the Department, with appropriate monitoring by FHWA's California Division.
4. Develop and maintain a formal tracking system for movement of environmental work products between the Department, FHWA and regulatory agencies.
5. Establish a Department environmental document quality assurance program with elements of peer, technical specialist, and legal review; technical editing; document consistency; and document production improvements.
6. Increase internal legal sufficiency review of the Department's environmental documents and augment legal staff availability for consultation during project and environmental document development.

Purpose

Further streamline the Department's environmental compliance procedures through adopting a suite of administrative efficiency actions jointly with the FHWA and/or U.S. DOT. It is intended to implement the streamlining measures initially on State highway projects. As the measures are refined, they will be applied to local agency projects as well.

Background

The emphasis on efficient delivery of needed transportation improvements is increasing. In his January 2000 State of the State address, Governor Gray Davis directed State agencies to "streamline California's transportation project delivery while maintaining environmental protection standards." Later in the year, the Governor developed the new Traffic Congestion Relief Program (TCRP). The Governor's transportation initiative will add \$6.8 billion in new transportation funding over the next six years, approximately doubling the funds being invested in California transportation improvements annually.

The Department's environmental staff has been growing rapidly in response to increased numbers of projects and increasingly complex environmental regulations. As an example of the pace of change, the Central Region employed 44 environmental planning staff in 1997; it has 229 today. The Department employs approximately 760 environmental planners statewide in various aspects of environmental compliance. Of these, about 270 prepare environmental documents, 100 do cultural resources technical studies and 120 perform biological work.

Approximately 14 draft or final Environmental Impact Statements (EIS) went through FHWA for review and approval in Fiscal Year 99/00. Seventy draft or final EISs are expected in the next three years, an annual increase of about 75 percent. Environmental documents are also prepared for Local Assistance projects, which also require FHWA involvement. The numbers of these documents are increasing substantially as well.

The environmental work products of the Department and over 650 local agencies are funneled through 20 staff at the FHWA's California Division office that deal with environmental issues on federal-aid highway projects. The disparity in staff numbers between the respective organizations is huge. Due to the large increase in numbers of projects and respective staff sizes, substantial changes must be made to the current FHWA/Department approach to environmental compliance, or increasing project delay will inevitably result.

Proposal

Both the Department and FHWA are dedicated to the goals of environmental streamlining and improved project delivery. Agreement on administrative actions to streamline environmental compliance would benefit both organizations and would increase the partnership between them. As a first step, the Department is herein proposing a suite of administrative actions to FHWA and U.S. DOT that will collectively streamline environmental compliance and reduce delay, thus improving project delivery. These measures are designed to comply with environmental requirements more efficiently without compromising environmental quality. The measures would be used initially for State highway projects. As each measure is refined, its use would then expand to local agency projects.

These measures, presented in priority order, are:

FHWA Actions:

Discussions have begun on these actions.

1. Mutually define and commit to deadlines to expedite environmental document review.
2. Expand the Department's role as an agent of FHWA in coordinating and negotiating directly with federal resource and regulatory agencies.
3. Expand programmatic CE approval authority to the Department, with appropriate monitoring by FHWA's California Division.
4. Maintain a formal tracking system to track movement of environmental work products between the Department, FHWA and regulatory agencies.

Department Actions:

The Department will undertake these actions. Work on each of them is underway.

1. Establish a Department environmental document quality assurance program with elements of peer, technical specialist, and legal review; technical editing; document consistency; and document production improvements.
2. Increase internal legal sufficiency review of Department environmental documents and augment legal staff availability for consultation during project and environmental document development.
3. Develop a tracking system with mutual access and input by the Department and FHWA, to record movement of key work products for environmental compliance.

Proposed FHWA actions are discussed below:

1. Environmental Document Review/Approval Timelines

FHWA's California Division office staffing levels have remained static, not keeping pace with the hiring levels of the Department in recent years. As a result, FHWA cannot keep up with the volume of the Department's environmental documents submitted for review and approval. The greater volume of environmental work products has also generated a need for more communications and meetings with FHWA Transportation Engineers and environmental specialists. The Department's District and Regional offices have experienced an attendant increase in FHWA review and approval timelines for draft and final environmental documents, technical studies, and requests for consultations with regulatory agencies.

The principal goals of the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations are to reduce paperwork and delays, and to produce better environmental decisions. The regulations focus on four key areas: (1) early coordination; (2) completing the environmental process; (3) uniform processing options for all agencies; and (4) faster and better processing.

In July 1999, the U.S. DOT and federal environmental review and permitting agencies entered into a national memorandum of understanding to implement Section 1309 of TEA-21. An action plan was developed with goals, strategies, and objectives that reflect the agencies' commitment to establish a new way of doing business. To reduce project delays, the agencies agreed to: "Provide timely review and constructive comments on transportation proposals focusing additional information requests on information which is needed to reach an informed decision."

The National Environmental Streamlining Training Workshop for Federal Agencies held in St. Louis in November 2000, generated a strategy to: "Establish timely, and where feasible, concurrent project reviews through active and rigorous coordination among Federal, State, and local partners through early and sustained, continuous involvement of Federal and State Resource Agencies."

From that strategy emerged a specific action to: "Define timeframes for individual project reviews and/or classes of actions on a state by state, region wide or project specific basis." There is a need to identify reasonable FHWA review and approval timelines for project environmental products. Proposed timelines for FHWA reviews and approvals of NEPA-related work products are presented in Attachment 1. Timelines may be modified for a specific project by mutual agreement.

2. Expand the Department's Role as Agent of FHWA

Formal compliance with federal single-purpose environmental laws (e.g. the Endangered Species Act, the National Historic Preservation Act) is normally handled between federal agencies (e.g. FHWA to U.S. Fish and Wildlife Service). FHWA currently requires the Department to send virtually all materials and requests destined for federal regulatory agencies through FHWA for its project-by-project consideration before passing them on to the regulatory agency for action. Issues related to Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act can become particularly cumbersome. FHWA handling time – review and transmittal – has varied from approximately two weeks to more than six months. Once the material reaches the regulatory agency, regulatory timelines apply. No such timelines exist for FHWA review.

The Department is proposing programmatic approaches to work directly with the federal regulatory agencies for many aspects of both Section 106 and Section 7. First, materials would move more quickly to the regulatory agency, improving project delivery. Second, FHWA staff working with Section 106 and Section 7 documents is the same staff reviewing environmental documents. Expanding the Department's role as agent of FHWA for working directly with State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) would free FHWA staff for more timely review of environmental documents.

A. Proposed Programmatic Agreement to Facilitate Section 106 Compliance

Section 106 of the National Historic Preservation Act allows federal agencies to substitute other procedures for the regulations through the use of Programmatic Agreements (PA). The PAs must satisfy the basic Section 106 regulatory requirements of public involvement, identification and evaluation of historic resources, analysis of effects, and mitigation. They can, however, streamline the procedures by various means.

Both the Department and FHWA are committed to implementing a PA. The proposed PA was developed by the Department and is modeled on agreements already in use in other state DOTs. FHWA is currently considering the proposal. An initial meeting between FHWA environmental specialists and the Department was held in May to outline key concerns from each agency's point of view. FHWA is particularly concerned about instituting quality control measures to ensure decisions are legally sound and to ensure sufficient oversight of local agency and consultant reports. Once the Department and FHWA agree on the details of the PA, it needs the review and approval of SHPO and ACHP. Assuming SHPO and ACHP can devote time to its further development, it is expected that the PA would be signed by December 2001.

See Attachment 2 for an outline of the PA proposal.

B. Streamlining Approach for Compliance with the Endangered Species Act

Three streamlining actions are proposed for more efficient compliance with the Endangered Species Act. Each action is described more fully in Attachment 3.

- **FHWA should fully delegate non-federal representation on federally listed species to the Department.** As authorized in the implementing regulations for the Endangered Species Act, "A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Director of such designation." The Department should be empowered to directly complete all aspects of informal consultation where species and/or habitat are "not likely to be adversely affected."
- **FHWA should provide written concurrence on the scope and content of proposed biological assessments (BA) prior to the initiation of studies** where a federally listed species is likely to be adversely affected or "take" may be reasonably expected to occur. Review should take place within a specified timeframe. Consistency with the pre-approved scope would provide the basis for subsequent BA reviews.
- **FHWA and the Department should implement standardized quality control (production measures) and quality assurance (verification measures) review programs for biological reports.** This would include verifying that quality control procedures for study methods, document contents and review were adhered to where applicable to reduce process time.

The Department will begin implementing the quality control portions of this proposal immediately. A Standards Advisory Consultancy Group, made up of senior Department biologists and FHWA environmental specialists, will be convened to develop the standards. The first products of the group will be completed in four to six months.

3. Expand Programmatic Categorical Exclusion Authority to the Department

In September 1990, the FHWA's California Division Administrator approved a programmatic categorical exclusion (PCE) for federal actions under FHWA jurisdiction that meet the categorical exclusion criteria in FHWA environmental regulations (23 CFR 771.117) and that

also meet additional specified conditions. In general, the conditions are expressions of minimal environmental impact. No FHWA approval is required for actions meeting PCE conditions.

The FHWA Transportation Engineer approves all NEPA CEs that do not meet the programmatic conditions. While consideration of each individual CE is not usually time consuming, more than 1000 Department project actions annually are approved with CEs. FHWA CE reviews and approvals collectively take considerable time, which could be spent addressing more complex projects and environmental issues.

Other states have been successful in developing programmatic CEs with broader impact conditions. Using the PCE agreements of other states as models, the Department proposes revising the PCE, as described in Attachment 4. Each of the proposed conditions is already in use under the PCE of another state.

4. Transmittal Tracking System

There currently is no formal system to track movement of environmental work products between the Department, FHWA, and regulatory agencies. The large and growing number of items sent by the Department to FHWA for action exceeds the capacity of the informal system currently in place to track their status. As a result, processing times at FHWA require repeated follow-up and communication between the Department and FHWA staff.

FHWA and the Department are developing a computer system to track documents and consultation requests sent from the Department to FHWA for review and action. The system will improve project delivery through efficient transmittal of work products from the Department to FHWA, from FHWA to regulatory agencies (technical reports), and from FHWA to the Department. Critical bottlenecks in this process could be quickly identified and action taken to keep documents and approvals on track.

The goals of the tracking system are:

- Low cost and simple – can be used by FHWA and the Department statewide without major software or hardware purchases or upgrades
- Allows data to be entered easily
- Allows tracking of specific items for specific projects
- Allows prioritization of items, at discretion of the District

A prototype designed to meet the needs of FHWA and the Department has been developed and tested. The prototype database is further described in Attachment 5.

In addition to improving project delivery through better tracking of Department/FHWA work products, this tracking system will provide valuable information on resource and time requirements for the environmental process, which in turn will help in scoping projects and in setting realistic project schedules.

Proposed Department actions are discussed below:

1. The Department's Environmental Document Quality Assurance Program

A renewed commitment at the Department to quality in environmental document preparation is essential to the success of streamlining. The commitment needs to be made at all levels of management and staff. The Department is committed to a quality approach, where the document is submitted to FHWA only when the Department has assured itself that the document meets standards and is ready to be approved by FHWA. Producing consistently high quality environmental documents will reduce FHWA review time, increase FHWA confidence in the work products they receive, and streamline project delivery.

To increase document quality the Department is implementing a Quality Assurance Program with a number of required, verifiable, elements. Statewide guidance will be developed on the required Program elements and standards. Districts will develop a district specific Quality Assurance Plan and commit to its use on every project. An internal audit program will be instituted to ensure statewide quality.

Each district's plan will address the following:

A. Standard Environmental Document Review Procedures

The Department will standardize requirements and responsibilities for environmental document review. This will result in improved environmental document quality. The following elements of review will be required:

- **Peer review**, verified by reviewer sign-off once document meets standards.
- **Technical specialist review** of their sections of the document, with sign off to verify that the environmental document discussion is technically accurate; includes Project Manager or Design review of project description and construction information.
- **Technical editing** of the environmental document with sign-off by the editor that environmental document meets readability standards for grammar, syntax, and language use. Use of the "Research Writer" classification is strongly encouraged.
- **Supervisor review** and sign-off.
- **Legal review**, with verification from Legal that the document is acceptable prior to public circulation.

B. Standard Environmental Document Development and Production Procedures

Currently, the Department does not have a standard format for its environmental documents. As a result, each environmental branch tends to use a unique approach to document formatting and production, resulting in different formats, approaches, length and quality of documents.

The Department, in cooperation with FHWA, will develop environmental document standards. Essential elements of a standard approach to document production include:

- **Standard format and organization**, following a standard Department style guide;
- **Quality graphics** prepared by staff or contract graphics specialists;
- **Technical editors** to edit major documents to help assure appropriate consistency in text formatting;
- **Electronic publication of environmental documents** to speed distribution to agencies and the public and reduce publishing costs.

These changes will increase the amount of time the environmental planner can spend on technical issues.

C. Develop Reporting and Evaluation Mechanisms

- Continue active FHWA Transportation Engineer participation on the Project Development Team (PDT).
- Develop internal Department process to assess the effectiveness of quality assurance plan measures.
- Convene scheduled, periodic meetings between FHWA and the Department to fine tune quality assurance approaches and practices.
- Hold environmental document closeout meetings to assess successes and needs for improvement.

2. Increase Department Legal Sufficiency Review

Presently there are fewer than ten Department attorneys statewide working on a part-time basis reviewing Environmental Impact Report (EIR)/EIS documents. These attorneys also have active litigation cases, which take priority at times over environmental review because of the nature of litigation including statutory and court-imposed deadlines, court appearances and trial dates. Because of time constraints and case load limitations, the attorneys at present only review potentially problematic EIR/EIS documents.

A thorough legal sufficiency review of both draft and final EIR/EIS documents requires approximately four weeks. This does not include any time allotted for the review of Environmental Assessments (EAs), Findings of No Significant Impact (FONSIs) or consultation with environmental staff during the entire environmental review process. It is expected that approximately 75 EIR/EISs need to be reviewed over the next three years. Legal environmental review may also be required for the TCRP as well as local projects.

Based on anticipated increases in environmental document review loads in the future and the need for legal assistance throughout the development of environmental documents, the Department has allocated additional positions to the Legal Division.

The Department does not intend to request full delegation of legal sufficiency review from FHWA. However, the increase in document quality that will result from increased internal legal review will facilitate a faster formal FHWA legal sufficiency review.

Attachment 1

Proposed FHWA Review Timelines

Following are proposed timelines for FHWA reviews and approvals of NEPA-related work products. Timelines may be modified for a specific project by mutual agreement.

Document	FHWA Action	Suggested Review Time
Section 4(f) <ul style="list-style-type: none"> • Programmatic Section 4(f) Evaluation • Section 4(f) Evaluation 	<ul style="list-style-type: none"> • Review & approval • Legal sufficiency review & transmit to DOI 	<ul style="list-style-type: none"> • 3 weeks • 30 calendar days
Section 7 <ul style="list-style-type: none"> • Biological Assessment with request for formal consultation 	<ul style="list-style-type: none"> • Review & transmit to resource agency 	<ul style="list-style-type: none"> • 3 weeks (2 weeks to alert that there's a problem)
Section 106 <ul style="list-style-type: none"> • Negative HPSR • Positive HPSR • Finding of Effect/MOA 	<ul style="list-style-type: none"> • Transmit to SHPO (pro forma) • Review & transmit to SHPO • Review & transmit to SHPO 	<ul style="list-style-type: none"> • 2 weeks • 3 weeks • 3 weeks
Categorical Exclusions <ul style="list-style-type: none"> • CE with technical studies 	<ul style="list-style-type: none"> • Review & approval signature 	<ul style="list-style-type: none"> • 2 weeks
Environmental Assessments <ul style="list-style-type: none"> • Draft EA • Revised Draft EA (with responses to FHWA comments) • Final EA 	<ul style="list-style-type: none"> • Review, comment or approval signature • Subsequent review & approval signature • Review & approval of FONSI 	<ul style="list-style-type: none"> • 3 weeks • 10 calendar days • 2 weeks
Environmental Impact Statements <ul style="list-style-type: none"> • Notice of Intent • ADEIS • ADEIS (with additional document revisions) • FEIS with request for ROD 	<ul style="list-style-type: none"> • Review & publish in National Register • Review by NEPA Team, comment or approval signature • Subsequent review & approval signature • Review & approval of ROD 	<ul style="list-style-type: none"> • 2 weeks • 30 calendar days • 2 weeks • 30 calendar days

Attachment 2

Section 106 Programmatic Agreement Proposal

The proposed Section 106 Programmatic Agreement:

- **Delegates to Department professional staff the authority to consult directly with SHPO on most steps of the Section 106 process.** The PA would allow the Department authority to make decisions now reserved for FHWA and to consult directly with SHPO regarding Areas of Potential Effect (APE), identification, evaluation and certain categories of effects, simultaneously providing information copies to FHWA.
- **Shortens review times at SHPO from 30 calendar days to 15 working days with concurrence assumed if no comments are received.**
- **Provides new guidelines for delineating the Area of Potential Effect (APE)** which describe how to delineate an APE flexibly to match the level of project work being done.
- **Defines classes of projects that are “exempt or screened” undertakings.** Exempt undertakings are not subject to Section 106 review. Screened undertakings are those that are likely to have little or no impact to historic resources. Department Cultural Resources staff will screen them using criteria outlined in the PA.
- **Defines classes of resources exempt from 106 review,** such as isolated artifacts, refuse dumps less than 50 years old, most water control structures, transportation structures, isolated rock walls, utility structures, unless over 50 years old and potentially important.
- **Defines Department staff with the authority to exempt the resource from Section 106 review.** New provision will allow qualified Department architectural historians to review buildings and structures between 30-50 years old, while staff with specific training could review properties less than 30 years old.
- **Uses Environmentally Sensitive Areas (ESA) to exempt archaeological sites from evaluation for the National Register.** ESAs are designated areas within the APE where construction activities are not allowed or are limited in order to protect a resource that lies within the ESA boundary. The PA includes provisions that eliminate the need to evaluate archaeological sites through excavation where an ESA can effectively be used to protect them from construction.

- **Defines Standard Mitigation Measures (SMMs) for routine types of project effects:** For instance, data recovery for archaeological sites, Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) recordation of historic buildings. If only SMMs are used for project mitigation, no Memorandum of Agreement (MOA) would be required; SHPO review time would be shorter.

Attachment 3

Streamlining Compliance with the Endangered Species Act

Three streamlining actions are proposed for more efficient compliance with the Endangered Species Act, as follows:

- **FHWA should fully delegate non-federal representation on federally listed species to the Department.** As authorized in the implementing regulations for the Endangered Species Act at 50 CFR, Part 402.08, "A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Director of such designation." The Department should be empowered to directly complete all aspects of informal consultation where species and/or habitat are "not likely to be adversely affected."

Under current procedures in most Department districts, requests for concurrence of "not likely to adversely affect" and sometimes "no effect" are routed through FHWA for transmittal to FWS or NMFS. Despite current practice, a July 16, 1987 FHWA memo titled "*Guidelines For The Fulfillment Of Interagency Cooperation Under Section 7 Of The Endangered Species Act*" offered a different approach. The guidance states "If the SHA [State Highway Agency] obtains written concurrence from either FWS or NMFS, agreeing that the action is not likely to adversely affect listed species or critical habitat, the FHWA is assured that Section 7 requirements are complete." The Department should be delegated the authority as the designated non-federal representative to complete all informal consultation – both written and oral – with FWS and NMFS and to conduct associated studies as necessary without FHWA interim reviews.

Proposed Actions:

1. Modify FHWA procedures to fully implement the delegation available through "non-federal representative" designation to allow the Department to directly complete all aspects of informal consultation without interim reviews.
 2. Update Designation Letters to the FWS and NMFS. Institute options of performing consultation electronically.
 3. Issue FHWA's California Division Federal Endangered Species Act implementation guidance as needs are identified through ongoing quality assurance programs.
 4. Revise Department guidance on endangered species process and reviews procedures as part of a quality control program to implement existing guidance.
- **FHWA should provide written concurrence on the scope and content of proposed BAs** prior to the initiation of studies where a federally listed species is likely to be adversely affected or "take" may be reasonably expected to occur. Review should take place within a specified timeframe. Consistency with the pre-approved scope would provide the basis for subsequent BA reviews.

With the proposed approach, FHWA would become a proactive partner in the development of BAs and associated studies and would review finished documents only to verify appropriate completion of approved studies and documentation.

Proposed Actions:

1. Revise FHWA procedures to provide written concurrence on the scope and content of proposed BAs prior to the initiation of studies.
 2. Revise Department procedures to ensure incorporation of scope review comments as part of quality control during preparation of the BA and associated studies.
 3. Revise FHWA procedures to use the pre-approval as the basis of the final quality assurance review at the initiation of formal consultations.
- **FHWA and the Department should implement a standardized quality control (production measures) and quality assurance (verification measures) review program for biological reports.** This would include verifying that quality control procedures for study methods, document contents and review were adhered to where applicable to reduce process time.

This measure would reduce project delays by reducing FHWA review time and Department document rewrites. The general approach is to integrate standardized quality control measures throughout the document development process in order to reduce the quality assurance review and revision needs of the end product.

FHWA involvement would change from an end-product reviewer to an active participant in defining the quality standards used to scope, plan, implement, document, and monitor documents and studies.

Proposed Actions:

1. Revise the Department's procedures to require a standardized quality control process to ensure adequacy of biological assessments and natural environment studies with checks throughout the process such as:
 - Work Plan Review - Scope, Content, Methods (Prior to Studies)
 - Record Standards - Field Notes, Backup Documents, Archiving, Chronologies, etc. (During Studies)
 - Field Study Implementation (During Studies)
 - Correspondence and Coordination Tracking (During & After Studies)
 - Study and Document Content Standards (During & After Studies)
 - Study and Document Review Methods (After Studies)
 - Mitigation Effectiveness (During and After Implementation)
 - Post Project Reviews (Debriefing)

Revise Department practices to include appropriate methodologies, tools, and applications for:

- Peer Review
 - Supervisory Review
 - Manager Reviews/Self-Certifications
2. Revise FHWA procedures to expedite the review process through:
- Timely updates, guidance, and information for integration into Department review steps
 - Pre-approvals at work plan stages
 - Requirements definition for self-certification documents (Pre-reviewed)

Attachment 4

Proposed Programmatic Categorical Exclusion

The actions listed under 23 CFR 771.117(c) have been established as programmatic categorical exclusions and do not require any further NEPA approvals by FHWA, provided

1. The action does not, either individually or cumulatively have any significant environmental impacts as described in 23 CFR 771.117(a);
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b).

The actions listed under 23 CFR 771.117(d) may be classified as a programmatic categorical exclusion, provided the following conditions are met.

- The action does not, either individually or cumulatively have any significant environmental impacts as described in 23 CFR 771.117(a).
- The action does not involve significant controversy on environmental grounds.
- The action does not involve the acquisition of more than minor amounts of temporary or permanent strips of right-of-way. A minor amount of right-of-way is normally not more than four hectares (ten acres) and involves no more than four relocations. Confirmation shall be made by the Department that the acquisition will not result in significant impacts to the community or the environment.
- The action does not involve a determination of adverse effect for properties on or eligible for the National Register of Historic Places.
- The action does not require an individual Section 4(f) determination. A programmatic Section 4(f) determination may be involved, provided that FHWA has concurred in the 4(f) determination.
- The action does not include wetlands impacts of more than two acres or involvement with the NEPA/404 MOU process. Enough information to issue a wetland finding must be included in the CE documentation.
- The action does not permanently encroach on a regulatory floodway.
- The action involves no more than minor amounts of hazardous waste or materials (involvement limited to petroleum related underground storage tanks and/or releases and aurally deposited lead).
- The action does not require formal Section 7 consultation for federally listed endangered or threatened species or critical habitat.
- The action conforms to the Air Quality Implementation Plan which is approved or promulgated by the Environmental Protection Agency in air quality non-attainment areas.
- The action is consistent with the State's Coastal Zone Management Plan, if applicable.

Attachment 5

Work Products Tracking System Prototype

A prototype work products tracking system designed to meet the needs of FHWA and the Department has been developed and tested at the Department. The prototype database is further described below.

Serial Number: Automatically generated and assigned by the database.

Key: A combination of the district number and Expense Authorization (EA) number. Since each EA has the possibility of being repeated in each district, both parts of the key number are required to uniquely identify a project.

Project Name: Use the name in the status report.

Type of Item: Enter the type of item sent to FHWA (e.g., EIS, EA, FONSI, 4(f), HPSR, BA).

Department Assigned Priority: Enter "high," "medium," or "low" or use pull-down menu. At district discretion, this field could be used – only by those authorized – to assign project priorities for a region or a district. Designations such as TCRP project can also be noted here.

Review Agency: Enter external agency.

Date to FHWA: The Department enters the date sent to FHWA.

Date Received by FHWA: FHWA enters the date received.

Date Sent to Coordinating Agency: FHWA enters the date sent.

Date Received from Coordinating Agency: FHWA enters the date received.

Date Returned to the Department: FHWA enters the date sent to the Department.

Date Received by the Department: The Department enters the date received.

Department Comments: The Department enters any comments pertinent to the item.

FHWA Comments: FHWA enters any comments pertinent to the item.