

Executive Summary

2017 Monitoring of Caltrans Performance under the Surface Transportation Project Delivery Program July 2016–June 2017

The California Department of Transportation (Caltrans) has prepared this report on monitoring of its performance, under the Surface Transportation Project Delivery Program (commonly known as the NEPA Assignment Program), pursuant to the 23 United States Code Section 327 (23 USC 327) memorandum of understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans. The monitoring period covered by this report, July 1, 2016 through June 30, 2017, occurred during the terms of two MOUs: the October 1, 2012 MOU that expired on December 31, 2016 and the December 23, 2016 MOU that expires on December 23, 2021. These MOUs stipulate that Caltrans perform annual self-monitoring of its performance, including transmittal of a report on the results of its monitoring to FHWA.

This report documents the results of Caltrans' evaluation of NEPA document approvals made from July 1, 2016 through June 30, 2017 (Quarters 37 through 40 of NEPA Assignment). This is the fifth monitoring report submitted under the permanent NEPA Assignment Program. During the Surface Transportation Project Delivery Pilot Program (Pilot Program) from 2001 to 2012, Caltrans submitted seven self-assessment reports to FHWA.

The findings of the 2017 monitoring effort show that Caltrans is successfully carrying out the federal responsibilities assigned by FHWA under the MOU in accordance with all applicable federal laws and policies. The findings are based on Caltrans' progress toward meeting the four performance measures identified in Section 10.2 of the 2016 MOU. Those four performance measures (which are labeled A–D to correspond with their identifiers in the MOU) are listed in Appendix A of this report. Also listed in Appendix A are the “components” of each measure (labeled i, ii, and iii consistent with the MOU) and the “metrics” associated with each component (labeled with Arabic numerals such as 1, 2, 3 etc.). These metrics were developed in discussions with FHWA and have been evaluated consistently each year under NEPA Assignment.

In addition to the metrics developed in conjunction with FHWA, Caltrans also measures and reports on performance of five additional metrics (identified in italicized print and labeled *1a*, *1b*, *1c*, *1d*, and *1e*), which are related to specific federal environmental regulations. These additional metrics broaden the review of compliance with federal requirements with additional regulations that protect specific sensitive environmental resources. These metrics are identified in Appendix A as A.ii.1.a–e. (See footnote to Appendix A.)

The 2017 monitoring review findings are summarized in Appendix A of this report.

In addition to reporting the findings of the 2017 monitoring review, this report also documents the implementation of corrective actions that were identified in the 2016 Monitoring Report, as the 23 USC 327 MOU requires that Caltrans report on the implementation status of corrective actions identified from the previous year's monitoring review. Those corrective actions and their implementation are summarized in the Appendix B table.

The performance measures are listed below, with a description of goals and units of measurement:

- **A. Compliance with NEPA and other federal laws and regulations (comprising two components and eight metrics):** Percentage of final environmental documents that appropriately document compliance with specified federal regulations, which are then measured against an acceptable performance goal of 95 percent. Under this measure, 23 USC 327 Categorical Exclusions (CEs) were reviewed in previous years, but none were reviewed during the 2017 monitoring period since the Caltrans districts that were visited in 2017 did not approve any 23 USC 327 CEs.¹ Therefore, metrics A.ii.1.d (“Appropriate use of CEs”) and A.ii.1.e (“Appropriate use of 23 USC 326 versus 23 USC 327 CEs”) will not be considered in this 2017 review. Six of the eight metrics are considered in the 2017 review.
- **B. Attainment of supportable NEPA decisions (comprising three components and six metrics):** Percentage of draft and final environmental documents that comply with the six review criteria specified in the associated performance metrics. Those percentages are then measured against an acceptable performance goal of 95 percent.
- **C. Monitor relationships with agencies and the general public (comprising three components and five metrics):** Of the five metrics associated with the third performance measure, the first three metrics are related to changes in communication among Caltrans, federal and state resource agencies, and the public. Changes are expressed as being above or below the cumulative average rating for all relationship surveys and reviews conducted under the NEPA Assignment Program. For these three metrics, ratings received during the 2017 monitoring period, which are above the cumulative average, are considered acceptable.

The 4th metric, related to maintaining effective responsiveness to substantive comments received on NEPA documents, is measured as a percentage of compliance, which is then measured against an acceptable performance goal of 95 percent.

The 5th metric related to conflict resolution does not apply to this monitoring review period since no formal conflict resolution actions were required.

Therefore, four of the five metrics are considered in the 2017 review.

¹ To review 23 USC 327 CEs for compliance with federal regulations, the project files must be reviewed during district visits. Since the districts visited did not approve any 23 USC 327 CEs during the 2017 monitoring period, no CEs were reviewed for compliance with federal regulations.

- **D. Timely completion of NEPA process (comprising two components and five metrics):** Timeframes are measured as the number of median months saved, as compared to projects approved prior to initiation of the NEPA Assignment Program in 2007 (referred to as pre-NEPA Assignment projects in this report). Any time savings meets the goal of this performance measure.

For each metric, Appendix A identifies whether the identified goals were met during the 2017 monitoring period and presents corrective actions for those metrics for which acceptable goals were not met.

For the 2017 monitoring period of July 2016–June 2017, Caltrans concludes the following for each performance measure in the MOU:

- **A. Compliance with NEPA and other federal laws and regulations**

The 95 percent goal was met for three (A.i.1, A.i.2, and A.ii.1.c) of the six metrics that apply to the 2017 review. The goal was not met for three metrics (A.ii.1, A.ii.1.a, and A.ii.1.b).

- **B. Attainment of supportable NEPA decisions**

The 95 percent goal was met for three (B.i.1.a, B.i.b.1, and B.i.b.4) of six metrics. The goal was not met for three metrics (B.i.b.2, B.i.b.3, and B.i.c.1).

- **C. Monitor relationships with agencies and the general public**

The goal was met for three of the four of the metrics that apply to the 2017 review.

Three metrics (C.i.1., C.i.2., and C.i.3.) that are based on a comparison of current-year ratings with historical cumulative average ratings of the quality of communications with resource agencies and the public. Figures 1, 2, and 3 at the end of this report present the evaluation results of these three metrics:

- Figure 1: Changes in communication among Caltrans, federal and state resource agencies
- Figure 2: Public meeting materials
- Figure 3: Anonymous review of public meetings

A fourth metric (C.ii.1.) relates to signed certifications that draft environmental document public review comments have been addressed. The 95 percent goal was not met for this metric.

- **D. Timely Completion of NEPA Process**

The goals were met for all five metrics (D.i.1–D.i.4 and D.ii.1), as Caltrans saved time for all measured time frames, as compared against the pre-NEPA Assignment baseline timeframes prior to 2007.

For the 2017 monitoring period, Caltrans achieved an overall average 77 percent rating for the 13 percentage-based metrics under compliance with NEPA and other federal laws and attainment of supportable NEPA decisions (see Appendix C for the percentage compliance achieved for each of the 13 percentage-based metrics). This percentage rating is 18 percentage points below the acceptable rating of 95 percent. The majority of the deficiencies related to irregularities in conforming with the following internal Caltrans' requirements:

- Required report organization, language or placement of language, or inclusion of documentation in environmental documents, per Caltrans annotated outlines
- Caltrans QC review and certification procedures
- Caltrans Uniform Filing System requirements

The majority of the deficiencies were not due to non-compliance with federal regulatory documentation and procedural requirements.

A comparison of individual 2017 findings with those in 2016 shows the following:

- Caltrans' overall 2017 percentage rating fell 9 percent between 2016 and 2017 from 86 to 77 percent.
- Caltrans met the goal for the following metrics in 2016, but did not meet the goal in 2017:
 - Compliance with 23 USC Section 139 (from 100 percent in 2016 to 0 percent in 2017) based on the review of one final environmental impact statement (EIS);
 - Percentage of sampled environmental documents that followed the applicable annotated outline (from 98 percent in 2016 to 83 percent in 2017); and
 - Percentage of signed final document QC forms certifying that public review comments were addressed (from 95 percent in 2016 to 90 percent in 2017).
- There were no metrics for which Caltrans met the goal in 2017 after having failed to meet the goal in 2016.
- Compliance with individual federal regulations changed in the following ways between 2016 and 2017:
 - Compliance percentage improved:
 - Section 7 (from 28 percent in 2016 to 35 percent in 2017)
 - Section 106 (from 76 to 90 percent)
 - Section 4(f) (from 80 to 85 percent)
 - Section 176(c) (from 84 to 90 percent)
 - Executive Order 11988 (from 72 to 80 percent)

- Compliance percentage degraded:
 - Executive Order 11990 (from 96 percent in 2016 to 90 percent in 2017)
 - Traffic Noise Protocol (from 100 to 95 percent)
 - 23 USC 139 (from 100 to 0 percent), as noted above

The 2017 monitoring findings indicate that Caltrans successfully implemented its commitments under the 23 USC 327 MOU. In those areas where compliance is below the acceptable threshold, Caltrans Division of Environmental Analysis and Division of Local Assistance are actively reviewing the findings with Caltrans district staff in order to identify best practices, recommend improvements, and develop and implement corrective actions. Caltrans works continuously to improve performance in executing the federal responsibilities assumed under NEPA Assignment. Steps will be taken to further develop staff expertise, clarify procedures and provide guidance, and to actively monitor the implementation of corrective actions.

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Scope of Monitoring

The purpose of NEPA Assignment monitoring is to evaluate environmental document approvals for compliance with performance measures, as required by the 23 USC 327 NEPA Assignment MOU. Based on discussions with FHWA, performance metrics have been identified to measure Caltrans' progress in meeting the performance measures.

During the 2017 monitoring effort, Caltrans evaluated all NEPA documents that were approved statewide during the July 2016 through June 2017 monitoring period (Quarters 37–40 of NEPA Assignment). A total of 47 approvals for State Highway System and Local Assistance projects were reviewed against one or more performance metrics. These 47 approvals are identified below by NEPA class of action:

- 25 Environmental Assessments (EAs)
- 16 Findings of No Significant Impact (FONSIs)
- Two draft EISs
- Four final EISs

In addition to specific performance measurements, Caltrans conducted a program-level review of NEPA Assignment activities to identify achievements made in environmental guidance, training, and the accuracy of quarterly reporting of environmental document milestones and decisions.

Monitoring Methods

During the 2017 monitoring effort, Caltrans used methods consistent with those used since 2007. In addition to reviewing all draft and final environmental documents approved statewide between July 1, 2016 and June 30, 2017, environmental document review checklists and QC certification forms, associated with these approved environmental documents, were also reviewed. Project environmental files were physically inspected in districts that were visited. Finally, to evaluate the quality of communications, a survey of resource agencies was conducted, reviews of public meetings and public meeting materials were conducted, and time savings were measured.

A number of factors are utilized to determine which districts will be visited each year, including the number of document approvals in each district during the monitoring period under review, how recently the district has been monitored, and the overall frequency that the

district has been monitored. Based on these factors, Caltrans visited Districts 2, 5, 7, and 9 in August 2017 to physically inspect project files for environmental documents approved in these districts during the 2017 monitoring period.

Appendix C presents the number of environmental documents reviewed for each of the performance metrics identified in Appendix A. It also presents the number of project files reviewed in Districts 2, 5, 7 and 9. Finally, Appendix C presents the compliance percentage for the percentage-based metrics. The percentages presented in the “Percentage Compliance with Performance Metric” column of the Appendix C table are based on counting each environmental document once, even if the environmental document has more than one deficient finding for any given metric.²

The methods used in the reviews are further described below.

A. Compliance with NEPA and other Federal Laws and Regulations

Caltrans applied this performance measure to all final environmental documents (four final EISs and 16 FONSIIs) approved by all Caltrans districts statewide. During visits to the offices of Districts 2, 5, 7, and 9, the environmental files for the NEPA documents approved in these districts were also inspected against this performance measure.

This performance measure encompasses compliance with the federal environmental laws and regulations listed below, including Caltrans associated documentation requirements for these regulations. Compliance is measured against certain criteria, or review elements, in order to determine whether the documentation and processes used to approve the final environmental documents were appropriate and complete:

- Section 7 of the Federal Endangered Species Act
- Section 106 of the National Historic Preservation Act
- Section 4(f) of the U.S. Department of Transportation Act
- Section 176(c) of the Clean Air Act
- Executive Order 11990, Protection of Wetlands
- Executive Order 11998, Floodplain Management
- Caltrans Traffic Noise Analysis Protocol

For this performance measure, Caltrans also inspected one final EIS file to determine if it contained correspondence and other materials required by 23 USC 139 (Efficient Environmental Reviews for Project Decision-Making).

² For example, even if an environmental document has deficient findings related to multiple review elements associated with Section 7 under metric A.ii.1, the document is only counted once in calculating the percentage compliance with metric A.ii.1.

During district visits, district senior and associate environmental staff were interviewed in order to evaluate their general knowledge of Section 106 of the National Historic Preservation Act and the air quality conformity determination requirements (Section 176(c) of the federal Clean Air Act) germane to a generalist. Informal discussions with project generalists were also held, as needed, regarding the project files.

B. Attainment of Supportable NEPA Decisions

This performance measure was evaluated based on the following:

- **Legal Sufficiency Determinations**

Caltrans confirmed that the required legal sufficiency determination was made for the four final EISs and five final individual Section 4(f) evaluations approved during the 2017 monitoring period. In addition, the review processes for two draft EISs and three draft individual Section 4(f) evaluations were evaluated to ensure that they underwent Headquarter Coordinator and legal reviews. Finally, three projects with complex EAs were reviewed by the Headquarter Coordinator and Legal; two projects had draft complex EAs and one project had a draft and final complex EA that were reviewed during the 2017 monitoring period.

- **Compliance with Caltrans Environmental Document Content Standards and Procedures**

For 47 approved draft and final environmental documents (25 EAs, 16 FONSI, two draft EISs, and four final EISs), Caltrans reviewed their environmental document review checklists to ensure they were completed accurately and comprehensively. Caltrans also compared each approved draft and final environmental document against the appropriate environmental document annotated outline to ensure consistency with the annotated outline. These annotated outlines are developed by Caltrans and are posted online for internal and external use.

Finally, Caltrans reviewed the internal and external QC certification forms completed for each approved draft and final environmental document to determine if the proper QC review procedures were followed and documented on the QC certification forms.

- **Environmental Record Keeping**

During the August 2017 district visits, Caltrans reviewed 19 project files in Districts 2, 5, 7, and 9 for consistency with Uniform File System (UFS) organizational requirements and for general completeness. The sample included eight files for approved draft and final environmental documents and 11 files for projects that did not yet have an approved environmental document (“in-progress” files). The in-progress project files reviewed were selected to include a range of staff involvement, project complexity, and project locations within the districts.

C. Monitor Relationships with Agencies and the Public

Agencies

As has been done since 2009 under the NEPA Assignment Program, Caltrans conducted a survey of state and federal resource agencies to assess whether the relationships between Caltrans and resource agencies have remained consistent or have changed since initiation of NEPA Assignment. Of the 67 resource agency staff who were invited to participate in this survey, 30 responded to the survey and were polled regarding Caltrans' effectiveness as the NEPA lead agency.

Public

To monitor relationships with the public, Caltrans conducted the same two reviews that have been conducted during previous years of the NEPA Assignment Program: one of public meeting materials and another for Caltrans' performance at public meetings (see Figures 2 and 3 at the end of this report). For the public meeting materials review, Headquarters reviews district materials used to publicize project public meetings and materials used in those meetings to illustrate and explain the project and to solicit public comments. For the other review, Caltrans sends independent consultant reviewers to attend public meetings anonymously in order to evaluate the performance of Caltrans district staff during the public meetings.

Public meeting materials were evaluated for 23 projects with environmental documents approved during the 2017 monitoring period. These materials included, for example, public notices, project maps, illustrations, and bulletins. For the anonymous review of meetings, the reviewers, acting as incognito proxies for the public, attended a sample of six public meetings held during the past year. The independent reviewers rated the quality of the public meetings based on a number of criteria, including the quality of handouts distributed at the meetings, quality of visual aids presented at the meetings, translation and comment recording services, and project staff knowledge conveyed at the meetings.

D. Timely Completion of NEPA Process

From the start of NEPA Assignment in 2007, Caltrans has analyzed approval times for environmental documents on a quarterly basis. This is a comparative analysis that shows the median number of months Caltrans is taking to review and approve environmental documents under NEPA Assignment as compared with FHWA timeframes for review and approval prior to NEPA Assignment. The pre-NEPA Assignment FHWA timeframes are used as a baseline.³

³ Note that the California legislation that authorized California's limited waiver of sovereign immunity during the first nine years (2007–2016) of the NEPA Assignment Program required that a baseline be used for purposes of analyzing time savings.

The baseline represents the median number of months FHWA took to review and approve 39 environmental documents. Four different timeframes are evaluated to determine if any time savings have been achieved under NEPA Assignment as compared to prior to NEPA Assignment (See Table 1, “Environmental Document Review and Approval Time Savings”).

Program-Level Review

As part of the of NEPA Assignment performance monitoring, Caltrans conducts a program-level review comprised of three elements: revisions to environmental guidance, implementation of the NEPA Assignment training plan, and the accuracy of quarterly reporting of NEPA approvals and decisions by districts.

Guidance

The primary source of environmental guidance in California is the Caltrans Standard Environmental Reference (SER). The SER is a comprehensive online resource that supports the development of environmental documents and implementation of procedures in compliance with NEPA and California environmental law. The SER is posted on the Caltrans internet website and is available to both Caltrans staff and external partner agencies and consultants. Caltrans continuously updates the SER to reflect changes in environmental law and, as needed, to address needs identified during NEPA Assignment monitoring activities.

Training

This report evaluates the implementation and effectiveness of the NEPA Assignment training plan by determining whether planned training sessions were actually provided. Caltrans also reviews the results of course evaluations submitted by participants and trainers and revises and/or augments course content in response to the course evaluations.

Quarterly Monitoring of Federal Approvals

Caltrans district staff enter the dates for NEPA approvals and decisions into a database as these milestones are reached. As required by the 23 USC 327 MOU, the Caltrans NEPA Assignment Office provides a list of the projects with NEPA approvals and decisions as an annual report to FHWA.⁴ Although the accuracy of the NEPA approval dates submitted by Caltrans district staff is not a 23 USC 327 performance metric, the NEPA Assignment staff checks for the accuracy of this data on an annual basis and reports accuracy findings to the districts. For more on quarterly reporting, see “Accuracy of Quarterly Reporting” at the end of this report.

⁴ Prior to December 2016, the list of environmental document milestones was due to FHWA twice annually (rather than once annually) based on the 23 USC 326 and 23 USC 327 MOUs that were in effect at that time.

Findings and Corrective Actions

This section summarizes the findings of the 2017 monitoring review (see Appendix A). The performance percentage that was achieved for each metric is identified in parentheses in the metric title. This percentage reflects the number of environmental documents that complied with the review elements as compared to the total number of environmental documents reviewed (see Appendix C for the numbers of environmental documents used in the calculation of percentages).

Performance Metric A.i.2. requires Caltrans to report annually on the current implementation status of corrective actions that were identified to address deficiencies found in the previous year's monitoring effort. Appendix B presents the corrective actions from the 2016 Monitoring Report and summarizes how they were implemented.

Performance Measure A. Compliance with NEPA and Other Federal Laws and Regulations

In 2017, this performance measure is measured by six metrics: two are related to compliance with the NEPA Assignment MOU and four are related to compliance with those federal regulations listed in the "Performance Measure A: Compliance with NEPA and Other Federal Laws and Regulations" section above, including associated Caltrans' requirements for these federal regulations, as identified in the SER.

The summary below indicates that Caltrans' transportation projects comply with the substantive and procedural requirements of NEPA and other federal environmental regulations. The findings for nonconformance relate primarily to irregularities in the documentation that was prepared for compliance with federal regulations; in most cases, these irregularities occurred when the specific language that Caltrans requires to document compliance was not used in whole or in part.

A.i.1. Percentage of Monitoring Reports Submitted (100%)

NEPA Assignment has been in place for more than 10 years, including the initial Pilot Program years. During the first two years of the Pilot Program, Caltrans reported on two self-assessments annually, as required. Thereafter, the requirement was for a single self-assessment report annually, all of which were completed. As required annually by the current MOU, Caltrans submitted monitoring reports in 2013, 2014, 2015, 2016 and now submits this fifth monitoring report. One hundred percent of these required self-assessment and monitoring reports have been submitted to FHWA and are available on the Caltrans Division of Environmental Analysis website.

A.i.2. Percentage of Identified Corrective Actions Implemented (100%)

The corrective actions identified in the 2016 monitoring review and their effectiveness in addressing the areas needing improvement are summarized in Appendix B, which shows that 100 percent of the corrective actions were implemented.

A.ii.1. Compliance with Sections 7, 106, and 4(f) (35%)

During the July 2016–June 2017 monitoring period (Quarters 37–40), Caltrans achieved 35 percent overall compliance with this performance metric based on the review of 20 final environmental documents (four final EIS and 16 FONSI) for appropriate compliance documentation under Sections 7, 106, and 4(f). The nonconforming projects implemented procedures appropriately as required by these regulations, but had irregularities in the documentation that was included in the final environmental document. The sections below describe compliance for each of these three federal regulations in this metric (see also Performance Metric A.ii.1. in Appendix A). See also Appendix C for the number of environmental documents used in the calculation of percentages.

Section 7 (35%)

Caltrans achieved 35 percent compliance for the Section 7 review elements. Out of 20 final environmental documents, seven appropriately documented Section 7 compliance, and 13 had irregularities in their Section 7 documentation. These projects had one or more of the documentation irregularities summarized below:

- 11 occurrences related to National Marine Fisheries (NMFS) or U.S. Fish and Wildlife Service (USFWS) species lists: The most common irregularity (8 occurrences) was that either a NMFS list had not been obtained or the project was located outside of NMFS jurisdiction, but the environmental document did not document this fact. There were also two occurrences of a USFWS list having been obtained, but not placed in the final environmental document, and one occurrence of an undated NMFS list.
- 5 occurrences related to No Effect findings: No Effect findings were not documented at all, not documented for all applicable species, or not using regulatory “No Effect” language.
- 2 occurrences related to May Affect, Not Likely to Adversely Affect or Likely to Adversely Affect findings: Regulatory language was not used for these findings.
- 2 occurrences related to the Biological Assessments (BAs): Two BAs did not follow the BA annotated outline posted on Caltrans Standard Environmental Reference and instead used a letter to document the BA methods and conclusions.
- 3 occurrences related to the description of the consultation process: One project had received a Biological Opinion, but it was not placed in the final NEPA document. One

final document contained a description of the consultation process in the Comments and Coordination section, but not in the Threatened and Endangered Species section. Another document contained an outdated version of the consultation process, failing to describe the milestones that occurred between the draft and final NEPA documents.

Corrective Actions: The following actions will be undertaken:

- A Caltrans revalidation form will be completed for each project with irregular Section 7 documentation. The form will clarify and/or document the following:
 - For each project within NMFS jurisdiction, without a NMFS species list, one will be obtained, checked to ensure that no species have the potential to occur in the project area, and a No Effect finding made for all applicable species on the list. For those projects located outside of NMFS jurisdiction, such a statement will be included by reference into the final NEPA document. The missing USFWS species list will be attached to the revalidation form and incorporated by reference into the final document. Finally, the date that the undated NMFS species was downloaded from NMFS' generator tool will be documented on the revalidation form to validate that it was not older than 180 days from the final NEPA document approval date.
 - For each project that lacks a No Effect finding for each applicable species on the USFWS and/or NMFS species list, the form will include No Effect findings that will be incorporated into the NEPA documentation by reference. Similarly, May Affect, Not Likely to Adversely Affect and Likely to Adversely Affect findings will be documented, as needed.
 - For the two projects with BAs whose format and organization did not conform with the requirements of the SER, discussions will be held with the project generalists and biologists involved regarding the need to use the BA annotated outline.
 - For the three projects with irregular consultation descriptions, the revalidation form will clarify the consultation process, and the BO, missing from the NEPA document, will be attached to the form.
- Discussions will also be held with the project generalists and biologists for these projects to ensure that they understand the problems that were discovered with their documentation.

Section 106 (90%)

Caltrans achieved 90 percent compliance for Section 106. Of the 20 final environmental documents that were reviewed, 18 appropriately and fully documented Section 106 compliance relative to the review elements assessed for this federal regulation, and two did not. For these two projects, the Section 106 process was appropriately implemented, but the Section 106 documentation contained in the final NEPA document either lacked a copy of

the Section 106 Memorandum of Agreement (MOA) or the letter of concurrence from the State Historic Preservation Officer (SHPO) on a No Adverse Effect finding without Standard Conditions.

During the district visits, Headquarters interviewed 21 district generalist staff to assess their knowledge of Section 106. Nearly all of the questions that were asked were multiple choice questions. The input received during these interviews indicated that:

- The majority of interviewed staff:
 - Understood that consultants cannot act as Professionally Qualified Staff for cultural resources.
 - Correctly identified the technical studies prepared for Section 106 compliance.
 - Correctly defined an Area of Potential Effect (APE), but half of the staff erroneously thought that APEs are only required for some projects.
- More than half of the interviewed staff understood:
 - The correct regulatory language for Section 106 findings of effect.
 - That the Section 106 finding of effect must be documented in the NEPA document and that even those projects, with multiple properties with effects, have one finding.
 - That, if an Adverse Effect is found, a signed Memorandum of Agreement is needed before signing the final NEPA document. The most common incorrect answer was that a letter of concurrence from the SHPO is needed.
 - That a letter of concurrence is needed for a finding of No Adverse Effect without Standard Conditions. However, half thought a letter was also needed for a No Adverse Effect finding with Standard Conditions. The difference in the meaning of these findings is likely not clear to staff.
- Nearly half of the staff interviewed did not understand:
 - That the Section 106 Programmatic Agreement enables Caltrans to consult directly with SHPO, and that NEPA Assignment does not play a role. Staff apparently had a misunderstanding of the delegation under the Section Programmatic Agreement.
 - The overlapping requirements between Sections 106 and 4(f).

Corrective Actions: The following actions will be undertaken:

- A Caltrans revalidation form will be completed for the two projects with irregular Section 106 documentation. The MOA and letter of concurrence will be attached to the forms and incorporated by reference into the final NEPA document.
- Discussions will also be held with the project generalists and cultural resources specialists for these projects to ensure that they understand the problems that were discovered with their documentation.

Section 4(f) (85%)

Caltrans achieved 85 percent compliance for Section 4(f). The Section 4(f) review consisted of review of 20 final environmental documents for appropriate documentation of Section 4(f) compliance (see Performance Metric A.ii.1. in Appendix A). Seventeen of the 20 projects had appropriate documentation, and three did not. The three projects with irregular documentation are described below:

- One final NEPA document referenced a letter of concurrence from the agency with jurisdiction over a Section 4(f) recreational resource, but the letter was not placed in the document.
- One project obtained concurrence from the agency with jurisdiction over a designated Wild and Scenic River that the project would not permanently or temporarily “use” the river, but the final NEPA document failed to include this letter and address the river as a Section 4(f) resource.
- Another project failed to update the language contained in its draft NEPA document. In the draft document, a temporary occupancy exception was documented for a Section 4(f) trail, but a de minimis finding was ultimately documented for this trail. The final NEPA document retained the documentation and letter of concurrence for the temporary occupancy exception without explaining that this conclusion had been superseded by the de minimis evaluation. These conflicting conclusions for the same resource rendered the document confusing.

Corrective Actions: The following actions will be undertaken:

- A Caltrans revalidation form will be completed for each project with irregular Section 4(f) documentation. The form will clarify the following and incorporate these clarifications into the final NEPA document by reference:
 - Pertinent correspondence from agencies with jurisdiction over Section 4(f) resources
 - Explanation describing that a de minimis finding was replacing an earlier temporary occupancy exception.
- Discussions will also be held with the generalists for these projects, who prepared the Section 4(f) sections, to ensure that they understand the Section 4(f) documentation problems that were discovered.

A.ii.1.a. Compliance with Executive Orders 11990 and 11988 and Section 176 (c) (65%)

In addition to reviewing compliance with Sections 7, 106, and 4(f), compliance with Executive Orders 11990 and 11988 and Section 176(c) of the federal Clean Air Act was also reviewed. The overall compliance when considering all three federal executive orders and regulations was 65 percent. The compliance percentage for each law is discussed below. The

findings for these reviews are summarized below and in Appendix A (see Performance Metric A.ii.1.a. in Appendix A). See also Appendix C, which shows the number of environmental documents which were counted in the calculation of percentages.

Executive Order 11990 (90%)

Caltrans achieved 90 percent compliance for Executive Order 11990. Out of 20 final environmental documents that were reviewed, 18 appropriately documented compliance relative to the review elements assessed for this executive order, and two did not (see Performance Metric A.ii.1.a. in Appendix A). Both final environmental documents were for projects that would result in permanent impacts to wetlands, but the documents failed to include the Only Practicable Alternative Wetlands Finding.

Corrective Actions: A revalidation form will be completed for both projects that lacked an Only Practicable Alternative Wetlands Finding. The finding will be documented and attached to the revalidation forms.

Discussions will also be held with the project generalist and biologist for these projects to ensure that they understand the requirements of Executive Order 11990.

Executive Order 11988 (80%)

Caltrans achieved 80 percent compliance with Executive Order 11988. Out of 20 reviewed final environmental documents, 16 appropriately documented compliance (see Performance Metric A.ii.1.a. in Appendix A), but four did not. Three NEPA documents did not use regulatory language in concluding that the projects would not result in a significant encroachment in the 100-year floodplain; instead, these documents used alternative language such as “the effects would be minor” or “the project would not result in an increase in the base floodplain elevation”. One NEPA document dismissed floodplains as a pertinent environmental issue but failed to document that the project was not located within the 100-year floodplain.

Corrective Actions: The following actions will be undertaken:

- A Caltrans revalidation form will be completed for each project with irregular Executive Order 11988 documentation. The form will incorporate these clarifications into the final NEPA document by reference:
 - Documentation that the project will not result in a significant encroachment into the 100-year floodplain including supporting information and data, as needed
 - Documentation that the project is not located within the 100-year floodplain
- Discussions will also be held with the project generalists and hydraulic specialists for these projects to ensure that they understand the problems that were discovered with their documentation.

Section 176(c) of the Federal Clean Air Act (90%)

Caltrans achieved 90 percent compliance with Section 176(c) of the federal Clean Air Act review criteria. Out of 20 reviewed final environmental documents, 18 were compliant with the air quality conformity requirements that were evaluated, and two were not (see Performance Metric A.ii.1.a. in Appendix A). Both NEPA documents dismissed air quality as an environmental topic of concern, but failed to state that the projects were exempt from having an air quality conformity determination under 40 CFR 93.126.

During the visits to Districts 7 and 9, ten generalist staff were asked a series of open-ended questions regarding their knowledge of air quality conformity. Staff in Districts 2 and 5 were not interviewed since these districts are located in areas that are largely in attainment. From these interviews, it was determined that:

- All interviewed staff understood that:
 - Air quality conformity is related to the federal Clean Air Act.
 - A conformity determination letter from FHWA is needed for 23 USC 327 projects.
 - An Air Quality Conformity Checklist must be completed for all NEPA projects.
 - FHWA is responsible for air quality conformity determinations for 23 USC 327 projects.
- Eight of ten staff:
 - Correctly identified Caltrans as being responsible for conformity determinations for 23 USC 326 projects.
 - Understood that the signed CE Determination form serves as evidence of a conformity determination for 23 USC 326 projects.
 - Understood that an air quality conformity determination is needed for projects in nonattainment/maintenance area for PM10 and/or PM2.5.
 - Understood that projects located in attainment/unclassified areas are subject to conformity.
 - Understood that Highway Safety Improvement Projects are not always exempt, by definition, from having an air quality conformity determination.
 - Had a general understanding of the type of projects that are exempt from conformity.
- All ten had a general understanding of the definition of a Project of Air Quality Concern.

Corrective Actions: The following actions will be undertaken:

- A Caltrans revalidation form will be completed for both projects that clarifies that the projects are exempt from having an air quality conformity determination based on 40 CFR 93.126. The forms will also identify the pertinent project type from Table 2 in 40 CFR 93.126.

- Discussions will also be held with the project generalists and air quality specialists for these projects to ensure that they understand the problems that were discovered with their documentation.

A.ii.1.b. Compliance with 23 USC Section 139 (0%)

During 2017, there was only one final EIS approved in a district that was visited. Since this metric is dependent on the review of the project files, the evaluation of this metric in 2017 was based on review of this one final EIS. Based on the review of this one EIS file, Caltrans achieved 0 percent compliance related to documentation of 23 USC 139, Efficient Environmental Decisions for Project Decision-Making (see Performance Metric A.ii.1.b. in Appendix A). The coordination plan for this EIS was older than 90 days from the Notice of Intent. The coordination plan was also not mentioned in the letter to the participating agencies.

Corrective Actions: Discussions will be held with affected staff to ensure that they understand 23 USC 139 requirements including changes and clarifications to this regulation made under the FAST Act.

A.ii.1.c. Compliance with Caltrans Traffic Noise Analysis Protocol (95%)

Caltrans achieved 95 percent compliance related to a review of 20 final NEPA documents (see Performance Metric A.ii.1.c. in Appendix A). One of the 20 documents reviewed dismissed noise as an environmental issue pertinent to the project, but failed to state whether the project was a Type 1, as required by Caltrans environmental document annotated outline.

Corrective Actions: The following actions will be undertaken:

- A Caltrans revalidation form will be completed for this project that clarifies and justifies that the project is not a Type 1.
- Discussions will also be held with the project generalist and noise specialist for this project to ensure that they understand the omission that was discovered with their documentation.

A.ii.1.d. and A.ii.1.e. Categorical Exclusion Determinations

As explained above, no 23 USC 327 CEs were reviewed during the 2017 monitoring period.

Performance Measure B. Attainment of Supportable NEPA Decisions

This performance measure is measured by six metrics. One metric relates to legal sufficiency and four relate to compliance with Caltrans environmental document content standards. The sixth metric relates to compliance with the UFS. See Appendix C for the numbers of environmental documents used in the calculation of percentages presented below.

B.i.a.1. Legal Sufficiency Determinations (100%)

The four final EISs and five final individual Section 4(f) evaluations requiring legal sufficiency determinations met this requirement (100 percent) (see Performance Metric B.i.a.1. in Appendix A). In addition, three draft complex EAs, one final complex EA, two draft EISs, and three draft individual Section 4(f) evaluations had Headquarter Coordinator and legal reviews. In all cases, the dates of the Headquarter Coordinator reviews and legal reviews/legal sufficiency findings were the same date or pre-dated the environmental document approval dates per procedural requirements.

B.i.b.1. Certifications for Consistency with Annotated Outlines (98%)

Forty-six of 47 (98 percent) draft and final environmental documents approved during the 2017 monitoring period had QC certification forms signed by the environmental document preparer indicating that the document was prepared consistent with the applicable SER annotated outline (see Performance Metric B.i.b.1. in Appendix A). The internal QC review forms for the final NEPA document for one project were not completely filled out and some QC forms were lost; therefore, the documentation certifying that the various iterations of the final document were prepared consistent with the annotated outline is incomplete. These lost forms resulted from multiple Caltrans and local agency staff changes during preparation of the final environmental document.

Corrective Actions: District staff for the project with incomplete final NEPA document internal QC review forms will update the project file by adding a memo explaining that the consistency reviews were conducted, but that the reviews were not documented appropriately. Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.

B.i.b.2. Consistency with Annotated Outlines (83%)

Caltrans achieved 83 percent compliance in approving environmental documents that were consistent with the appropriate environmental document annotated outline (see Performance Metric B.i.b.2 in Appendix A). Of the 47 draft and final environmental documents reviewed,

39 were consistent with the annotated outline, and eight had irregularities as summarized below:

- Caltrans environmental document annotated outlines require that environmental topics that are not pertinent to a project be briefly discussed at the beginning of the Environmental Consequences discussions. Four environmental documents did not include a complete list of dismissed environmental topics.
- Two draft environmental documents discussed environmental consequences under the incorrect environmental topic per Caltrans annotated outline.
- One draft document did not use the section heading “Environmental Consequences”, per Caltrans annotated outline, and instead used a different title.
- One final environmental document did not include the FONSI in the electronic version of the document posted to the district’s project website.

The front cover of all 47 draft and final environmental documents and the 16 FONSI that were reviewed included the required NEPA Assignment Program language. As noted above, one final environmental document reviewed did not contain the FONSI; however the project file contained a copy of the signed FONSI.

Corrective Actions: A revalidation form will be completed for each project with documents that deviated from the annotated outline. The forms will describe the missing information or make the needed corrections. Discussions will also be held with the affected project generalists to ensure that they understand the requirements of the annotated outlines.

B.i.b.3. Proper Implementation of Environmental Document Quality Control Requirements (70%)

Caltrans achieved 70 percent compliance in implementing and documenting the required QC review steps (see Performance Metric B.i.b.3. in Appendix A) for NEPA documents based on the review of the internal and external QC certification forms for 47 environmental documents. Of the 47 QC review processes that were evaluated, 14 had one or more of the following irregularities related to the following review questions:

Were all QC reviews completed as required by Caltrans internal certification QC form?

- Incomplete/lost certification forms in which the QC review steps were completed, but not documented appropriately, including missing signatures for technical, peer, NEPA QC, and/or Environmental Branch Chief reviews. Either QC forms were signed but lost; reviews were completed, but the reviewer forgot to sign the QC form; or the QC form failed to note “Not applicable” when a technical review was not warranted.

- Technical specialist reviews were not conducted for two draft documents; the final documents for these projects, however, underwent technical specialist review. One final document lacked peer review; the draft document, however, for this project underwent peer review.

Corrective Actions: The following actions will be taken:

- District staff for the projects with incomplete certification forms will add a note to each of the project files confirming QC reviews were conducted and the reason for the missing documentation.
- District staff for the two projects with missing QC reviews will add a note to the project files explaining the reasons the reviews were not conducted.

Were all internal QC reviews conducted after the last certification date on the external certification form?

Of the 47 approved environmental documents that were reviewed, 20 were prepared by external partners (either local agencies or consultants) and 27 were prepared by Caltrans staff. Of the 20 documents prepared by external partners, 16 of the internal QC reviews were sequentially completed after external reviews, but four were conducted out of sequence. For these four documents, one or more internal technical specialist reviews preceded the last external review that was completed.

Corrective Actions: District staff for each project will add note to the project file explaining the reasons that the reviews were conducted out of sequence. Discussions will also be held with staff to ensure they have a full understanding of the proper sequencing of reviews.

Was the last internal QC review conducted by the Environmental Branch Chief?

For 44 of the 47 reviewed environmental documents, the Environmental Branch Chief was the last to sign the environmental documents, as required by Caltrans QC review procedures.

- Two projects, subject to Caltrans district, as well as Caltrans region-level QC reviews, had certification forms with NEPA QC review signatures that post-dated the Environmental Branch Chief approvals. District staff for these projects confirmed that the normal practice for this Region was implemented for these two projects but that the reviewer forgot to sign the forms. The normal practice calls for Environmental Branch Chief review and signature of the internal QC form after the NEPA QC review and then, again, after the region's QC review; this practice is consistent with statewide policy that the Environmental Branch Chief conduct the last internal review. For these two projects, even though the Environmental Branch Chief conducted the second review, he/she forgot to sign the form.
- On the third project, a technical review certification signature was obtained after the draft NEPA document was signed.

Corrective Actions: District staff for these projects will add a memo to the files explaining the missing QC review signatures. Discussions will also be held with staff to ensure that they have a full understanding of the proper review and documentation requirements for environmental document QC reviews.

Were all internal QC reviews conducted before the environmental document was signed?

Forty-three of the 47 reviewed environmental documents had evidence, documented on the internal QC forms, that NEPA approvals had occurred on the same date or after the last date of the last internal QC review, and four did not. The exceptions are summarized as follows:

- The draft and final documents for one project lacked this certification due to lost internal QC forms. These lost forms were also described above in the discussion of incomplete/lost QC certification forms.
- The draft document for a second project had an internal certification form with Environmental Branch Chief approval dated after the NEPA document was signed.
- Regarding the third project, as noted above, a draft document had a technical review certification dated after the NEPA document was signed.

Corrective Actions: District staff for these projects will add a memo to the file explaining the reasons that QC reviews were conducted after the NEPA document was approved. Discussions will be held with staff to ensure that they have a full understanding of the proper documentation requirements for environmental document QC reviews.

B.i.b.4. Completed Environmental Document Checklist (96%)

Caltrans had 96 percent compliance in correctly completing the environmental document review checklist (see Performance Metric B.i.b.4. in Appendix A). Of the 47 reviewed environmental documents, Caltrans found the checklist was prepared for 45 of these documents. A checklist was not prepared for one draft environmental document due to an expedited review scheduled. The checklist prepared for another final environmental document did not contain page number references.

Corrective Actions: For the project without a completed checklist, staff will add a note to the project file documenting the reason for the missing checklist. For the project with a partial checklist, district staff will update the project file with a completed checklist.

B.i.c.1. Files Organized According to the Established Filing System (63%)

Caltrans inspected 19 project files in Districts 2, 5, 7 and 9 for compliance with the UFS review criteria (see Performance Metric B.i.c.1. in Appendix A). Twelve of the 19 files were deemed to be complete and organized consistently with UFS requirements.

Seven reviewed files were missing materials, including final technical reports, air quality conformity checklists, Section 7 correspondence from Caltrans to the USFWS requesting concurrence on findings of effect on threatened and endangered species, project scoping documents (such as the Preliminary Environmental Analysis Request (PEAR)), correspondence from Caltrans to FHWA requesting concurrence on air quality conformity determinations, class of action concurrences, Environmental Commitments Records (ECRs), and/or signed draft environmental documents. Inspected files were also reviewed to determine if the pertinent page from the Federal Statewide Transportation Program with the project's description, was placed in the environmental files⁵; it was found that many files lacked this page. In all cases, these reports, correspondence, and materials had been prepared, but they had not been printed for placement in the files or could only be found in the specialists' files or electronically in Caltrans' environmental database.

Corrective Actions: District staff will place the missing materials in the project files behind the appropriate tab or place a note in the files where the documentation can be found (such as "in the cultural resource specialist's file). Discussions will be held with the responsible staff to ensure they understand the UFS filing protocols.

Performance Measure C. Monitor Relationships with Agencies and the General Public

C.i.1. Average Evaluation Ratings from Resource Agency Surveys (59% versus a goal of 55% or higher)

The 2017 Resource Agency Survey shows Caltrans exceeded the performance goal for the metric related to relationships with resource agencies based on an August 2017 survey of federal and state resource agency staff. The 2017 survey was Caltrans' ninth annual survey of resource agencies that work with Caltrans on NEPA Assignment projects. Of the 67 potential participants contacted in 2017, 30 (45 percent) completed the survey. A total of 12 (40 percent) participants had previously worked with FHWA on a Caltrans project prior to initiation of NEPA Assignment; the remaining 18 (60 percent) had not worked with FHWA before NEPA Assignment. So that resource agency opinions can be compared before and after NEPA Assignment, this section focuses on the survey results for the 12 survey participants who did work with FHWA prior to NEPA Assignment.

The results of the 2017 survey are presented in Figure 1 (at the end of this monitoring report). As with the previous resource agency surveys, the 2017 results were compared with the results of an initial Gallup Organization poll conducted in 2006, as well as with the average cumulative ratings of all annual surveys conducted under NEPA Assignment between 2009

⁵ In late 2016, Caltrans issued a "Fact Sheet of Federal Statewide Transportation Improvement Program (FSTIP) Considerations in NEPA Approvals" that was posted on the Standard Environmental Reference. This Fact Sheet highlighted the importance of placing proof of programming from the FSTIP in the environmental file.

and 2017 (This survey was not conducted in 2007 and 2008.). Caltrans contracted the 2006 poll to the Gallup Organization, as a baseline, prior to the start of NEPA Assignment.

In the 2009–2017 surveys, respondents were presented with a combined group of ten questions and statements related to Caltrans’ performance. Respondents were asked to rate Caltrans’ performance by choosing a range of ratings such as, from *very capable* to *very incapable*; from *strongly agree* to *strongly disagree*; and from *excellent* to *poor* (see Figure 1). Figure 1 shows the percentages of respondents who rated Caltrans favorably for these 10 questions and statements.⁶

A comparison of 2006 (prior to NEPA Assignment) with 2017 results show that resource agency opinions regarding Caltrans’ performance have improved in the following evaluation areas (As noted in footnote 7, 2006 data is not available for listening skills, quality, and adherence to federal laws, and therefore, this comparison cannot be made for these qualities.):

- Capable of assumption
- Responsiveness
- Consultation efficiency

The resource agencies provided a lower rating in 2017 for Caltrans’ performance in the following areas, as compared to 2006:

- Cooperativeness on existing programmatic agreements and MOUs
- Consideration of the resource agency mission
- Timeliness

The resource agencies rated Caltrans’ interagency coordination efforts the same in 2017 as in 2006.

In Figure 1, the 2009–2017 cumulative average percentage of favorable ratings for each question is shown in red to the right of each graph and is represented as a dashed-dotted red line. In comparison to these multi-year cumulative averages, the 2017 survey results indicate that resource agencies believe that Caltrans’ performance has improved in the following areas:

- Capable of assumption
- Responsiveness

⁶ 2006 (prior to NEPA Assignment) data, that is comparable to post-2009 (during NEPA Assignment) data, are not available from the Gallup Organization poll for the three survey questions (related to listening skills, quality, and adherence to federal laws) that are phrased negatively. These three questions assert a negative quality, rather than a positive quality. For example, one of the three questions states “Caltrans may not listen as well to the resources agencies as did FHWA”. For these three questions, a *strongly disagree* or *somewhat disagree* response is comparable to a *strongly agree* or *somewhat agree* response for those questions phrased positively. 2006 response data is only available for *strongly agree* or *somewhat agree* responses.

- Listening skills
- Consultation efficiency
- Quality
- Conscientiousness in adhering to federal laws
- Cooperativeness on existing programmatic agreements and MOUs

However, the resource agencies provided lower ratings of Caltrans' performance in 2017 in the following areas as compared to the cumulative 2009–2017 averages:

- Interagency coordination
- Timeliness

The resource agencies rated Caltrans' consideration of resource agency missions equivalently in 2017 as a cumulative average between 2009 and 2017.

The goal for this metric is that the average 2017 percentage of favorable responses for all questions is equal to or exceeds the cumulative average percentage of favorable responses received for all questions between 2009 and 2017. During the 2017 monitoring period, Caltrans had an average of 59 percent favorable responses for all questions, as compared to 55 percent since 2009. Therefore, Caltrans exceeded the cumulative average rating and has exceeded its 2017 goal for this metric.

C.i.2. Average Evaluation Ratings from Public Meeting Surveys (4.7 versus a goal of 4.6 or higher)

Caltrans has exceeded its goal for the metric related to the evaluation of public meeting materials. A survey of public meeting materials survey was conducted that rated the quality of materials for 23 public meetings (including formal public hearings) that were held for projects with environmental document approvals during the July 2016–June 2017 monitoring period (Quarters 37–40). The ratings were based on the following five-point scale:

1. Disagree strongly
2. Disagree somewhat
3. Neutral
4. Agree somewhat
5. Agree strongly

Figure 2 (at the end of this monitoring report) presents the 2017 ratings. Figure 2 shows that ratings for the 2017 monitoring period were higher than in the 2016 monitoring period in three areas:

- Providing display materials depicting project impacts that were easy to understand

- Appropriate specialized Caltrans staff available to discuss project purpose and need and alternatives
- Appropriate specialized Caltrans staff available to discuss project impacts

The 2017 ratings was equal to the 2016 ratings in three areas:

- Adequate opportunity to provide comments
- Providing display materials depicting project alternatives easy to understand
- Meeting accessibility.

The 2017 rating fell slightly compared to the 2016 rating in the area of public meeting notices.

Figure 2 also presents the cumulative average ratings between 2008 (when Caltrans began to review the materials used in public meetings) and 2017 for each question. In Figure 2, the cumulative average rating for each question is shown in red to the right of each graph and is represented as a dashed-dotted red line. In 2017, as in 2016, the annual rating was better or the same than the cumulative average rating.

The goal for this metric is that the average 2017 rating for all questions is equal to or exceeds the cumulative average rating for all questions for the surveys conducted between 2008 and 2017. In 2017, Caltrans achieved an average rating of 4.7 for all questions, as compared to a cumulative average rating of 4.6 for 2008–2017. Therefore, in 2017, Caltrans exceeded the cumulative average rating and has exceeded its goal in this area.

C.i.3. Average Evaluation Ratings for Anonymous Third-Party Public Meeting Review (4.5 versus a goal of 4.5 or higher)

Caltrans met its goal related to the third-party review of public meetings. Anonymous, independent consultants⁷ attended six public meetings during the past year in order to review and report on the performance of Caltrans district staff at these meetings.

Figure 3 shows the 2017 ratings for each evaluation factor. This figure shows that ratings for the 2017 monitoring period were higher than in the 2016 monitoring period in five areas:

- Visual aids were beneficial
- Information needed to understand the project was provided
- Project staff responded effectively to questions
- Project staff treated participants with courtesy and respect
- Meeting was an overall positive experience

⁷ The meetings were rated by a team of reviewers, and the same reviewer did not review all meetings. Therefore, the variation in ratings may be due to variations in the ratings of individual reviewers.

The 2017 ratings decreased compared to the 2016 ratings in the areas of:

- Handouts provided clear information and were understandable to the public
- Project staff conveyed their knowledge effectively
- Meeting was valuable

Figure 3 also shows the cumulative average ratings between 2009 (when Caltrans began to anonymously review public meetings) and 2017. In Figure 3, the cumulative average rating for each question is shown in red to the right of each graph and is represented as a dashed-dotted red line. The 2017 monitoring ratings were higher than the cumulative average ratings for three of the eight areas reviewed:

- Visual aids were beneficial
- Project staff responded effectively to questions
- Project staff treated participants with courtesy and respect

The areas for which the 2017 rating was lower than the cumulative average rating were:

- Handouts provided clear information and were understandable to the public
- Meeting was valuable
- Meeting was an overall positive experience

In 2017, the annual rating was the same as the cumulative average rating for two areas reviewed:

- Information needed to understand the project was provided
- Project staff conveyed their knowledge effectively

The goal for this metric is that the average 2017 monitoring rating equals or exceeds the cumulative average rating of the reviews that were conducted between 2009 and 2017. In 2017, Caltrans achieved an average rating of 4.5 for all questions, as compared to an average cumulative rating of 4.5 between 2009 and 2017. Therefore, Caltrans met its goal in this area.

C.ii.1. Percentage of Signed Final Document QC Forms with Public Review Comments Box Checked (90%)

Eighteen of the 20 of the final environmental documents that were reviewed had QC certification forms showing that public review comments had been addressed appropriately (see Performance Metric C.ii.1. in Appendix A). Two QC certification forms were otherwise complete, but the checkbox indicating comments had been addressed was left blank in error.

Corrective Actions: Discussions will be held with staff to remind them to verify that all sections of the certifications forms are complete prior to Environmental Branch certification.

C.iii.1. Date that Formal Conflict Resolution Action Began to Date Resolution Reached

No formal conflict resolution action has been initiated on any NEPA Assignment project. This metric will be evaluated, as appropriate, in future monitoring evaluations.

Performance Measure D. Timely Completion of NEPA Process

Review of the four timeliness metrics, as described below, indicates that Caltrans achieved a substantial time savings for each measured environmental milestone.

D.i.1. Draft Environmental Document Review and Approval Median Time Frames

Caltrans achieved a savings of 3.0 (draft EA) and 3.5 (draft EIS) months in the median time that it took to review and approve draft environmental documents that were approved through the 2017 monitoring period, as compared to the baseline of pre-NEPA Assignment approvals by FHWA (see Performance Metric D.i.1. in Appendix A). These time savings are shown in the first and third rows of Table 1, below.

Table 1. Environmental Document Review and Approval Time Savings

Milestone	Median Timeframe in Months (Number of Projects)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2017	
Begin QC of administrative draft EA to draft EA approval	5.4 (29)	2.4 (189)	3.0
Begin QC of administrative final EA to FONSI approval	2.5 (22)	1.6 (182)	0.9
Begin QC of administrative draft EIS to draft EIS approval	9.3 (8)	5.8 (21)	3.5
Begin QC of administrative final EIS to final EIS approval	9.9 (4)	5.8 (20)	4.1

D.i.2. Final Environmental Document Review and Approval Median Time Frames

As shown in the second and fourth rows of Table 1, above, Caltrans also achieved savings of 0.9 (FONSI) and 4.1 (final EIS) months in the median time that it took to review and approve final environmental documents (see Performance Metric D.i.2. in Appendix A).

D.i.3. Draft Environmental Document Preparation Median Time Frames

Caltrans achieved savings of 10.7 (draft EA) and 28.0 (draft EIS) months in the median time that it took to prepare draft environmental documents approved through the 2017 monitoring period, as compared to the FHWA baseline (see Performance Metric D.i.3. in Appendix A). These time savings are shown in the first and third rows of Table 2 below.

D.i.4. Final Environmental Document Preparation Median Time Frames

As shown in the second and fourth rows of Table 2, below, Caltrans also achieved savings of 12.5 (FONSI) and 125.0 (final EIS) months in the median time that it took to prepare final environmental documents (see Performance Metric D.i.4. in Appendix A).

Table 2. Environmental Document Preparation Time Savings

Milestone	Median Timeframe in Months (Number of Projects)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2017	
Begin environmental studies to draft EA approval	42.3 (31)	31.6 (203)	10.7
Begin environmental studies to FONSI approval	54.1 (31)	41.6 (177)	12.5
Notice of Intent to draft EIS approval	69.9 (8)	49.9 (21)	28.0
Notice of Intent to final EIS approval	193.9 (5)	68.9 (18)	125.0

D.ii.1. Section 7 Consultation Median Time Frames

Table 3 shows the median time savings that has been achieved for Section 7 formal consultations. Caltrans has achieved a savings of 4.9 months for the first 40 quarters of the NEPA Assignment Program as compared to pre-NEPA Assignment consultations (see Performance Metric D.ii.1. in Appendix A).

Table 3. Section 7 Consultation Time Savings

Milestone	Median Timeframe in Months (Number of Biological Opinions)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2017	
Submission of Section 7 documentation to resource agency to Biological Opinion	11.0 (25)	6.1 (132)	4.9

Program Updates and Reviews

Improved Guidance: Standard Environmental Reference Update

Caltrans continues to update the SER, the Local Assistance Procedures Manual, and the NEPA Assignment external and internal website pages to clarify NEPA Assignment requirements, as needed. These updates are based on changes brought about through reauthorization of the Surface Transportation Act; observations and input from FHWA; Caltrans Headquarters Environmental Coordinators; and Caltrans NEPA Assignment Office, Environmental Management Office, Division of Local Assistance, Legal Division, and District/Region managers and staff. The most notable updates and other key guidance that were issued on the SER in 2017 included the following:

- Updates to SER Chapter 38, “NEPA Assignment”, to reflect changes introduced in the 2016 23 USC 327 MOU. These changes included:
 - Updated references to the dates and conditions of historical MOUs
 - Monitoring requirements: FHWA will conduct periodic monitoring reviews during the 23 USC 327 MOU 5-year period
 - Reporting requirements: Caltrans will provide approval and decisions reports once every 12 months
 - Updated list of projects excluded under NEPA Assignment
 - Revised NEPA Assignment language for environmental documents and technical reports
 - Clarification of environmental project files and document retention requirements.
- Updated environmental document annotated outlines to include changes resulting from the 2016 23 USC 327 MOU and clarifications of regulatory requirements, such as:
 - New NEPA Assignment language on the Cover Sheet and summary/introductory chapter
 - Use of Section 7 regulatory language in making effect findings on all listed/proposed species and /or critical habitat
 - Use of regulatory language in documenting whether there is a significant floodplain encroachment, and stating if there is an “Only Practicable Alternative Finding”
- Updates to the CE Checklist, including suggestions for improvement resulting from the prior year’s monitoring reviews. Changes included:
 - Updating the dollar amounts for CEs under 23 CFR 771.117(c)(23) “Projects with limited federal assistance”

- Adding a checkbox confirming that the project description matches that found in the FSTIP and Regional Transportation Plan and that the appropriate page of the FSTIP has been added to the project file
- Adding a section on U.S. Coast Guard coordination
- Clarifications to the Cultural Resources, Biology, and Wetlands check boxes
- Updated SER Chapter 1, “Federal Requirements”, to include links to updated U.S. Department of Transportation guidance for 23 USC 139 Efficient Environmental Review
- Addition of new SER Volume 5, Coastal Requirements

Training

The 2016-17 Caltrans NEPA Assignment Training Plan identified all training courses to be offered to Caltrans environmental staff and technical specialists on an as-needed basis during fiscal year (FY) 2016-17. These courses included 11 live training sessions that were to be offered one or more times. All the training courses specified in the training plan were delivered during FY 2016-17.

Caltrans also provided legal sufficiency training to its attorneys assigned to environmental document review duties under NEPA Assignment, as required in 23 CFR 771.125(b). This training also included the standard Section 7 and Section 4(f) training offered to environmental staff.

In addition to the live training sessions, Caltrans online, “on-demand” training web site includes ten courses that are available for staff to take any time throughout the year.

In terms of the number of course offerings, the number of offerings met or exceeded that which was specified in the training plan.

Accuracy of Caltrans District Data on Federal Approvals

As described in this report under “Program-Level Review”, Caltrans prepares for annual monitoring reports by compiling quarterly reports (which show environmental document approval milestone dates listed by project) that are compiled and submitted annually to FHWA, as required by the current 23 USC 326 and 23 USC 327 MOUs. Compiling quarterly reports allows the NEPA Assignment Office to accurately respond to frequent requests within and outside Caltrans for data on NEPA Assignment performance. Although the accuracy of the NEPA approval dates submitted by Caltrans district staff is not a 23 USC 327 performance metric, the NEPA Assignment staff checks for the accuracy of this data on a quarterly basis.

The statewide reporting accuracy rate has fluctuated annually. The rate improved incrementally each year between 2011 and 2015, but in 2016, the rate degraded. The accuracy rate was the same in 2017 as in 2016. The most common occurrence in reporting exceptions was due to late entry of environmental approval dates into the capital and Local

Assistance project databases. These approvals are counted as errors when reported outside of the reporting cycle in which they occurred. The number of errors may be due to a significant turnover of Caltrans staff who are responsible for reporting the milestone dates to Headquarters. This turnover is attributed to the large number of staff retiring and to staff leaving state service for more lucrative local government or private sector jobs. Headquarters continues to emphasize with district staff the importance of accurately updating the Capital and Local Assistance environmental databases as milestones are reached.

Headquarters continues to work with the Capital database development team to further augment the database to streamline current NEPA Assignment reporting activities and support future NEPA-related data requests. This innovation will also help improve the accuracy of NEPA Assignment reporting.

Appendix A. Caltrans 2017 Monitoring: Findings and Corrective Actions

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
A. Compliance with NEPA and other federal laws and regulations	A.i. Maintain documented compliance with procedures and processes set forth in the MOU for the environmental responsibilities assumed under NEPA Assignment	A.i.1. Percent of self-assessment reports submitted to FHWA	100% of the required self-assessment summary/ monitoring reports have been submitted to FHWA.	95%	Yes, exceeded goal by 5%	None required
		A.i.2. Percentage of corrective actions identified in most recent self-assessment that have been implemented	100% of the corrective actions identified in the 2016 monitoring summary report have been implemented.	95%	Yes, exceeded goal by 5%	None required
	A.ii. Maintain documented compliance with requirements of all federal laws and regulations being assumed (Section 106, Section 7, etc.)	A.ii.1. Percent of final environmental documents (FEDs) that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	7 out of 20 (35%) reviewed FEDs appropriately documented compliance with requirements of Section 7, Section 106, and Section 4(f).	95%	No, below goal by 60%	<p>Section 7: A Caltrans revalidation form will be completed for each project with irregular Section 7 documentation. The form will clarify and/or document the following:</p> <ul style="list-style-type: none"> For each project within NMFS jurisdiction, without a NMFS species list, one will be obtained, checked to ensure that no species have the potential to occur in the project area, and a No Effect finding made for all applicable species on the list. For those projects located outside of NMFS jurisdiction, such a statement will be included by reference into the final NEPA document. The missing USFWS species list will be attached to the revalidation form and incorporated by reference into the final document. Finally, the date that the undated NMFS species was downloaded from NMFS' generator tool will be documented on the revalidation form to validate that it was not older than 180 days from the final NEPA document approval date.

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
		A.ii.1. (Continued)				<ul style="list-style-type: none"> • For each project that lacks a No Effect finding for each applicable species on the USFWS and/or NMFS species list, the form will include No Effect findings that will be incorporated into the NEPA documentation by reference. Similarly, May Affect, Not Likely to Adversely Affect and Likely to Adversely Affect findings will be documented, as needed. • For the two projects with BAs whose format and organization did not conform with the requirements of the SER, discussions will be held with the project generalists and biologists involved regarding the need to use the BA annotated outline. • For the three projects with irregular consultation descriptions, the revalidation form will clarify the consultation process, and the BO, missing from the NEPA document, will be attached to the form. <p>Discussions will be held with the project generalists and biologists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
		A.ii.1. (Continued)				<p>Section 106: A Caltrans revalidation form will be completed for the two projects with irregular Section 106 documentation. The MOA and letter of concurrence will be attached to the forms and incorporated by reference into the final NEPA document.</p> <p>Discussions will be held with the project generalists and cultural resources specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p> <p>Section 4(f): A Caltrans revalidation form will be completed for each project with irregular Section 4(f) documentation. The form will clarify the following and incorporate these clarifications into the final NEPA document by reference:</p> <ul style="list-style-type: none"> ● Pertinent correspondence from agencies with jurisdiction over Section 4(f) resources ● Explanation describing that a de minimis finding was replacing an earlier temporary occupancy exception <p>Discussions will also held with the generalists for these projects, who prepared the Section 4(f) sections, to ensure that they understand the Section 4(f) documentation problems that were discovered.</p>

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
		A.ii.1. (Continued)				
	(See note to this table for explanation of italicized metrics)	A.ii.1.a. <i>Compliance with other Executive Order 11990; Executive Order 11988; and Section 176(c) of the federal Clean Air Act</i>	<i>13 of 20 (65%) reviewed FEDs appropriately documented compliance with Executive Orders 11990 and 11988 and Section 176(c).</i>	95%	<i>No, below goal by 30%</i>	<p>Executive Order 11990: A Caltrans revalidation form will be completed for both projects that lacked an Only Practicable Alternative Wetlands Finding. Discussions will be held with the project generalists and biologists for these projects to ensure that they understand the requirements of EO 11990.</p> <p>Executive Order 11988: A Caltrans revalidation form will be completed for each project with irregular Executive Order 11988 documentation. The form will incorporate these clarifications into the final NEPA document by reference, as applicable:</p> <ul style="list-style-type: none"> • Documentation that the project will not result in a significant encroachment into the 100-year floodplain including supporting information and data, as needed • Documentation that the project is not located within the 100-year floodplain <p>Discussions will also be held with the project generalists and hydraulic specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
A.ii.1.a. (Continued)						
						Section 176(c): A Caltrans revalidation form will be completed for both projects that clarifies that the projects are exempt from having an air quality conformity determination based on 40 CFR 93.126. The forms will also identify the pertinent project type from Table 2 in 40 CFR 93.126. Discussions will also be held with the project generalists and air quality specialists for these projects to ensure that they understand the problems that were discovered with their documentation.
	(See note to this table for explanation of italicized metrics)	A.ii.1.b. <i>Compliance with 23 USC Sec.139 (Efficient Environmental Reviews for Project Decision-making)</i>	<i>0 of 1 reviewed final EIS (100%) appropriately documented compliance with 23 USC 139.</i>	0%	<i>No, below goal by 100%</i>	<i>Discussions will be held with affected staff to ensure that they understand 23 USC 139 requirements including changes and clarifications to this regulation made under the FAST Act.</i>
	(See note to this table for explanation of italicized metrics)	A.ii.1.c. <i>Compliance with Traffic Noise Analysis Protocol requirements</i>	<i>19 of 20 reviewed FEDs (95%) appropriately documented compliance with the Noise Protocol.</i>	95%	Yes	<i>A Caltrans revalidation form will be completed for this project that clarifies and justifies that the project is not a Type 1. Discussions will also be held with the project generalist and noise specialist for this project to ensure that they understand the omission that was discovered with their documentation.</i>
	(See note to this table for explanation of italicized metrics)	A.ii.1.d. <i>Appropriate use of Categorical Exclusions</i>	<i>Not applicable since no 23 USC CEs were reviewed</i>	95%	<i>Not applicable</i>	<i>Not applicable</i>

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
A.ii.1. (Continued)						
	(See note to this table for explanation of <i>italicized metrics</i>)	A.ii.1.e. <i>Appropriate use of 23 USC 326 versus 23 USC 327 Categorical Exclusions</i>	<i>Not applicable since no 23 USC CEs were reviewed</i>	95%	<i>Not applicable</i>	<i>Not applicable</i>
B. Attainment of supportable NEPA decisions	B.i.a. Legal sufficiency determinations made by counsel (FEISs and individual Section 4(f) determinations)	B.i.a.1. Percent of final EISs and individual Section 4(f) determinations with legal sufficiency determinations completed prior to environmental document approval	Four final EISs and five final Section 4(f) evaluations (100%) requiring a legal sufficiency determination obtained the required documentation prior to environmental document approval.	95%	Yes, exceeded goal by 5%	None required
B.i. Maintain internal quality control and assurance measures and processes, including a record of:	B.i.b. Compliance with Caltrans environmental document content standards and procedures	B.i.b.1. Percentage of internal QC certification forms certifying consistency with annotated outline	46 out of 47 (98%) reviewed DEDs/FEDs had QC certification forms signed by the environmental document preparer indicating that the document was prepared consistent with the applicable SER annotated outline.	95%	Yes, exceeded goal by 3%	District staff for the project with incomplete final NEPA document internal QC review forms will update the project file by adding a memo explaining that the consistency reviews were conducted, but that the reviews were not documented appropriately. Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		B.i.b.2. Percentage of sampled environmental documents that followed applicable annotated outline	39 of 47 (83%) reviewed DEDs/FEDs followed the annotated outlines in terms of chapter and section organization	95%	No, below goal by 12%	A revalidation form will be completed for each project with documents that deviated from the annotated outline. The forms will describe the missing information or make the needed corrections. Discussions will also be held with the affected project generalists to ensure that they understand the requirements of the annotated outlines.

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
B.i.b. (Continued)						
		B.i.b.3. Percentage of DEDs and FEDs for which the completed QA/QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow-up information	33 of 47 (70%) DEDs/FEDs properly implemented and documented QC procedures	95%	No, below goal by 25%	District staff will add notes to the project files clarifying the QC review process and the reasons for the irregularities that were found: <ul style="list-style-type: none"> • QC reviews completed but incomplete or missing certification forms • Missing QC reviews due to project schedules • Reviews conducted out of sequence • Reviews conducted after NEPA approval Discussions will be held with staff to ensure that they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		B.i.b.4. Percent of DEDs and FEDs with completed checklists	45 of 47 (96%) reviewed DEDs/FEDs had complete checklists.	95%	Yes, exceeded goal by 1%	For the project without a completed checklist, staff will add a note to the project file documenting the reason for the missing checklist. For the project with a partial checklist, district staff will update the project file with a completed checklist.
B.i.c.	Documentation of project records for projects under the NEPA Assignment Program	B.i.c.1. Percent of sampled EA/EIS project files organized according to the established filing system	12 out of 19 (63%) reviewed files conformed to Uniform Filing System (UFS) requirements.	95%	No, below goal by 32%	District staff will place the missing materials in the project files behind the appropriate tab or place a note in the files where the documentation can be found (such as “in the cultural resource specialist’s file). Discussions will be held with the responsible staff to ensure they understand the UFS filing protocols.

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
C. Monitor relationships with agencies and the general public (effectiveness of relationships with agencies and the general public)	C.i. Assess change in communication among Caltrans, federal and state resource agencies, and the public	C.i.1. Resource Agency Survey: Compare average evaluation ratings for each period and cumulatively over time	59% cumulative average of positive responses	Equal to or above cumulative average of 55% positive responses since first survey in 2009	Yes, exceeded goal by 4%	None required
		C.i.2. Public Meeting Material Review: Compare average evaluation ratings for each self-assessment period and cumulatively over time	4.7 cumulative average rating	Equal to or above cumulative average rating of 4.6 (out of 5.0) since 3 rd Self-Assessment	Yes, exceeded goal by 0.1	None required
		C.i.3. Anonymous Third-Party Public Meeting Review: Compare average evaluation ratings for each self-assessment period and cumulatively over time	4.5 cumulative average rating	Equal to or above cumulative average rating of 4.5 (out of 5.0) since 4 th Self-Assessment	Yes	None required
	C.ii. Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents	C.ii.1. Percentage of signed final document internal QC certification forms in file with public review comments box checked	18 of 20 (90%) of the reviewed FEDs had QC certification forms that indicated that public review comments had been appropriately addressed.	95%	No, below goal by 5%	Discussions will be held with district staff to remind them to verify all sections of the certifications forms are complete prior to approval.
	C.iii. Maintain effective NEPA conflict resolution processes whenever appropriate	C.iii.1. Date that formal conflict resolution action began to date resolution reached	No formal conflict resolution actions were required during the 2017 monitoring review period.	Not applicable	Not applicable	Not applicable

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
D. Timely completion of NEPA process	D.i. Compare time to completion for environmental document approvals before and after Assignment (July 1, 2007)	D.i.1. For SHS and Local Assistance projects, compare median time from begin administrative DED QC process to DED approval before and after assignment	3.0 (draft EAs) and 3.5 (draft EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		D.i.2. For SHS and Local Assistance projects, compare median time from begin administrative FED QC process to FED approval before and after assignment	0.9 (FONSIs) and 4.1 (final EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		D.i.3. Compare median time from begin environmental studies/NOI to DED approval before and after assignment	10.7 (draft EAs) and 28.0 (draft EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		D.i.4. Compare median time from begin environmental studies/NOI to FED approval before and after assignment	12.5 (FONSIs) and 125.0 (final EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required

Performance Measure	Components of Measure	Metric ^a	Findings of 2017 Monitoring Review	Acceptable Performance Goal	Goal Met?	Corrective Action
D. (Continued)						
	D.ii. Compare time to completion for key interagency consultations formerly requiring FHWA participation before and after Assignment (July 1, 2007)	D.ii.1. Compare median time from submittal of biological assessments to receipt of biological opinions before and after assignment	4.9 median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required

Note: Explanation of *italicized metrics*: To broaden the review of compliance with federal environmental regulations, Caltrans decided to evaluate performance against five additional metrics related to specific federal requirements. These metrics are listed in this table, in *italics*, and are identified as A.ii.1.a–e.

For more on performance measures, components, and metrics, see the “Monitoring Methods” section of this report.

^a Part 10.2 of the July 2007 MOU lists four performance measures, each with specific components. Subsequent to executing the MOU, Caltrans and FHWA discussed and agreed upon metrics to be associated with each performance measure/component. Those metrics are listed here in Appendix A, but do not appear in the NEPA Assignment MOUs.

Appendix B. MOU Performance Measure A.i.2.: Implemented Corrective Actions Identified in Caltrans 2016 Monitoring Report (2016 Monitoring Period: July 2015–June 2016)

Performance Measure	Components of Measure	Metric	2016 Monitoring Corrective Actions ^a	Implementation of Corrective Actions
A. Compliance with NEPA and other Federal laws and regulations	A.ii. Maintain documented compliance with requirements of all federal laws and regulations being assumed (Section 106, Section 7, etc.)	A.ii.1. Percent of final environmental documents that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	<p>Section 7: A Caltrans revalidation form will be completed for each final NEPA document without a USFWS and/or NMFS species list that is less than 180 days old, or requiring updated lists. The form will reference the incorporation of the species list into the NEPA document. The form will also document those projects located outside of NMFS jurisdiction and not requiring a NMFS species list.</p> <p>The forms will identify the Section 7 findings using the required regulatory language for each project with a finding and incorporate them by reference into the appropriate section of the environmental document consistent with the annotated outlines</p> <p>A Caltrans revalidation form will be completed for each final NEPA document that lacked a complete description of the Section 7 informal or formal consultation process. The form will include a complete description of the consultation process and incorporate them into the NEPA document by reference.</p> <p>Discussions will also be held with the project generalists and biologists who prepared the environmental documents with corrective actions to ensure that they understand the Section 7 requirements under review.</p> <p>Caltrans Headquarters staff will review the guidance in the Standard Environmental Reference to ensure it clearly conveys Section 7 documentation requirements related to species lists, Section 7 findings, and summaries of the Section 7 consultation process.</p>	<p>Districts completed revalidation forms for each affected environmental document that attaches a current USFWS species list, clarifies the Section 7 findings using correct regulatory language, includes a No Effect finding for each applicable species, and/or includes a complete description of the Section 7 consultation process.</p> <p>Discussions were held with the affected district staff highlighting the Section 7 documentation requirements addressed by these corrective actions.</p> <p>Caltrans Headquarters updated guidance in its environmental document and Natural Environment Studies annotated outlines to include clarification that a federal Endangered Species Act Section 7 effect finding must be made for each species on the U.S. Fish and Wildlife Service and National Marine Fisheries Service species lists, using the regulatory language.</p>

Performance Measure	Components of Measure	Metric	2016 Monitoring Corrective Actions ^a	Implementation of Corrective Actions
A.ii.1. (Continued)				
			<p>Section 106: A Caltrans revalidation form will be completed for each of the projects with irregular Section 106 documentation. The Memorandum of Understanding will be attached to the form and incorporated into the affected final NEPA document by reference. The forms will also identify the Section 106 findings using the required regulatory language for each project and incorporate them by reference into the appropriate section of the environmental document consistent with the annotated outlines.</p> <p>Discussions will also be held with the project generalists and cultural resources specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>	<p>Districts completed revalidation forms for each affected environmental document addressing the identified deficiencies.</p> <p>Discussions were held with the affected district staff emphasizing the Section 106 documentation requirements addressed by these corrective actions.</p>
			<p>Section 4(f): A Caltrans revalidation form will be completed for each project that had irregular Section 4(f) documentation. The forms will clarify applicability of exceptions under 23 CFR 774.13(a)(1); explain why the project will not use a Section 4(f) resource; disclose that the de minimis finding was not publicly noticed before NEPA approval; and replace the “draft” de minimis finding with clarification that the finding is final. Each form will incorporate the changes into the final NEPA document by reference.</p> <p>Discussions will also held with the generalists for these projects, who prepared the Section 4(f) sections, to ensure that they understand the Section 4(f) documentation problems that were discovered, and the noticing requirements.</p>	<p>Districts completed revalidation forms for each affected environmental document addressing the identified deficiencies.</p> <p>A discussion was held with affected project staff to review the Section 4(f) requirements for determination of “use” and the need to publicly notice de minimis findings.</p>
	A.ii.1.a. Compliance with other Executive Order 11990; Executive Order 11988; and Section 176(c) of the federal Clean Air Act		<p>Executive Order 11990: A revalidation form will be completed for the project that lacked an Only Practicable Alternative Wetlands Finding.</p>	<p>District completed revalidation form that confirmed wetland impacts and documented the Only Practicable Alternative Wetlands finding. The form incorporated the finding into the final environmental document by reference.</p>

Performance Measure	Components of Measure	Metric	2016 Monitoring Corrective Actions ^a	Implementation of Corrective Actions
A.ii.1.a. (Continued)				
			<p>Executive Order 11988: A revalidation form will be completed for each of the two projects that clarifies that the project would not result in a significant encroachment in the 100-year floodplain.</p> <p>Discussions will also be held with the project generalists and hydraulic specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p> <p>Caltrans Headquarters will update the environmental document annotated outlines to clarify guidance related to the Executive Order 11988 Floodplain finding so that it is clear that the final environmental document for all projects, located in whole or in part within a 100-year floodplain, must document whether or not the project will result in a significant floodplain encroachment.</p>	<p>Districts completed revalidation forms that clarified that the projects would not result in a significant encroachments in the 100-year floodplain. Discussions were also held with affected project staff to review the requirements of Executive Order 11988.</p> <p>Caltrans Headquarters updated guidance in its environmental document annotated outlines to include clarification that regulatory language must be used in documenting whether there is a significant floodplain encroachment</p>
			<p>Section 176(c): A revalidation form will be completed for each project with irregular air quality conformity documentation. The forms will clarify why the projects were exempt from having to obtain a conformity determination; and correct errors in the supporting checklist.</p> <p>Discussions will also be held with the project generalists and air quality specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>	<p>Districts completed revalidation forms with clarifications and corrections to air quality conformity documentation.</p> <p>District obtained AQ conformity determination from FHWA, and completed a revalidation form documenting that conformity is complete.</p> <p>Discussions were held with the affected district generalist and technical staff emphasizing documenting compliance with air quality conformity requirements.</p>

Performance Measure	Components of Measure	Metric	2016 Monitoring Corrective Actions ^a	Implementation of Corrective Actions
B. Attainment of supportable NEPA decisions i. Maintain internal quality control and assurance measures and processes, including a record of:	B.i.b. Compliance with Caltrans environmental document content standards and procedures	B.i.b.1. Percentage of internal QC certification forms certifying consistency with annotated outline	District staff for the project without draft and final NEPA document external and internal QC review forms will update the project files by adding a memo and completed QC certification forms (including estimated dates for the certifications); the memo will explain the reasons why certification forms have been completed after NEPA approval. Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.	Districts updated project files with documentation certifying completion of the environmental document review process. Discussions were held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		B.i.b.2. Percentage of sampled environmental documents that followed applicable annotated outline	A revalidation form will be completed for one project that will include a complete list of dismissed topics together with documentation of the rationale for omitting those topics. Discussions will also be held with the affected project generalist to ensure that they understand this requirement.	District completed revalidation form with a complete list of topics. Discussions were held with affected project generalists to ensure that they understand these requirements.
		B.i.b.3. Percent of draft and final environmental documents for which the completed QA/QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow-up information	District staff will add notes to affected project files to clarify the reasons why: <ul style="list-style-type: none"> • Certification forms were completed after NEPA approval, with the completed QC certification forms for the draft and final documents (including estimated dates of the certifications) • reviews were not conducted, or conducted out of sequence Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.	District updated project files with documentation certifying completion of the environmental document review process. Discussions were held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		B.i.b.4. Percent of DEDs and FEDs with completed checklists	District staff will update the project file, with a checklist lacking page numbers, with an augmented checklist that includes page number references. For the project with the checklist completed after the draft document approval, staff will add a note to the project file documenting the reason for this occurrence.	Districts updated project files with completed checklists and documentation explaining the corrections.

Performance Measure	Components of Measure	Metric	2016 Monitoring Corrective Actions ^a	Implementation of Corrective Actions
B.i (Continued)				
	B.i.c. Documentation of project records for projects under the NEPA Assignment Program	B.i.c.1. Percent of sampled EA/EIS project files organized according to the established filing system	District staff will place the missing materials in the project files behind the appropriate tab or place a note in the files where the documentation can be found (such as “in the cultural resource specialist’s file). Discussions will be held with the responsible staff to ensure they understand the UFS filing protocols.	Staff gathered the missing documents and placed them in the project files. For projects with files that did not conform to UFS requirements, discussions were held with the responsible staff.

^a Corrective actions related to one project are not included in this table since the project is currently in litigation.

Appendix C. Caltrans 2017 Monitoring: Percentage Compliance for Percentage-Based Performance Metrics

Performance Measure	Components of Measure	Metric	Number of Environmental Documents Reviewed for Performance Metric				Number of Environmental Documents that Appropriately Documented Compliance	Percentage Compliance with Performance Metric ^a
			Draft Environmental Documents	Final Environmental Documents	Categorical Exclusions	In-Progress Environmental Documents Not Yet Approved		
A. Compliance with NEPA and other federal laws and regulations	A.i. Maintain documented compliance with procedures and processes set forth in the MOU for the environmental responsibilities assumed under NEPA Assignment	A.i.1. Percent of self-assessment reports submitted to FHWA	NA	NA	NA	NA	NA	100%
		A.i.2. Percentage of corrective actions identified in most recent self-assessment that have been implemented	NA	NA	NA	NA	NA	100%
	A.ii. Maintain documented compliance with requirements of all federal laws and regulations being assumed (Section 106, Section 7, etc.) (See note to this table for explanation of <i>italicized metrics</i>)	A.ii.1. Percent of final environmental documents (FEDs) that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	NA	20	0	0	7	35%
		A.ii.1.a. <i>Compliance with other Executive Order 11990; Executive Order 11988; and Section 176(c) of the federal Clean Air Act</i>	NA	20	0	0	13	65%
		A.ii.1.b. <i>Compliance with 23 USC Sec.139 (Efficient Environmental Reviews for Project Decision-making)</i>	NA	1	0	0	0	0%
		A.ii.1.c. <i>Compliance with Traffic Noise Analysis Protocol requirements</i>	NA	20	0	0	19	95%
		A.ii.1.d. <i>Appropriate use of Categorical Exclusions</i>	NA	NA	0	0	NA	NA

Performance Measure	Components of Measure	Metric	Number of Environmental Documents Reviewed for Performance Metric				Number of Environmental Documents that Appropriately Documented Compliance	Percentage Compliance with Performance Metric ^a
			Draft Environmental Documents	Final Environmental Documents	Categorical Exclusions	In-Progress Environmental Documents Not Yet Approved		
		A.ii.1. (Continued)						
	(See note to this table for explanation of italicized metrics)	A.ii.1.e. <i>Appropriate use of 23 USC 326 versus 23 USC 327 Categorical Exclusions</i>	NA	NA	0	0	NA	NA
B. Attainment of supportable NEPA decisions	B.i.a. Legal sufficiency determinations made by counsel (FEISs and individual Section 4(f) determinations)	B.i.a.1. Percent of final EISs and individual Section 4(f) determinations with legal sufficiency determinations completed prior to environmental document approval	NA	9 ^b	0	0	9 ^b	100%
i. Maintain internal quality control and assurance measures and processes, including a record of:	B.i.b. Compliance with Caltrans environmental document content standards and procedures	B.i.b.1. Percentage of internal QC certification forms certifying consistency with annotated outline	27	20	0	0	46	98%
		B.i.b.2. Percentage of sampled environmental documents that followed applicable annotated outline	27	20	0	0	39	83%
		B.i.b.3. Percentage of DEDs and FEDs for which the completed QA/QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow-up information	27	20	0	0	33	70%
		B.i.b.4. Percent of DEDs and FEDs with completed checklists	27	20	0	0	45	96%

Performance Measure	Components of Measure	Metric	Number of Environmental Documents Reviewed for Performance Metric				Number of Environmental Documents that Appropriately Documented Compliance	Percentage Compliance with Performance Metric ^a
			Draft Environmental Documents	Final Environmental Documents	Categorical Exclusions	In-Progress Environmental Documents Not Yet Approved		
B.i. (Continued)								
	B.i.c. Documentation of project records for projects under the NEPA Assignment Program	B.i.c.1. Percent of sampled EA/EIS project files organized according to the established filing system	1	7	0	11	12	63%
C. Monitor relationships with agencies and the general public	C.ii. Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents	C.ii.1. Percentage of signed final document internal QC certification forms in file with public review comments box checked	NA	20	NA	NA	18	90%
AVERAGE COMPLIANCE ACHIEVED IN FY 2016-17 FOR 13 PERCENTAGE-BASED METRICS							77%	

Note: Explanation of *italicized metrics*: To broaden the review of compliance with federal environmental regulations, Caltrans decided to evaluate performance against five additional metrics related to specific federal requirements. These metrics are listed in this table, in *italics*, and are identified as A.ii.1.a–e.

For more on performance measures, components, and metrics, see the “Monitoring Methods” section of this report.

NA = Not Applicable.


^a These percentages are based on counting each environmental document once, even if the environmental document has more than one deficient finding for any given metric.

^b Includes four final EISs and five Section 4(f) evaluations.

Statement by Chief, Division of Environmental Analysis

Based on this 2017 monitoring of Caltrans Performance under the Surface Transportation Project Delivery Program report, I find the responsibilities assumed by Caltrans under the NEPA Assignment MOU are being carried out in accordance with the MOU and all applicable federal laws and policies.

Signed:



Philip J. Stolarski
Chief, Division of Environmental Analysis
California Department of Transportation

Date:

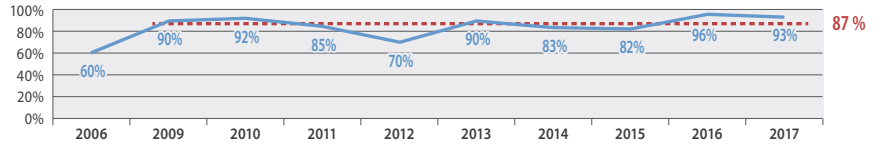
3/13/18

FIGURE 1
Resource Agency Results^{1,2}

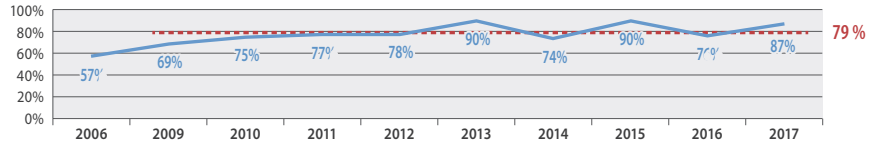
Legend
— Average by year 2006 Baseline Value
- - - 2017 Monitoring Review cumulative average

Cumulative average percentage for all questions for 6th Self Assessment - 2017 Monitoring Review (2009-2017): 55%
Cumulative average percentage for all questions for 2017 Monitoring Review: 59%

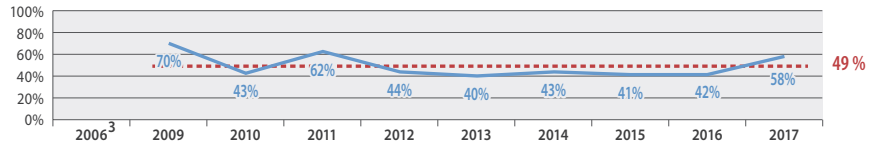
2a. How capable do you believe Caltrans has been in assuming the NEPA responsibilities of FHWA?
 5=VERY CAPABLE; 4=SOMEWHAT CAPABLE



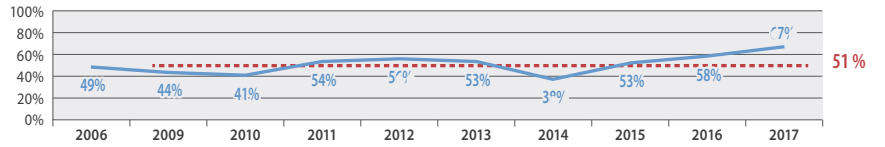
2b. Caltrans is responsive to the concerns expressed by your agency.
 5=STRONGLY AGREE; 4=SOMEWHAT AGREE



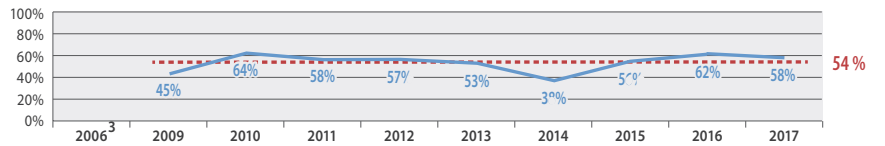
2c. Caltrans may not listen as well to resource agencies as did FHWA.
 1=STRONGLY DISAGREE; 2=SOMEWHAT DISAGREE



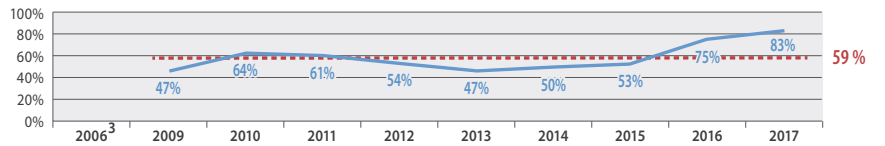
2d. The NEPA and consultation processes are more efficient under Caltrans than they were under FHWA.
 5=STRONGLY AGREE; 4=SOMEWHAT AGREE



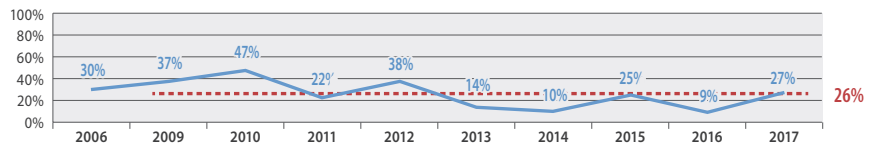
2e. Quality has suffered without FHWA oversight.
 1=STRONGLY DISAGREE; 2=SOMEWHAT DISAGREE



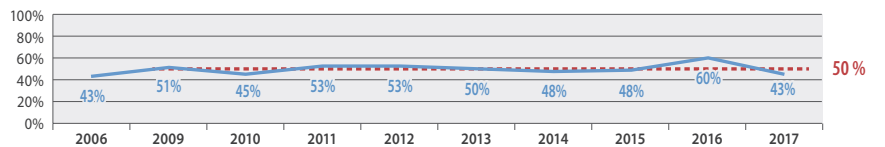
2f. Caltrans has not been as conscientious in adhering to Federal laws, rules, and regulations as FHWA.
 1=STRONGLY DISAGREE; 2=SOMEWHAT DISAGREE



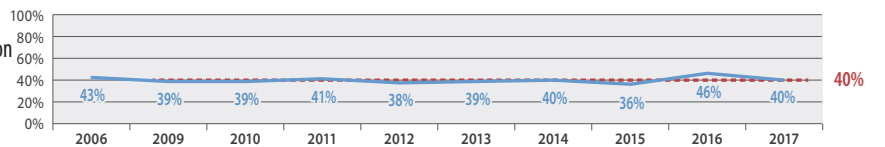
2g. Caltrans has been more cooperative with agencies on existing programmatic agreements and memoranda of understanding as FHWA.
 5=STRONGLY AGREE; 4=SOMEWHAT AGREE



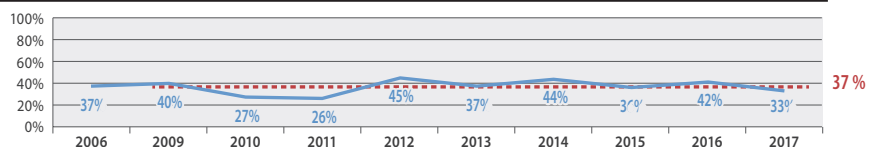
2h. Currently, how would you rate how well interagency coordination is working between Caltrans and your agency with respect to consultation and coordination responsibilities on Pilot Program projects under NEPA and other federal environmental laws?
 5=EXCELLENT; 4=VERY GOOD



2i. Currently, how would you rate how well your agency's mission is being considered and met with respect to Caltrans' consultation and coordination responsibilities on Pilot Program projects under NEPA and other federal environmental laws?
 5=EXCELLENT; 4=VERY GOOD



2j. Currently, how would you rate the timeliness in which project resolutions are being reached with respect to Caltrans' consultation and coordination responsibilities on Pilot Program projects under NEPA and other federal environmental laws?
 5=EXCELLENT; 4=VERY GOOD



¹ Sample sizes: 2006: unknown; 2009: 49 completed surveys; 2010: 54 completed surveys; 2011: 46 complete surveys; 2012: 46 completed surveys for questions 2a, 2b, 2h, 2i, and 2j, and 28 completed surveys for questions 2c through 2g; 2013: 30 completed surveys for questions 2a, 2b, 2h, 2i and 2j; and 15 completed surveys for questions 2c through 2g; 2014: 43 completed surveys for questions 2a, 2b, 2h, 2i and 2j, and 25 completed surveys for questions 2c through 2g; 2015: 31 completed surveys for questions 2a, 2b, 2h, 2i and 2j, and 19 completed surveys for questions 2c through 2g; 2016: 25 completed surveys for questions 2a, 2b, 2h, 2i, and 2j, and 13 completed surveys for questions 2c through 2g; 2017: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j, and 12 completed surveys for questions 2c through 2g.

² Negative responses to questions 2c, 2e, and 2f are comparable to positive responses to the other seven questions. This is because questions 2c, 2e, and 2f are phrased as negative statements; so a response of "strongly disagree" or "somewhat disagree" are positive responses to Caltrans performance.

³ Data for 2006 are unavailable.

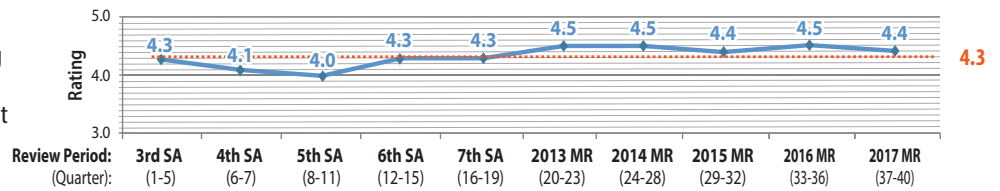
Figure 2
Review of Public Meetings Documentation
2017 Monitoring: NEPA Assignment

Legend

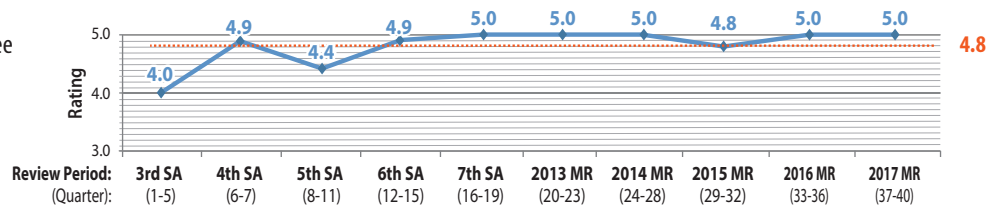
- Average by year
- 2017 Monitoring Review cumulative average

Cumulative average rating for all questions for 3rd Self Assessment - 2017 Monitoring Review : 4.6
Cumulative average rating for all questions for 2017 Monitoring Review: 4.7

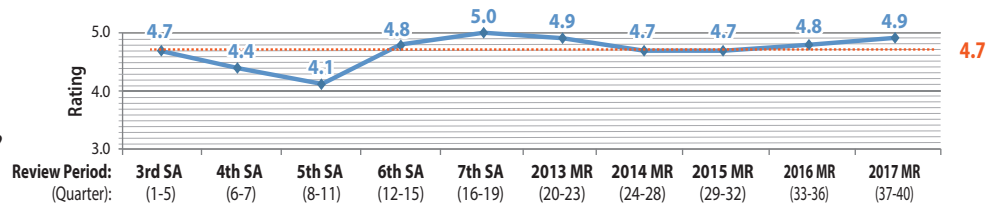
To what extent did the public meeting notice or notice of opportunity for the project environmental document meet SER requirements?



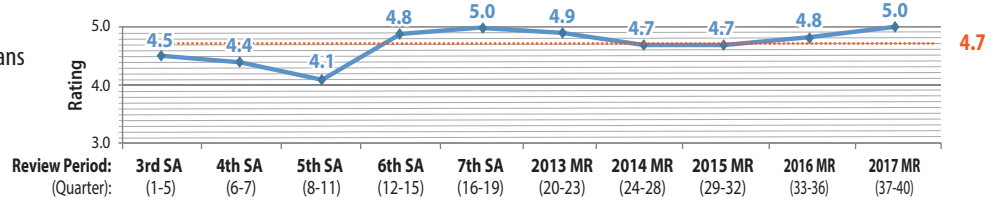
To what extent do you agree or disagree that the public meeting provided adequate opportunity for the public to register written and oral comments?



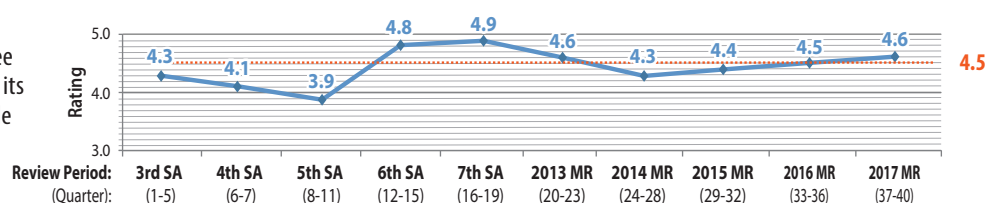
To what extent were appropriate Caltrans specialty staff available to discuss the project, its purpose and need, and alternatives with the public?



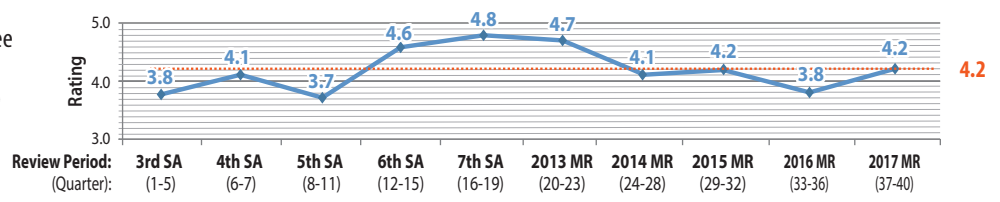
To what extent were appropriate Caltrans specialty staff available to discuss the project impacts with the public?



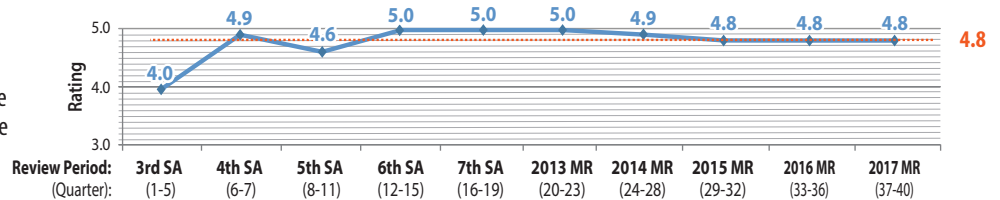
To what extent do you agree or disagree that displays depicting the project and its alternatives were easily understandable to the lay public?



To what extent do you agree or disagree that displays depicting the project impacts were easily understandable to the lay public?



Based on review of the public meeting material and input from the project generalist, to what extent do you agree that the project meeting was accessible to the public?



¹ Sample sizes: 3rd Self-Assessment - 27 projects; 4th Self-Assessment - 8 projects; 5th Self-Assessment - 22 projects; 6th Self-Assessment - 19 projects; 7th Self-Assessment - 16 projects; 2013 Monitoring Review - 17 projects; 2014 Monitoring Review - 15 projects; 2015 Monitoring Review - 15 projects; 2016 Monitoring Review - 17 projects; 2017 Monitoring Review - 23 projects.

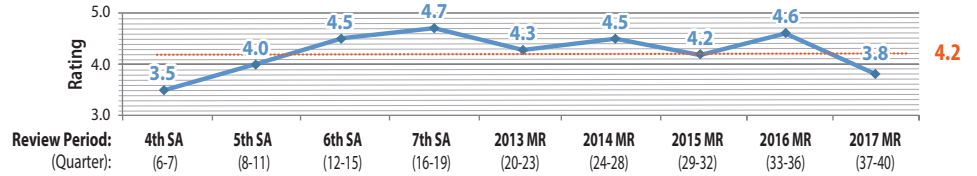
Figure 3¹
Anonymous Review of Public Meetings
2017 Monitoring: NEPA Assignment¹

Legend

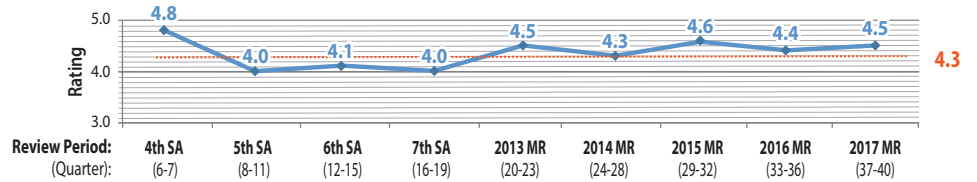
- Average by year
- 2017 Monitoring Review cumulative average

Cumulative average rating for all questions for 4th Self Assessment - 2017 Monitoring Review: 4.5
Cumulative average rating for all questions for 2017 Monitoring Review: 4.5

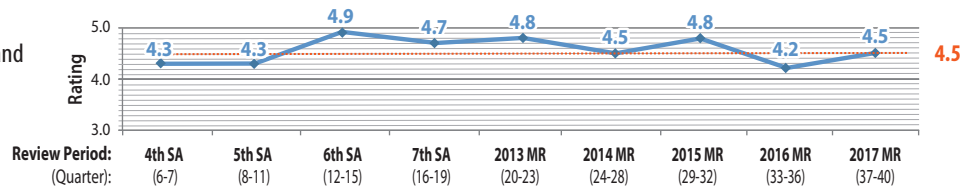
The handouts provided clear information and were understandable to the public.



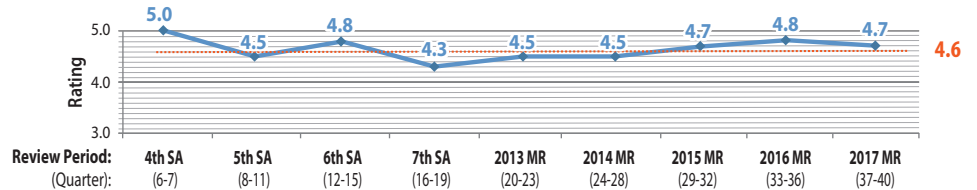
The visual aids (e.g., posters, figures, Power Point presentations, photographs, and maps) were beneficial in helping me and other members of the public understand the project and its environmental impacts.



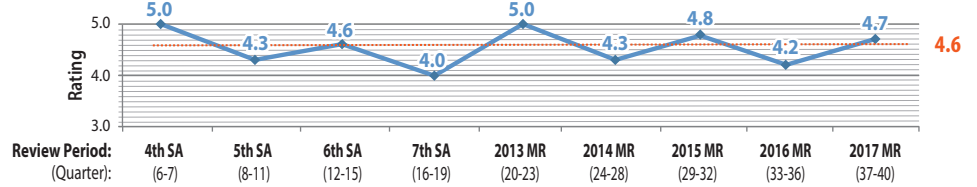
Overall, information I needed to understand the project was provided.



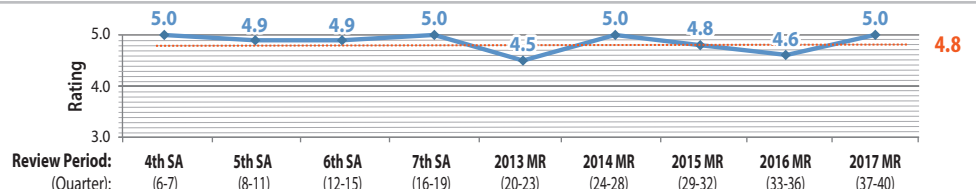
Project staff conveyed their knowledge effectively.



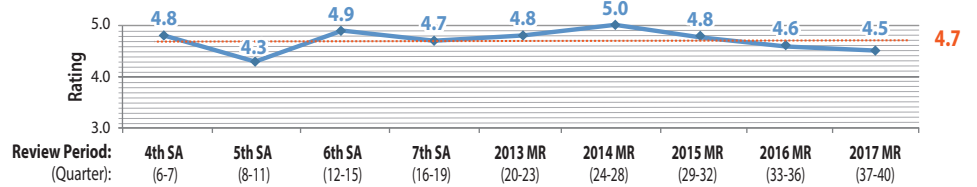
Project staff responded to questions effectively.



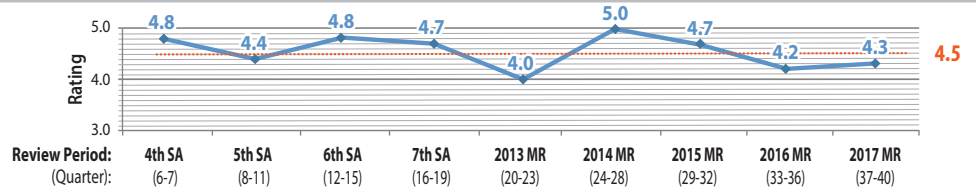
Project staff treated participants with courtesy and respect.



Overall, the meeting was valuable.



Overall, the meeting provided a positive experience.



¹ Sample sizes: 4th Self-Assessment - 4 projects; 5th Self-Assessment - 8 projects; 6th Self-Assessment - 8 projects; 7th Self-Assessment - 3 projects; 2013 Monitoring Review - 4 projects; 2014 Monitoring Review - 4 projects; 2015 Monitoring Review - 9 projects; 2016 Monitoring Review - 5 projects; 2017 Monitoring Review - 6 projects.