


Memorandum

To: ENVIRONMENTAL DISTRICT DEPUTY DIRECTORS
DIVISION ENVIRONMENTAL BRANCH/OFFICE CHIEFS

Date: July 15, 2022
File: NEPA Assignment

From: RAMON L. HOPKINS 
Acting Division Chief
Division of Environmental Analysis

Subject: **CALTRANS RENEWS PARTICIPATION IN THE NEPA ASSIGNMENT PROGRAM**

The Federal Highway Administration (FHWA) and Caltrans have renewed the agreements which authorize Caltrans' continued participation in the National Environmental Policy Act (NEPA) Assignment Program. The memoranda of understanding (MOUs) authorize Caltrans assumption of NEPA responsibilities under 23 USC 327 and 23 USC 326. The 326 MOU was signed on April 18, 2022, for a five-year term; the 327 MOU became effective May 27, 2022, for a 10-year term.

Under the new MOUs, Caltrans will continue to assume FHWA responsibilities under NEPA and other federal environmental laws in the same manner as under the previous MOUs with the following minor changes:

- 23 USC 326 MOU
 - MOU term has increased from 3 years to 5 years.
 - Appendix A Additional Categories of Categorical Exclusion (CE) Projects – Clarifies Category 6 to explicitly reference air space leases, encroachment permits, consent letters, and other real property management activities, as assigned projects.
 - Additional annual reporting requirement to provide a list of projects (project names, locations, and decisions) in which an environmental justice analysis was completed.
- 23 USC 327 MOU
 - MOU term has increased from 5 years to 10 years.
 - Two monitoring reviews will still be conducted. However, FHWA will also conduct an audit of Caltrans' performance under the MOU in year 5 of the 10-year term.
 - Additional annual reporting requirement to provide a list of projects (project names, locations, and decisions) in which an environmental justice analysis was completed.
 - New component of measuring effectiveness of relationships with

agencies and the general public: Ensure meaningful public engagement, including with environmental justice communities.

The information in the Standard Environmental Reference (SER), including Chapter 38 of Volume 1, continues to identify Caltrans' policies under the NEPA Assignment Program and shall be followed by all Districts/Regions. We understand that successful adherence to the responsibilities within the NEPA Assignment MOUs will require diligence by our statewide environmental team. Where we identify needed improvements, we will provide corrections quickly and effectively. Where we identify excellent practices in the Districts/Regions, we will share them around the state to expand our successes. The success of the NEPA Assignment Program is a reflection of the quality, breadth, and depth of our excellent environmental staff.

Thank you for your contributions that have made this assignment possible and will ensure its continued success. If you have any questions regarding this policy memorandum, please call Chris Benz-Blumberg, GNEIS Acting Office Chief, at (916) 956-8660.

C:

Donna Berry, Acting Chief Engineer

Kimberly Ellis-Erickson, Chief, Division of Right of Way

Marlon Flournoy, Chief, Division of Transportation Planning

Jeff Wiley, Acting Chief, Division of Project Management

Janice Benton, Chief, Division of Design

Dee Lam, Chief, Division of Local Assistance

Erin Holbrook, Caltrans Chief Counsel

Planning District Deputy Directors

Project Management District Deputy Directors

Design District Deputy Directors

Kelly Hobbs, Chief, Office of Environmental Compliance and Outreach, DLA

Office Chiefs, Division of Environmental Analysis

Environmental Coordinators, Division of Environmental Analysis