

Memorandum

To: DISTRICT DEPUTY DIRECTORS FOR
ENVIRONMENTAL ANALYSIS AND
DEPUTY DIRECTORS
DISTRICT DEPUTY DIRECTORS FOR PLANNING

Date: August 17, 2021

From: PHILIP J. STOLARSKI *Philip J. Stolarski* DEE LAM *Dee Lam*
Chief, Division of Environmental Analysis Chief, Division of Local Assistance

Subject: NEPA PROCESS IMPROVEMENT TEAM: RELEASE OF PROGRAMMATIC NO-EFFECT MEMO FOR BIOLOGICAL COMPLIANCE

As part of the ongoing efforts of the NEPA Process Improvement Team (Team), the Team's Steering Committee recently approved use of the attached *Biological Compliance Programmatic No-Effect Memo for Caltrans and Local Assistance Projects* (programmatic memo). The purpose of the programmatic memo is to streamline the no-effect documentation for projects with very minor to no biological impacts.

If deemed appropriate by a Caltrans Associate Environmental Planner (Natural Sciences) and/or Senior Environmental Planner with managerial responsibilities for biology, the programmatic memo may be used for biological compliance in lieu of an individual No-Effect memo. By filing the programmatic memo in the biology folder and appropriate environmental tracking database, the programmatic memo serves as documentation that the project will have No-Effect to USFWS and NMFS regulated species, designated critical habitat and Essential Fish Habitat (EFH). It also documents the project will not impact state listed species, species of special concern, or potential waters of the State and U.S.

Thank you for your ongoing efforts delivering projects for Caltrans and our project delivery partners and for your help in implementing this new process. If you have any questions regarding this memorandum, please contact Jennifer Gillies, Office Chief responsible for biological compliance, at (916) 599-5570, or Kelly Hobbs, Office Chief responsible for Local Assistance environmental compliance, at (916) 838-9085.

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From: PHILIP J. STOLARSKI *Philip J. Stolarski* DEE LAM *Dee Lam*
Chief, Division of Environmental Analysis Chief, Division of Local Assistance

Subject: **BIOLOGICAL COMPLIANCE PROGRAMMATIC NO-EFFECT MEMO FOR CALTRANS AND LOCAL ASSISTANCE PROJECTS**

Caltrans has determined that certain undertakings within the Caltrans and Local Agency right of way may have no impacts to natural resources without further investigation. If deemed appropriate by a Caltrans Associate Environmental Planner (Natural Sciences) and/or Senior Environmental Planner with managerial responsibilities for biology, this programmatic memo may be used for biological compliance in lieu of an individual No-Effect memo.

When determining whether to use this memo you may refer to additional guidance in the "Decision Tree for Determining Need for Official U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Species Lists under Section 7 of Federal Endangered Species Act." Using that guidance, projects which have been determined that a species list is optional, may also be appropriate for use of this memo. These projects typically do not involve engineering design, right of way, or construction of new structures, but may include maintenance activities and other minor work within the operational right of way listed below. These project activities must not require any permits, species avoidance measures, or any other environmental commitment pertaining to natural resources.

When filing this memo in the biology folder and appropriate environmental tracking database, it has been determined that the project will have No Effect to USFWS and NMFS regulated species, designated critical habitat, and Essential Fish Habitat (EFH). Additionally, the project will not impact state listed species, species of special concern, or potential waters of the State and U.S.

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Should the description of these undertakings change or involve other activities, additional review will be necessary to assess the affects to natural resources.

The following undertakings should be considered for use of this memo:

1. Activities with no ground disturbance: Electrical equipment upgrades, fiber optic vaults, signalization, and camera upgrades (CCTV, VDS, loop ramps), minor structure repair, refuse removal, striping, existing sign or light repair / replacement, and other similar activities.
2. Activities with minor ground disturbance on paved surfaces: Repair and replacement of concrete slab, sink holes, pavement, rumble strips, guardrail, utilities, fencing, and other similar activities.