

Memorandum

To: DISTRICT DEPUTY DIRECTORS FOR
ENVIRONMENTAL PLANNING

Date: May 28, 2021

From: PHILIP J. STOLARSKI *Philip J. Stolarski*
CHIEF
Division of Environmental Analysis

Subject: NEPA PROGRAMMATIC CATEGORICAL EXCLUSION AGREEMENT

Caltrans and the Federal Highway Administration (FHWA) have been working collaboratively to develop a National Environmental Policy Act (NEPA) Programmatic Categorical Exclusion Agreement (PCE Agreement) that addresses actions that are subject to NEPA and are classified as non-highway projects. Projects that qualify for a CE under 23 CFR 771.117 but that do not meet the definition of a "highway project" under 23 CFR 773.103 shall be processed under the 2021 PCE Agreement between the FHWA and Caltrans. It is anticipated that certain actions processed under encroachment permits or other right way use agreements may be approved under this PCE agreement.

Effective immediately, Caltrans will use the "NON-HIGHWAY PROJECTS UNDER THE 2021 PROGRAMMATIC AGREEMENT" California Environmental Quality Act (CEQA) Exemption/NEPA Categorical Exclusion Determination Form for projects that meet the criteria identified in the executed PCE Agreement. It is anticipated that this agreement will be in effect until the 326 MOU is renewed in April 2022. Caltrans must still meet internal policy requirements, as well as requirements set forth in statute, FHWA NEPA regulations, and FHWA national-level NEPA policies, as well other applicable federal laws, and executive orders.

In addition, as a requirement of the PCE Agreement, Caltrans shall provide a report to the FHWA that summarizes Caltrans' performance under the PCE Agreement capturing the numbers and types of projects. In order to accomplish this, all categorical exclusion project information prepared under the PCE Agreement shall be recorded as "2021 PCE" under the NEPA document type, when entering into (environmental) databases.

Thank you for your continuing professionalism and diligence in delivering projects for Caltrans and our project delivery partners. If you have any questions regarding this memo, please contact Scott Williams, Office Chief responsible for NEPA Assignment, at (916) 216-2741.

Attachments:

1. Programmatic Categorical Exclusion Agreement, executed on May 24, 2021
2. NON-HIGHWAY PROJECTS UNDER THE 2021 PROGRAMMATIC AGREEMENT" CEQA Exemption/ Categorical Exclusion Determination Form

c: Kimberly E. Erickson, Chief, Division of Right of Way and Land Surveys
Srikanth Balasubramanian, Deputy Division Chief Systems Operations, Division of Traffic Operations
Jeremy Ketchum, Assistant Chief, Division of Environmental Analysis, Caltrans
Scott Williams, Office Chief, Division of Environmental Analysis, Caltrans