



ADVANCE MITIGATION PROGRAM



FREQUENTLY ASKED QUESTIONS

What is the Advance Mitigation Program?

The Advance Mitigation Program (Program) was established by the Road Repair and Accountability Act of 2017 (SB 1), directing Caltrans to plan and deliver advance mitigation solutions for its transportation projects intended to moderate or alleviate the environmental impacts from transportation infrastructure. This Program seeks to provide quality environmental outcomes while also reducing costs and project delays by meeting requirements for multiple projects during the early stages of the planning process.

What is the purpose of the Program?

By evaluating transportation projects planned over the next 10 years, the program will address potential future environmental compensatory mitigation needs in a way that provides better ecological, economic, and project delivery outcomes. The Program proactively compensates for unavoidable impacts to natural resources separate from, and in advance of, Caltrans' transportation projects. The Program provides an opportunity to consolidate the potential future mitigation requirements of multiple transportation projects and provide mitigation solutions that are larger, more strategically located or otherwise more ecologically beneficial. By mitigating the environmental impact of multiple transportation projects, Caltrans and partner agencies can potentially shorten project delivery timelines resulting in the savings of both time and cost efforts.

What is Environmental Compensatory Mitigation?

Compensating for a project's unavoidable impacts on natural resources is known as compensatory

mitigation, which is required by many state and federal laws such as National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), Clean Water Act, Federal Endangered Species Act, California Endangered Species Act and California Fish and Game Code. Caltrans works to avoid and minimize negative environmental impacts from its projects as much as possible. However, when unavoidable ecological impacts result from a transportation project, Caltrans is required to offset or compensate for the damage to a natural resource. Such activities can include purchasing credits from mitigation banks or in-lieu fee program, making financial contributions to habitat conservation plans/natural community conservation plans, funding the establishment of any of these mechanisms or a regional conservation investment strategy, or performing environmental restoration.

What is the schedule for the Program?

Caltrans is currently finalizing Program guidelines and initiating project planning through 2019. There will be biennial and annual reporting requirements as well as many ongoing activities. The schedule can be found in Section 3.5 of the [Draft Formal Guidelines](#).

How are advance mitigation concepts proposed and for what is the mitigation available?

Advance mitigation project concepts proposed by Caltrans Districts must be justified by Program Planning Assessments (see below).

Caltrans is authorized to use funds from this Program to create or obtain environmental mitigation for State Highway Operation and Protection Program (SHOPP) and State Transportation Improvement Program (STIP) projects.



Stay Informed:

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Caltrans' advance mitigation is available to Caltrans transportation projects in the SHOPP or STIP that fall within the service area of the Program funded mitigation. The type of mitigation needed by transportation projects must correspond with the type of mitigation that is available. Transportation projects are required to reimburse the Program to obtain the corresponding mitigation. Caltrans will determine whether unused mitigation would be made available to local transportation entities to purchase for STIP projects on a case-by-case basis.

What are the benefits of the Program?

Positive outcomes can include lower overall transportation project mitigation costs, decreased transportation project delivery risks and much higher quality environmental outcomes over the traditional project-by-project mitigation approach that often results in urgently needed piecemeal compensatory mitigation. Ultimately, the Program allows Caltrans to meet conservation goals, in addition to regulatory requirements.

Coordinating advance mitigation on a larger scale can also provide more collaborative opportunities for Caltrans, local agencies, resource agencies and other stakeholders, which can mean better partnerships and better project delivery and project outcomes. It will also allow for more strategic conservation and mitigation efforts.

How much funding does the Program have?

Starting in fiscal year 2017-18, and for the next four years, Caltrans will allocate a minimum of \$30 million per year for expenditures from a revolving account in the State Transportation Fund. Funds will be used by Caltrans Districts to carry out advance mitigation projects to acquire and/or create credits and values. Transportation projects then reimburse the Program for mitigation it provides.

What types of mitigation can the Program buy or create?

Caltrans Districts can propose:

1. A purchase of credits from existing mitigation banks or in-lieu fee programs. Both programs need to be approved by one or more regulatory agencies.
2. Creation of credits by establishing mitigation banks/in-lieu fee programs.
3. Payment or funding of payment of mitigation fees associated with transportation projects under Natural Community Conservation Plans or Habitat Conservation Plans.
4. Preparation or funding of preparation of Regional Conservation Investment Strategies or Mitigation Credit Agreements under the Investment Strategies.
5. Funding acquisition, conservation easements, and permittee responsible mitigation (all capped at 25% of program expenditures).

How is advance mitigation different from concurrent mitigation?

Advance mitigation is done in advance, as opposed to during, a transportation project. By forecasting ahead 10 years' worth of multiple transportation projects' future unavoidable environmental impacts, advance mitigation can provide mitigation to more than one transportation project at a time (which is currently standard practice). By taking a larger and broader approach to looking at whole ecosystems and watersheds, as well as the effects the department's activities may have on them, the goal is to make larger and better coordinated conservation improvements.

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How do you plan for advance mitigation projects?

The Program will address potential future compensatory environmental mitigation needs by justifying, authorizing, proposing and scoping advance mitigation projects. Transportation projects will still proceed under standard environmental and permitting processes and must demonstrate avoidance and minimization of environmental impacts prior to considering the use of compensatory mitigation.

The Program's planning process to select projects to meet these needs consists of three critical steps: 1) a Statewide Needs Assessment (SAMNA) conducted by Caltrans Headquarters; 2) Regional Needs Assessment (RAMNA), and 3) project scoping which will be a collaboration between Caltrans Headquarters and the local District.

How and when will natural resources agencies be engaged?

Caltrans will coordinate with natural resource agencies early during the planning process seeking their feedback on Program planning assessments, and during project delivery as appropriate. Early and frequent coordination is anticipated to improve the quality of advance mitigation projects and reduce delays.

Where can I find information regarding potential Caltrans mitigation needs and how can I inform Caltrans of my existing credits?

Please check back in the future for Caltrans' forecasted environmental impacts and click on the Statewide Advance Mitigation Needs Assessment (SAMNA) which draws from Caltrans' list of planned transportation projects covering the next 10 years. For mitigation needs, in the future please visit our Regional Advance Mitigation Needs Assessment (RAMNA) page or our interactive map to see what is happening at the local level. Mitigation providers are encouraged to send us a message [here](#) with your available mitigation, preferably a link to your approved bank information in RIBITS. Information provided to us can be helpful as we investigate existing opportunities to satisfy our mitigation needs.

How can I stay informed?

If you have questions, concerns or would like to provide feedback, please email the project team at advancemitigation@dot.ca.gov. For more information or to sign-up to receive future informational e-blasts and learn about upcoming events, visit the Program website at advancemitigation.dot.ca.gov.

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