

Memorandum

Making Conservation a California Way of Life

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

Date: April 24, 2018

File: NEPA Assignment

From: PHILIP J. STOLARSKI
Division Chief
Division of Environmental Analysis



Subject: CATEGORICAL EXCLUSIONS FOR 23 USC 326 CE ASSIGNMENT
AND 23 USC 327 NEPA ASSIGNMENT RESPONSIBILITIES

Background

Since initiation of the permanent NEPA Assignment Program on October 1, 2012, Caltrans has continually updated its Categorical Exemption/Categorical Exclusion (CE/CE) Determination Form and CE Checklist to reflect changes made in the [23 USC 326 Memoranda of Understanding](#) (MOU) and [23 USC 327 MOU](#) between Federal Highway Administration (FHWA) and Caltrans. In addition, changes to the program made pursuant to the Moving Ahead for Progress in the 21st Century (MAP-21) and the Fixing America's Surface Transportation (FAST) Act have been incorporated into the form and checklist. This policy memorandum summarizes these changes.

The assigned responsibility for CE determinations under 23 USC 326 is limited to those actions listed under 23 CFR 771.117(c), 23 CFR 771.117(d), and Appendix A of the 23 USC 326 MOU. The 23 USC 327 MOU also assigns Caltrans' approval authority for those CE activities not covered under the "c-list," "d-list", and Appendix A list (i.e., those activities that are not specifically listed as CEs).

Changes to the CE/CE Determination Form and CE Checklist

The following lists the changes made to the CE/CE Determination Form and CE Checklist since the start of the permanent NEPA Assignment Program:

[CE/CE Determination Form](#)

- Revised NEPA Assignment language incorporated reflecting the effective dates of the 23 USC 326 and 23 USC 327 MOUs
- Clarification added regarding when a CEQA CE is not prepared

CE Checklist

- CE categories added or moved from “d-list” to “c-list”:
 - (c)(22): Projects within an existing operational right-of-way
 - (c)(23): Projects receiving limited federal funding including updated dollar amounts for project costs and federal funding
 - (c)(24): Localized geotechnical and other investigations for preliminary design and environmental analysis
 - (d)(1) [modernization of highway], (d)(2) [highway safety and traffic operations improvement], and (d)(3) [bridge rehabilitation, reconstruction, or replacement] moved to (c)(26), (c)(27), and (c)(28), respectively; questions added to determine actions that fall under the thresholds to qualify for these “c-list” categories; and (d)(13) added for actions that have constraints above one or more thresholds
 - (c)(29): Purchase, construction, replacement, or rehabilitation of ferry vessels
 - (c)(30): Rehabilitation or reconstruction of existing ferry facilities
- Checkbox added confirming that project description matches that found in the FSTIP and RTP
- Section added on U.S. Coast Guard coordination
- Clarifications added to Cultural Resources, Biology, and Wetlands sections

Applicability

Effective immediately for all State Highway System and Local Assistance projects under the NEPA Assignment Program, this memorandum supersedes the following Division of Environmental Analysis memorandum for environmental document review procedures:

Date

October 1, 2012

Subject

Categorical Exclusions for 23 U.S.C. 326
CE Assignment and 23 U.S.C. 327 NEPA
Assignment Responsibilities

Approval and Signature Authority

For State Highway System projects, the CE decision is approved by the Caltrans District Environmental Office Chief or Senior Environmental Planner¹ supervising the staff that performed the work, and by Caltrans’ Project Manager. The Senior Environmental Planner and Project Manager sign the CE/CE Determination Form. Signature authority for the CE/CE Determination form cannot be delegated below the Senior Environmental Planner classification.

For Local Assistance projects, concurrence on a CE class of action is provided on the

¹ Or an individual that supervises environmental staff in the preparation of NEPA documents.

Preliminary Environmental Study form. The District Local Assistant Engineer (DLAE) and the District Senior Environmental Planner sign the CE/CE Determination Form. Signature authority for the CE/CE Determination Form cannot be delegated below the Senior Environmental Planner classification.

Effective with the 2016 23 USC 326 MOU, peer review of the CE documentation and determination is no longer required since it was determined that review by the District Environmental Office Chief or Senior Environmental Planner is an adequate quality control review.

If you have any questions regarding this memorandum, please call Tammy Massengale, GNEIS Office Chief, at (916) 653-5157.

cc: Ray Zhang, Chief, Division of Local Assistance
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