

# Memorandum

*Serious drought.  
Help save water!*

To: DISTRICT DEPUTIES, PROGRAM PROJECT MANAGEMENT Date: January 2, 2017  
DISTRICT DEPUTIES, ENVIRONMENTAL ANALYSIS  
DISTRICT DEPUTIES, DESIGN  
DISTRICT DEPUTIES, PLANNING File:  
DISTRICT DEPUTIES, MAINTENANCE

  
From: KARLA SUTLIFF  
for CHIEF ENGINEER

Subject: **LONG TERM MITIGATION GUIDANCE**

Caltrans is committed to fulfilling environmental commitments. This includes programming sufficient resources to meet commitments for mitigation activities that extend beyond construction completion or are located outside the State's right-of-way. For the purposes of this memorandum, "mitigation" is defined as an environmental commitment that is required by an environmental document or other permit, license, agreement, or certification. Mitigation includes, but is not limited to, the repair and restoration of areas disturbed by construction or other activities; the acquisition, restoration and long-term maintenance of offsite locations; and/or the acquisition, preservation, and long-term maintenance of existing resources. Caltrans provides environmental and permit-related mitigation during the project delivery process. Failure to meet mitigation obligations presents regulatory and legal challenges and is not consistent with Caltrans' sustainability and stewardship principles.

The cost, schedule, and scope of each project must account for anticipated mitigation. The project manager must secure funding for any anticipated mitigation prior to the delivery year of the parent project. Since environmental impact mitigation is related to the parent project, its funding shall also be secured from the same funding source as the parent project.

Where impacts to environmental resources cannot be avoided or minimized through project features, design, or other measures taken before, during, or post-construction, the following options should be used to make arrangements for mitigation, including implementation and long-term maintenance and monitoring. In order of preference, these are the options:

## FIRST PREFERENCE: MITIGATION CREDITS

Complete mitigation through the purchase of mitigation credits whenever feasible to reduce long-term staffing obligations and avoid long-term support commitments. It is preferable to fund all environmental mitigation as a lump sum contribution, such as through mitigation and conservation banking, or in-lieu fee programs.

## SECOND PREFERENCE: PERMITTEE-RESPONSIBLE

When mitigation credits are not available, the Project Development Team should work to find a public entity or non-profit third party to accept long-term mitigation obligations, with

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an endowment to fund all long-term management activities when appropriate. Future capital and support costs for mitigation and monitoring commitments must be programmed as a separate project similar to a follow-up landscaping project. The project should be split as early as possible and prior to the fiscal year of delivery. Funding should accommodate both the monitoring and long-term management periods.

**OTHER OPTIONS:**

If the options listed above are not viable, other solutions must be considered, such as committing Maintenance forces to perform long-term maintenance of the mitigation site. If this option is chosen, collaboration with Maintenance is necessary to assure appropriate budgetary resources are allocated for this commitment.

This guidance will be incorporated in a pending Deputy Directive. If you have any questions, please contact Rich Williams, Chief, Office of Program Delivery and Workload Development at (916) 654-2476 or Rich.Williams@dot.ca.gov.

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