CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND INTERAGENCY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO PROVIDE EXPEDITED REVIEW OF TRANSPORTATION PROJECTS, ENVIRONMENTAL TECHNICAL ASSISTANCE, PROJECT CONSULTATIONS, AND COORDINATION SERVICES.

This document contains **~~strikethrough~~** and **underlined** text to show the revisions made to a proposed Memorandum of Understanding (MOU) between the State Water Resources Control Board and the California Department of Transportation. This document only provides portions of the MOU where changes are proposed.

**Section III.A Alternatives Analysis proposed to be changed as follows:**

* 1. Alternatives Analysis

**All Caltrans projects will be developed pursuant to CEQA and all other relevant state and federal laws such that they avoid and minimize impacts to waters of the state to the maximum extent practicable.** Under the Procedures, unless an exemption applies, an applicant is required to submit an alternatives analysis to determine whether the proposed project is the Least Environmentally Damaging Practical Alternative (LEDPA) for individual Orders. To facilitate efficient application submittal and review, this MOU addresses the process by which Caltrans may satisfy the alternatives analysis requirement. Specifically, this MOU addresses: (1) the alternatives analysis process for Caltrans projects that have a final CEQA environmental document prior to the effective date of the Procedures

(May 28, 2020); (2) Caltrans projects that inherently cannot be located in an alternate location and therefore need to complete a Tier 2 alternatives analysis, unless project qualifies for a Tier 1 analysis or is exempt; and (3) general coordination regarding the alternatives analysis.

**…**

*Caltrans Projects that Inherently Cannot Be Located in an Alternate Location*

The Procedures establish the level of effort required for an alternatives analysis in three tiers based on the amount of impacts (both permanent and temporary) to waters of the state and the kind of water that is impacted. Any project that inherently cannot be located at an alternate location shall be considered a Tier 2 project (unless impacts qualify the project for a Tier 1 analysis or exemption). Tier 2 projects shall include an analysis of only on-site alternatives. For routine operation and maintenance of existing facilities, analysis of on-site alternatives is limited to operation and maintenance alternatives for the facility.

Projects **~~involving existing highways and roads~~** **that improve existing infrastructure, rather than create new infrastructure,** may be considered limited by location and qualify as a Tier 2 project. Except as described below, a list of Caltrans project types that qualify for Tier 2 analysis based on location limitations is provided in Attachment 1**. This list may be evaluated annually and updated as necessary.**  If a project type is not on the Attachment 1 list but meets the criteria for Tier 2, only an analysis of on-site alternatives would be necessary. **On-site means within Caltrans Operating Right of Way and the Project Limits as determined in the PA&ED Phase.** Notwithstanding the list of project types in Attachment 1, the State Water Board Executive Director or Chief Deputy Director or Regional Board’s Executive Officer or Assistant Executive Officer may determine a project is not inherently limited by location on a case-by-case basis after notifying Caltrans in writing that the project has **~~unique~~** **specific** characteristics that warrant additional consideration.

**Section III.B, Interagency Coordination proposed to be changed as follows:**

The Water Boards will coordinate with staff of other Federal, State, and local agencies, as appropriate, in reviewing Caltrans’ environmental documents and federal and state authorizations issued for current or future actions. Caltrans will use its best efforts to facilitate coordination between the Corps, United States Environmental Protection Agency, United States Fish and Wildlife Service, **the National Marine Fisheries Service,** the California Department of Fish and Wildlife, the California Coastal Commission, and the applicable Water Boards based on the jurisdiction and responsibilities of those respective agencies.