

Federal Requirements Workshop
for the

RECREATIONAL TRAILS PROGRAM



Office of Grants and Local Services

Agenda

■ Federal Requirements Overview

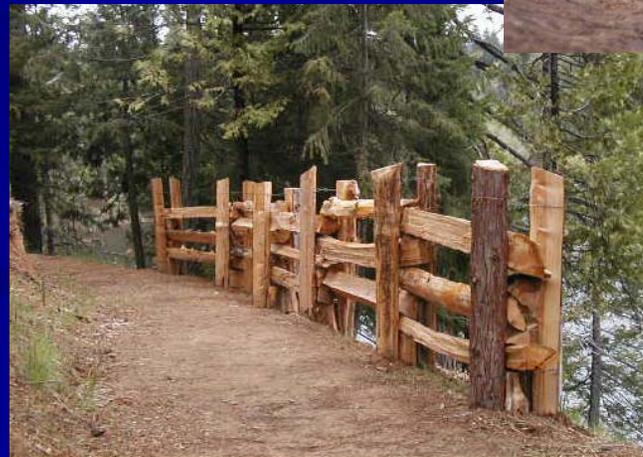
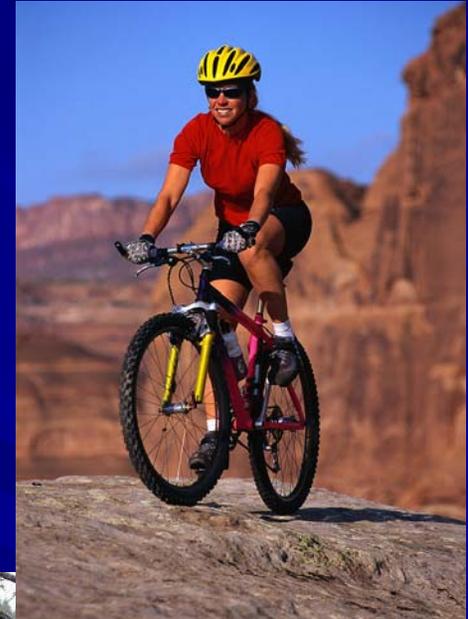
- NEPA
- National Historic Preservation Act - Section 106
- STIP/TIP Requirement

■ Managing the Process



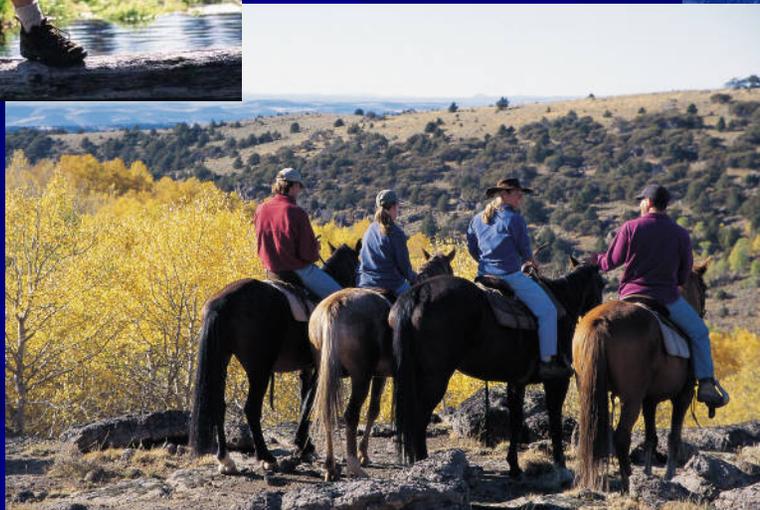
Learning Objectives

- Understand the Federal Application Requirements of the RTP.
- Be able to complete and submit the required documentation in a timely manner.



The RTP's Purpose

To develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses.



RECREATIONAL TRAILS PROGRAM (RTP)

U.S. Dept. of Transportation

Federal Highway
Administration (FHWA)

State of California

California State Parks

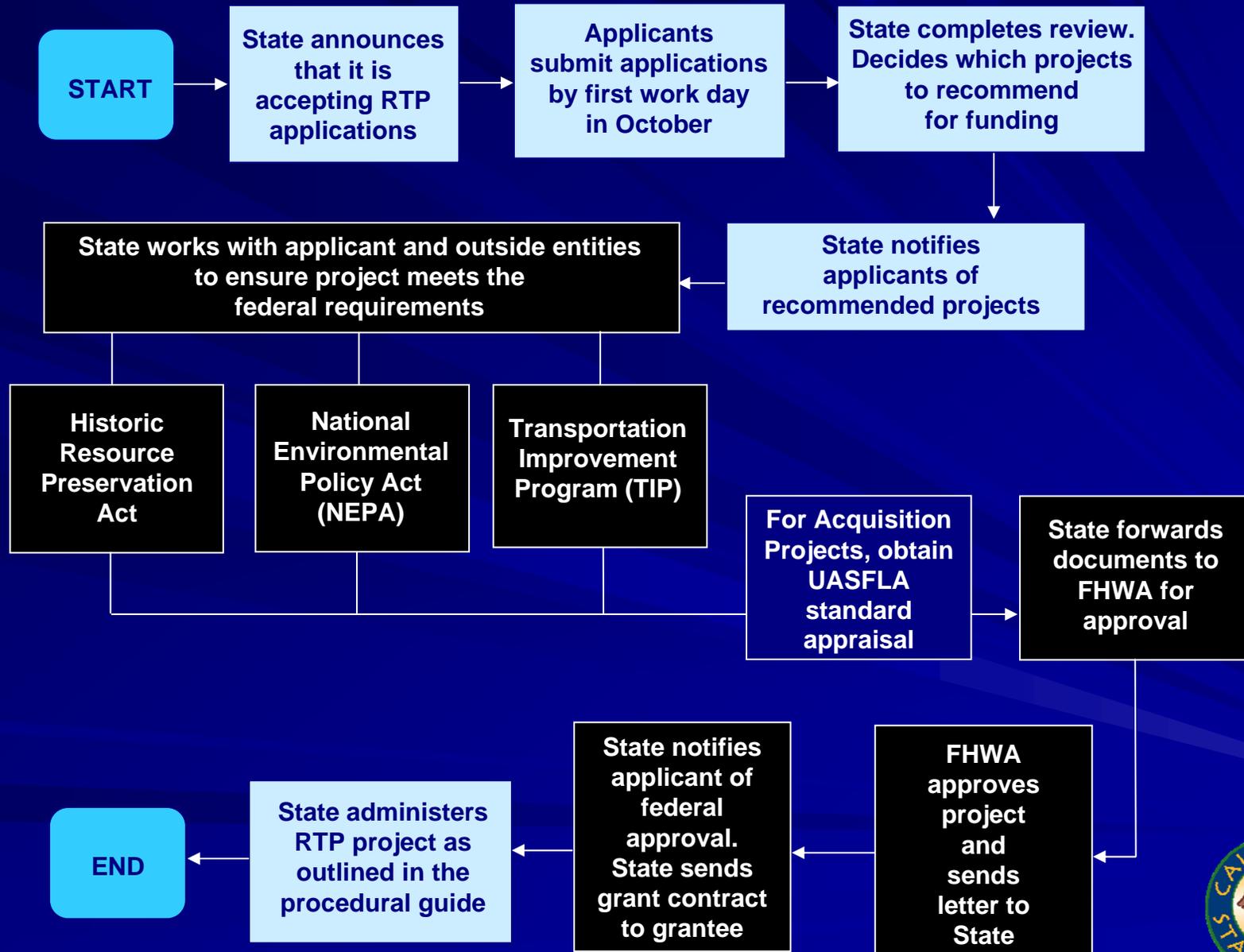
Federal Agencies,
State Agencies

Cities, Counties,
Districts

NPOs



RECREATIONAL TRAILS PROGRAM (RTP)



National Environmental Policy Act (NEPA)



National Environmental Policy Act (NEPA)

When to Complete NEPA

- Federal applicants must complete NEPA prior to the application due date.
- Non-federal applicants must complete NEPA as soon as possible after the State recommends the project for funding.

National Environmental Policy Act (NEPA)

- All applicants must complete NEPA prior to funding; federally funded projects require NEPA compliance.
- FHWA is the lead agency and will make the final NEPA determination on your project.
- Your Agency probably selected the Categorical Exclusion on the Certification form.

NEPA

- To comply with NEPA, the applicant must supply documentation that the proposed project meets the NEPA categorical exclusion **or** the adverse impact will be mitigated to insignificance
- The applicant may provide an Environmental Assessment (Study), or a FONSI – (Finding of no significant impact) or an EIS – (Environmental impact statement), or a Categorical Exclusion, or other documentation of NEPA compliance.
- Other documentation can be what your agency uses, or environmental consultant develops, or the PES form, to Aide FHWA in their review.

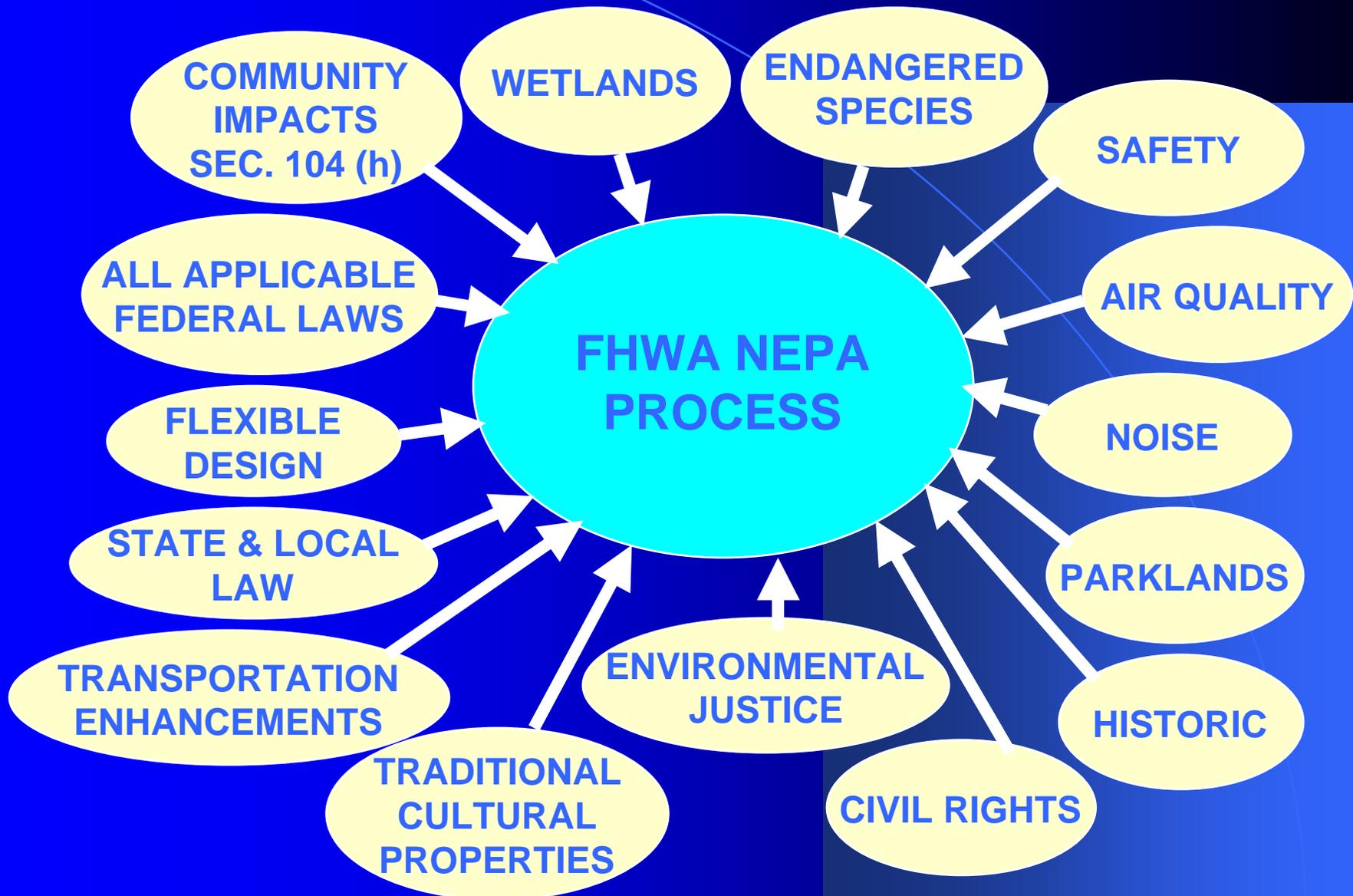
FHWA NEPA Process “Umbrella”



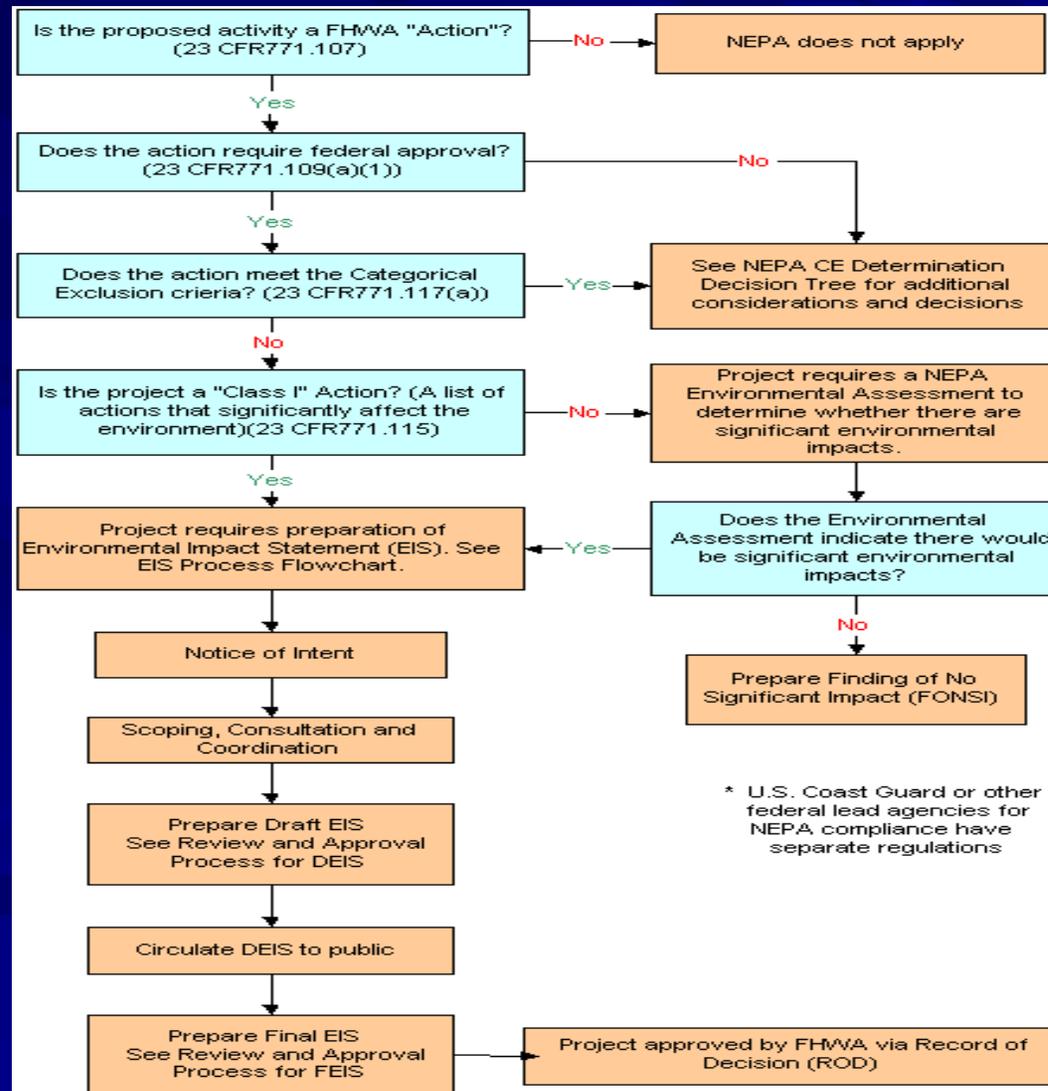
NEPA

- Economic, Social, and Environmental Effects (23 USC 109(h)) analysis
- Public involvement, interagency coordination
- Tribal consultation
- Location, engineering, and design
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Noise Standards
- Public Hearing Requirements
- Americans with Disabilities Act
- Endangered Species Act – Section 7
- Civil Rights Act
- Executive Order 12898 (Environmental Justice)
- Section 4(f) of USDOT Act (49 USC 303) - Parks, recreation, etc
- Clean Air Act
- Safe Water Drinking Act
- Clean Water Act 404(b)(1)
- Farmland Protection Policy Act
- National Historic Preservation Act
- Floodplains

FHWA NEPA Process



NEPA Decision Tree

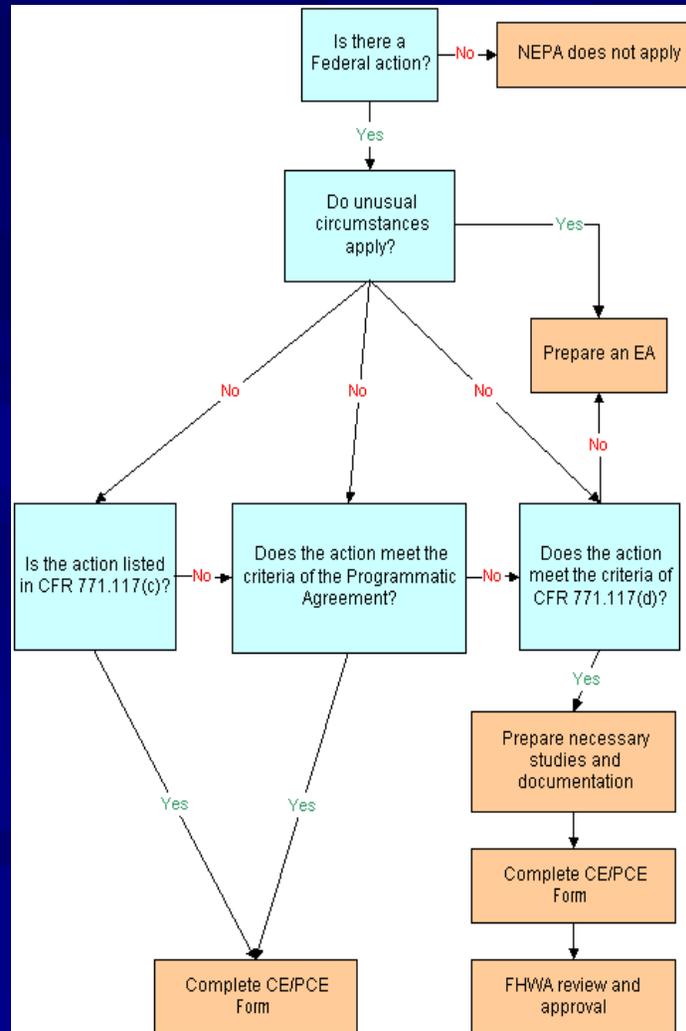


Categorical Exclusion

- **CEQ CE-** actions which do not individually or cumulatively have a significant effect on the human environment
- **FHWA CE-** actions which meet the CEQ definition and, based on past experience with similar actions, do not involve significant environmental impacts
- **Neither an EA nor EIS is required for a CE**

40 CFR 1508.4
23 CFR 771.117(a)

NEPA Categorical Exclusion Decision Tree



Categorical Exclusions

- Actions that meet the criteria for CEs in the CEQ regulation (section 1508.4) and §771.117(a) of this regulation and normally do not require any further NEPA approvals by the Administration that is most common is:

3 - Construction of bicycle and pedestrian lanes, paths, and facilities.

- See your binder for additional CE's that may apply to your project, i.e. acquisitions.

Technical Studies

- When preliminary environmental investigations indicate a potential for sensitive resources within the project area, the local agency is responsible for undertaking the appropriate technical study to confirm the presence of the resource and determine the potential significant affect (s) of the project on the resource.
- A list of potential technical studies is provided under Section C of the Preliminary Environmental Study (PES) Form.
- The most common Technical Study needed is for Federally listed Threatened and Endangered Species.

Preliminary Environmental Studies (PES) Form

**A COMMUNICATION TOOL USED TO AIDE FHWA IN
DETERMINING NEPA COMPLIANCE.**

- Detailed Project Description
- Preliminary Design Information
- Examines For Potential Effects On The Environment,
Direct Or Indirect
- To Indicate Required Technical Studies, Coordination,
Permits Or Approvals
- Ensures The Project Is Reviewed By Qualified Individuals

Historic Preservation Act

Section 106



National Historic Preservation Act

Also referred to as Section 106

- The applicant will need to complete the National Historic Preservation Act process (which is part of the NEPA process) by providing documentation that section 106 compliance has been met.
- Primary intent is to avoid unnecessary harm to historic properties

National Historic Preservation Act

Also referred to as Section 106

- Individuals and government agencies seeking information on cultural and historical resources should begin their research by contacting the regional Information Center which services the county in which the resource is located.
- An Information Center (IC) is an agency the SHPO (State Historic Preservation Office) has an MOU with to perform a historical record search of a project site and make a recommendation. The Information Center will provide the applicant with a letter outlining recommendations.
- The [IC Roster](#) identifies the locations, contact information, and counties served by each regional IC. A listing of Information Centers is included in your binder.

Information Centers (ICs)

- Provide archeological and historical resources information, on a fee-for-service basis, under the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA)
- Collect and maintain information on historical and archeological resources.
- Maintain a list of consultants who are qualified to do work within their area.
- Integrate newly recorded sites and information on known resources into the California Historical Resources Inventory.

Information Center Recommendation

The Information Center will advise one of the following:

- No further work is necessary, in which case you submit the records search and IC's recommendation to our office,

OR

- A comprehensive Historical resource survey be performed. The applicant would have a survey done by a professional who meets the Secretary of Interiors standards.

OR

- If the applicant does not concur with the Information Centers recommendation, the applicant can prepare a letter on their letter head stating non concurrence with the Information Centers recommendation. The applicant must provide a detailed explanation and back up documentation why they do not concur.

The applicant must receive a recommendation by an Information Center and provide the documentation to OGALS.

Information Center Roster

The following institutions are under agreement with the Office of Historic Preservation to:

1. Integrate information on new Resources and known Resources into the California Historical Resources Inventory.
2. Supply information on resources and surveys to government, institutions, and individuals who have a project or interest in historic preservation.
3. Supply a list of consultants qualified to do historic preservation fieldwork within their area.

COORDINATOR: Mr. Eric Allison, Associate Information Systems Analyst

<p>Ms. Leigh Jordan, Coordinator Northwest Information Center Sonoma State University 1303 Maurice Avenue Rohnert Park, CA 94928</p>	<p>(707) 664-0880 (707) 799-7313 Fax (707) 664-0890 leigh.jordan@sonoma.edu Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo</p>	<p>Dr. Antoinette Martinez, Coordinator Northeast Information Center California State University, Chico Building 25 Suite 201 Chico, CA 95929 0377</p>
<p>Ms. Sally Torpy, Coordinator North Central Information Center California State University, Sacramento</p>	<p>(916) 278-6217 Fax (916) 278-5162 ncic@csus.edu http://www.csus.edu/hist/centers/ncic/index.html Amador, El Dorado, Nevada, Placer, Sacramento, Yuba</p>	<p>Ms. Elizabeth A. Greathouse, Coordinator Central California Information Center Department of Anthropology</p>

Summary

- The applicant needs to provide a response from the IC. Refer to the list in your binders for the IC in your area.
- Once the applicant receives the IC letter, they send a copy along with any back up documentation (Surveys, assessments Etc.) to OGALS, Attention: Ted Novack. I will route the all documents to the State Historic Preservation Office (SHPO) for review and approval.
- Once SHPO reviews and approves the project in writing, the section 106 Federal Requirement is met. Your agency will receive notification directly from SHPO.

Transportation Improvement Program



Transportation Planning

Why is the RTP connected with a Transportation Program?

- Under SAFETEA-LU, all RTP projects must be listed on either the State Transportation Improvement Plan (STIP) or a local Transportation Improvement Plan (TIP), as applicable.
- Federal funding approval for a project can not be obtained until the TIP requirement is met.

What is Transportation Planning? Why does it exist?

- Provides information to decision makers for developing strategies for improving transportation systems.
- Transportation strategies are developed at the regional level in urban areas by Metropolitan Planning Organizations (MPOs).

Who Develops These Strategies?

- Transportation strategies are developed at the regional level in urban areas by Metropolitan Planning Organizations (MPOs). There are 16 MPOs.
- Regional Transportation Planning Agencies (29) represent rural areas.
 - Grantees in rural areas can work directly with OGALS to have their RTP projects listed.

MPOs and RTPAs

Which
organization
represents
your area?



How Do I Get My Project Listed on a TIP?

- **Contact your MPO or OGALS.**
- **Nominate your project to the next TIP or TIP amendment.**
- **Once the TIP or TIP amendment is approved, track the progress of state and federal approval.**
 - Remember your Project ID number.
- **Provide DPR with the final approval documents, and/or, Project ID #.**

Managing the Process

■ Where do you Start?

- NEPA
- STIP/TIP Requirement
- National Historic Preservation Act - Section 106

■ Other:

- Timelines
- Start date
- Eligible costs
- Remember, we're here to help!

Additional Resources: Websites

- <http://www.parks.ca.gov>
- <http://www.fhwa.dot.gov/hep/index.htm>
- Sec 106 - <http://www.achp.gov/>
- Sec 7 - <http://www.fws.gov/>
- TA 6640.8A – FHWA Review Guidance
<http://environment.fhwa.dot.gov/projdev/impTA6640.asp>
- CT SER - <http://www.dot.ca.gov/ser/index.htm>