

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 14-15, 2026

From: STEVEN KECK, Chief Financial Officer

Reference Number: 4.17, Information Item

Prepared By: Jeremy Ketchum, Chief
Division of Environmental Analysis

Subject: **2025 ANNUAL ADVANCE MITIGATION REPORT**

SUMMARY:

The California Department of Transportation (Department) has transmitted the 2025 Annual Report on the Advance Mitigation Program (Program) to the California Transportation Commission (Commission) as an information item for its May 2026 meeting.

BACKGROUND:

The Road Repair and Accountability Act of 2017 (Senate Bill [SB] 1), amended by SB 103 (2017), and codified in California Streets and Highways Code Section 800 et. seq, established the Program.

The purpose of the Program is to enhance communications between the Department and stakeholders to protect natural resources through project mitigation, to meet or exceed applicable environmental requirements, accelerate project delivery, and to mitigate, to the maximum extent required by law, environmental impacts from transportation infrastructure projects.

SB 1 also established the Advance Mitigation Account (AMA), a revolving account, to support the Program. The Program has received the last of the four annual \$30,000,000 installments from the State Highway Account for planning and implementation of advance mitigation projects. Annual reporting regarding AMA activity to the Commission began in August 2019.

Attachment

2025 Annual Report to the California Transportation Commission

Caltrans Advance Mitigation Program

December 2025



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Executive Summary

The California Department of Transportation (Caltrans) Advance Mitigation Program was established by the Road Repair and Accountability Act of 2017 (Senate Bill 1, Beall, Chapter 5, Statutes of 2017) and the budget trailer bill, Senate Bill 103 (Committee on Budget and Fiscal Review, Chapter 95, Statutes of 2017) to plan and implement advance mitigation solutions for Caltrans' future transportation projects. The program allows Caltrans to accelerate project delivery by obtaining environmental mitigation in advance of, rather than during, transportation project delivery. Caltrans administers the Advance Mitigation Program to support Caltrans Districts in planning and delivering advance mitigation projects.

An objective of the Advance Mitigation Program is to predict, acquire, consolidate, and transfer future biological mitigation to accelerate and improve environmental, economic, and transportation project delivery outcomes. By consolidating forecasted biological mitigation of multiple future transportation projects, Caltrans provides environmentally beneficial mitigation to reduce transportation project delivery timelines, resulting in time and cost savings. Ultimately, the Advance Mitigation Program intends to improve ecological outcomes and support transportation project delivery efficiencies by proactively meeting regulatory requirements.

This is the seventh annual report to the California Transportation Commission by the Advance Mitigation Program as required by Streets and Highways Code Section 800.7. This iteration details the period between July 1, 2024, through June 30, 2025 (2024 – 2025 fiscal year). The purpose of the report is to provide the California Transportation Commission with financial activity details involving the Advance Mitigation Account, transportation projects that have purchased mitigation credits from the Advance Mitigation Program, and the amount, type, and location of mitigation credits the Advance Mitigation Program has transferred to transportation projects.

This report describes the following:

- The statutory and regulatory requirements directing the Advance Mitigation Program;
- The state and federal environmental mitigation regulations the Advance Mitigation Program must comply with;
- The planning and advance mitigation project delivery process Caltrans administers to approve the use of Advance Mitigation Account funds; and
- The status, accomplishments, and future goals of the Advance Mitigation Program over the reporting period.

During the seventh reporting period (2024 – 2025 fiscal year), the Advance Mitigation Program achieved several key milestones:

- Identified advance mitigation planning resource needs for the next fiscal year.

- During the Fall of 2024, the Advance Mitigation Program staff collaborated with all Districts to plan the following:
 - Potential need and funding for the Regional Advance Mitigation Needs Assessments for the 2025-2026 fiscal year. The Advance Mitigation Program identified three additional Regional Advance Mitigation Needs Assessments; and
 - Project Initiation Proposals and Project Initiation Documents for the 2025-2026 fiscal year. The Advance Mitigation Program identified up to six new Advance Mitigation Program funded projects.
- Continued to implement the five-step planning process to approve an allocation of Advance Mitigation Account funds, including the following:
 - Finalization of four Draft Regional Advance Mitigation Needs Assessments, bringing the total number of Regional Advance Mitigation Needs Assessments to 20, which includes the following:
 - The Aliso-San Onofre, Newport Bay, Santa Ana, and Seal Beach Sub-basins and Five Watersheds Within the San Gabriel Sub-basin Regional Advance Mitigation Needs Assessment (Caltrans District 12 lead);
 - The Lake Tahoe and Truckee Sub-basins Regional Advance Mitigation Needs Assessment (Caltrans District 3 lead);
 - *The Upper Cosumnes and Upper Mokelumne Sub-basins Regional Advance Mitigation Needs Assessment (Caltrans District 3 lead); and*
 - *The Sierra Nevada and Sierra Nevada Foothills Ecoregion Sections Within Caltrans District 10 Regional Advance Mitigation Needs Assessment (Caltrans District 10 lead);*
 - Issued approvals for four advance mitigation projects, including four approvals to be funded from the Advance Mitigation Account for advance mitigation project delivery:
 - Approved the Project Initiation Proposal for the District 1 *Upper Cache and Upper Putah Aquatic Advance Mitigation Project*;
 - Approved the Project Initiation Proposal for the District 2 *Southern Cascade Aquatic Advance Mitigation Project*;
 - Signed and funded the Project Initiation Document for the District 4 *San Francisco Peninsula Mitigation Establishment Project*;
 - Signed and funded the Project Initiation Document for the District 7 *D7 Second Aquatic Advance Mitigation Project*;

- Approved the Project Initiation Proposal, signed and funded the Project Initiation Document for the District 10 *Great Valley California Tiger Salamander Advance Mitigation Project*; and
 - Approved the Project Initiation Proposal, signed and funded the Project Initiation Document for the District 11 *D11 Aquatic Resources Advance Mitigation*;
- Managed credit purchases through the Advance Mitigation Account, and documented credit transfers to benefitting transportation projects. The Program achieved the following:
 - The number of advance mitigation projects funded for delivery by the program increased from fourteen to seventeen by the end of the reporting period;
 - During the reporting period, expenditures were allocated from the Advance Mitigation Account for Capital Outlay Support in the amount of \$559,923.48 for a total of \$1,530,151.73 for all reporting periods;
 - A total of \$3,188,211.00 in capital outlay was expended from the Advance Mitigation Account by the end of this reporting period;
 - The balance in the account as of June 30, 2025, is \$132,049,215.88; and
 - District credit transfers:
 - District 6 Advance Mitigation Project applied a portion of their completed non-competitive bid purchase of aquatic resource credits from the Sacramento Army Corps of Engineers In-Lieu Fee Program to transportation project permit requirements.

The Advance Mitigation Account capacity is expected to be almost entirely encumbered during the upcoming fiscal year. The account will continue to receive reimbursement payments from the Districts moving forward.

Statutory Reference and Purpose

Streets and Highways Code Section 800.7 requires Caltrans to report the activity in the Advance Mitigation Account to the California Transportation Commission. Additionally, Streets and Highways Code Section 800 (b) directs that only transportation projects in the State Transportation Improvement Program and the State Highway Operations and Protection Program are eligible to use the mitigation purchased or established through the Advance Mitigation Program. Furthermore, Streets and Highways Code Section 800.7 requires that these transportation projects reimburse the Advance Mitigation Account for the mitigation transferred, resulting in a self-sustaining program account.

Per the *Advance Mitigation Program Final Formal Guidelines, Section 12.3* - Caltrans will submit an annual report to the California Transportation Commission providing activity details related to the Advance Mitigation Account during the previous fiscal year, ending on June 30, 2025. The report will include the following:

- Financial activity details related to the Advance Mitigation Account;
- A list of State Transportation Improvement Program and State Highway Operations and Protection Program transportation projects that have used mitigation funded by the Advance Mitigation Program; and
- The amount and type of credits purchased or established, pursuant to Streets and Highways Code Sections 800.6(a)(1) - 800.6(a)(4) and transferred by the Advance Mitigation Program.

This report is the seventh report to the California Transportation Commission and provides the Advance Mitigation Account activity details between July 1, 2024, through June 30, 2025 (2024-2025 fiscal year).

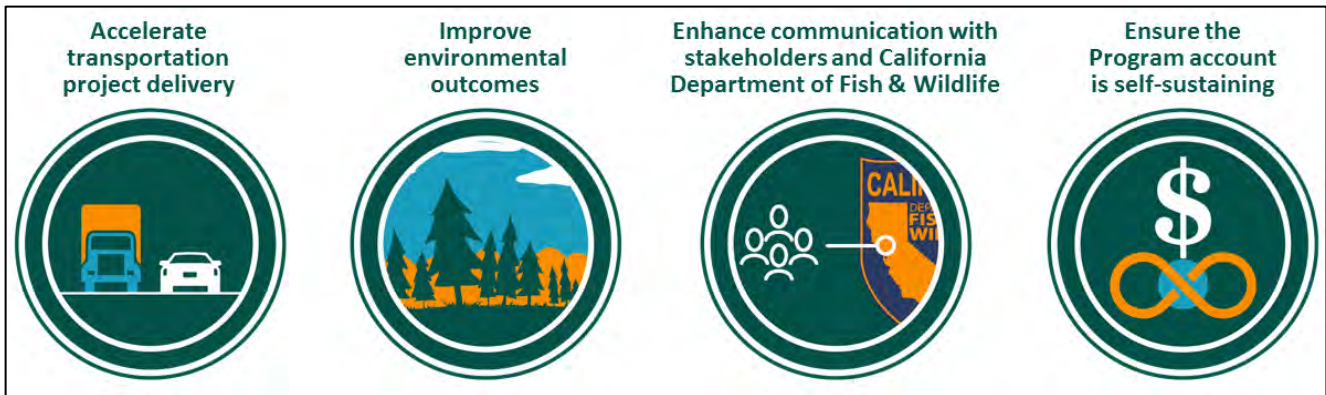
Advance Mitigation Program Background

The Advance Mitigation Program was created through the Road Repair and Accountability Act of 2017 (Senate Bill 1, Beall, Chapter 5, Statutes of 2017, Section 35) and the Senate Bill 103 budget trailer bill (Committee on Budget and Fiscal Review, Chapter 95, Statutes of 2017, Sections 10-15). The entire text of the Advance Mitigation Program within Streets and Highways Code can be found in Appendix A.

The purpose of the legislation (Streets and Highways Code Sections 800(a), 800.7; Figure 1) includes the following:

- Accelerate transportation project delivery;
- Enhance communications between Caltrans and stakeholders to protect natural resources through advance mitigation projects, to meet or exceed applicable environmental requirements, and to mitigate, to the maximum extent required by law, environmental impacts from transportation infrastructure projects;

Figure 1: Advance Mitigation Program Goals



- Ensure Caltrans consults with the California Department of Fish and Wildlife on all Advance Mitigation Program activities and to enhance communications with the other natural resource agencies; and
- Ensure that the Advance Mitigation Account is self-sustaining.

The legislation accomplished the following:

- Created the Advance Mitigation Program within the Department of Transportation (Streets and Highways Code Section 800(a));
- Created the Advance Mitigation Account within the State Highway Fund (Streets and Highways Code Sections 800(c); 800.7) as a revolving fund that is required to be self-sustaining (Streets and Highways Code Section 800.7);
- Restricts the use of mitigation credits or values purchased or established with Advance Mitigation Account funds to only transportation projects in the State Transportation Improvement Program and State Highway Operations and Protection Program. Requires these transportation projects to reimburse the Advance Mitigation Account for the expenditures from the account (Streets and Highways Code Sections 800(b); 800.6(b); 800.7); and
- Authorizes Caltrans to allow other transportation agencies to use mitigation credits or values generated or obtained with the Advance Mitigation Account funds on their State Transportation Improvement Program transportation projects. As required, these transportation agencies must fully reimburse the Advance Mitigation Account for the full cost of the mitigation credits or values used as determined by Caltrans (Streets and Highways Code Sections 800(b); 800.6(b)).

Authorized expenditures from the Advance Mitigation Account include:

- Purchasing credits from conservation banks, mitigation banks, or in-lieu fee programs approved by one or more natural resource regulatory agencies or establishing or

funding the establishment of new conservation banks, mitigation banks, or in-lieu fee programs (Streets and Highways Code Section 800.6(a)(1));

- Providing funding for the payment of mitigation fees or other costs associated with mitigating through Natural Community Conservation Plans and/or Habitat Conservation Plans (Streets and Highways Code Section 800.6(a)(2));
- Preparing or funding the preparation of Regional Conservation Assessments and Regional Conservation Investment Strategies, including entering into Mitigation Credit Agreements (Streets and Highways Code Section 800.6(a)(3)); and
- Performing other mitigation activities, where the above are not feasible, pursuant to a Programmatic Mitigation Plan (Streets and Highways Code Sections 800.6(a)(4); 800.9).

Restrictions on Caltrans include the following:

- A prohibition on spending any funds from the Advance Mitigation Account unless the Caltrans Director makes a determination and justification that the expenditure will likely accelerate the delivery of specific transportation projects (Streets and Highways Code Section 800.6(i));
- Where Advance Mitigation Program activities occur in areas with existing Natural Community Conservation Plans and/or Habitat Conservation Plans, these activities must be consistent with the Natural Community Conservation Plans and/or Habitat Conservation Plans or any other state or federally approved recovery plan or conservation plan (Streets and Highways Code Section 800.6(d));
- For the authorized expenditures identified in Streets and Highways Code Sections 800.6(a)(1) - 800.6(a)(3), Caltrans is limited to allocating no more than 25% of the funds in the Advance Mitigation Account during a four-year period (Streets and Highways Code Section 800.6(a)(4)); and
- A provision ensuring Caltrans will continue to follow the California Environmental Quality Act for its transportation projects, including the requirement to avoid and minimize potential impacts to the environment prior to compensating for impacts and requiring mitigation actions pursuant to the Advance Mitigation Program do not endorse or imply acceptance of any transportation project alternatives nor its subsequent impacts (Streets and Highways Code Section 800.8).

Reporting requirements include the following:

- Submittal of a biennial report to the California State Legislature by Caltrans reporting on the acceleration of transportation project delivery, beginning July 1, 2019 (Streets and Highways Code Section 800.6(f));
- Disclosure to the California Transportation Commission on activity in the Advance Mitigation Account (this report), (Streets and Highways Code Section 800.7); and

- Submittal of a biennial report to the California State Legislature by the California Department Fish and Wildlife, determining if the program has improved the quality and effectiveness of habitat mitigation. The report suggests recommendations to ensure the quality and effectiveness of habitat mitigation, beginning July 1, 2018, (Streets and Highways Code Section 800.6(g)).

The term “mitigation” refers to the following:

- Avoiding an environmental impact completely by not implementing certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; and
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20; CEQA Guidelines Section 15370). This case is typically referred to as “compensatory mitigation.”

Compensatory Mitigation:

It is a strategy that is specially applied only after a documented determination that there will be unavoidable impacts and other efforts to minimize, rectify, and reduce the impacts have been incorporated in the transportation project’s design and delivery. Traditionally, this determination develops late in the transportation project development process. Typically, natural resource regulatory agency permits require compensatory mitigation action to be both funded and implemented concurrently with the transportation project.

Advance mitigation shifts this traditional business practice of mitigation planning and implementation to an early phase, prior to biological impacts and permitting. Advance mitigation separates the implementation of the mitigation from the traditional delivery process of any one specific transportation project.

Advance mitigation intends to anticipate the unavoidable impacts identified by transportation projects that result in required compensatory mitigation (requirements determined by regulatory agencies). Caltrans identifies these needs and facilitates the mitigation acquisition before transportation projects are programmed. Due to the early identification of potential compensatory mitigation and independent of transportation project delivery timelines, efficiency opportunities are anticipated by implementing the following strategies:

- Consolidating anticipated mitigation from multiple projects into fewer and larger groups, resulting in efficient acquisition of mitigation, providing higher potential ecological value; and
- Limiting inefficient uncertainty typically encountered when securing transportation projects' environmental permits, thereby reducing the potential for negative impacts to a transportation project's cost, scope, and schedule.

As a result of mitigation being in place prior to environmental impacts from construction activities, no temporary loss of biological or ecological functions occurs, resulting in reduced mitigation for project's impacts (known as lower mitigation ratios). Despite the implementation of advance mitigation being based on the estimation of potential impacts of future transportation projects, this does not preclude the legal requirement of the transportation projects from avoiding and minimizing impacts prior to providing compensatory mitigation or endorsing or supporting a particular transportation project alternative.

The legal requirements to implement compensatory mitigation include the following:

- California Environmental Quality Act (Public Resource Code Section 21000 et seq.);
- National Environmental Policy Act (42 U.S.C. 4321 et seq.);
- Federal Endangered Species Act of 1973 (16 USC 1531-1543);
- California Endangered Species Act (Fish and Game Code Section 2050 et seq.);
- Federal Clean Water Act, sections 401 and 404 (33 USC 1251-1376);
- Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.);
- California Fish and Game Code, Section 1600 et seq.;
- Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464);
- California Coastal Act of 1976 (Public Resource Code Section 30000 et seq.); and
- McAteer-Petris Act (Government Code Sections 66650-66661).

State and federal agencies with jurisdiction over natural resources that could be impacted by transportation projects include, but are not limited to the following:

- California Department of Fish and Wildlife;
- The State and Regional Water Resources Control Board;
- The California Coastal Commission;
- The United States Army Corps of Engineers;

- United States Department of Interior, Fish and Wildlife Service;
- United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; and
- United States Environmental Protection Agency.

Advance Mitigation Program Status and Accomplishments

During the 2024-2025 fiscal year, the Advance Mitigation Program continued to develop Regional Advance Mitigation Needs Assessments, and advance mitigation projects statewide (Figure 2). One funded advance mitigation project (District 6) that purchased mitigation credits during previous reporting periods, has continued to reimburse the Advance Mitigation Account, and successfully transferred credits to transportation projects this reporting period. Throughout the 2024-2025 fiscal year, the number of advance mitigation projects being proposed and approved for funding increased, from thirteen funded projects to seventeen by the culmination of the reporting period. Approximately 82% of the funds in the Advance Mitigation Account have been approved for funding advance mitigation projects.

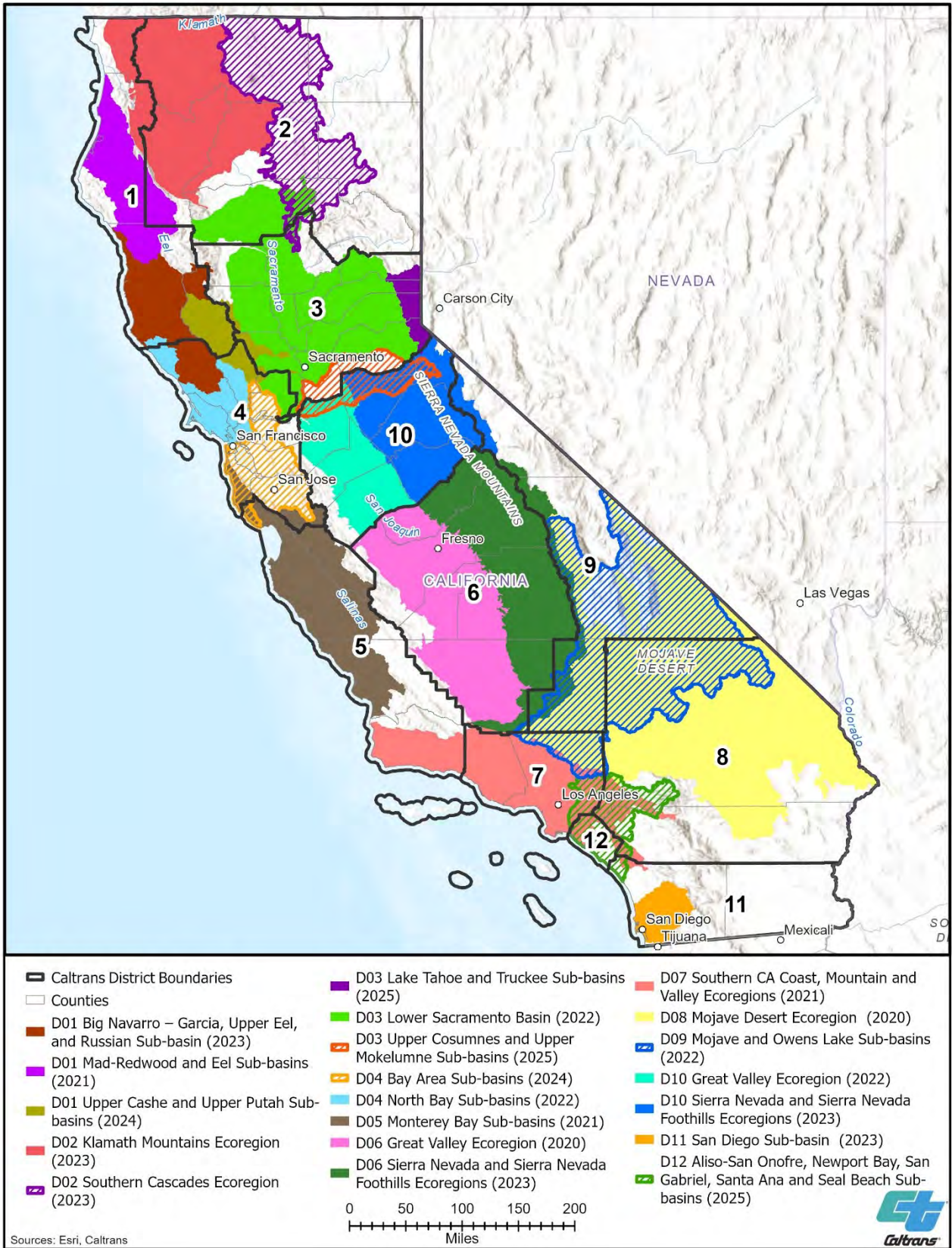
Allowable expenditures from the Advance Mitigation Account are defined in Streets and Highways Code Section 800.6(a), which states that no expenditures can be made from the account until the Caltrans Director makes the determination and justification that the expenditure will likely accelerate project delivery of specific transportation projects per Streets and Highways Code Section 800.6(i). The Caltrans Director's approval must be acquired and documented. Caltrans has established a five-step planning process to assist the Director with that determination as part of the Advance Mitigation Program workplan. Credits have been acquired during the reporting period and as a result, State Highway Operations and Protection Program transportation projects have been accelerated by the Advance Mitigation Program.

Caltrans continues to manage and implement a statewide planning foundation for the Advance Mitigation Program throughout the current reporting period, which supports a dynamic nomination and scoping process. Accomplishments include the following:

- Continued biweekly coordination between the California Department of Fish and Wildlife on the Advance Mitigation Program to assist with the program's planning and implementation;
- Publicly posted the fourth Statewide Advance Mitigation Needs Assessment Report for the Second Quarter of the 2023-2024 fiscal year, and continue to generate interactive impact assessment output tables on a quarterly basis; and
- In the Fall of 2024, the Program met with all Districts to plan potential Regional Advance Mitigation Needs Assessments, Project Initiation Proposals, and Project Initiation Documents for the 2025-2026 fiscal year. The Program issued approvals for nine advance mitigation priorities, including six approvals for advance mitigation

project delivery and approved planning resources for developing three additional Regional Advance Mitigation Needs Assessments.

Figure 2: Geographic Areas of Interest



Utilizing the Advance Mitigation Program planning process, Caltrans intends to maximize the environmental benefits of early planned mitigation while providing time, and cost savings for the delivery of transportation projects. The Advance Mitigation Program planning process consists of five steps culminating in the Caltrans Director's Approval under Streets and Highways Code Section 800.6(i). Due to planning activities not being funded from the Advance Mitigation Account, the Advance Mitigation Program collaborates with the Department's Division of Transportation Planning. The joint effort secures sufficient planning resources for the Caltrans Districts to perform planning activities, including the nomination, and scoping of advance mitigation projects. The five step Advance Mitigation Program planning phase process is illustrated by [Figure 3](#), and process updates are included as follows:

Figure 3: Advance Mitigation Program Planning Phases



Step 1-Statewide Advance Mitigation Needs Assessment

- Caltrans continues to update the biennial, fourth iteration of the Statewide Advance Mitigation Needs Assessment (based on the State Highway Operations and Protection Program Ten-Year Project Book) results on a quarterly basis. The results from the fourth quarter of the 2022-2023 fiscal year; first, second, third, and fourth quarter of the 2023-2024 fiscal year; and the first quarter of the 2024-2025 fiscal year have been established and distributed to all Districts.

Step 2 Status: Geographic Area of Interest Selection

- The Advance Mitigation Program worked with the Districts to identify two new Geographic Areas of Interest in Districts 3 and one in District 12 for additional Regional Advance Mitigation Needs Assessment coverage, bringing the total of identified Geographic Areas of Interest to twenty.

Step 3 Status: Regional Advance Mitigation Needs Assessment

- Four Draft Regional Advance Mitigation Needs Assessments were completed:
 - District 3 - *The Lake Tahoe and Truckee Sub-basins Regional Advance Mitigation Needs Assessment*;

- District 3 – *The Upper Cosumnes and Upper Mokelumne Sub-basins Regional Advance Mitigation Needs Assessment*;
- District 10 - *The Sierra Nevada and Sierra Nevada Foothills Ecoregion Sections Within Caltrans District 10 Regional Advance Mitigation Needs Assessment*; and
- District 12 - *The Aliso-San Onofre, Newport Bay, Santa Ana, and Seal Beach Sub-basins and Five Watersheds Within the San Gabriel Sub-basin Regional Advance Mitigation Needs Assessment*.

Step 4 Status: Project Scoping and Initiation

- During the reporting period, four advance mitigation Project Initiation Proposals were approved to be further developed and considered for funding from the Advance Mitigation Account:
 - District 1 - *Upper Cache and Upper Putah Aquatic Advance Mitigation Project*;
 - District 2 - *Southern Cascade Aquatic Advance Mitigation Project*;
 - District 10 - *Great Valley California Tiger Salamander Advance Mitigation Project*; and
 - District 11 - *D11 Aquatic Resources Advance Mitigation*.

Step 5 Status: Caltrans Director's Approval

- During the reporting period, four advance mitigation Project Initiation Documents were approved for funding from the Advance Mitigation Account by the Caltrans Director:
 - District 4 – *San Francisco Peninsula Mitigation Establishment Project*;
 - District 7 – *D7 Second Aquatic Advance Mitigation Project*;
 - District 10 – *Great Valley California Tiger Salamander Advance Mitigation Project*; and
 - District 11 – *D11 Aquatic Resources Advance Mitigation*

The funding of these four projects from the Advance Mitigation Account brings the total number of funded advance mitigation projects to seventeen. In addition, the Project Initiation Document for District 1 (listed in Step 4 above) were signed and submitted to the Advance Mitigation Program just prior to the close of the reporting period and are anticipated to be approved and funded in the first quarter of the 2025-2026 reporting period. The program anticipates that additional projects in District 2 and District 4 will be submitted for funding approval during the 2025-2026 fiscal year bring the total funded projects to twenty by the end of the next reporting period.

Advance Mitigation Account

Streets and Highways Code Section 800.7 requires reporting on the activity in the Advance Mitigation Account to the California Transportation Commission. As of June 30, 2025, the total amount in the account is \$132,049,215.88 ([Figure 4](#)). Through the joint effort of the Division of Budgets and the Division of Accounting, and with the collaboration of the Department of Finance, the State Controller's Office established appropriation procedures for the Capital Outlay Program and all coding structures necessary for disbursing payment from Advance Mitigation Account. During the reporting period, expenditures were allocated from the Advance Mitigation Account for Capital Outlay Support in the amount of \$559,923.48 for a total of \$1,530,151.73 for all reporting periods. There were no capital outlay expenditures during this reporting period. The total capital outlay expenditures for all reporting periods equates to the amount of \$3,188,211.00, resulting in the total expenses from the account to date up to \$4,718,362.73 ([Figure 4](#)).

During the reporting period for the 2024-2025 fiscal year, two transportation projects transferred 0.08 credits from the District 6 Advance Mitigation Project, reimbursing the Advance Mitigation Account \$34,740.00 and resulted in a net savings of \$36,497.20 according to District efficiencies reporting. These payments are listed in Figure 4 under "Other Regulatory LIC & Permits." Details of these transportation project transactions are described further in Tables 2 and 4. Table 2 provides the current advance mitigation projects that completed their purchase of credits and successfully transferred credits to transportation project permits. Table 4 presents a list of transportation projects that acquired mitigation credits from the Advance Mitigation Program during this reporting period.

Figure 4: Advance Mitigation Account Activity

DEPARTMENT OF TRANSPORTATION (2660)			
ADVANCE MITIGATION ACCOUNT, STATE TRANSPORTATION FUND (2504)			
FUND RECONCILIATION AS OF JUNE 30, 2025			
ACCOUNT	DESCRIPTION		BALANCE
CASH AND DEPOSITS			
* Cash In State Treasury			1,374,215.88
Deposits in Surplus Money Investment			
FY 18-19	60,622,000.00		
FY 19-20	31,490,000.00		
FY 20-21	30,681,000.00		
FY 21-22	215,000.00		
FY 22-23	1,904,000.00		
FY 23-24	695,000.00		
FY 24-25	5,068,000.00		130,675,000.00
A. Total Cash and Deposits/Fund Balance			132,049,215.88
REVENUES AND TRANSFERS			
Income From Surplus Money Investment Fund			
FY 18-19	(964,330.26)		
FY 19-20	(1,443,418.85)		
FY 20-21	(460,783.98)		
FY 21-22	(444,866.16)		
FY 22-23	(2,744,671.77)		
FY 23-24	(4,945,268.20)		
** FY 24-25	(5,677,111.19)		(16,680,450.41)
Other Regulatory LIC & Permits			
FY 23-24	(52,388.20)		
FY 24-25	(34,740.00)		(87,128.20)
Annual Transfers In from State Highway Account Fund (0042) FY17-18 through FY 20-21.			(120,000,000.00)
B. Total Revenues and Transfers			(136,767,578.61)
EXPENDITURES			
20.10 Capital Outlay Support			
FY 21-22	101,136.62		
FY 22-23	114,162.32		
FY 23-24	754,929.31		
*** FY 24-25	559,923.48	1,530,151.73	
20.20 Capital Outlay Projects			
FY 23-24	3,188,211.00		
FY 24-25	0.00	3,188,211.00	
C. Total Expenditures			4,718,362.73
		A+B+C=0	0.00
<u>Footnotes:</u>			
* Adjusted balance includes \$1,391,704.14 in cash and subtracts \$18,427.46 expenditure for year-end accrual.			
** Adjusted balance includes (\$1,391,704.14) for 4th quarter SMIF interest year-end accrual.			
*** Adjusted balance includes \$18,427.46 for year-end expenditure accrual.			

Number of Credits Established and Sold

The Advance Mitigation Program Guidelines state the number of credits established and sold by the Advance Mitigation Program will be provided in the annual report to the California Transportation Commission. At the conclusion of the reporting period, seventeen advance mitigation projects were approved for funding through the Advance Mitigation Program ([Table 1](#)). [Table 1](#) provides the funded advance mitigation projects and the number and type of credits that are proposed for acquisition. [Table 2](#) provides the current advance mitigation projects that completed their purchase of credits and successfully transferred credits to transportation project permits. The tables include the following information:

- Caltrans District;
- Project name;
- The geographic region served by the established credits;
- The amount of these credits that have been purchased and for which transportation projects;
- The type and total amount of mitigation credits established, as authorized under Streets and Highways Code Sections 800.6(a)(1) – 800.6(a)(4); and
- The total number of credits remaining in the ledger that are not purchased at the end of the reporting period, and the amount that may be reserved by future transportation projects, including a list of those projects or if they are generally available.

The District 6 advance mitigation project, *Advance Mitigation Aquatic Resource and Desert Species Credits*, completed a non-competitive bid for purchasing aquatic resource credits from the Sacramento Army Corps of Engineers In-Lieu Fee Program and has been successfully applying them to meet transportation project permit requirements ([Table 2](#)). Currently, the District is planning to purchase the needed species mitigation through a conservation bank which is currently pending approval.

Table 1: Number and Type of Credits Proposed

District	Advance Mitigation Project	Funding Fiscal Year	Number and Type of Credits
1	<i>Inland Mad-Redwood, Lower Eel, and South Fork Eel Watershed Advance Mitigation Project</i>	2022-2023	13.2 waters of the U.S. credits; 7.95 waters of the state; 5.85 riparian habitat credits; 2.4 fish habitat credits
1	<i>Coastal Mad-Redwood and Lower Eel Watersheds Advance Mitigation Project</i>	2022-2023	10.6 waters of the U.S./Environmentally Sensitive Habitat Areas credits; 2.20 waters of the state/ Environmentally Sensitive Habitat Areas credits; 1.40 riparian habitat/ Environmentally Sensitive Habitat Areas credits
2	<i>Siskiyou-Trinity Mitigation Bank</i>	2023-2024	5.61 aquatic resource credits, including 3.00 riparian habitat credits, and 2.61 waters of the U.S.
3	<i>Great Valley Ecoregion Advanced Mitigation Project</i>	2022-2023	21.0 riparian habitat credits, including 19.26 waters of the U.S. and waters of the state credits
3	<i>Sierra Nevada and Foothills Ecoregion Advance Mitigation Project</i>	2023-2024	11.91 riparian habitat credits and 5.95 other waters of the U.S. and State credits
4	<i>North Bay Aquatic Resources Mitigation Credit Purchase</i>	2022-2023	0.76 acres of wetland credits, 4.84 acres of other waters credits, and 1.96 acres of riparian.
4	<i>North Bay Coastal Mitigation Establishment Project</i>	2023-2024	2.10 acres of wetland credits, 1.98 acres of Waters of the U.S. and State credits, 10.47 acres of California red-legged frog credits, and 4.20 acres of Myrtle’s silverspot butterfly credits
4	<i>San Francisco Peninsula Mitigation Establishment Project</i>	2024-2025	5.00 wetland credits, 0.20 other waters credits, 0.70 riparian habitat credits, and 38.00 California red-legged frog credits.
5	<i>Advance Mitigation Aquatic Resources Central Coast Region</i>	2022-2023	14.3 acres of California tiger salamander and California red-legged frog credits; 3.02 acres of aquatic resource credits
5	<i>D5 Aquatic Resources Advance Mitigation</i>	2022-2023	13.42 acres of aquatic resource credits
6	<i>Advance Mitigation Aquatic Resource and Desert Species Credits</i>	2021-2022	296.8 San Joaquin kit fox and San Joaquin antelope squirrel credits and 7.38 aquatic resource credits
7	<i>D7 Aquatic Advance Mitigation Project</i>	2023-2024	4.60 acres of non-wetland waters credits, 3.80 acres of wetland credits, and 0.70 acres of riparian credits

District	Advance Mitigation Project	Funding Fiscal Year	Number and Type of Credits
7	<i>D7 Second Aquatic Advance Mitigation Project</i>	2024-2025	9.57 wetland and riparian credits.
8	<i>Desert Advance Mitigation Project</i>	2021-2022	105 desert tortoise credits; 4 ephemeral wash credits; 0.20 wetland credits
9	<i>Antelope Fremont Valley Advance Mitigation Credits</i>	2022-2023	182.8 desert tortoise/Mohave ground squirrel credits; 9 desert tortoise/Mohave ground squirrel/desert stream credits
10	<i>Great Valley California Tiger Salamander Advance Mitigation Project</i>	2024-2025	7 California Tiger Salamander habitat credits
11	<i>D11 Aquatic Resources Advance Mitigation</i>	2024-2025	1.2 wetland credits and 7.0 non-wetland waters credits, and 0.7 non-wetland waters credits in the coastal zone

Table 2: Number and Type of Credits Purchased

District	Advance Mitigation Project	Geographic Region (Service Areas)	Credit Purchase Fiscal Year	Credit Amount (acre credits)	Type of Credit	Remaining Credits (acre credits) Available for Use
6	<i>Advance Mitigation Aquatic Resource and Desert Species Credits</i>	King ACA	2023-2024	0.80	Aquatic Resources	0.76
6	<i>Advance Mitigation Aquatic Resource and Desert Species Credits</i>	Kern ACA	2023-2024	4.20	Aquatic Resources	4.18
6	<i>Advance Mitigation Aquatic Resource and Desert Species Credits</i>	Kaweah/Tule ARA	2023-2024	2.38	Aquatic Resources	2.24
Total				7.38		7.18

Transportation Projects That Purchased Mitigation

The Advance Mitigation Program Guidelines state that a list of transportation projects that have purchased mitigation from the Advance Mitigation Program will be provided in the annual report to the California Transportation Commission.

Table 3 presents a list of potentially benefitting transportation projects supported by District advance mitigation projects. For each project, the following information is provided:

- The advance mitigation project title;
- The funding fiscal year;
- The total cost of the advance mitigation project (represented in 1000s); and
- The number of potentially benefitting transportation projects.

Table 4 presents a list of transportation projects that acquired mitigation credits from the Advance Mitigation Program during this reporting period. For each project, the following information is provided:

- The total state and federal mitigation requirements will be identified. This description will include the following:
 - Specific environmental documents, biological opinions, and permits that these projects have and the mitigation requirements (whether these requirements were satisfied through the Advance Mitigation Program or not);
 - The state or federal entity issuing the opinions or permits;
 - The specific type of mitigation being required (endangered species habitat, wetlands, etc.) and the amount needed; and
 - The total amount and type of credits that were acquired from the Advance Mitigation Program.

The District 6 project completed a non-competitive bid for purchasing 7.38 acres of aquatic resource credits from the Sacramento Army Corps of Engineers In-Lieu Fee Program, and successfully transferred 0.08 credit acres to District transportation projects to satisfy regulatory permit requirements.

Table 3: Potentially Benefitting Transportation Projects

District	Advance Mitigation Project	Funding Fiscal Year	Total Cost (1000s)	Number of Potentially Benefitting Transportation Projects
1	<i>Inland Mad-Redwood, Lower Eel, and South Fork Eel Watershed Advance Mitigation Project</i>	2022-2023	\$8,273	8
1	<i>Coastal Mad-Redwood and Lower Eel Watersheds Advance Mitigation Project</i>	2022-2023	\$6,248	3
2	<i>Siskiyou-Trinity Mitigation Bank</i>	2023-2024	\$2,170	8
3	<i>Great Valley Ecoregion Advanced Mitigation Project</i>	2022-2023	\$6,783	11
3	<i>Sierra Nevada and Foothills Ecoregion Advance Mitigation Project</i>	2023-2024	\$5,965	10
4	<i>North Bay Aquatic Resources Mitigation Credit Purchase</i>	2022-2023	\$3,736	12
4	<i>North Bay Coastal Mitigation Establishment Project</i>	2023-2024	\$7,749	2
4	<i>San Francisco Peninsula Mitigation Establishment Project</i>	2024-2025	\$10,570	4
5	<i>Advance Mitigation Aquatic Resources Central Coast Region</i>	2022-2023	\$1,451	8
5	<i>D5 Aquatic Resources Advance Mitigation</i>	2022-2023	\$9,436	15
6	<i>Advance Mitigation Aquatic Resource and Desert Species Credits</i>	2021-2022	\$10,310	18
7	<i>D7 Aquatic Advance Mitigation Project</i>	2023-2024	\$7,292	13
7	<i>D7 Second Aquatic Advance Mitigation Project</i>	2024-2025	\$9,497	8
8	<i>Desert Advance Mitigation Project</i>	2021-2022	\$8,105	6
9	<i>Antelope Fremont Valley Advance Mitigation Credits</i>	2022-2023	\$4,210	4
10	<i>Great Valley California Tiger Salamander Advance Mitigation Project</i>	2024-2025	\$445	2
11	<i>D11 Aquatic Resources Advance Mitigation</i>	2024-2025	\$6,061	10

Table 4: Transportation Projects That Purchased Mitigation

District	Advance Mitigation Project	Transportation Project	Permit requiring Credits	Resource Type	Credit Transfer Date	Credit (acre credits) Amount Transferred	Advance Mitigation Account Reimbursement
6	06-1C640	06-0X240	CVRWQCB 401 #5C15CR00147	Aquatic Resources	08/07/24	0.06	\$25,879.11
6	06-1C640	06-0W920	CVRWQCB 401 #5C54CR00154	Aquatic Resources	05/08/25	0.02	\$8,860.89
					Total	0.08	\$34,740.00.00

Conclusion and Next Steps

Caltrans continues to scope, nominate, and fund advance mitigation projects. The number of funded advance mitigation projects has increased from fourteen to seventeen, with three more projects anticipated being approved for funding in the 2025-2026 fiscal year. Through its multidisciplinary steering committee and work group, Caltrans has developed and updated procedures, processes, and advance mitigation project nomination and scoping documents. The Advance Mitigation Program performed outreach to the California Transportation Commission, Metropolitan Planning Organizations, Councils of Governments, regional transportation planning agencies, regional advance mitigation programs, natural resource regulatory agencies, Tribes, and conservation groups. This collaboration commenced the fourth Statewide Advance Mitigation Needs Assessment and finalized four Draft Regional Advance Mitigation Needs Assessments. The Program currently provides advance mitigation opportunities within all Districts and continues to consult with the California Department of Fish and Wildlife on a biweekly basis.

During this reporting period, the Caltrans Advance Mitigation Program continued to transfer acquired credits to District transportation projects to satisfy regulatory permit requirements in this reporting period. The Advance Mitigation Program will continue to acquire mitigation credits and apply them to transportation projects. These transfers have resulted in the acceleration of Caltrans transportation project delivery as documented in the Departments Senate Bill 1 Efficiencies reporting requirements.

Program constraints will continue to be impacted by a backlog of bank applications within the California Department of Fish and Wildlife Conservation and Mitigation Banking Program. Due to these constraints, the California Department of Fish and Wildlife initiated a Budget Change Proposal. The Proposal was approved during the 2023 budget process and new staff positions to, in part, address the back log of bank applications. In addition, Caltrans has funded four additional positions in the California Department of Fish and Wildlife Conservation and Mitigation Banking Program through amending the existing interagency contract to further alleviate the shortage of staff. Caltrans and the California Department of Fish and Wildlife Caltrans funded staff have collaborated during focused meetings during this reporting period and both partners are confident the backlog of applications will be reduced.

Looking ahead to the 2026 Advance Mitigation Program Report to the California Transportation Commission, Caltrans anticipates that up to three new advance mitigation projects will be approved for funding and that the majority of the Advance Mitigation Account will be allocated to advance mitigation projects. It is anticipated that several credit acquisitions will occur during the next reporting period, resulting in revenue from transportation projects utilizing these credits, and reimbursements to the Advance Mitigation Account will continue to occur. Caltrans will continue to work with the California Department of Fish and Wildlife to ensure that the Conservation and Mitigation Banking Program is able support the Advance Mitigation Program in an efficient and timely manner.

References

CDFW. 2024. Report to the Legislature California Conservation and Mitigation Banking.
California Department of Fish and Wildlife. Sacramento.

Appendix

Statutory Reporting Reference:
Streets and Highway Code

Streets and Highways Code – SHC

DIVISION 1. STATE HIGHWAYS [50 - 897]

CHAPTER 4. Cooperation By and With the State [760 - 834]

ARTICLE 2.5. Advance Mitigation Program [800 - 800.9]

800. (a) The Advance Mitigation Program is hereby created in the department to enhance communications between the department and stakeholders to protect natural resources through project mitigation, to meet or exceed applicable environmental requirements, to accelerate project delivery, and to mitigate, to the maximum extent required by law, environmental impacts from transportation infrastructure projects. The department shall consult on all activities pursuant to this article with the Department of Fish and Wildlife, including activities pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(b) Commencing with the 2017–18 fiscal year, and for a period of four years, the department shall set aside no less than thirty million dollars (\$30,000,000) annually for the Advance Mitigation Program from the annual appropriations for the State Highway Operation and Protection Program and the State Transportation Improvement Program for the planning and implementation of projects in the Advance Mitigation Program. Mitigation credits or values generated or obtained with these funds may be used only for transportation improvements in the State Transportation Improvement Program or the State Highway Operation and Protection Program, and may be transferred to another agency, but only upon full reimbursement of the department pursuant to subdivision (b) of Section 800.6.

(c) Upon the order of the Director of Finance, the Controller shall transfer the amount identified for the Advance Mitigation Program in subdivision (b), as determined by the department and the Department of Finance, to the Advance Mitigation Account in the State Transportation Fund.

(d) The annual Budget Act and subsequent legislation may establish additional provisions and requirements for the program.

800.5. For purposes of this article, the following terms have the following meanings:

(a) “Acquire” and “acquisition” mean, with respect to land or a waterway, acquisition of fee title or purchase of a conservation easement that protects conservation and mitigation values on the land or waterway in perpetuity.

(b) “Administrative draft natural community conservation plan” means a substantially complete draft of a natural community conservation plan that is released after January 1, 2016, to the general public, plan participants, and the department.

(c) “Advance mitigation” means mitigation implemented before, and in anticipation of, environmental effects of planned transportation improvements.

(d) “Commission” means the California Transportation Commission.

(e) "Conservation easement" means a perpetual conservation easement that complies with Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code.

(f) "Department" means the Department of Transportation.

(g) "Mitigation credit agreement" means a mitigation credit agreement pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(h) "Natural Communities Conservation Plan" means a plan developed pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code.

(i) "Planned transportation improvement" means a transportation project that a transportation agency has identified in a regional transportation plan, an interregional transportation plan, a capital improvement program, or other approved transportation planning document, excluding any project that is associated with or interacting with the high-speed rail program. A planned transportation improvement may include, but is not limited to, a transportation project that has been planned, programmed, proposed for approval, or that has been approved.

(j) "Program" means the Advance Mitigation Program implemented pursuant to this article.

(k) "Regional conservation investment strategy" means a regional conservation investment strategy approved by the Department of Fish and Wildlife pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(l) "Regulatory agency" means a state or federal natural resource protection agency with regulatory authority over planned transportation improvements. A regulatory agency includes, but is not limited to, the Natural Resources Agency, the Department of Fish and Wildlife, California regional water quality control boards, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Environmental Protection Agency, and the United States Army Corps of Engineers.

(m) "Transportation agency" means the department, a metropolitan planning organization, a regional transportation planning agency, or another public agency that implements transportation improvements.

(n) "Transportation improvement" means a transportation capital improvement project.

800.6. (a) The funds in the Advance Mitigation Account created in Section 800.7 shall be used only to do the following:

(1) Purchase, or fund the purchase of, credits from mitigation banks, conservation banks, or in-lieu fee programs approved by one or more regulatory agencies. The department may also establish mitigation banks, conservation banks, or in-lieu fee programs, or fund the establishment of mitigation banks, conservation banks, or in-lieu fee programs, in accordance with applicable state and federal standards, if the department determines that those banks or in-lieu fee programs would provide appropriate mitigation of the anticipated

potential impacts of planned transportation improvements identified pursuant to Section 800.8.

(2) Pay, or fund the payment of, mitigation fees or other costs or payments associated with coverage for the department's or other transportation agency's projects under natural community conservation plans approved pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, or habitat conservation plans approved in accordance with the federal Endangered Species Act. The department shall, upon commencement of a regional conservation investment strategy pursuant to paragraph (3), provide written notification thereof to the executive administrative officer of any administrative draft natural community conservation plan, approved natural community conservation plan, or approved regional federal habitat conservation plan that overlaps the proposed area of the regional conservation investment strategy.

(3) Prepare, or fund the preparation of, regional conservation assessments and regional conservation investment strategies. Where a regional conservation investment strategy has been approved by the Department of Fish and Wildlife, the department may do either of the following:

(A) Enter into, or fund the preparation of, mitigation credit agreements with the Department of Fish and Wildlife; purchase credits from an established mitigation credit agreement; or implement, or fund the implementation of, conservation actions and habitat enhancement actions as needed to generate mitigation credits pursuant to those mitigation credit agreements.

(B) Acquire, restore, manage, monitor, enhance, and preserve lands, waterways, aquatic resources, or fisheries, or fund the acquisition, restoration, management, monitoring, enhancement, and preservation of lands, waterways, aquatic resources, or fisheries that would measurably advance a conservation objective in the regional conservation investment strategy if the department concludes that the action or actions could conserve or create environmental values that are appropriate to mitigate the anticipated potential impacts of planned transportation improvements.

(4) Where the advance mitigation mechanisms in paragraphs (1) to (3), inclusive, are not practicable, the department may implement advance mitigation, or fund the implementation of advance mitigation, in accordance with a programmatic mitigation plan pursuant to Section 800.9. No more than 25 percent of the funds in the Advance Mitigation Account may be allocated for this purpose over a four-year period.

(b) The department may use, or allow other transportation agencies to use, mitigation credits or values generated or obtained under the program to fulfill the mitigation requirements of planned transportation improvements if the applicable transportation agency reimburses the program for all costs of purchasing or creating the mitigation credits or values, as determined by the department. Those costs shall be calculated using total cost accounting and shall include, as applicable, land acquisition or conservation easement costs, monitoring and

enforcement costs, restoration costs, transaction costs, administrative costs, contingency costs, and land management, monitoring, and protection costs.

(c) The department shall track all implemented advance mitigation projects to use as credits for environmental mitigation.

(d) Projects or plans prepared pursuant to this section that overlap with any approved natural community conservation plan or approved regional federal habitat conservation plan, shall be consistent with that plan and shall include an explanation of whether and to what extent they are consistent with any overlapping state or federal recovery plan, or other state-approved or federal-approved conservation strategy.

(e) Mitigation credits created pursuant to this section may be used for covered activities under an approved natural community conservation plan only in accordance with the requirements of the plan. Individuals and entities eligible for coverage as a participating special entity under an approved natural community conservation plan may use mitigation credits created pursuant to this section only if the plan's implementing entity declines to extend coverage to the covered activity proposed by the eligible individual or entity.

(f) By July 1, 2019, and biennially thereafter, the department, pursuant to Section 9795 of the Government Code, and notwithstanding Section 10231.5 of the Government Code, shall submit to the Legislature a report that describes to what extent the Advance Mitigation Program has accelerated the delivery of transportation projects. At a minimum, the report shall include the following:

(1) An accounting of the Advance Mitigation Account funds.

(2) Identification of expected state and federal resource and regulatory agency mitigation requirements for transportation projects utilizing the Advance Mitigation Program.

(3) A discussion of the extent to which those requirements are satisfied using advance mitigation credits.

(4) The use of funds to prepare, or to fund the preparation of, regional conservation assessments and regional conservation investment strategies.

(5) Recommendations for maximizing the ability of the Advance Mitigation Program to satisfy state and federal mitigation requirements.

(g) By July 1, 2018, or one year after the initial Advance Mitigation Program investments have begun, whichever is earlier, and biennially thereafter, the Department of Fish and Wildlife shall, pursuant to Section 9795 of the Government Code, and notwithstanding Section 10231.5 of the Government Code, submit a report to the Legislature that describes the extent to which the Advance Mitigation Program has improved the quality and effectiveness of habitat mitigation provided by the department for transportation projects and makes related recommendations on how to maximize these attributes. The report shall also include

recommendations on how to maximize the quality and effectiveness of habitat mitigation developed pursuant to the Advance Mitigation Program.

(h) Nothing in this article shall be construed to impose any restrictions or requirements on the department for activities that do not involve the utilization of Advance Mitigation Account funds. Nothing in this article shall be construed to require the department to use the Advance Mitigation Program.

(i) Prior to making any expenditure from the Advance Mitigation Account, the Director of Transportation shall make a determination and justification that the proposed expenditure is likely to accelerate project delivery of specific projects.

(j) Any state water or transportation infrastructure agency that requests approval of a regional conservation investment strategy pursuant to subdivision (a) of Section 1852 of the Fish and Game Code that may be used to facilitate mitigation for an infrastructure project shall not be subject to the limitation on the number of regional conservation investment strategies set in Section 1861 of the Fish and Game Code.

800.7. The Advance Mitigation Account is hereby created in the State Transportation Fund as a revolving fund. Notwithstanding Section 13340 of the Government Code, the account shall be continuously appropriated without regard to fiscal years for purposes of the Advance Mitigation Program. The activity of the account shall be reported to the commission. The program is intended to become self-sustaining. Expenditures from the account shall later be reimbursed from project funding available at the time a planned transportation project is constructed.

800.8. The program is intended to improve the efficiency and efficacy of mitigation only and is not intended to supplant the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resource Code) or any other environmental law. The identification of planned transportation projects and of mitigation projects or measures for planned transportation projects under this article does not imply or require approval of those projects for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resource Code) or any other environmental law.

800.9. The department, pursuant to this article and for the purpose of implementing the Advance Mitigation Program, may develop a programmatic mitigation plan pursuant to Section 169 of Title 23 of the United States Code to address the potential environmental impacts of future transportation projects for the purpose of required mitigation approved by federal, state, and local agencies. The programmatic mitigation plans shall include, to the maximum extent practicable, the information required for regional conservation investment strategies.