



CALTRANS ADVANCE MITIGATION PROGRAM

Informal Draft Guidelines

June 2018

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LIST OF ACRONYMS

AMA	Advance Mitigation Account
AMP	Advance Mitigation Program
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CTC	California Transportation Commission
FY	Fiscal Year
HCP	Habitat Conservation Plan
MCA	Mitigation Credit Agreement
MOU	Memorandum of Understanding
NCCP	Natural Community Conservation Plan
NEPA	National Environmental Protection Act
RAMNA	Regional Advance Mitigation Needs Assessment
RCIS	Regional Conservation Investment Strategy
SAMI	Statewide Advance Mitigation Initiative
SAMNA	Statewide Advance Mitigation Needs Assessment
SHC	California Streets and Highway Code
SHOPP	State Highway Operation and Protection Program
STIP	State Transportation Improvement Program

A Glossy of Terms is included in Appendix A.

1.0 INTRODUCTION

These draft guidelines describe the general policies and procedures to be undertaken by the California Department of Transportation (Caltrans) to meet the statutory objectives and requirements of the Advance Mitigation Program (AMP) created by the Road Repair and Accountability Act of 2017 (Act) (Chapter 5, Section 35, Statutes of 2017), also known as Senate Bill 1, or “SB1”^{1,2}. SB1 was signed by Governor Brown on April 28, 2017; amended by 2017’s Senate Bill 103, Committee on Budget and Fiscal Review, Transportation (Budget Act) (Chapter 95, Sections 10 – 15, Statutes of 2017); and codified in California Streets and Highway Code (SHC) 800 et. seq.

1.1 Program Background and Purpose

The AMP was formed to meet the requirements of the Act, as amended by SB 103, and codified in SHC 800 et. seq. The Act directs the following:

- Caltrans shall create and develop a new program for planning and implementing advance mitigation projects.³ (SHC 800(b).)
- The Director of Finance shall direct the State Controller to deposit no less than \$30 million annually for a period of four years into an Advance Mitigation Account (AMA), for implementing advance mitigation projects, commencing with the 2017–18 fiscal year (FY). (SHC 800(b) and (c).)
- Caltrans shall operate the AMA as a self-sustaining revolving account. Transportation projects using AMA funded mitigation will reimburse the AMA.(SHC 800.7.)

The Act also directs Caltrans to consult with the California Department of Fish and Wildlife (CDFW) on all AMP activities (SHC 800[a]) and for CDFW and Caltrans to regularly report to the Legislature on the improved quality and effectiveness of Caltrans’ AMP habitat mitigation and transportation project acceleration, respectively. (SHC 800.6(f) and (g).)

1.2 Program Objectives and Statutory Requirements

Consistent with SHC 800 et seq., the AMP seeks to achieve the following:

- Support the acceleration of transportation project delivery.
- Enhance communication with stakeholders and CDFW.
- Protect natural resources through transportation project mitigation and to mitigate, to the maximum extent required by law, environmental impacts from future transportation infrastructure projects.

¹ The Road Repair and Accountability Act of 2017 provides over \$50 billion in new transportation funding over the next decade to repair highways, bridges, and local roads; to make strategic investments in congested commute and freight corridors; and to improve transit service. Mitigation of the individual transportation projects’ environmental effects is funded, as well.

² Article 19, Section 2(a) of California’s Constitution authorizes revenues from motor vehicle taxes to be spent on “...construction, improvement, maintenance, and operation of public streets and highways...including the mitigation of their environmental effects.”

³ The Act defines “advance mitigation” as “mitigation implemented before, and in anticipation of, environmental effects of planned transportation improvements (SHC 800.5[c]).”

- Provide successful mitigation that meets or exceeds applicable environmental requirements that contribute to natural resource protection and enhancement.
- Ensure the AMA operates as a self-sustaining fund.

The AMP will accomplish these objectives by implementing advance mitigation projects designed to supply high-quality compensatory mitigation that will be available to satisfy future transportation project natural resources mitigation as required by applicable laws, regulations, permits, and agreements.

1.3 Program Roles and Responsibilities

Planning and implementation will be a joint effort between Caltrans Headquarters and Caltrans' 12 Districts. CDFW also has defined responsibilities. Their respective responsibilities are described below:

1.3.1 Caltrans Headquarters Responsibilities

- Administer the AMP.
- Manage the AMA.
- Maintain and monitor AMP guidelines and procedures.
- Maintain credit ledgers or otherwise track the usage of compensatory mitigation created by advance mitigation projects.
- Report biennially to the Legislature, as required by SHC 800.6(f).
- Consult with CDFW on all AMP activities, as required by SHC 800(a).
- Assist Districts with long-range planning for mitigation.
- Work with Districts, Division of Transportation Planning, and Division of Budgets to resource the advance mitigation planning and advance mitigation projects appropriately.
- Provide accurate AMA accounting to California Transportation Commission (CTC) annually.
- Measure efficiencies.
- Conduct outreach and information to stakeholders about AMP.
- Coordinate with resource agencies on processes and statewide agreements to support the AMP.

1.3.2 Caltrans Districts Responsibilities

- Adhere to and implement the AMP's guidelines and procedures.
- Plan, scope, and deliver advance mitigation projects that meet forecasted State Transportation Improvement Program/State Highway Operation and Protection Program (STIP/SHOPP) transportation project mitigation needs.
- Coordinate with Headquarters when consulting with natural resource agencies on advance mitigation project implementation and credit usage.
- Coordinate with relevant resource agencies during planning and advance mitigation project delivery as appropriate.
- Ensure adequate funding for mitigation is programmed as part of transportation projects.

- Use AMP credits for district transportation projects and reimburse the AMP as appropriate.
- Coordinate with Headquarters on mitigation tracking and reporting tasks and requirements.
- With Headquarters, maintain credit ledgers or otherwise track the usage of compensatory mitigation created by advance mitigation projects.
- Serve as point of contact for local and regional transportation agencies regarding potential use of excess credits.

1.3.3 CDFW Responsibilities

- Actively engage as Caltrans consults with CDFW on the AMP and associated AMP project-level implementation and credit application to future transportation projects.
- Provide feedback to Caltrans' planning and delivery of the AMP.
- Report biennially to the Legislature, as required by SHC 800.6(g).

1.4 Program Schedule

Implementation schedules for both the AMP and AMA are under development. The following schedule lists the major milestones for the AMP and advance mitigation projects.

Milestone	Date
Form Advance Mitigation Account	September 8, 2017
Publish Guidelines	Summer 2018
Advance mitigation project planning	Begin Summer 2018
Advance mitigation project scoping	Begin Winter 2019
Director of Transportation makes determination and justification that proposed expenditure is likely to accelerate transportation project delivery	Ongoing
Advance mitigation project programming	Ongoing
Advance mitigation project delivery	Ongoing
Advance Mitigation Account reimbursement	Ongoing
Mitigation tracking	Ongoing
California Department of Fish and Wildlife reports to Legislature on conservation value of advance mitigation	July 2018 and biennially thereafter
Caltrans reports to Legislature on project acceleration due to advance mitigation	July 1, 2019 and biennially thereafter
Caltrans reports Advance Mitigation Account activity to the California Transportation Commission (SHC 800.7)	Begin October 2019, annually thereafter

SHC = Streets and Highway Code

Details related to planning, scoping, programming, and subsequent advance mitigation project schedules are under development.

2.0 FUNDING

Commencing with the FY 2017–18, and continuing for a period of four years, the Director of Finance will direct the Controller to deposit no less than \$30 million into the AMA, a revolving fund located within the State Transportation Fund (SHC 800 and 800.7). Funds will be used by Caltrans Districts to implement advance mitigation projects to acquire and/or create mitigation credits and values in accordance with SHC 800.6(a).

2.1 Revolving Fund

AMA expenditures shall later be reimbursed from transportation project funding available at the time a planned transportation project is constructed (SHC 800.7). As required by law, Caltrans budgets for and undertakes activities required for environmental compliance, permitting, and mitigation of transportation projects. When jurisdictional agencies agree and the correct type and quantity of AMP credits are available, future transportation projects may purchase AMP mitigation credits to use to satisfy legal environmental compensatory mitigation requirements, thereby reimbursing the AMA. Therefore, funds used to reimburse the AMA will come from future transportation projects' programmed mitigation funds or local transportation agency reimbursement. Costs of mitigation required by transportation projects are typically federally reimbursable. See Section 8 for more information on AMA reimbursement.

The annual Budget Act and subsequent legislation may establish additional provisions and requirements for the program (SHC 800[d]).

3.0 ADVANCE MITIGATION PROJECT PLANNING

The primary goal of advance mitigation project planning is to address Caltrans' potential future compensatory biological mitigation needs by *justifying, authorizing, proposing, and scoping* an advance mitigation project in the AMP. The AMP process is not intended to provide transportation project-level assessment of environmental impacts for the purposes of scoping transportation projects, provide environmental analysis of transportation projects, or permit transportation projects. Caltrans transportation projects will still proceed under standard environmental and permitting processes and must demonstrate avoidance and minimization of environmental impacts prior to considering the use of compensatory mitigation.

The advance mitigation project planning process, broadly described, consists of three steps. First, a statewide assessment of the estimated potential compensatory mitigation⁴ need is performed, through a process referred to as the Statewide Advance Mitigation Needs Assessment (SAMNA). Next, regions are identified that have the potential to provide advance mitigation opportunities that meet the program objectives described under Section 1.2 above and provide for the best use of program funds through a process referred to as the Regional Advance Mitigation Needs Assessment (RAMNA). Lastly, candidate advance mitigation projects are proposed and scoped at the District level for possible funding through the AMA. A brief description of each step is provided below.

3.1 Statewide Advance Mitigation Needs Assessment (Step 1)

To get an idea of the type and quantity of compensatory mitigation that it may require, Caltrans will perform a SAMNA every two years. Using transparent and reproducible methods developed for the AMP, the SAMNA will forecast potential habitat-, species-, and/or resource-level impacts from multiple transportation projects identified in Caltrans' long-term transportation plans. Results will be organized by Caltrans District and by watershed and/or ecoregion for the future time interval defined by the specified long-term transportation plans (for example, 10 years) used for the analysis. Needs are based on anticipated SHOPP and STIP projects and their estimated potential compensatory mitigation.

3.2 Regional Advance Mitigation Needs Assessment (Step 2)

Once an overall estimate of potential compensatory mitigation needs is identified for the State, the AMP and the Districts will coordinate to identify geographic areas of interest (GAI)⁵ for RAMNA development that will optimize the investment of AMA funds toward meeting the AMP goals defined in Section 1.2 above. The AMP is preparing specific procedures and criteria for selection of the GAI for RAMNA development.

⁴ Laws and regulations that govern compensatory mitigation can be found in Caltrans Standard Environmental Reference Volume 3 –Biological Resources: <http://www.dot.ca.gov/ser/vol3/vol3.htm>

⁵ Caltrans anticipates that a geographic area of interest will be smaller than a District.

For each GAI, Caltrans will prepare a RAMNA to document its consideration of mitigation opportunities and constraints in the area. The RAMNA will:

- a. Identify transportation projects in long-range planning documents used to justify performing the assessment.
- b. Document Caltrans' rationale for selecting the GAI.
- c. Document Caltrans' forecast of compensatory mitigation needs, as predicted in the SAMNA.
- d. Summarize relevant information about potentially benefiting transportation projects, including scheduling considerations and constraints.
- e. Document the potentially benefiting transportation projects' acceleration priorities.
- f. Summarize natural resource agency conservation goals and objectives related to the natural resources forecasted to be impacted.
- g. Document land use, including existing protected lands.
- h. Describe existing compensatory mitigation opportunities authorized under SHC §800.6(a), including existing mitigation and conservation banks, in-lieu fee programs, Natural Community Conservation Plans/Habitat Conservation Plans (NCCPs/HCPs), Mitigation Credit Agreement (MCA) eligible Regional Conservation Investment Strategies (RCISs), credits developed under a CDFW-approved MCA, and mitigation developed in accordance with a programmatic mitigation plan pursuant to SHC 800.9.
- i. Describe the gap between the forecasted need for compensatory mitigation and existing supply.
- j. Propose options for creating, purchasing, or obtaining compensatory mitigation that has a high probability of successfully meeting SAMI's goals and objectives in the GAI.

Natural resource agency reviews and input to the RAMNA will be requested. The AMP is preparing specific procedures for RAMNA development.

3.3 Advance Mitigation Project Scoping (Step 3)

Once potential future compensatory mitigation needs are forecasted (Step 1) and opportunities and constraints are identified (Step 2), an advance mitigation project scope can be developed that addresses the objectives of the program as identified in Section 1.2 above. Informed by the SAMNA and RAMNA processes, Districts may propose candidate advance mitigation projects to the AMP for approval to be resourced to prepare scoping documents. Specific procedures for the resourcing and preparation of scoping documents are under development.

Each advance mitigation project scope will comply with all environmental laws and address Caltrans and CDFW tracking and reporting requirements. Advance mitigation projects that overlap with any approved

NCCP⁶ or approved regional federal HCP, shall be consistent with that plan, any overlapping state or federal recovery plan, or other state- or federal-approved conservation strategy (800.6[d]).

Advance mitigation projects with scoping documents are eligible for nomination by Districts for programming and funding from the AMA, pending the approval of the Director as described in Section 4.1, below.

⁶ Where NCCPs exist within the geographic area of interest, additional considerations apply that will affect the subsequent proposal, scoping, and delivery of an advance mitigation project pursuant to SHC 800.6(a)(3), 800.6(d) and 800.6(e). SHC 800.6(e) requires Caltrans, if eligible to be a special participating entity, to first approach the NCCP and be declined coverage for the given activity before another source of credits, including those created under the AMP, may be used. To prevent AMA funds from being wasted on unusable credits, Districts must demonstrate that they have already met the conditions of SHC 800.6(e) prior to proposing an advance mitigation project for funding under the AMP.

4.0 ADVANCE MITIGATION PROJECT PROGRAMMING

Specific procedures for programming, resourcing and delivery schedule development, as well as procedures for AMP projects, are being prepared.

Caltrans Districts will nominate advance mitigation projects for programming. In the event implementing all nominated projects would exceed available funding, AMP advance mitigation project Prioritization Criteria will be applied to nominated projects. The Prioritization Criteria are under development.

AMP advance mitigation projects' programmed funds will originate from the AMA. Procedures for Districts to access AMA funds are under development.

4.1 Director's Approval

As provided by SHC 800.6(i), prior to making any expenditure from the AMP, Caltrans' Director of Transportation shall make a determination and justification that the proposed expenditure is likely to accelerate delivery of specific projects.

5.0 AGENCY PARTNERS

Caltrans regularly consults with CDFW; the California State Water Resource Control Board; the U.S. Army Corps of Engineers, South Pacific Division; the U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; and the National Marine Fisheries Service (“Agency Partners”) on how to apply the U.S. Department of Transportation, Federal Highway Administration’s Eco-Logical vision for how infrastructure development and ecosystem conservation can be integrated to harmonize economic, environmental, and social needs and objectives.

To this end, in 2016, Agency Partners renewed a 2009 Memorandum of Understanding (MOU) Regarding the Development and Implementation of the Statewide Advance Mitigation Initiative for Caltrans Projects Throughout the State of California (“2016 SAMI MOU”), with the following objectives: (1) improve Caltrans’ transportation project delivery outcomes; (2) improve environmental outcomes by aligning compensatory mitigation needs to address conservation priorities⁷; and (3) efficiently plan and deliver successful and compliant advance mitigation projects.

In the 2016 SAMI MOU, Agency Partners committed to develop a formalized and mutually agreeable process for implementing advance mitigation projects. This process, which will require Caltrans to check in with Agency Partners, would establish a framework for incorporating Agency Partner review and technical guidance into planning, development, advancement and tracking of Caltrans’ advance mitigation projects and defined specific points in Caltrans’ project planning and delivery process. This “Process Agreement,” the Master Agreement for Planning and Developing Advance Mitigation throughout California for the Caltrans Advance Mitigation Program, is under development.

Consistent with the 2016 SAMI MOU and the 2018 Process Agreement, the Act specifically directs Caltrans to consult with CDFW on all activities pursuant to AMP (SHC 800[a]). Specific terms for this consultation, and how it will relate to the Process Agreement, are under discussion.

⁷ “Conservation priorities” is defined as a broad set of regional natural resource sustainability goals and objectives that are consistent with both regulatory requirements and conservation science.

6.0 ADVANCE MITIGATION PROGRAM ELIGIBILITY

Three kinds of AMP-related eligibility are discussed below: 1) entities eligible to use AMP funding; 2) advance mitigation projects eligible for AMP funds; and 3) transportation projects eligible to use AMP-funded mitigation.

6.1 Eligible Program Funding Recipients

Caltrans Districts are eligible to use AMP funds to implement advance mitigation projects. Districts are encouraged to work with their local transportation agency partners for potential reimbursement to the program should Caltrans not have a use for the credits developed.

6.2 Eligible Advance Mitigation Projects

AMP project Eligibility Criteria are under development. At a minimum, an eligible advance mitigation project shall exhibit the following key attributes:

- It is likely to accelerate the delivery of planned transportation projects.
- It is an authorized activity pursuant to SHC 800.6(a) that will:
 - 1) Purchase, or fund the purchase of, credits from an existing mitigation bank, conservation bank, or in-lieu fee program approved by one or more regulatory agencies.
 - 2) Establish, or fund the establishment of, credits by establishing a mitigation bank, conservation bank, or in-lieu fee program in accordance with applicable state and federal standards.
 - 3) Pay, or fund the payment of, mitigation fees or other costs or payments associated with coverage of transportation projects under NCCPs or HCPs.
 - 4) Allow Caltrans to do any of the following, where an RCIS has been approved by CDFW pursuant to Regional Conservation Investment Strategies Program Guidelines⁸:
 - Enter into, or fund the preparation of, MCAs with CDFW; purchase credits from an established MCA.

⁸ <https://www.wildlife.ca.gov/Conservation/Planning/Regional-Conservation>

- Implement, or fund the implementation of, conservation actions and habitat enhancement actions^{9,10,11} as needed to generate mitigation credits pursuant to an MCA.
 - Implement, or fund the implementation of, habitat enhancement actions^{9, 10} that would measurably advance a conservation objective specified in an RCIS, while offsetting anticipated transportation improvement impacts.
- 5) Be developed in accordance with a programmatic mitigation plan¹² pursuant to SHC 800.9¹³, if it is demonstrated that the bulleted items above are not feasible.

An advance mitigation project that meets Eligibility Criteria is not guaranteed programming and funding. Pursuant to SHC 800.6(i), an advance mitigation project must receive Caltrans Director of Transportation approval prior to having AMA funding allocated.

6.3 Transportation Projects Eligible to Use Mitigation

Mitigation generated or obtained using AMP funds may be used for transportation improvements funded by the SHOPP or STIP (SHC 800[b]). The individual transportation project seeking credits must reimburse the AMA at the pre-determined credit value, thereby replenishing the AMA. When in compliance with SHC 800.6(b) and authorized by laws applicable to the specific mitigation type, SHC 800.6(b) allows for the credits or values to be transferred to another transportation agency upon full reimbursement of the Caltrans AMA. Per SHC 800.5(i), projects associated with or interacting with the high-speed rail program are not eligible to use credits or values funded by the AMA.

⁹ “Conservation action” means an action identified in an RCIS whose implementation through an MCA would create credits to be used as compensatory mitigation. Actions would preserve or restore ecological resources including habitat, natural communities, ecological processes, and wildlife corridors to protect those resources permanently, and would provide for their perpetual management to help achieve one or more goals and objectives for one or more focal species or other conservation elements (California Department of Fish and Wildlife. 2017. Regional Conservation Investment Strategies Program Guidelines. June 5. Sacramento, CA).

¹⁰ “Habitat enhancement action” means an action identified in an RCIS that is intended to improve the quality of wildlife habitat, or to address risks or stressors to wildlife. It would have long-term durability but would not involve acquiring land or permanently protecting habitat. Examples of habitat enhancement actions include improving instream flows to benefit fish species, enhancing habitat connectivity, and controlling or eradicating invasive species. A habitat enhancement action that is implemented through an MCA would create credits to be used as compensatory mitigation (California Department of Fish and Wildlife. 2017. Regional Conservation Investment Strategies Program Guidelines. June 5. Sacramento, CA).

¹¹ Under specific conditions, fish passage and wildlife crossing structures may qualify as enhancement actions under an RCIS pursuant to Fish and Game Code §§ 1850 – 1861. These conditions are under development.

¹² A programmatic mitigation plan is defined in 23 U.S.C. 169(a).

¹³ No more than 25 percent of the funds in the AMA may be allocated for this purpose.

7.0 ADVANCE MITIGATION PROJECT DELIVERY

Advance mitigation projects will be undertaken to supply compensatory mitigation for potential use in Caltrans future transportation projects. Advance mitigation project delivery timelines, agency partners, contracting requirements, and processes will differ based on the type of mitigation purchased or developed. Caltrans Districts may contract out all aspects of project delivery (including design, environmental approval, credit and service area approval, permitting, and construction) or may elect to do some work in-house depending on the complexity of the project, staff expertise and availability, or other factors. It is the Districts' discretion, on a project-by-project basis, to determine the contracting level. Third-party entities experienced in managing lands for conservation, however, should be sought out to act as long-term managers, endowment managers, and holders of fee title.

Nevertheless, all advance mitigation projects will comply with applicable contracting laws, Caltrans' contracting procedures relevant to the AMP, conservation and mitigation bank rules and regulations, and all environmental laws.

Procedures and guidance for AMP project delivery are under development. AMP projects' programmed funds will originate from the AMA. Procedures for Districts to access AMA funds are also under development.

7.1 NEPA and CEQA Compliance

Caltrans is the California Environmental Quality Act (CEQA) lead agency for its advance mitigation projects. Caltrans is also the National Environmental Policy Act (NEPA) lead agency for projects requiring NEPA compliance. Appropriate CEQA- and NEPA-related documents and responsibilities for advance mitigation projects will be determined on a project-by-project basis and will be confirmed during advance mitigation project scoping. Whether or not Caltrans is preparing or overseeing an advance mitigation project's environmental documentation will determine whether Caltrans is the lead agency under NEPA for advance mitigation projects.

Further, as SHC 800.8 states,

"The [AMP] is intended to improve the efficiency and efficacy of mitigation only and is not intended to supplant the requirements of CEQA ...or any other environmental law.¹⁴ The identification of planned transportation projects and of [planned advance] mitigation projects or measures for planned transportation projects under this article does not imply or require approval of those projects for purposes of [CEQA] or any other environmental law."

Accordingly, nothing in the AMP is intended to be used as a substitute for or preempt any requirements to conduct detailed advance mitigation project-level environmental scoping and analysis to inform the programming of individual advance mitigation projects, or to preclude the requirements of CEQA and NEPA for environmental analysis and permitting for transportation projects.

¹⁴ Caltrans notes that some environmental laws related to mitigation restrict credit transfer.

8.0 ADVANCE MITIGATION PROJECT STATUS AND CREDIT TRACKING

In accordance with SHC 800.6 (c), Caltrans will track mitigation projects created by the program to use as credits for environmental mitigation.

Caltrans is developing tracking tools to be common to both Headquarters and Districts, to track advance mitigation under the AMP. Caltrans is exploring tracking credits and their usage by modifying Caltrans' existing databases that are used by project management and for environmental milestone monitoring. Caltrans intends to track all mitigation whether created, available, reserved, or debited (purchased and no longer available). Caltrans Districts will be responsible for entering and tracking available advance mitigation in the database and updating its status. Caltrans Headquarters will maintain the database and have the ability to access information for reporting, accounting, and communication purposes. Third-party managed mitigation, such as in-lieu fee programs, banks, and HCP/NCCPs, will have redundant ledgers for their own tracking purposes. Caltrans anticipates regular check-ins between the Headquarters, Districts, and/or third-parties to verify consistency among ledgers.

8.1 Calculations

8.1.1 Calculating Quantity of Mitigation Credits or Values

Caltrans will undertake advance mitigation projects to purchase or create mitigation credits or values of specified units to meet Caltrans' forecasted compensatory mitigation needs identified through Caltrans' planning process. For a direct purchase of existing credits or payment of fees, the amount of mitigation will be known ahead of time. However, when an advance mitigation project consists of creating or building mitigation, the advance mitigation project proponent and the approving agency(ies) will determine the actual number of credits or values created by an advance mitigation project. Depending on the advance mitigation project type, an advance mitigation project proponent may be Caltrans or a third-party, such as a private mitigation banking firm working under contract with Caltrans.

8.1.2 Reimbursement: Calculating the Cost of a Mitigation Unit

Pursuant to SHC 800.6(b), reimbursement costs shall be calculated using total cost accounting¹⁵ and shall include the following, as applicable: land acquisition or conservation easement costs; monitoring and enforcement costs; restoration, transaction, administrative, and contingency costs; and land management, monitoring, and protection costs. Caltrans will calculate the appropriate cost per unit for AMP-funded mitigation.

8.2 Revolving Fund

The Act, as amended by the Budget Act, established the AMA with the intent that the account would become self-sustaining through transportation projects reimbursing the fund for the mitigation they use at the time they go to construction, as provided by SHC 800.6(b). Caltrans is exploring both policy and

¹⁵ "Total cost accounting" represents the reimbursement of the cost of credit acquisition.

procedural avenues to maintain the AMA such that it is fully reimbursed through capturing the true cost of the mitigation at the time a transportation project reimburses the AMA.

9.0 USE OF MITIGATION BY TRANSPORTATION PROJECTS

Both SHC 800(b) and SHC 800.6(b) govern the use of credits by eligible transportation projects. Procedures for requesting use of and purchasing AMP mitigation by a transportation project are under development.

9.1 Accelerated Delivery Projects Using Advance Mitigation Credits

Procedures for tracking and measuring and assessing the acceleration of project delivery are under development.

9.2 Programming and Payment into the Revolving Fund and Account

Caltrans is developing policy and procedures for the following:

- Efficiently allocating and programming the AMA funds to the advance mitigation projects for their scoped activities.
- Transportation project programming requirements for mitigation costs
- Identifying transportation projects that are intending to be eligible to use the mitigation credits.
- Ensuring that the transportation projects reimburse the funds used back into the AMA as provided by SHC 800.6(b).
- Requiring the transaction to be recorded for the purposes of transparent accounting and reporting to the legislature as required by SHC 800.6(f) and to the CTC pursuant to SHC 800.7.

10.0 REPORTING

Both Caltrans and CDFW are required to submit biennial reports to the Legislature (SHC 800.6[f] and [g]). The reports will alternate years, with Caltrans reports due in odd-numbered years. Caltrans will also report AMA activity to the CTC (SHC 800.7).

10.1 Caltrans Reports to Legislature

Consistent with SHC 800.6(f), Caltrans will submit a report to the Legislature by July 1, 2019, and biennially thereafter. The report will

- Describe to what extent the AMP has accelerated the delivery of transportation projects.
- Provide an accounting of the AMA funds.
- Identify expected state and federal resource and regulatory agency mitigation requirements for transportation projects utilizing the AMP.
- Discuss the extent to which those requirements are satisfied using advance mitigation credits.
- Disclose the extent to which funds were used to prepare, or to fund the preparation of, regional conservation assessments and RCISs.

The report shall also make recommendations for maximizing the ability of the AMP to satisfy state and federal mitigation requirements.

10.2 CDFW Reports to Legislature

Consistent with 800.6(g), CDFW will submit a report to the Legislature by July 1, 2018, or one year after the initial AMP investments have begun, whichever is earlier, and biennially thereafter. The report will (a) describe the extent to which the AMP has improved the quality and effectiveness of habitat mitigation provided by Caltrans for transportation projects and (b) make recommendations for maximizing the quality and effectiveness of habitat mitigation developed pursuant to the AMP in the future.

10.3 Caltrans Reports to the California Transportation Commission

Consistent with SHC 800.7, Caltrans will include a report of AMA activity to the CTC in October of each year. By October 1 of 2018, and every year thereafter, Caltrans will submit a report to the commission, which will include money deposited and expended from the account, a list of transportation projects that purchased mitigation from the AMP, and the number of credits created and sold by the AMP.

11.0 COMMUNICATIONS PLAN

To enhance communications among Caltrans' AMP and internal and external stakeholders¹⁶, an AMP Communications Plan is under development (SHC 800[a]). The Communications Plan consists of how Caltrans will perform outreach and communicate the AMP background, purpose, objectives, strategy, needs, and collaborative opportunities to internal and external partners.

¹⁶ "Stakeholders" are individuals or organizations who are actively involved in the advance mitigation project or whose interests may be positively or negatively affected as a result of advance mitigation project execution or successful advance mitigation project completion.

12.0 RISK MANAGEMENT

Inherent in the objectives of the AMP, as identified in Section 1.2 of this document and SHC 800(a), is Caltrans' stewardship responsibilities toward both the environment and public resources, as exemplified in Caltrans' stewardship and sustainability goals. To that end, it is standard Caltrans practice to manage risks associated with its activities and expenditures.

Procedures for risk management associated with advance mitigation are currently under development, and will address risk throughout the advance mitigation process, from planning through advance mitigation project implementation, mitigation use and long-term management, of mitigation sites and the AMA itself.

At a minimum, consideration will be given to:

- Early communication and coordination with the natural resource agencies to ensure that the AMP will provide appropriate compensatory mitigation for the identified needs and to minimize the risk that the future transportation projects will not be approved to use the mitigation provided through the AMP.
- Ways to minimize and/or eliminate Caltrans' liability for mitigation to the maximum degree possible.
- Sustaining the long-term availability of funds in the AMA.

APPENDIXES

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Appendix C: Advance Mitigation Program Policy and Procedures List

APPENDIX A

Glossary of Terms

2016 Statewide Advance Mitigation Initiative Memorandum of Understanding (2016 SAMI MOU)	The “2016 SAMI MOU” is the following document: Memorandum of Understanding Regarding the Development and Implementation of the Statewide Advance Mitigation Initiative for California Department of Transportation Projects throughout the State of California,” which was signed by the Participating Agencies in June 2016. It is a non-binding memorandum establishing collaborative support for Caltrans’ AMP.
Advance Mitigation	<p>“Advance mitigation” means mitigation implemented before, and in anticipation of, environmental effects of planned transportation improvements.</p> <p>Caltrans’ expenditures on advance mitigation are allowable when consistent with Article 19, Section 2(a) of California’s Constitution, which authorizes the use of revenues from taxes imposed by the state on motor vehicle fuels to be used for the mitigation of environmental effects resulting from the construction, improvement, maintenance, and operation of public streets and highways.</p>
Advance Mitigation Program	Caltrans Advance Mitigation Program (AMP) was initiated in the State Highway Operations and Protection Program in 2013 and formally created by the Road Repair and Accountability Act of 2017 (SHC §800 et seq.).
Advance Mitigation Project	<p>An advance mitigation project is a programmed and funded endeavor undertaken to create, purchase, or obtain mitigation so that it is available for consideration and/or use by qualified future transportation projects.</p> <p>Advance mitigation projects include the authorized activities set forth in SHC §800.6(a). A list of advance mitigation project types is provided in Exhibit B of this Agreement.</p>
Agency Partners	“Agency Partners” refers to the resource agency signatories to the SAMI MOU, which include CDFW, Corps, EPA, FWS, State Water Board, NMFS, and any future signatories that would like to participate in this Process Agreement.
Candidate Project	Caltrans Districts select “candidate projects” from the suite of advance mitigation project conceptual proposals for scoping document development.
Conceptual Proposal	A “conceptual proposal” is a proposal for creating, purchasing, or obtaining compensatory mitigation that has a high probability of successfully meeting SAMI’s goals and objectives. Conceptual proposals are envisioned in a Regional Advance Mitigation Needs Assessment (RAMNA).

Compensatory Mitigation	“Compensatory mitigation” means the restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances, preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved (33 CFR 332.2). Further, for the purposes of this Process Agreement, “compensatory mitigation” also means the restoration, establishment, enhancement, and/or, in certain circumstances, preservation of habitat and other resources for the purposes of offsetting unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.
Conservation Goals and Objectives	“Conservation goals and objectives” are a broad set of regional natural resource sustainability goals and objectives that are consistent with both regulatory requirements and conservation science.
Geographic Area of Interest (GAI)	The term “geographic area of interest” or GAI refers to an area discussed in a RAMNA.
Long-Term Transportation Planning	Caltrans performs long-term transportation planning on 10- and 20-year horizons. This planning is performed under Caltrans’s various programs, which have different funding sources and financial constraints. Long-term transportation plans document the need for Caltrans to improve the State Highway System, as well as correct maintenance and other deficiencies in the State Highway System. Anticipated compensatory mitigation requirements for future transportation projects can be forecasted using information from Caltrans’ long-term plans. Transportation projects envisioned in long-term planning documents are conceptual and have not gone through the environmental and permitting process.
Mitigation Assets	Mitigation assets are mitigation credits or values defined in a Supplemental Agreement and owned or intended to be owned and used by Caltrans to satisfy future transportation project permit requirements.
Nominated Project	A “nominated project” is an advance mitigation project that is under Caltrans’ consideration for programming. Nominated projects are selected by Caltrans from the suite of candidate advance mitigation projects that have scoping documents.
Participating Agencies	The “Participating Agencies,” as applied to this Process Agreement, are Caltrans, CDFW, State Water Board, Corps, EPA, FWS, NMFS, and any future signatories that would like to participate in this Process Agreement.
Process Agreement	This agreement lays out a formalized and mutually agreed upon process for Agency Partners to provide input to Caltrans’ advance mitigation project planning and project delivery, under the AMP.

Programming	<p>The term “programming” refers to the process Caltrans employs to set priorities for funding advance mitigation projects at the District/project level. Through programming, Caltrans commits revenues over multi-year periods for specific advance mitigation projects.</p> <p>Regional Advance Mitigation Needs Assessment (RAMNA) A RAMNA documents Caltrans’ analysis of its forecasted compensatory mitigation needs for a GAI and specific time frame and identifies Caltrans options to meet those needs. The assessment is informed by the preliminary transportation project list and other data contained in a Statewide Advance Mitigation Needs Assessment (SAMNA). Local expertise and knowledge, Agency Partner input, and existing compensatory mitigation opportunities in the covered region also contribute to the assessment.</p>
Scoping Document	<p>An advance mitigation project scoping document identifies the purpose, need and feasibility of a candidate advance mitigation project at the District/project level. Agency Partners do not review scoping documents. If the candidate project is nominated for programming, the scoping document serves as a record of agreement between a District’s Director and Caltrans’ Director of Transportation or California Transportation Commission (CTC) on the now “nominated” advance mitigation project’s cost, scope, and schedule.</p>

APPENDIX B

Streets and Highway Code. Division 1. Chapter 4. Article 2.5. Advance Mitigation Program

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STREETS AND HIGHWAYS CODE - SHC

DIVISION 1. STATE HIGHWAYS [50 - 897] (*Division 1 enacted by Stats. 1935, Ch. 29.*)

CHAPTER 4. Cooperation By and With the State [760 - 834] (*Chapter 4 enacted by Stats. 1935, Ch. 29.*)

ARTICLE 2.5. Advance Mitigation Program [800 - 800.9] (*Article 2.5 added by Stats. 2017, Ch. 5, Sec. 35.*)

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.

(*Amended by Stats. 2017, Ch. 95, Sec. 10. Effective July 21, 2017.*)

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.

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=SHC&division=1.&title=&part=&chapter=4.&article=2.5

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(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.

(Added by Stats. 2017, Ch. 95, Sec. 11. Effective July 21, 2017.)

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

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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.

(Added by Stats. 2017, Ch. 95, Sec. 12. Effective July 21, 2017.)

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.

(Added by Stats. 2017, Ch. 95, Sec. 13. Effective July 21, 2017.)

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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.

(Added by Stats. 2017, Ch. 95, Sec. 14. Effective July 21, 2017.)

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.

(Added by Stats. 2017, Ch. 95, Sec. 15. Effective July 21, 2017.)

APPENDIX C

Advance Mitigation Program Policy and Procedures List

In this section, the use of “Chapter” as headings aligns with other Caltrans documents. It is the intent that the various sections be more easily accessible when the document becomes web-based.

Chapter 1	Introduction and Overview
FUNDING	
Chapter 2	SHC 800 et seq. Advance Mitigation Account (AMA), a revolving fund <ul style="list-style-type: none"> • Funding • Fund management • Non-wasting • Cost accounting for full reimbursement
Chapter 3	Procedures for SHOPP and STIP project reimbursement of the Advance Mitigation Account
Chapter 4	Procedures for Federal reimbursement of the Advance Mitigation Account <ul style="list-style-type: none"> • From an advance mitigation project • From a transportation project
Chapter 5	Procedures for tracking funds between transportation projects and the Advance Mitigation Account
Chapter 6	Procedures for accounting to the CTC
Chapter 7	Procedures for selling credits to other transportation agencies
Chapter 8	Procedures for reimbursing the Advance Mitigation Account from credit sales to other transportation agencies
Chapter 9	Non-AMA advance mitigation. Procedures to pay for advance mitigation developed under the SHOPP or other program <ul style="list-style-type: none"> • PCR for savings
PLANNING	
Chapter 10	Procedures for resourcing AMP related planning tasks <ul style="list-style-type: none"> • District PID resources
Chapter 11	Procedures for performing a Statewide Advance Mitigation Needs Assessment <ul style="list-style-type: none"> • Biannual update
Chapter 12	Transportation Project Mapping GIS standards
Chapter 13	Transportation Project Mapping GIS files and record keeping
Chapter 14	Procedures for writing an Regional Advance Mitigation Needs Assessment <ul style="list-style-type: none"> • Data sources and record keeping
Chapter 15	Procedures for nominating an advance mitigation project for programming <ul style="list-style-type: none"> • Roll of District Project Management Team (PMT) • Eligibility Criteria

SCOPING	
Chapter 16	Procedures for scoping an advance mitigation project <ul style="list-style-type: none"> Consider fact sheets, by type
Chapter 17	Scoping document guidance
Chapter 18	Procedures for nominating an advance mitigation project for programming <ul style="list-style-type: none"> Roll of District Project Management Team (PMT) Selection Criteria
Chapter 19	Procedures for Director's sign-off of scoping document
PROGRAMMING	
Chapter 20	Programming Guidance <ul style="list-style-type: none"> Programming procedures Programming documentation
Chapter 21	Guidance for phase coding
Chapter 22	Advance Mitigation project resource requirements
Chapter 23	Advance Mitigation Project Work Plan <ul style="list-style-type: none"> Advance mitigation project organization, roles and responsibilities, etc.
Chapter 24	Procedures for programming change
DELIVERY	
Chapter 25	CEQA/NEPA for advance mitigation projects
Chapter 26	Guidance for AMP advance mitigation agreements and contracts <ul style="list-style-type: none"> Third party transfer of liability
Chapter 27	Risk Management and Quality Control
Chapter 28	Project Design Support
PROGRAM MANAGEMENT	
Chapter 29	Procedures for District to request AMP credits
Chapter 30	Procedures for tracking AMP credits and their use by transportation projects
Chapter 31	Procedures for tracking advance mitigation credits, created through non-AMP funds <ul style="list-style-type: none"> SHOPP funded advance mitigation credits Excess transportation project credits
REPORTING	
Chapter 32	Reporting to the Director
Chapter 33	Reporting to the Agencies
Chapter 34	Reporting to the Legislature <ul style="list-style-type: none"> Caltrans 07/01/2019 CDFW 07/01/2018
OUTREACH AND EXTERNAL ENGAGEMENT	
Chapter 35	Communication Plan
Chapter 36	Guidance for Agency engagement <ul style="list-style-type: none"> Guidance for CDFW consultation on all activities Process Agreement