

2019088041

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of:

From: (Public Agency): Caltrans
50 Higuera Street
San Luis Obispo, CA 93401
(Address)

Project Title: Replace Failed Culvert , 05-SLO-101, PM 33.32 05-1J690/0518000012

Project Applicant: Caltrans

Project Location - Specific:

San Luis Obispo County, adjacent to the southbound US 101, Cuesta Grade at PM 33.32.

Project Location - City: near San Luis Obispo Project Location - County: San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project:

Install culvert under the old concrete highway where the original drainage path existed. The current flow path has caused a significant scour and undermining of the old highway. The undermined concrete slab will also be repaired as part of this work. All work activity is within Caltrans Right of Way.

Name of Public Agency Approving Project: Caltrans

Name of Person or Agency Carrying Out Project: Caltrans

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class I (d)
Statutory Exemptions. State code number:

Reasons why project is exempt:

The project will not have a significant effect on the environment, does not damage a scenic or historical resource, and will not be a significant cumulative effect.

Lead Agency
Contact Person: Allison Donatello Area Code/Telephone/Extension: 805-542-4685

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [X] No

Signature: [Signature] Date: 8/14/19 Title: Assoc. Env. Planner

Governor's Office of Planning & Research

[X] Signed by Lead Agency [] Signed by Applicant

AUG 14 2019

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

STATE CLEARINGHOUSE

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

05-SLO-101 33.32 05-1J690/0518000012
 Dist.-Co.-Rte. (or Local Agency) P.M./P.M. E.A/Project No. Federal-Aid Project No. (Local Project)/Project No.

PROJECT DESCRIPTION: (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use Continuation Sheet, if necessary.)

In San Luis Obispo County, at the bottom of the fill slope on the southbound side of the Cuesta Grade near Stage Coach Rd, an old culvert is no longer functioning, and drainage is causing damage to the old highway (Stage Coach Rd). The project includes installing a culvert under the old concrete highway where the original drainage path existed. The current flow path has caused a significant scour and undermining of the old highway. The undermined concrete slab will also be repaired as part of this work. All work activity is within Caltrans Right of Way.

CALTRANS CEQA DETERMINATION (Check one)

- Not Applicable – Caltrans is not the CEQA Lead Agency Not Applicable – Caltrans has prepared an Initial Study or Environmental Impact Report under CEQA

Based on an examination of this proposal, supporting information, and the above statements, the project is:

- Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)
 Categorically Exempt. Class 1 d (PRC 21084; 14 CCR 15300 et seq.)

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply:

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

- Common Sense Exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (14 CCR 15061[b][3].)]

Randy LaVack

Print Name: Senior Environmental Planner or Environmental Branch Chief

Randy LaVack
 Signature

8-14-19
 Date

Berkeley Lindt

Print Name: Project Manager

Berkeley Lindt
 Signature

8-14-19

Date

NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

CALTRANS NEPA DETERMINATION (Check one)

- 23 USC 326:** The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated May 31, 2016, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)()
- 23 CFR 771.117(d): activity (d)()
- Activity ___ listed in Appendix A of the MOU between FHWA and the State

- 23 USC 327:** Based on an examination of this proposal and supporting information, the State has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 29, 2016 and executed by FHWA and Caltrans.

N/A

Print Name: Senior Environmental Planner or Environmental Branch Chief

Signature

Date

Print Name: Project Manager/DLA Engineer

Signature

Date

Date of Categorical Exclusion Checklist completion:

Date of ECR or equivalent :

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

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CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

05-SLO-101	33.32	05-1J690/0518000012	
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

Continued from page 1:

Avoidance and Minimization Efforts

Standard best management practices from Caltrans Standard Specifications 2015 shall be followed. Construction staging, material storage, and layout areas shall be limited to existing pullouts and previously paved areas only. The following avoidance and minimization measures will protect nesting bird species and special-status species that may be present in or near the project impact area:

1. A Caltrans biologist shall conduct a preconstruction survey and be on-site during initial ground disturbance. Should a special-status species be discovered, all work will stop until it is out of harms way. Should a State listed species be found, all work will stop and the California Department of Fish and Wildlife (CDFW) will be notified. Work may resume if the species leaves the work area or with CDFW permission. In the event that a federal listed species is found during work activities, all work that could affect the species will be stopped, the U.S. Fish and Wildlife Service will be notified, and work will only resume with their permission. Please contact District 5 Biologist Barrett Holland (805-549-3573) to arrange a pre-construction survey and to be on-site during initial ground disturbance.
2. Nesting Birds: To comply with the provisions of the Migratory Bird Treaty Act and CDFG Code Sections 3503 and 3503.5, construction will occur between September 15 and February 15, to the extent possible, to avoid impacts to nesting birds. If construction is proposed for the breeding season, contact District 5 Biologist Barrett Holland (805-549-3573) to arrange a preconstruction survey at least two weeks prior to project start. If nesting activity is detected, Caltrans will, if possible, establish a buffer around the nest(s). The buffer will be maintained, and construction activities will avoid nest sites until the biologist determines that the young have fledged, or nesting activity has ceased. Typical buffers for nests include 250 feet for passerines and 500 feet for raptors.
3. Storage Areas: Material and equipment storage is restricted to existing unvegetated pull-outs and paved areas in the State right-of-way and not within the drip-line of oak trees and outside of the riparian corridor. Storage areas proposed by the contractor that are outside of the right-of-way shall be reviewed in advance by District 5 Biologist Barrett Holland (805-549-3573).
4. Aquatic Resources: Measures shall be taken to avoid direct and indirect impacts to waterways and riparian habitat.
 - a. No work within drainages, streams or riparian zones shall occur.
 - b. Standard best management practices shall be enacted to ensure that sediment and run-off do not occur.
 - c. Vehicles and equipment shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.
 - d. Vehicles and Equipment shall be refueled at least 100 feet from the drainages within the project area. All refueling, and equipment maintenance should be conducted away from waterbodies to avoid accidental contamination.
5. Invasive Species: To reduce the spread of invasive non-native plant species, Caltrans will implement the following protection measures to comply with Executive Order (EO) 13112:
 - a. Invasive plants are known on the project site, therefore any plant materials removed during construction will be contained and treated as trash and disposed of in a permitted landfill.

Governor's Office of Planning & Research
AUG 14 2019
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