

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): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

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));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

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 No

Signature: Shawn Oriaz Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

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: _____

Governor's Office of Planning & Research

Jul 30 2020

STATE CLEARINGHOUSE

Revised 2011



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 05/2020)**

Project Information

DIST-CO-RTE: 08-RIV-15

PM/PM: 8.2/23.9

08-RIV-91

7.5/13.4

EA: 1L680/0820000138

Federal-Aid Project Number: n/a

Project Description

The scope of this project includes slab replacement on the main lanes, slurry seal and digouts at on/off ramps, four new maintenance vehicle pullouts, and four retaining walls (type 6) on Tyler Street on/off ramps. All work is within State ROW.

Caltrans CEQA Determination (Check one)

- Not Applicable** – Caltrans is not the CEQA Lead Agency
 - Not Applicable** – Caltrans has prepared an IS or EIR under CEQA
- Based on an examination of this proposal and supporting information, the project is:
- Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)
 - Categorically Exempt. Class 1.** (PRC 21084; 14 CCR 15300 et seq.)
 - No exceptions apply that would bar the use of a categorical exemption (PRC 21084 and 14 CCR 15300.2). See the [SER Chapter 34](#) for exceptions.
 - Covered by the 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].)

Senior Environmental Planner or Environmental Branch Chief

for *Shawn Oriaz*

07/27/2020

Gabrielle Duff

Signature

Date

Project Manager

Michael Ristic

07/27/2020

Mike Ristic

Signature

Date



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Caltrans NEPA Determination (Check one)

Caltrans 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). See SER Chapter 30 for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

[] 23 USC 326: Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2019, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

- [] 23 CFR 771.117(c): activity (c)(Enter activity number)
[] 23 CFR 771.117(d): activity (d)(Enter activity number)
[] Activity Enter activity number listed in Appendix A of the MOU between FHWA and Caltrans

[] 23 USC 327: Based on an examination of this proposal and supporting information, Caltrans 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 23, 2016 and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

n/a Print Name, n/a Signature, n/a Date

Project Manager/ DLA Engineer

n/a Print Name, n/a Signature, n/a Date

Date of Categorical Exclusion Checklist completion: n/a

Date of Environmental Commitment Record or equivalent: 07/24/2020

Briefly list environmental commitments on continuation sheet if needed (i.e., not necessary if included on an attached ECR). Reference additional information, as appropriate (e.g., additional studies and design conditions).



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Continuation sheet:

Purpose: The purpose of the project is to improve ride quality and preserve and extend life of the existing pavement.

Need: The deteriorating pavement is causing poor ride quality and needs frequent maintenance.

Program: This a Maintenance (HM) project under program code 20.80.110, and PMCS code HM1

Natural Environment Study (Minimal Impact) – July 24, 2020

Screened Undertaking Section 106 Compliance Memorandum – April 30, 2020

Initial Site Assessment (ISA) Checklist- July 21, 2020

Air Quality Memorandum – May 18, 2020

Noise Study Memorandum – May 22, 2020

Biological Studies:

In coordination with District Biological Studies, a Natural Environment Study (Minimal Impacts) (NES[MI]) was prepared and approved on July 24, 2020. The NES(MI) determined that the proposed project will have “No Effect” to any Federally-listed species or their habitat, pursuant to Section 7(a)(2) of the Federal Endangered Species Act and would result in “No Take” to any State-listed species or their habitat, pursuant to the California Endangered Species Act. Caltrans anticipates no regulatory permits.

- **BIO-1: Environmentally Sensitive Area Designation and Delineation:** shall determine the need for and placement of ESA fencing around areas that will be avoided by the project. No construction activities shall be allowed outside areas limited by the ESA fencing.
- **BIO-2: Equipment Staging:** Equipment, vehicles, and materials staging, and storage must be in previously paved or previously disturbed areas.
- **BIO-3: Pre-Construction Nesting Bird Survey:** If construction occurs during the nesting bird season (February 1 to September 30), A pre-construction survey will be conducted by a authorized biologist to determine the presence or absence of nesting birds within the BSA. The nesting bird survey will be conducted no more than three (3) days before start of work. The designated biologist will report the results of the survey to the Caltrans resident engineer. If an active avian nest is located, a 300 foot no construction buffer (500 foot for raptors) will be put in place until nesting has ceased or the young have fledged.

Cultural Studies: Section 106 Screened Undertaking:

In coordination with District Cultural Studies, a Cultural Resources Compliance Memorandum was prepared and approved April 30, 2020. The project as currently proposed has been determined as a screened undertaking, with no potential to affect historic properties eligible for or listed on the National Register of Historic Places. As a result, this project is exempt from further review and the Section 106 compliance process is complete, CEQA cultural resources component, and PRC 5024 compliance are complete. The provisions of the PRC 5024 MOU, Attachment 2 have been applied to this project. This project falls under: Class 1, “Pavement reconstruction, resurfacing, shoulder backing, or placement of seal coats,” Class 4, “Establishment of chain control areas, park-and-ride lots, or maintenance pullouts,” Class 5, “Minor modification of interchanges and realignments of on/off ramps,” Class 7, “Installation of noise barriers or retaining walls,” and Class 14, “Installation, removal or replacement of roadway markings,



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such as painted stripes, raised pavement markers, thermoplastic tape, or raised bars, or installation of sensors in existing pavements.”

- CR-1: If buried cultural resources are encountered during Project Activities, it is Caltrans policy that work stop within 60 feet of the area until a qualified archaeologist can evaluate the nature and significance of the find.
- CR-2: In the event that human remains are found, the county coroner shall be notified and ALL construction activities within 60 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the District 8 Division of Environmental Planning; Andrew Walters, DEBC: (909)383-2647 and Gary Jones, DNAC: (909)383-7505. Further provisions of PRC 5097.98 are to be followed as applicable.

Hazardous Waste:

In coordination with District Environmental Engineering, an Initial Site Assessment (ISA) Checklist was prepared and approved by District Environmental Engineering on July 21, 2020. According to the ISA Checklist, the project's potential for hazardous waste involvement as “Minimal”.

Hazardous Waste Environmental Commitments include:

HW-1: Include SSP 7-1.02K (6)(j)(iii) for non-hazardous ADL.

Air Quality:

District Environmental Engineering provided a memorandum, May 18, 2020 stipulating that the project is exempt from all air emissions analysis, therefore the project does not require an Air Quality report.

Noise:

District Environmental Engineering provided a memorandum on May 22, 2020 and determined that this is a Type II project per Traffic Noise Analysis Protocol. Therefore, a noise study is not required.

Paleontological Studies:

In coordination with District Paleontology, it was determined July 21, 2020 no paleontological studies are required.

Changes to the project's scope of work (including any changes necessitated by utilities), limits, construction strategy and/or staging and storage requirements, and/or the timeframe of construction, as well as Final Design (PS&E) efforts not addressed during preliminary design (PA&ED), will require that the District's Division of Environmental Planning be notified in a timely manner, to determine if performance of an Environmental Re-Evaluation will be required—and to otherwise confirm that the environmental documentation for CEQA compliance remains valid. Updates to the original Technical Studies, or preparation of new Technical Studies may be required and/or new CE Determination Form may need to be completed, and/or an Environmental Document may need to be prepared and approved to document the project's compliance with all applicable CEQA requirements.



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If an Environmental Reevaluation is determined to be necessary, it will need to be completed before the associated scope of work, or project limits or other change(s) being considered for the project, are implemented.

An Environmental Certification will be required at the end of the PS&E phase—prior to Ready-to-List.

The District's Division of Environmental Planning needs to be notified in a timely manner, if the project's scope of work, project limits, construction strategy and/or staging and storage requirements, and/or the timeframe of construction, changes during the Construction Phase, to determine if an Environmental Reevaluation (including possible updates to the original Technical Studies, or preparation of new Technical Studies) is required, and/or a new CE Determination Form may need to be completed, and/or an Environmental Document may need to be prepared and approved to document the project's compliance with all applicable CEQA requirements. If an Environmental Reevaluation is determined to be necessary, and/or additional analysis is required, all such efforts would be required to be completed before the scope of work (or project limits) change(s) being considered for the related portion of the project were implemented. Construction work consistent with the project scope included in the Environmental Certification issues for the project could continue, however, advance coordination with the Senior Environmental Planner assigned to this project would be necessary.

Completion of a Certificate of Environmental Compliance at Construction Contract Acceptance will be required following completion of construction of the project.

Completion of a Certificate of Environmental Compliance is required prior to project close-out.