

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: Contra Costa County

From: (Public Agency): Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

(Address)

Project Title: CCTA State Route 239 Project – Field Surveys on California State Park Properties

Project Applicant: Contra Costa Transportation Authority

Project Location - Specific:

Vasco Road and Marsh Creek Road (APNs 007-380-004-7, 007-380-005-4, 007-380-0

Project Location - City: Brentwood, CA Project Location - County: Contra Costa County

Description of Nature, Purpose and Beneficiaries of Project:

The purpose of the activity is to complete information gathering field surveys to support the CCTA's State Route 239 Project environmental document. The Project would consist of biological, cultural, paleontological, and baseline noise surveys and would not require ground disturbance or generate lasting environmental impacts.

Name of Public Agency Approving Project: Contra Costa Transportation Authority

Name of Person or Agency Carrying Out Project: Contra Costa Transportation Authority

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: Class 6, Section 15306
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Project consists of temporary survey work on Marsh Creek State Historic Park property and would be classified as basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource per CCR 15306.

Lead Agency

Contact Person: Stephanie Hu Area Code/Telephone/Extension: 925-256-4740

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:  Digitally signed by Stephanie Hu
Date: 2021.05.02 22:17:01 -0700 Date: 4/26/2021 Title: Director, Projects

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: _____

**Contra Costa Transportation Authority (CCTA) State Route 239 Project –
Field Surveys on California State Park Properties
Notice of Exemption (NOE)**

The Contra Costa Transportation Authority (CCTA), as Lead Agency under the California Environmental Quality Act (CEQA), proposes to perform field surveys on California Department of Parks and Recreation (State Parks) property (proposed project) to support the preparation of environmental documentation for a future State Route 239.

Project Location:

The proposed project would consist of pedestrian-only field surveys within the Marsh Creek State Historic Park, in the area bounded by Marsh Creek Road, Vasco Road, Walnut Boulevard, and Camino Diablo in Contra Costa County. The proposed project would occur on assessor parcel numbers (APN) 007-380-004-7, APN 007-380-005-4, APN 007-380-006-2, APN 007-380-007-0, and APN 007-380-010-4.

Existing Conditions:

Marsh Creek State Historic Park is one of the newest state parks and is temporarily closed to the public as of February 26, 2021 (State Parks 2021). The Marsh Creek State Historic Park encompasses 3,659 acres of natural habitat, wildlife, and unique cultural features, including the historic John Marsh Home (State Parks 2021). Surrounding land uses including single-family residential developments, agricultural lands, and open space. In addition, the City of Brentwood city limits are located just northwest of the proposed project site.

Description of Project:

The proposed project would consist of biological, cultural, paleontological, and noise field surveys within the Marsh Creek State Historic Park, on APNs 007-380-004-7, 007-380-005-4, 007-380-006-2, 007-380-007-0, and APN 007-380-010-4. Field survey work would take place over a maximum of ten days from May 1, 2021 to May 1, 2022. No ground disturbance would occur as a result of the proposed project.

Biological Resource Work: Biological field surveys would include field observation of each parcel, including taking photographs, making notes, and recording GPS location data. Some samples of leaves or flowers would potentially be taken to confirm species identification, if photographs are not a viable alternative.

Cultural Resource Work: Cultural Resource field work would be limited to inspection of the ground surface, with special focus on exposed soil, and aboveground artifacts and buildings. Photographs of surveyed areas would be taken to show existing conditions and GPS location data may be recorded.

Noise Work: Noise field work would include identifying land uses and taking noise measurements. Short-term (approximately 30-minute) and long-term (approximately 24 to 48 hours) noise measurements would potentially be conducted during noise fieldwork. Short-term measurements would be attended by a staff person and equipment would be removed as soon as measurements are complete. Long-term measurements would require temporarily affixing equipment to a post or tree for a duration of up to 48 hours.

Applicability of Exempt Status:

The proposed activity is a project subject to CEQA. However, the proposed project is Categorically Exempt under CEQA Guidelines §15306 – Information Collection Projects. The proposed project is categorically exempt because of the following considerations:

Information Collection Projects (Class 6)

The Class 6 exemption includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded (CEQA Guidelines §15306).

The proposed project involves biological, cultural, paleontological, and noise field surveys on State Parks property to support the preparation of environmental documentation for a future State Route 239. The proposed project would be temporary in nature (take place for a maximum of 10 days) and would not result in ground disturbance or major impacts to an environmental resource on the State Park property.

Reasons Why the Project Is Exempt:

The following summarizes the determination that the proposed project does not have the potential to trigger any of the exceptions identified in State CEQA Guidelines §15300.2 prohibiting the use of a categorical exemption.

- a. **Location.** The proposed project would be located on the Marsh Creek State Historic Park property which contains particularly sensitive environment resources, such as biological and historic resources. Surrounding land uses consist of residential, agricultural, and open space uses; however, the proposed project would not extend into any offsite areas. While multiple sensitive environmental resources are present at the project site, the proposed project would include biological, cultural, paleontological, and noise field surveys for a maximum of ten days and would not directly or indirectly impact sensitive environmental resources in the project area. Therefore, this exception does not apply to the proposed project.
- b. **Cumulative Impact.** There are no known future projects within the project area that when combined with the temporary activities of the proposed project would result in a cumulatively considerable effect on the environment. Therefore, this exception does not apply to the proposed project.
- c. **Significant Effect.** There is no reasonable possibility that the proposed activity would have a significant effect on the environment as a result of unusual circumstances. The proposed project would consist of biological, cultural, paleontological, and noise field surveys for a maximum of 10 days and would not result in ground disturbance or major impacts to environmental resources. Additionally, according to the State Parks website, the Marsh Creek State Historic Park is temporarily closed to the public as of February 26, 2021 (State Parks 2021) and therefore the proposed project would not interfere with Park operations.
- d. **Scenic Highways.** Marsh Creek Road and the California Delta Highway (SR 4) in the project area are designated as eligible for listing on the State Scenic Highway System (Caltrans 2021); however, no officially designated State Scenic Highways are located in the project vicinity. Implementation of the proposed field surveys in the project area would be a temporary action and would not result in direct or indirect impacts on the eligibility of Marsh Creek Road and the California Delta Highway (SR 4) for designation as State scenic highways, or impact scenic resources near the eligible scenic highway. Therefore, this exception does not apply to the project.
- e. **Hazardous Waste Sites.** A search of the State Water Resources Control Board GeoTracker website (SWRCB 2021) and the Department of Toxic Substances Control EnviroStor website (DTSC 2021) was conducted on April 28, 2021. No hazardous waste sites were located within a one-mile vicinity of the project site on either database. Additionally, the proposed project would only include pedestrian field surveys, and no ground disturbance would occur as a result of the proposed project. Therefore, the proposed project would not result in a significant impact related to hazardous materials.
- f. **Historical Resources.** Portions of the proposed project site include historic features such as corrals and an abandoned mine that support the historic nature of the designated Cowell Ranch/John Marsh House historic resource. Additionally, portions of the project site have been designated as Primary Historic Zones under the Marsh Creek State Park General Plan and have a potential for unknown historic, archaeological, and/or paleontological resources within the project site. Although multiple recorded and unknown historical resources are present at the project site, the proposed project would include biological, cultural, paleontological, and noise field surveys for a maximum of ten days and would not result in ground disturbance or major impacts to historical resources. Therefore, the proposed project

would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines, and this exception does not apply to the project.

References

- California Department of Parks and Recreation (State Parks). 2021. Marsh Creek State Historic Park-Park Info. Available: https://www.parks.ca.gov/?page_id=525. Accessed April 28, 2021.
- California Department of Transportation (Caltrans). 2021. California State Scenic Highway System Map. Available: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>. Accessed April 28, 2021.
- Department of Toxic Substances Control (DTSC). EnviroStor. Available: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Brentwood+ca>. Accessed April 28, 2021.
- State Water Resources Control Board (SWRCB). 2021. Geotracker. Available: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=brentwood+ca>. Accessed April 28, 2021.