



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 04/2021)**

Project Information

Project Name (if applicable): Bakersfield 99 Rehab Replacement Planting

DIST-CO-RTE: 06-KER-99

PM/PM: 23.6/28.4

EA: 06-0Q281

Federal-Aid Project Number: NA

Project Description

Install new highway planting and irrigation system along State Route 99 in Bakersfield (Kern County) from post mile 23.6 to 28.4. The new planting will minimize visual quality resulting from the roadway construction project. It will provide for screening, permanent erosion control, and soil stabilization. All work will be performed within existing Caltrans right-of-way.

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 1c.** (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

G. William "Trais" Norris III	<i>G. William "Trais" Norris, III</i>	5/20/21
Print Name	Signature	Date

Project Manager

Paul Pineda	<i>Paul Pineda</i>	5/20/21
Print Name	Signature	Date



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Caltrans NEPA Determination (Check one)

Not Applicable

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)(7)
23 CFR 771.117(d): activity (d)
Activity 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

G. William "Trais" Norris III
Print Name
Signature: G. William "Trais" Norris, III
Date: 5/20/21

Project Manager/ DLA Engineer

Paul Pineda
Print Name
Signature: Paul Pineda
Date: 5/20/21

Date of Categorical Exclusion Checklist completion (if applicable): NA
Date of Environmental Commitment Record or equivalent: 5/7/21

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:

A lead compliance plan developed by a Certified Industrial Hygienist is required for this project.

Add Caltrans' Standard Special Provision for Earth Material Containing Lead to the contract.

Biology

Pre-construction surveys will be conducted no more than 30 days before the beginning of ground disturbance.

Prior to the start of ground disturbance and/or construction, Caltrans will submit a letter report and map showing results of surveys and location of any potential and/or known dens to U.S. Fish and Wildlife Service.

A qualified biologist(s) will be on-site during initial ground-disturbance occurring within 500 feet of any potential or known dens. The biologist(s) also will be available on-call when not on-site.

A qualified biologist(s) will conduct an environmental awareness training program for all construction personnel, covering the status of the San Joaquin kit fox, the importance of avoiding impacts to the species, and the penalties for not complying with minimization requirements.

All San Joaquin kit fox dens identified during preconstruction surveys and/or construction that will not be directly affected by the project and can be avoided (i.e. no excavation or collapse required) will be protected by an exclusion zone:

- Potential and atypical dens that are located at least 50 feet from construction will be protected by a 50-foot zone. Known dens that are located at least 100 feet from construction will be protected by a 100-foot zone.
- The exclusion zones will be marked by fencing/flagging that does not prevent access to the den by the San Joaquin kit fox.
- In instances where 50 foot or 100 foot exclusion zones cannot be maintained, potential, atypical, and/or known dens will be monitored using tracking medium and/or a remote sensor camera; once these dens are verified to be unoccupied, they will be blocked temporarily (via sandbagging or installation of a one-way door) for the duration of the project, for no more than one season.
- Den closures will take place outside of the breeding/pupping season, which extends approximately from January 1 to June 30.



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- A qualified biologist(s) will check all closed den sites every two weeks to ensure that the exclusion devices remain intact for the duration of the project. If animal activity is observed, the biologist(s) will monitor the site for a minimum of three consecutive nights, verify the den is unoccupied, and apply a new temporary exclusion device. Exclusion devices will be removed once approval is received from the Service.

All San Joaquin kit fox dens identified during preconstruction surveys and/or construction that will be affected directly by the project and cannot be avoided will be monitored for a minimum of three consecutive nights using tracking medium and/or a remote sensor camera, and depending on the results, will be excavated and/or collapsed.

Potential dens: The entrances of dens where there is no detection of the San Joaquin kit fox or other animal activity will be collapsed and then re-checked just prior to groundbreaking to ensure they remain collapsed and do not show evidence of animal entry or use.

- Known dens: Any den which is identified as having been active in the past but is inactive at present will be hand excavated and collapsed. Currently active dens will not be excavated during the breeding/pupping season, which extends from about January 1 to June 30. Outside of the breeding/natal season, the San Joaquin kit fox will be allowed to leave active dens without disturbance. Only when these dens are confirmed to be unoccupied, following approval by the U.S. Fish and Wildlife Service, will the qualified biologist(s) oversee their hand excavation and collapse.
- If a natal/pupping den is discovered either within the project footprint or 200 feet out from the edge of the footprint, Caltrans will notify the U.S. Fish and Wildlife Service immediately.
- Prior to the start of ground disturbance and/or construction activities, Caltrans will submit to the U.S. Fish and Wildlife Service a report describing any measures taken to set up exclusion zones, block dens, and/or excavate dens.

Environmentally Sensitive Area fencing that is permeable to the San Joaquin kit fox will be installed 20 feet away from any den opening, as well as 10 feet beyond the edge of pavement east of the northbound State Route 99 off-ramp at 24th Street/State Route 178 in order to accommodate the installation of the fiber optic cable. The fencing will be checked every two weeks to ensure it remains intact for the duration of the project.

For work activities occurring during nighttime hours, Caltrans proposes to:

- Ensure that the speed limit for construction-related traffic within the work zones will be limited to a maximum of 10 miles per hour to prevent equipment/vehicle strikes. Off-road traffic outside of designated areas will be prohibited and implement dust control measures to improve driver visibility at night.



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- Provide monthly San Joaquin kit fox awareness training reminders to night crew personnel and have a qualified biologist(s) conduct at least one worksite spot check per night for the San Joaquin kit fox between the hours of dusk and dawn.

All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site to reduce the potential for attracting predator species.

No pets or firearms will be allowed on the project site.

Parts of the project area that are affected temporarily will be re-contoured and re-vegetated with an appropriate, weed-free native plant seed mixture following the completion of construction.