



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

Project Information

Project Name (if applicable): Kern 33 Culvert Rehab

DIST-CO-RTE: 06-KER-33

PM/PM: 21.8-39.8

EA: 06-0X240

Federal-Aid Project Number: 0618000043

Project Description

The California Department of Transportation (Caltrans) proposes to repair, replace, and/or rehabilitate 40 existing culverts on State Route 33 passing through the census-designated town of McKittrick, from 0.9 mile south of Henry Road to 0.2 mile north of Cymric Road (North) (post miles 21.8 to 39.8) in Kern County.

The purpose of the project is to repair, replace and/or rehabilitate 40 culverts at various locations on State Route 33. The project is needed because the culverts have reached or exceeded their design life.

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

Print Name	Signature	Date
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Project Manager

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)(Enter activity number)

23 CFR 771.117(d): activity (d)(Enter activity number)

Activity 2 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		2/14/2022
Print Name	Signature	Date

Project Manager/ DLA Engineer

Sunil Gandrathi		01/15/2022
Print Name	Signature	Date

Date of Categorical Exclusion Checklist completion (if applicable): 2/1/22

Date of Environmental Commitment Record or equivalent: 11/29/21

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:

Biology:

Conservation Measures

Caltrans and its contractor will implement the following measures to remove the potential for adverse effects to the San Joaquin kit fox, giant kangaroo rat, blunt-nosed leopard lizard, California jewelflower, San Joaquin woolly-threads, and Kern mallow.

General/Multi-Species:

1. *Worker Awareness Training.* Prior to the start of work/ground disturbance, a qualified biologist will provide worker environmental awareness training for all construction personnel, including contractors, subcontractors, and contractors' representatives, covering the status of the species; how to identify the species and their habitats; the importance of avoiding impacts to the species; the laws that protect them; and what to do if an individual is encountered during construction. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. Documentation of the training, including sign-in sheets, will be kept on-file.
2. *Staging.* Staging areas will be approved by a Caltrans biologist prior to the start of construction. The segment between Melody Hills Road and SR 58 will be avoided (postmiles 32.93-33.1), as this is an environmentally sensitive area (i.e., a natural community of special concern is present on both sides of the highway).
3. *Inspection of Structures.* All construction pipes or similar structures with a diameter of four inches or greater that are stored on the construction site for one or more overnight periods will be inspected thoroughly for any species before burying, capping, or otherwise using the structures. If an individual is discovered during this inspection, the structure will not be disturbed until the individual leaves of its own accord.
4. *Escape Ramps.* To prevent the inadvertent entrapment of the San Joaquin kit fox, giant kangaroo rat, blunt-nosed leopard lizard, or other wildlife during construction of the project, all excavated, steep-walled openings more than one foot deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be inspected thoroughly for trapped wildlife. If at any time a trapped or injured species is discovered, Caltrans will stop work immediately and contact the Service.
5. *Trash Management.* All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed, secured containers and removed daily from the project site in order to reduce the potential for attracting predator species.
6. *Prohibition of Pets and Firearms.* To eliminate the potential for disturbance or injury to, or death of, any species resulting from the presence of pets and firearms, neither (with the exception of firearms carried, or working animals handled, by authorized law enforcement officials) will be allowed on the project site.
7. *Prohibition of Pesticides.* No rodenticides or herbicides will be used on the project site during construction.



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8. *Vehicle Speed Limits.* All project-related vehicles will observe a daytime speed of no more than 20 miles per hour in all project areas, except on the highway. Off-road travel outside of designated project areas will be prohibited. Project personnel will be provided with guidance on vehicle use and speed limits.

9. *Revegetation.* Following the completion of construction, Caltrans will hydro-seed areas within the project footprint that were temporarily disturbed using a native plant seed mix.

10. *Work Hours.* Work will occur during daytime hours only.

San Joaquin kit fox:

1. *Preconstruction Survey.* A qualified biologist will conduct a preconstruction survey no more than 30 days prior to the beginning of ground disturbance and/or construction activities. The survey for the San Joaquin kit fox will be performed throughout the project footprint, as well as in areas 200 feet out from the edge of the footprint that are accessible and/or visible with binoculars.

2. *Monitoring.* A qualified biologist will be present on-site during initial ground disturbing activities at each culvert location situated in proximity to evidence of San Joaquin kit fox presence (e.g., sign, dens). Otherwise, the biologist will be available on-call when not present on-site.

3. *Den Avoidance.* Disturbance to any potential, known, or natal dens identified during preconstruction surveys and/or construction will be avoided. If any dens are discovered either within, or outside of, the project footprint, Caltrans will implement the following:

- a. Camera stations will be set-up at any potential dens identified within the project footprint.
- b. Potential dens that are located at least 50 feet from construction will be protected by a 50 feet exclusion zone. Known dens that are located at least 100 feet from construction will be protected by a 100 feet exclusion zone. In instances where 50 feet or 100 feet exclusion zones cannot be maintained, potential and/or known dens will be monitored for at least three consecutive nights using a remote sensor camera, and once they are verified to be unoccupied, reduced exclusion zones (determined in coordination with the Service) will be established.

Giant kangaroo rat and blunt-nosed leopard lizard:

Preconstruction Survey: Prior to the start of ground disturbance and/or construction activities, a qualified biologist will conduct a visual survey of the project footprint to identify any burrows, precincts, tail drag marks, or other sign of the giant kangaroo rat. Additionally, no more than one year prior to the start of construction, a qualified biologist will conduct a protocol-level survey of the project footprint for the blunt-nosed leopard lizard, in accordance with the most recent and accepted survey protocols and/or guidance. 2. *Monitoring.* A qualified biologist will be present on-site during initial ground disturbing activities at each culvert location.

California jewelflower, San Joaquin woolly-threads, and Kern mallow:

Preconstruction Survey: No more than one year prior to the start of construction, a qualified biologist or botanist will conduct a protocol-level botanical survey of the project footprint during the appropriate blooming season for each species, and in accordance with the most recent and accepted botanical survey protocols and/or guidance.