



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

Project Information

Project Name (if applicable): MER 5 Operational Improvements

DIST-CO-RTE: 10-MER, STA-5,33,140,165 **PM/PM:** VAR

EA: 10-0T69U / 1017000177 **Federal-Aid Project Number:**

Project Description

The California Department of Transportation (Caltrans) proposes to improve operations at four intersections in Merced and Stanislaus counties by replacing existing paved shoulders with widened shoulders to accommodate Surface Transportation Assistance Act of 1982 (STAA) truck turning movements. The four locations are on Interstate 5 (I-5), State Route (SR) 33, SR 140, and SR 165 at the following postmiles:
See continuation sheet.

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(c).** (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

C. Scott Guidi	<i>C. Scott Guidi</i>	8/18/2021
Print Name	Signature	Date

Project Manager

Wuthy Seng	<i>Wuthy Seng</i>	8/20/2021
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)(26)
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

C. Scott Guidi
Print Name
Signature
Date
8/18/2021

Project Manager/ DLA Engineer

Wuthy Seng
Print Name
Signature
Date
8/20/2021

Date of Categorical Exclusion Checklist completion (if applicable): 08/18/2021
Date of Environmental Commitment Record or equivalent: 08/18/2021

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:

Location #	Route	Postmile (PM)	Intersection description
1	SR 165	11.73	Mer 165/Henry Miller Road
2	I-5/ SR 140	32.39/0.00	Intersection of I-5 SB on and off ramps to SR 140
3	SR 140/ SR 33	4.35/26.46	Intersection of SR 140 and SR 33
4	SR 33 / SR 140	27.11/6.04	Mer 33/140 (First Ave)

In addition, it is proposed to remove the existing mainline intersection structural sections at Locations 2 and 4 and replace with Hot Mix Asphalt (HMA) over aggregate base (AB), structural section to vary by location, and to overlay the entire sections in Locations 1 and 3 with 0.2 ft of Gap Graded Rubberized Hot Mix Asphalt (RHMA-G). It is also proposed to install Transportation Management Systems (TMS) elements at all locations, replace one cross-drain at Location 1, and replace or upgrade roadside signs where needed.

The purpose of the project is to improve operational efficiency at four intersections on State Highways in Merced and Stanislaus counties by constructing additional pavement at the corners of the intersections to improve Surface Transportation Assistance Act vehicle turning radius, eliminate conflicts with opposing vehicular traffic, reduce traffic congestion and improve traffic flow. Truck turning movements at these intersections do not meet Surface Transportation Assistance Act off-tracking standards, with wheel tracks and swept paths of Surface Transportation Assistance Act trucks encroaching into outside shoulders and opposing lanes.

General:

This project is Categorical Exempt under the California Environmental Quality Act (CEQA) and Categorical Excluded under the National Environmental Policy Act (NEPA) unless 1) the scope of the project changes to include additional activities or areas; or 2) there is an unforeseen discovery of sensitive or cultural resources.

Air:

The project is exempt from all project-level conformity requirements per Table 2 of 40 CFR 93.126 under the project type *shoulder improvements*.

Caltrans Standard Specifications Section 14-9.02 for *Air Pollution Control* and Section 10-5 for *Dust Control* are required in the construction contract to minimize and control



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emissions during construction. A Dust Control Plan (DCP) would be required if at least 2,500 cubic yards of material are moved in a day for at least three days of the project or 5 or more acres of land will be disturbed during construction.

Biology:

A Biological Resources Evaluation (No Effect) Memo was completed for the project. Under Section 7 of the Federal Endangered Species Act and under the California Endangered Species act for State-listed Species, a *No Effect* determination was made for the project. In addition, there are an agricultural ditch at Location 1 and an irrigation channel at Location 4 which have been determined to not be considered "Waters of the United States" as these items are artificially irrigated areas. No permits under California Fish and Game Code Section 1602 Lake and Streambed Alteration agreement, Clean Water Act Section 404 or Section 401 Certification are required.

This memo determined that there is a low risk that Swainson's hawks and their habitats may be affected by the project, and avoidance measures are stated below. As potential nesting habitat for migratory birds was observed within and adjacent to the project limits, a Species Protection Special Provision will be included in the construction contract, and Caltrans Standard Special Provision 14-6.03A and 14-6.03B for *Bird Protection* shall be implemented. A preconstruction survey for migratory birds and raptors will be required fourteen (14) days prior to the start of construction, if construction activities occur within the migratory bird nesting season (February 1 – September 30). If migratory birds or raptors are found nesting within or adjacent to a work area during construction, the following Environmentally Sensitive Area (ESA) buffers will be required:

- If any active migratory bird nest is observed, a 100-foot ESA buffer is required.
- If an active raptor nest is observed, a 300-foot ESA buffer is required.
- If an active Swainson's hawk nest is observed, a 600-foot ESA buffer is required.

All above ESA buffers will be implemented and avoided until the young have fledged or a qualified biologist determines that construction may proceed.

Cultural:

The determination under Section 106 of the National Historic Preservation Act of *No Historic Properties Affected*. The determination under CEQA Section 5 is *no significant resources*. The project will not directly or indirectly affect any known cultural resources.

Executive Order 12898 (Environmental Justice):

According to Census tract level data, there appear to be communities within 0.50 miles of the project locations that could be considered Environmental Justice populations under Executive Order 12898 for low income and/or minority populations. For the purposes of this project, Environmental Justice populations are present near Location 1, Location 3, and Location 4 as they are near the Cities of *Los Banos* and *Gustine*.



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Location 2 is not near an urban setting and does not appear to have an Environmental Justice population within 0.50 miles. As the scope and nature of the project work is limited to the intersection improvements and would not affect or cause permanent impacts to these communities, there will be no disproportionate impact on an Environmental Justice population. The project will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of Executive Order 12898. No further Environmental Justice analysis is required.

Farmland:

The project will require permanent acquisition of farmland at two locations. It is estimated that 0.21 acres of farmland will be acquired at Location 1 and 0.039 acres of farmland will be acquired at location 3. Consultation with the National Resource Conservation Service was completed in July 2021, and it was determined that there would be no significant impacts to farmland.

Executive Order 11988 and 23 CFR 650.105 (Floodplains):

The project locations are not located within a 100-year base floodplain.

Hazardous Waste:

There is potential to encounter non-hazardous concentrations of Aerially Deposited Lead (ADL) while working in unpaved areas within the project limits. Caltrans Standard Special Provision 7-1.02K(6)(j)(iii) pertaining to *Earth Material Containing Lead* shall be added to the construction contract. All soil must remain on site and a lead compliance plan is required. The replacement of signage may require the disposal of Treated Wood Waste, and Caltrans Standard Special Provision 14-11.14 for *Treated Wood Waste* would be added to the construction contract.

Section 4(f):

A Section 4(f) *No Use* memo was completed for the project, and it was determined that the provisions of Section 4(f) do not apply.

Noise:

Construction activities may intermittently dominate the noise environment in the immediate area of construction, but it is not anticipated to cause adverse noise impacts. To minimize potential temporary noise impacts during construction, Caltrans Standard Specification Section 14-8.02 *Noise Control* will be implemented and included in the construction contract. This specification states:

- Construction noise resulting from work activities should not exceed 86 dBA at 50 feet from the job site from 9:00 pm to 6:00 am



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In addition, all equipment will have sound-control devices that are no less effective than those provided on the original equipment.

Water:

There is potential for temporary short-term impacts to water quality in construction. To avoid potential impacts, appropriate best management practices (BMPs) will be implemented and Caltrans Standard Specification Section 13-1 for *Water Pollution* will be included in the construction contract.

If the project disturbs one acre or more of soil, than the following would be required:

- A Notification of Intent (NOI) is to be submitted to the appropriate Regional Water Quality Control Board at least 30 days prior to the start of construction.
- A Stormwater Pollution Prevention Plan (SWPPP) is to be prepared and implemented during construction to the satisfaction of the Resident Engineer.
- A Notice of Termination (NOT) shall be submitted to the Regional Board upon completion of construction and site stabilization. A Project will be considered completed when criteria for the final stabilization in the Construction General Permit are met.

If the project disturbs less than one acre of soil, then a Water Pollution Control Plan (WPCP) is required per Caltrans Standard Specification 13-1.