



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 11/2020)**

Project Information

Project Name (if applicable):

DIST-CO-RTE: 04- SCL-101

PM/PM: 33.80/33.80

EA: 4W170

Federal-Aid Project Number: 0422000120

Project Description

The Department of Transportation, Caltrans, will fund the construction of Havana-Midfield Park in the City of San Jose. Caltrans is providing the environmental clearance for the proposed city park. **See conditions on page 3**

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 3(e).** (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

Michael McGowan	<i>Michael McGowan</i>	02/14/2022
Print Name	Signature	Date

Project Manager

Mathew Abel	<i>Mathew Abel</i>	02/14/2022
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)

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

N/A

Print Name

Signature

Date

Project Manager/ DLA Engineer

N/A

Print Name

Signature

Date

Date of Categorical Exclusion Checklist completion: N/A

Date of Environmental Commitment Record or equivalent: 02/11/2022

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:

Project Description (Continued)

The proposed park location is on a Caltrans' parcel that is on the local street situated on the other side of freeway sound wall. The triangular parcel is a problem for the local community due to negligent care and illegal trash and waste dumping. This parcel is difficult to sell due its size and access. Local residential streets provide the primary points of ingress and egress. The City approached Caltrans for development of this space into a pocket park for the community. Caltrans implemented an airspace lease for this parcel with the City of San Jose. The City's Department of Parks, Recreation and Neighborhood Services seeks to advance the project as a new park site to add to its growing parks system. Caltrans will enter into a cooperative agreement with the City of San Jose for construction and maintenance of the proposed park.

Cultural

If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find.

Bio

All construction work to remain within Caltrans right-of-way. Equipment shall be staged within Caltrans right-of-way in an area absent of vegetation. If additional work is added to the project increasing the scope of work and size or nature of disturbed area, then the entire project will have to be re-evaluated and at a minimum resulting in an amended environmental document.