

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: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

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: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

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: Mundeep Purewal Date: _____ Title: _____

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: _____



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

<u>Project Information</u>	
Project Name (if applicable): Soda Creek Wall	
DIST-CO-RTE: 01-MEN-253	PM/PM: 1.7/2.5
EA: 01-0J631	Federal-Aid Project Number: 0120000030
<u>Project Description</u>	
The California Department of Transportation (Caltrans) proposes to make repairs along SR 253 in Mendocino County from PM 1.7 to PM 2.5. The scope of work includes stabilizing a failing slope via a soldier pile ground anchor retaining wall, roadway reconstruction, drainage improvements, stabilization of a through cut with RSP buttressing, and construction of a debris wall. This project is an FHWA Emergency Relief project that resulted from damage incurred from the storm event that began on February 12, 2019 and is included in a Proclamation of a State of Emergency signed by Governor Gavin Newsom on February 21, 2019. (cont pg 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 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

Mundeep Purewal	<i>Mundeep Purewal</i>	2/24/22
Print Name	Signature	Date

Project Manager

Katie Everett	<i>Katie Everett</i>	2/24/2022
Print Name	Signature	Date



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

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)(22)
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

Mundeep Purewal
Signature: Mundeep Purewal
Date: 2/24/22

Project Manager/ DLA Engineer

Katie Everett
Signature: Katie Everett
Date: 2/24/2022

Date of Categorical Exclusion Checklist completion (if applicable): 2/23/2022
Date of Environmental Commitment Record or equivalent: 2/23/2022

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).



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM

Continuation sheet:

Project Description (cont.)

During the storm event, highly saturated conditions prompted movement of the roadway prism and offset cracking crossing both lanes at each end of the prism slip, resulting in the need for roadway restoration and permanent stabilization. The work proposed by this project will decrease the risk of loss of roadway due to embankment failure within the roadway prism. All work is within the operational right-of-way. The purpose of this project is to restore the roadway to pre-storm-damage conditions, stabilize the failing slope to reduce the risk of future damage and loss of a rural minor arterial route, to improve safety, and to improve the resilience of the highway. Slope stabilization and restoration of the roadway at this location is necessary to ensure the safety of the traveling public, as SR 253 is a primary transportation route in the County.

Staging

If required, staging would occur within Caltrans right-of-way.

Right-of-Way

This project would be completed within the operational right-of-way.

Consultation and Agency Coordination

Based on the proposed scope of work and due to the nature of the project, consultation and agency coordination are not required for this project.

Permits

Based on the proposed scope of work, regulatory permits are not required



Categorical Exclusion Checklist

PROJECT INFORMATION

DIST-CO-RTE: 01-MEN-253

PM/PM: 1.7/2.5

Fed. Aid Number (Local Project): 01-2000-0030

EA/Project Number: 01-0J631

SECTION A: Type of CE

Use the information in this section to determine the applicable CE and corresponding activity for this project.

1. Project is a CE under CE Assignment 23 USC 326 (activity must be listed in 23 CFR 771.117 (c) or (d) list (See [Chapter 30 in the SER](#)) or included in activities listed in [Appendix A of the CE Assignment MOU](#) to be eligible for 23 USC 326).

Yes, **Activity:** 22 No

Notes for specific activities:

- **If using (c)9**, distinguish between (c)9(i) or (c)9(ii) on the form and include copy of the emergency declaration in the file.
- **If using (c)22**, identify in the project description that all work is within operational right-of-way.
- **If using (c)23**, distinguish between (c)23(i) and (c)23(ii) on the form.
- **If using (c)26, (c)(27), or (c)(28)**, ensure that the action DOES NOT include any of the constraints found in 23 CFR 771.117(e). If it does, it may not be processed under (c)(26), (c)(27), or (c)(28), however, the project may qualify for a CE under 23 CFR 771.117(d)(13).

2. Project is a CE for a highway project under NEPA Assignment 23 USC 327 (Use only if project does not qualify under CE Assignment 23 USC 326 (activities not included in question 1)).

Yes No

3. Project is a CE under the 2021 Programmatic Agreement for Non-Highway Projects

Yes No

Note, if using this CE, it is not necessary to fill out each section of this checklist. Use only those sections which are applicable to the Programmatic Agreement.

Categorical Exclusion Checklist

4. Independent Utility and Logical Termini

- The project complies with NEPA requirements related to connected actions and segmentation (i.e. the project must have independent utility, connect logical termini when applicable, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made and not restrict further consideration of alternatives for other reasonably foreseeable transportation improvements). (FHWA Final Rule, "Background," Federal Register Vol. 79, No. 8, January 13, 2014.)
-

5. Categorical Exclusions Defined (23 CFR 771.117[a]).

FHWA regulation 23 CFR 771.117(a) defines categorical exclusions as actions which:

- do not induce significant impacts to planned growth or land use for the area;
- do not require the relocation of significant numbers of people;
- do not have a significant impact on any natural, cultural, recreational, historic or other resources;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns; or
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

- Checking this box certifies that project meets the above definition for a Categorical Exclusion.
-

6. Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]).

FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

All of the above unusual circumstances have been considered in conjunction with this project. (Choose one)

- Checking this box certifies that **none of the above conditions apply** and that the project qualifies for a Categorical Exclusion.
- Checking this box certifies that unusual circumstances **are involved**. However, the appropriate studies/analysis have been completed, and it has been determined that the CE classification is still appropriate.
-

Categorical Exclusion Checklist

SECTION B: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements¹ prior to making the NEPA determination:

During the environmental review process for which this CE was prepared, all applicable environmental requirements were evaluated. Outcomes for the following requirements are identified below and fully documented in the project file. **[NOTE: EVERY SECTION BELOW MUST BE COMPLETED, DO NOT SKIP ANY SECTIONS.]**

FSTIP

- The project description on the Categorical Exemption/Categorical Exclusion Form matches the project description in the FSTIP and RTP, and the appropriate page of the FSTIP is in the project file.

Air Quality

- [Air Quality Conformity Findings Checklist](#) has been completed and project meets all applicable AQ requirements.
- For 23 USC 326 projects which require an air quality conformity determination (this will apply to certain projects under 23 CFR 771.117(c)(22), (c)(23), (c)(26), (c)(27), and (c)(28)), list the date of the Caltrans conformity determination:
- For 23 USC 327 projects, list date of FHWA concurrence on conformity determination:

Cultural Resources

- Section 106 compliance is complete.
- A Screened Undertaking Memo was prepared, or
- A Historic Properties Survey Report was prepared, and the following finding was made:
- No Historic Properties Affected No Adverse Effect with Standard Conditions
- No Adverse Effect Adverse Effect/MOA Phasing/Project PA

Noise

23 CFR 772

- Is this a Type 1 project? Yes No (skip this section.)
- Future noise levels with project either approach or exceed NAC or result in a substantial increase.
- If yes: Abatement is reasonable and feasible
- Abatement is not reasonable or feasible

¹ Please consult the SER for a complete list of applicable laws, statutes, regulations, and executive orders that must be considered before completing the CE.

Categorical Exclusion Checklist

Biology

USFWS

Species List²:

- Not required
 Required, Date: 2/9/22

Effect Determination:

- No Effect Section 7 (Federal Endangered Species Act)

Consultation with USFWS Findings (Effect determination):

- Not Likely to Adversely Affect with USFWS Concurrence. Date: _____³
 Likely to Adversely Affect with Biological Opinion Date: _____³

NOAA Fisheries

Species List²:

- Not required
 Required, Date:

Effect Determination:

- No Effect Section 7 (Federal Endangered Species Act)

Consultation with NOAA Fisheries Findings (Effect determination):

- Not Likely to Adversely Affect with NOAA Fisheries Concurrence. Date: _____³
 Likely to Adversely Affect with Biological Opinion Date: _____³

Essential Fish Habitat (Magnuson-Stevens Act) Findings (Effect determination):

- Magnuson-Stevens Fishery Conservation and Management Act does not apply
 No Adverse Effect Adverse Effect and consultation with NOAA Fisheries

Floodplains

Floodplains (Executive Order #11988)

- No Floodplains No Significant Encroachment Significant Encroachment

² See the "Changes to Species List Requirements" memo (April 9, 2021) for decision tree and information on determining if a list is required and date requirements.

³ If concurrence or BO is expected after PA&ED, enter "Pending" into this field.

Categorical Exclusion Checklist

Waters, Wetlands

Section 404 of the Clean Water Act

Impacts to Waters of the U.S.: No Yes; anticipated approval:

- Nationwide Permit Individual Permit Regional General Permit
 Letter of Permission

Section 401 of the Clean Water Act

- Exemption Certification Not Applicable

Wetland Protection (Executive Order #11990)

- No Wetland Impact
 Permanent Wetland Impact; Only Practicable Alternative Finding is included in a separate document in the project file

Section 4(f) Transportation Act (23 CFR 774)

Section 4(f) regulation was considered as a part of the review for this project and a determination was made:

- Section 4(f) does not apply
- There are no potential Section 4(f) properties in the project vicinity.
 - The properties do not meet the definition of a Section 4(f) property, the project does not “use” a Section 4(f) property, or the project meets the criteria for an exception (e.g., temporary occupancy). Document in project file or CE.
- Section 4(f) applies
- De Minimis
 - Programmatic: Type: List one of the five categories as defined in 23 CFR 774.3
 - Individual:
 - Legal Sufficiency Review complete HQ Coordinator Review Complete

Section 6(f) – Properties Acquired with Land and Water Conservation Fund grants

Was the above property purchased with grant funds from the Land and Water Conservation Fund?

- No, Section 6(f) does not apply. No additional documentation required.
 Yes: Documentation of approval from National Park Service Director (through California State Parks) has been received for the conversion/and replacement of 6(f) property.

Coastal Zone

Coastal Zone Management Act of 1972

- Not in Coastal Zone Qualifies for Exemptions Qualifies for Waiver
 Coastal Permit Required
 Consistent with Federal, State, and Local Coastal Plans Federal Consistency

Categorical Exclusion Checklist

Coast Guard – Bridge Over Navigable Waters of the U.S.

- Not applicable
- 23 USC 144(c) USCG Bridge Permit Exception
- 33 CFR 115.70 Advance Approval
- USCG Bridge Permit

Relocation and Right of Way

Relocations

- No Relocations
- Project involves Enter number relocations and will follow the provisions of the Uniform Relocation Act.

Right of Way Acquisitions/Easements

- No right of way acquisitions or easements
- Project involves 0 acquisitions and 0 easements.

Hazardous Waste and Materials

Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, Cal EPA, County Environmental Health, etc.) present? Yes No

If yes, is the nature and extent of the hazardous materials or contamination fully known?

- Yes No

If no, briefly discuss the plan for securing information:

SECTION C: Certification

Based on the information obtained during environmental review process and included in this checklist, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Policy Act and is in compliance with all other applicable environmental laws, regulations, and Executive Orders.

Prepared by:

Rajpreet Bihala

Associate Environmental Planner

Rajpreet Bihala

Signature

2/22/22

Date