



# Categorical Exclusion Checklist

## PROJECT INFORMATION

**DIST-CO-RTE:** 02-SHA-89

**PM/PM:** 22.0/30.6

**Fed. Aid Number (Local Project):** 0219000004

**EA/Project Number:** 02-4H780

## SECTION A: Type of CE

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

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**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:** 23 CFR 771.117 (c)(26) Modernization of Highway  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).

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**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

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**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.

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### 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.)
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### 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.
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### 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.
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### **SECTION B: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements<sup>1</sup> 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.]**

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#### **FSTIP**

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- 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.

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#### **Air Quality**

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- [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:

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#### **Cultural Resources**

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- 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

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#### **Noise**

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##### 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

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

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### Biology

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#### USFWS

Species List<sup>2</sup>:

- Not required  
 Required, Date: 2/25/22

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: \_\_\_\_\_<sup>3</sup>  
 Likely to Adversely Affect with Biological Opinion Date: \_\_\_\_\_<sup>3</sup>

#### NOAA Fisheries

Species List<sup>2</sup>:

- 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: \_\_\_\_\_<sup>3</sup>  
 Likely to Adversely Affect with Biological Opinion Date: \_\_\_\_\_<sup>3</sup>

**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

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### Floodplains

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Floodplains (Executive Order #11988)

- No Floodplains     No Significant Encroachment     Significant Encroachment

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<sup>2</sup> 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.

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

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### Waters, Wetlands

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#### 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

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

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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

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

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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.

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#### Coastal Zone

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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

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

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

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### Relocation and Right of Way

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#### 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 Enter number acquisitions and Enter number easements.

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### Hazardous Waste and Materials

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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:

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### **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:

Stephanie Houtman

*Stephanie Houtman*

4/21/22

Associate Environmental Planner

Signature

Date