



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 06/2022)**

Project Information

Project Name: District 10 Fuels Reduction

DIST-CO-RTE: 10-TUO-49, 108

PM/PM: 15.10/17.30, 9.50/14.50

EA: 10-A2338 (II)

Federal-Aid Project Number: N/A

Project Description

In January 2021, the Governor's Office released California's Wildfire and Forest Resilience Action Plan and state highways were identified as "a critical part of the solution" with direction to create fire-safe roadways. The California Department of Transportation (Caltrans) has a role in the Action Plan to assist the state work toward wildfire resilience by providing a highway system that prioritizes vegetation and wildfire management along primary emergency evacuation routes and a highway system that can also function as a shaded fuel break or fire control line during emergency operations by fire suppression. (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 Enter class. (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

Elizabeth Hummel (Acting)

Elizabeth Hummel

10/31/2022

Print Name

Signature

Date

Project Manager

Charla Modrell

Charly Modrell

10/31/2022

Print Name

Signature

Date



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Caltrans NEPA Determination (Check one)

[X] 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, 2022, 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 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 May 27, 2022, and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

Print Name Signature Date

Project Manager/ DLA Engineer

Print Name Signature Date

Date of Categorical Exclusion Checklist completion (if applicable): N/A
Date of Environmental Commitment Record or equivalent: 10/31/2022

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:

Caltrans District 10 (D10) proposes vegetation management along State Route (SR) 49, between post miles (PM) 15.10 and 17.30, and along SR-108, between PM 9.50 and 14.50, in Tuolumne County. The work (Fuel Suppression) will reduce ignition probability along roadsides and protect the safety of the traveling public and adjacent communities that depend on the highway during normal and emergency operations. Improving wildfire resilience requires that Caltrans conduct vegetation management work continuously, and as such, Caltrans Maintenance will implement District specific service contracts to supplement District Maintenance field forces to begin fuel reduction/removal operations with specialty contractors in response to the Action Plan. The intent of the service contracts is to supplement Maintenance field forces and begin fuel removal immediately.

The scope of work includes removing dead and dying brush, shrubs, ground fuels, slash, logs, debris, and dead, dying, and/or hazardous trees that pose a threat to public health and safety, and small-diameter suppressed or intermediate trees in areas of high density. Proposed locations are not located on Federal Lands, do not result in potentially significant impacts to biological or cultural resources, and are located entirely within the existing State Right of Way and roadway prism. The purpose of this project is to reduce the horizontal and vertical continuity of fire fuels to create a functional fuel break along SR-49 and SR-108, facilitating the safe ingress and egress of vehicles and personnel during an emergency wildfire event. The project is needed to prevent the loss or impairment of life, property, or essential public services along these sections of SR-49 and SR-108.

After carefully analyzing the scope of work within Caltrans Right of Way, as necessitated by the Governor's Office California's Wildfire and Forest Resilience Action Plan and possible associated impacts, this analysis supports a conclusion that the proposed scope falls under a CEQA Statutory Exemption 15269 Subsection (c):

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short term, but this exclusion does not apply if (i) if the anticipated period of time to conduct environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.



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All work/services under the Contract shall be performed in accordance with all applicable Federal, State, and Local statutes, laws, codes, regulations, policies, procedures, ordinances, standards, specifications, performance standards, and guidelines, including the latest Caltrans regulations, policies, procedures, manuals, standards, specifications, performance standards, directives, guidelines, handbooks, guidance documents, forms, templates, policy memo, methodologies, and other informational or directive publications.

Work cannot begin until Caltrans provides Environmental clearance.

Avoidance and Minimization Measures

Scenic highways:

No live trees greater than ten inches (10") in Diameter at Breast Height (DBH) and twenty feet (20') in height shall be removed within the areas denoted in Table 1, unless identified as a hazardous threat to the public and approved for removal. Live trees less than 10" DBH and 20' tall may only be removed if the Caltrans Contract manager determines the trees are in clumps and thinning is paramount, and/or the live trees are encroaching into the Caltrans Clear Recovery Zone (CRZ).

Table 1: Scenic Highway Designation

Route	Status*	General Location (from-to)	Begin County	Postmile	End County	Postmile
49	E	Route 120 - Route 20 near Grass Valley	TUO	R8.8	NEV	R14.5
108	E	Route 49 near Sonora - Route 395	TUO	0.0	MNO	15.2

*Eligible (E)

*Officially Designated (OD)

- Stumps – all tree stumps must be cut flush or parallel to slope and within 6" of original grade level. All cut faces of tree stumps must be painted, stained a dark earth tone, or covered with duff and leaf litter.



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- Staging – Contractor must not store debris, equipment, or vehicles within the viewshed of public trails, parks, recreation areas, scenic overlooks, or vista points.
- Screening – all vegetation removal must preserve sufficient massing within, at the edge of, or adjacent to, treatment areas to block views to/from public trails, parks, recreation areas, monuments, scenic overlooks, and vista points. Preserve sufficient vegetation near private homes and commercial structures to effectively screen views and light/glare from public right of way.
- Edge Feathering and Progressive Removal – all vegetation removal must thin and blend residual vegetation to break up / screen linear vegetation edges to mimic natural conditions. Progressively remove vegetation to retain irregular patches of varying densities up to the vegetation clearing line (or ROW) to achieve a natural transitional appearance.

Biology:

A general bird survey will be required for all vegetation reduction activities within the nesting season (February 1 – September 30). The contractor's biologist will be responsible for surveying and coordinating with the Caltrans D10 biologist. Surveys may occur no more than 14 days prior to the start of any construction related activities. If active bird nests are present within the area, a protective buffer zone will be established around the active nest, in coordination with the Caltrans biologist. Protective buffer limits will be established if an active nest is observed as follows: 100-ft buffer radius for migratory birds and 300-ft buffer radius for hawks. Work will not be allowed to take place within the established buffer zone until the young have fledged. Trees targeted for removal (including dead trees, snags, and dense foliage) should be marked prior to the nesting bird survey.

The contractor's biologist, in coordination with the Caltrans biologist, will identify and flag drainage features that may be considered waters of the State and U.S. within the project limits. Work activities within these drainages and their associated riparian vegetation must be fully avoided, unless authorized by the Caltrans biologist.

Environmentally Sensitive Areas (ESA) pertaining to biological resources have been identified within the project limits. These ESAs will be flagged by the qualified Caltrans biologist prior to the start of any construction related activities. The contractor's biologist will be responsible for coordinating with the Caltrans biologist to ensure avoidance or conditions of the flagged ESAs are met during construction.



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All equipment and vehicles used for project implementation must be free of invasive plant material before moving into the project area or leaving known infested areas. Equipment will be considered clean when visual inspection does not reveal soil, seeds, plant material or other such debris. Cleaning shall occur at a vehicle washing station or cleaning facility before the equipment and vehicles enter the project limits. All pruning tools shall be disinfected in advance of pruning work and for each tree.

Cultural:

Due to the extreme/unprecedented project delivery timeline, consultation with culturally affiliated Tribes is being conducted concurrently with review of the Fuels Reduction Action Plan (FRAP). Any Tribal areas of concern identified by Tribal representatives during the consultation process will be eliminated from the project. When work locations effect or infringe upon any cultural resources of tribal concerns, upon review of a Caltrans Contract Manager/Caltrans Professionally Qualified Staff (PQS), a contractor-supplied tribal monitor will be required for the duration of that work. Should cultural monitoring be required to avoid effects to Tribal areas of concern, a Tribal monitor will be arranged by the Caltrans archaeologist PQS and supplied by the contractor.

ESAs pertaining to cultural resources have been identified within the project limits. These areas will be flagged or identified by the Caltrans Archeologist prior to the start of any construction related activities. The contractor's archaeologist will be responsible for coordinating with the Caltrans archaeologist to ensure avoidance or conditions of the flagged ESAs are met during construction.

No work or equipment staging is allowed within two (2) feet of all stacked stone culvert headwalls and/or retaining walls throughout the entire project limits, unless authorized by the Caltrans archaeologist.

If cultural resources are discovered at the job site, do not disturb the resources and immediately:

1. Stop all work within a 60-foot radius of the discovery
2. Protect the discovery area
3. Notify the Caltrans Contract Manager

The Department investigates. Do not move cultural materials or take them from the job site. Retain a qualified archeologist to assess the significance of the find. Do not resume work within the discovery area until authorized.

If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner should be



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contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) which will then notify the Most Likely Descendent (MLD). At that time, the landowner will work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

CEQA Evaluation

The purpose of this memorandum is to evaluate the scope of work required by the Governor Office's California's Wildfire and Forest Resilience Action Plan for Caltrans D10 and to document whether the specific actions associated with the D10 Fuel Reduction Management Plan fall under CEQA Statutory Exemption 15269 (c).

Conclusion Regarding Aesthetics

Existing native vegetation and visual screens will be preserved. Caltrans D10 Environmental and Landscape Architecture will be consulted prior to work in areas that have the potential for scenic resources. Implementing avoidance and minimization measures will reduce aesthetic impacts.

Conclusion Regarding Biological Resources

The fuel suppression work will be carried out in a manner consistent with the protection of biological resources. Fuel Suppression activities will be designed to avoid significant adverse effects and avoid take of special status species (or their Designated Critical Habitat) that are listed as rare, threatened, or endangered under Federal law; or rare, threatened, endangered, candidate or fully protected under State law or a sensitive species by the California Board of Forestry and Fire Protection (CA BOF). Fuel Suppression activities will also be designed to avoid impact to nesting and foraging birds and Monarch Butterfly Overwintering Sites.

A qualified biologist will survey or do a combination of surveys, background research and historical record reviews of the project area before commencement of work for special status species and their habitat. The biologist will make recommendations, when necessary, to modify the scope of work, provide training about sensitive habitats and species as well as monitoring work locations to ensure there is no adverse effect to special status species or habitats, Designated Critical Habitat, active bird nesting/foraging sites, or Monarch Butterfly Overwintering sites.

Conclusion Regarding Cultural Resources



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The avoidance and minimizations measures proposed ensure that no new effects to cultural resources will occur as the result of the Fuels Reduction Project, and no previously identified effects will become more severe.

Fuels Reduction activities will be designed to avoid potentially significant cultural sites and features. A qualified archaeologist may survey or do a combination of surveys, background research and historical record reviews of the project area before commencement of work to look for potentially significant cultural sites and features, provide training about artifact and site recognition to field personnel and to monitor operations where necessary. Contractor-supplied archaeological and/or tribal monitors will monitor operations where necessary.

Conclusion Regarding Hazards and Hazardous Materials

Until the mid-1980's gasoline and other fuels contained lead as an additive. As vehicles traveled the highways, tiny particles of lead were emitted in the exhaust and settled on the soils next to the freeways and roads, known as Aerially Deposited Lead (ADL). Most of the time, lead tends not to move very far or very fast in the environment. Over the years, lead built up alongside the freeways and roads. ADL may become an environmental concern when soils contaminated with the substance are excavated from a site during construction or are proposed to be imported or re-used as fill. The Fuels Reduction Project is expected to require no or very minimal soil disturbance, rather than mass excavation. Soil will not be exported from or imported to the Project area. Therefore, any ADL encountered during the Fuels Reduction Project is expected to be incidental.

No new effects in the area of hazards and hazardous materials will occur as the result of the project. No mitigation measures are necessary to address any hazard or hazardous material impact related to the Fuels Reduction Project.

Based on an environmental review, Caltrans has determined that the Project would not result in potential impacts to the following environmental topics. As such, these were scoped out, or dismissed, from analysis for the reasons cited below:

- Septic systems and alternative waste disposal systems – The Project is confined to existing State Highway Right of Way and does not have a sewer/septic or alternative waste disposal element.
- Mineral resources – The Project will involve no or minimal ground disturbance and does not have the potential to impact mineral resources



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- Population/housing - The Project is confined to existing State Highway Right of Way and does not have a residential component; as such, population and housing will not be affected by the Project.
- Recreation – The Project is confined to existing State Highway Right of Way and will not impact recreation resources.
- Agriculture and Forestry- The Project is confined to the existing State Highway Right of Way. No agricultural or forestry resources are present within the State Highway Right of Way.
- Soils and Geology- The Project will involve no or minimal ground disturbance and does not have the potential to impact geology or soils.
- Air Quality- No air quality effects will occur as the result of the Fuel Suppression Project. No mitigation measures are necessary to address any air quality impact related to the project.
- Greenhouse Gas Emissions- No effects related to greenhouse gas emissions are likely to occur as the result of the proposed scope of work. No mitigation measures are necessary to address any greenhouse gas emissions impact related to the Fuels Reduction Project.
- Hydrology and Water Quality- The Project is confined to existing State Highway Right of Way. No work will occur within, or immediately around, any lakes, creeks, streams or other waterbodies. No effects in hydrology and water quality will occur as the result of the project. No mitigation measures are necessary to address any hydrology or water quality impacts.
- Land Use and Planning- The Fuels Reduction Project locations are confined to the existing State Right of Way and will not result in land use or planning impacts. No mitigation measures are necessary to address any land use and planning impacts.
- Noise- The Project is confined to the existing State Highway Right of Way. No mitigation measures are necessary to address any noise impact related to the project as Caltrans standard practices will be adhered to.
- Public Service and Utility Systems- The Project is confined to existing State Highway Right of Way and will not impact public services or utility systems.
- Traffic and Circulation- The Project is confined to existing State Highway Right of Way and will have minor and temporary impacts to traffic and circulation



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during construction. Standard traffic control will be required, and in some locations temporary and short-term lane closures may be necessary during construction.

CEQA Determination

Statutory Exemption 152669 (c) is applicable to the D10 Fuels Reduction Management Plan for the following reasons:

- The proposed project is a specific action necessary to prevent an emergency
- The proposed project consists of activities (such as fire mitigation or modifications to improve facility integrity) on an existing facility in response to an emergency at a similar existing facility.
- Avoidance and minimization measures have been incorporated into the project to ensure that the project locations and activities will avoid impacts to sensitive environmental resources.