



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

<b><u>Project Information</u></b>	
<b>Project Name (if applicable):</b> SJ-5 Right of Way Fence Replacement	
<b>DIST-CO-RTE:</b> 10-SJ-5	<b>PM/PM:</b> R22.52 to R23.67
<b>EA:</b> 10-1P820	<b>Federal-Aid Project Number:</b> N/A
<b><u>Project Description</u></b>	
<p>The California Department of Transportation (Caltrans) proposes to replace an existing fence used as Right-of-Way (R/W) demarcation and access control along southbound Interstate 5 (I-5), from post mile (PM) R22.52 to PM R23.67, in San Joaquin County. The fence is facing the end of its life span and showing signs of degradation, deterioration, and damage. The scope of work includes removing the damaged fencing and replacing it with new chain link (CL-6) fencing. All work will occur within Caltrans R/W. The purpose of this project is to re-establish access control and demarcation of Caltrans R/W. The need for this project is to prevent livestock and pedestrians from entering the R/W which would result in endangering their own safety, as well as the safety of the traveling public.</p>	

**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**

Elizabeth Hummel		12/09/2022
Print Name	Signature	Date

**Project Manager**

Jose A. Alicea II		12/13/2022
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, 2019, 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 December 23, 2016 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: 12/09/2022

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:**

#### *General:*

- Environmental reevaluation will be required if the scope of the project changes to include additional areas or activities, or if previously unknown cultural or other sensitive resources are discovered. Contact the Environmental Office if project changes occur or sensitive resources discovered.

#### *Cultural:*

- If cultural materials are discovered at the job site, do not disturb the resources and immediately:
  1. Stop all work within a 60foot radius of discovery
  2. Protect the discovery area
  3. Notify the Engineer
  4. The Department Investigates. Do not move cultural materials or take them from the job site. Retain a qualified archaeologist 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 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) who will then notify the Most Likely Descendent (MLD). At the same 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.

#### *Hazardous Waste:*

- A lead compliance plan prepared by a Certified Industrial Hygienist is required and grinding must be sampled and disposed of in accordance with all applicable laws and regulations. The Caltrans Standard Special Provision 7-1.02K(6)(j)(iii) shall be included in the construction contract.
- Caltrans Standard Special Provision (SSP) 14-11.14 regarding the handling, storing, transporting, and disposing of treated wood waste shall be included in the construction contract.

#### *Biology:*

- If work occurs during the migratory bird nesting season (February 1 – September 30), pre-construction surveys must be conducted by a qualified Caltrans biologist within 14 days prior to the start of any construction activities. If active nests are observed, buffers will need to be established around each nest until the young have fledged, per California Department of Fish and Wildlife (CDFW) guidelines. A 100-foot buffer shall be established around active nests. For active hawk nests, a 300-foot buffer would need to be established. For Swainson's Hawk nests, a 600-foot buffer would need to be established. If construction activities do not commence within 14 days of the cleared survey, or if construction activities stop



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for more than 14 days, a subsequent bird survey may be required before construction commences or recommences. Include Caltrans Standard Special Provision 14-6.03A in the construction contract.

*No Permits Needed*