



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

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| <u>Project Information</u> | |
| Project Name (if applicable): Merced I-5 Fence Replacement | |
| DIST-CO-RTE: 10-MER-5 | PM/PM: 28.2/30.3 |
| EA: 10-1P850 | Federal-Aid Project Number: N/A |
| <u>Project Description</u> | |
| <p>The California Department of Transportation (Caltrans) proposes to replace existing Right-of-Way (ROW) fencing on northbound Interstate (I) 5, from post mile (PM) 28.2 to 30.3, in Merced County. The fence is facing the end of its life span and showing signs of degradation and damage. The scope of work includes removing the existing fencing, which includes a combination of wood and metal posts, and replacing it with new fencing and all metal posts. All work will occur within Caltrans ROW. The purpose of this project is to re-establish access control and demarcation of Caltrans ROW. The need for this project is to prevent livestock and pedestrians from entering the ROW, which could endanger 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

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|------------------|-------------------------|------------|
| Elizabeth Hummel | <i>Elizabeth Hummel</i> | 12/22/2022 |
| Print Name | Signature | Date |

Project Manager

| | | |
|--------------|---------------------|------------|
| Jason Miller | <i>Jason Miller</i> | 12/22/2022 |
| 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: 12/22/2022

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.
- Contact the Environmental Office to attend the pre-construction meeting.

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
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:

- Caltrans Standard Special Provision 7-1.02K(6)(j)(iii) pertaining to earth material containing lead, shall be included in the 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:

- During the Month of May, prior to any construction activities, a Caltrans biologist will conduct San Joaquin Kit Fox (SJKF) surveys within the project area. If construction does not begin within 30 days of the surveys completed in May,



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follow-up surveys will be conducted no more than 30 days prior to the start of construction. Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract.

- If SJKF dens are identified prior to or during construction, protective buffers will be established. Natal and pupping dens require a 200-foot buffer. Known dens require a 100-foot buffer. Potential and Atypical dens require a 50-foot buffer. If a natal, known, potential, or atypical den is discovered, its distance to the project will be determined. If that distance is less than the required buffer zone, flags will be placed at the site to delineate the area that must be avoided. The area delineated by the flags must be excluded by all construction personnel, equipment, and activities. Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract.
- Construction personnel may be required to participate in a training program prior to the start of construction. The training will inform personnel of the SJKF life history, how to identify the species or its habitats, what to do if the species is encountered, and the State and Federal laws protecting the species. A Caltrans Biologist will notify the Resident Engineer prior to the start of construction if it is determined that a training program is required. Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract.
- Before any holes or burrows are filled, they must be thoroughly inspected to ensure no animals will be trapped within. If a SJKF is inadvertently killed or injured on the construction site, contact the Environmental Office immediately. Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract.
- No rodenticides, herbicides, or pets are allowed on the construction site. Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract.
- Any contractor, employee, or agency personnel who inadvertently kills or injures a SJKF must immediately report the incident to the Resident Engineer and Caltrans biologist. The Caltrans biologist must contact California Department of Fish & Wildlife to report the finding. Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract.
- Caltrans SSP 14-10.01 shall be included in the contract to ensure trash is removed from the construction daily.
- Caltrans SSP 10-1.03 shall be added to the contract to restrict all construction activities to daylight hours only. No work is permitted between dusk and dawn.

No permits required.