



Categorical Exclusion Checklist

PROJECT INFORMATION

DIST-CO-RTE: 02-SIS-97

PM/PM: 6/35

Fed. Aid Number (Local Project):

EA/Project Number: 02-4J400/0223000020

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:** (c)(5) 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. 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.)

Categorical Exclusion Checklist

4. 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.

5. 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

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

Biology

USFWS, Species List Date: 2/27/2023 (must be < 180 days old)

- No Effect Section 7 (Federal Endangered Species Act)

Consultation with USFWS Findings (Effect determination):

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

NOAA Fisheries, Species List Date: _____ (must be < 180 days old) N/A: Project outside of NOAA jurisdiction

- 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: _____
 Likely to Adversely Affect with Biological Opinion Date: _____

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

Categorical Exclusion Checklist

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

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 Enter number acquisitions and Enter number easements.

Categorical Exclusion Checklist

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:

Nicole Balkow

Environmental Scientist

Nicole Balkow

Signature

2/27/2023

Date



Transportation Air Quality Conformity Findings Checklist

PROJECT INFORMATION

Project Name: Whitney Creek Mudflow DO

DIST-CO-RTE-PM: 02-SIS-97-PM 6/35

EA: 02-4J400 **Federal Aid Number:** 0223000020

Document Type: 23 USC 326 CE 23 USC 327 CE EA EIS

CHECKLIST

Step 1. Is the project located in a nonattainment or maintenance area for ozone, nitrogen dioxide, carbon monoxide (CO), PM_{2.5}, or PM₁₀ per [EPA's Green Book](#) listing of non-attainment areas?

If no, go to Step 18. **Transportation conformity does not apply to the project.**

If yes, go to Step 2.

Step 2. Is the project exempt from conformity per [40 CFR 93.126](#) or [40 CFR 93.128](#)?

If yes, go to Step 18. **The project is exempt from all project-level conformity requirements (40 CFR 93.126 or 128)** (check one box below and identify the project type, if applicable).

40 CFR 93.126¹

Project type from Table 2: _____

40 CFR 93.128

If no, **go to Step 3.**

Step 3. Is the project exempt from regional conformity per [40 CFR 93.127](#)?

If yes, go to Step 8. **The project is exempt from regional conformity requirements (40 CFR 93.127)** (identify the project type).

Project type: _____

If no, go to Step 4.

Step 4. Is the project located in a region with a currently conforming RTP and TIP?

If yes, **the project is included in a currently conforming RTP and TIP per 40 CFR 93.115. The project's design and scope have not changed significantly from what was assumed in RTP conformity analysis (40 CFR 93.115[b])** Go to Step 8.

If no and the project is located in an isolated rural area, go to Step 5.

If no and the project is not located in an isolated rural area, STOP and do not proceed until a conforming RTP and TIP are adopted.

¹ Please refer to [Clarifications on Exempt Project Determinations](#) to verify exempt project type from Table 2. Road diets, auxiliary lanes less than one-mile, and ramp metering may be exempt under "projects that correct, improve, or eliminate a hazardous location or feature."

Step 5. For isolated rural areas, is the project regionally significant per 40 CFR 93.101, based on review by Interagency Consultation?

- If yes, go to Step 6.
- If no, go to Step 8. **The project, located in an isolated rural area, is not regionally significant and does not require a regional emissions analysis (40 CFR 93.101 and 93.109[e]).**

Step 6. Is the project included in another regional conformity analysis that meets the isolated rural area analysis requirements per 40 CFR 93.109, including Interagency Consultation and public involvement?

- If yes, go to Step 8. **The project, located in an isolated rural area, has met its regional analysis requirements through inclusion in a previously-approved regional conformity analysis that meets current requirements (40 CFR 93.109[e]).**
- If no, go to Step 7.

Step 7. The project, located in an isolated rural area, requires a separate regional emissions analysis.

- Regional emissions analysis for regionally significant project, located in an isolated rural area, is complete. Regional conformity analysis was conducted that includes the project and reasonably foreseeable regionally significant projects for at least 20 years. Interagency Consultation and public participation were conducted. Based on the analysis, the interim or emission budget conformity tests applicable to the area are met (40 CFR 93.109[e] and 95.105).² Go to Step 8.**

Step 8. Is the project located in a CO nonattainment or maintenance area? (South Coast Air Basin only)

- If no, go to Step 9. **CO conformity analysis is not required.**
- If yes, **hot-spot analysis requirements for CO per the [CO Protocol](#) (or per EPA's modeling guidance, CAL3QHCR can be used with EMFAC emission factors³) have been met. Project will not cause or contribute to a new localized CO violation (40 CFR 93.116 and 93.123)⁴. Go to Step 9.**

Step 9. Is the project located in a PM10 and/or a PM2.5 nonattainment or maintenance area?

- If no, go to Step 13. **PM2.5/PM10 conformity analysis is not required.**
- If yes, go to Step 10.

² The analysis must support this conclusion before going to the next step.

³ Use of the CO Protocol is strongly recommended due to its use of screening methods to minimize the need for modeling. When modeling is needed, the Protocol simplifies the modeling approach. Use of CAL3QHCR must follow U.S. EPA's latest CO hot spot guidance, using EMFAC instead of MOVES; see: <http://www.epa.gov/otaq/stateresources/transconf/projectlevel-hotspot.htm#co-hotspot>.

⁴ As of October 1, 2007, there are no CO nonattainment areas in California. Therefore, the requirements to not worsen existing violations and to reduce/eliminate existing violations do not apply.

Step 10. Is the project considered to be a Project of Air Quality Concern (POAQC), as described in EPA’s [Transportation Conformity Guidance](#) for PM 10 and PM 2.5?

- If no, **the project is not a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123 and EPA’s Hot-Spot Analysis Guidance. Interagency Consultation concurred with this determination on _____. Go to Step 12.**
- If yes, go to Step 11.

Step 11. The project is a POAQC.

- The project is a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123, and EPA’s Hot-Spot Guidance. Interagency Consultation concurred with this determination on _____. Detailed PM hot-spot analysis, consistent with 40 CFR 93.116 and 93.123 and EPA’s Hot-Spot Guidance, shows that the project would not cause or contribute to, or worsen, any new localized violation of PM10 and/or PM2.5 standards. Go to Step 12.**

Step 12. Does the approved PM SIP include any PM10 and/or PM2.5 control measures that apply to the project, and has a written commitment been made as part of the air quality analysis to implement the identified SIP control measures? [Control measures can be found in the applicable Federal Register notice at: <https://www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-9#ca>.]

- If yes, **a written commitment is made to implement the identified SIP control measures for PM10 and/or PM2.5 through construction or operation of this project (40 CFR 93.117). Go to Step 14.**
- If no, go to Step 13.

Step 13a. Have project-level mitigation or control measures for CO, PM10, and/or PM2.5, included as part of the project’s design concept and scope, been identified as a condition of the RTP or TIP conformity determination? AND/OR

Step 13b. Are project-level mitigation or control measures for CO, PM10, and/or PM2.5 included in the project’s NEPA document? AND

Step 13c (applies only if Step 13a and/or 13b are answered “yes”). Has a written commitment been made as part of the air quality analysis to implement the identified measures?

- If yes to 13a and/or 13b and 13c, **a written commitment is made to implement the identified mitigation or control measures for CO, PM10, and/or PM2.5 through construction or operation of this project. These mitigation or control measures are identified in the project’s NEPA document and/or as conditions of the RTP or TIP conformity determination (40 CFR 93.125(a)). Go to Step 14.**
- If no, go to Step 14.

Step 14. Does the project qualify for a Categorical Exclusion pursuant to 23 USC 326?

- If yes, go to step 15.
- If no, the project requires preparation of a Categorical Exclusion, EA, or EIS pursuant to 23 USC 327. Go to Step 16.

Step 15. Is any analysis required by steps 1-13 of this form?⁵

- If yes, then Caltrans prepares the appropriate analysis and documentation for the project file and makes the conformity determination through its signature on the CE form. No FHWA involvement is required. See the AQCA Annotated Outline. Go to Step 18.
- If no, then Caltrans makes the conformity determination through its signature on the CE form. No FHWA involvement is required. Go to Step 18.

Step 16. Is the project located in a non-attainment/maintenance area for **ozone only and considered not regionally significant/non-exempt?**

- If yes, go to Step 18.⁶
- If no, then **an AQCA is needed**. See the AQCA Annotated Outline. Caltrans submits a conformity determination request to FHWA for FHWA's conformity determination. Go to Step 17.

Step 17. Send FHWA Request for Conformity Determination package and [FHWA Submittal Package Checklist](#) to DOTP- Air Quality (rodney.tavitas@dot.ca.gov) and DEA-Air Quality (daisy.laurino@dot.ca.gov) for completeness review. Please direct technical questions to DOTP-Air Quality office. Headquarters staff will coordinate with FHWA on behalf of the district.

Date of FHWA air quality conformity determination: _____

Step 18. STOP as all air quality conformity requirements have been met.

SIGNATURE

Nicole Balkow	<i>Nicole Balkow</i>	2/27/2023
Environmental Scientist	Signature	Date

⁵ Please note that not all projects that qualify for a categorical exclusion will be exempt from air quality conformity requirements. Many types of projects that may qualify for a CE (such as the addition of auxiliary lanes less than one-mile, weaving lanes less than one-mile, turning lanes less than one-mile, climbing lanes less than one-mile, parking, road diets, ramp metering, and even many bridge projects) MAY require some level of project level conformity analysis and may even require interagency consultation. Additionally, please note that for ALL projects the project file must include evidence that one of the three following situations apply: 1) Conformity does not apply to the project area; or 2) The project is exempt from all conformity analysis requirements; or 3) The project is subject to project-level conformity analysis (and possibly regional conformity analysis) and meets the criteria for a conformity determination. The project file must include all supporting documentation and this checklist.

⁶ Project-level conformity analysis shows that the project will conform to the State Implementation Plan. Because the project area is Attainment/Unclassified for carbon monoxide (CO) and particulate matter (PM10 and PM2.5), no hot spot analysis is required for the project-level conformity determination by 40 CFR 93.116 and 93.123. The project comes from a conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). Include documentation of interagency consultation review in the final CE/EA/EIS, if applicable.