



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION  
DETERMINATION FORM (rev. 05/2020)

**Project Information**

**DIST-CO-RTE:** 02-TRI-36

**PM/PM:** 0.00/R29.00

**EA:** 2J140

**Federal-Aid Project Number:** 02 2100 0032

**Project Description**

On August 16, 2020, the Governor signed a Proclamation of a State of Emergency due to an extreme heat event, and a weather event, which resulted in widespread lightning strikes that sparked fires throughout the state. At the time of the emergency proclamation, there were hundreds of fires burning across the state. One of those fires, The August Complex, consisted of many separate wildfires that merged into the largest fire in California’s history at over 1.2 million acres burned. The north end of the August Fire Complex burned approximately 10 miles of Highway 36 in Trinity County, destroying homes, property, and critical highway infrastructure. The unprecedented scale of the fire caused catastrophic destruction of property.

**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**

Julie McFall		7/17/23
Print Name	Signature	Date

**Project Manager**

Clint Burkenpas		7/18/2023
Print Name	Signature	Date



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Caltrans NEPA Determination (Check one)

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:

[X] 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:

[X] 23 CFR 771.117(c): activity (c)(9ii)

[ ] 23 CFR 771.117(d): activity (d)()

[ ] Activity \_\_\_ 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

Julie McFall

Print Name

Julie McFall (handwritten signature)

Signature

7/17/23

Date

Project Manager/ DLA Engineer

Clint Burkenpas

Print Name

Clint Burkenpas (handwritten signature)

Signature

7/18/2023

Date

Date of Categorical Exclusion Checklist completion: 6/21/23

Date of Environmental Commitment Record or equivalent: 6/22/23



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### Continuation sheet:

State Route 36 (Post Miles 0.00-R29.0) was identified as being the most impacted by the August Fire Complex. Caltrans assessed the damage within the post mile limits. A contract was awarded through an Emergency Director's Order to implement emergency repairs within the area affected by fire including but not limited to the following improvements:

- Hazard tree removal.
- Replacement of metal beam guardrail.
- Culvert repair, replacement, modification.
- Retaining wall repair, replacement, modification.
- Pavement repair and replacement.
- Rock scaling.
- Deployment of erosion control materials (mulch, hydro-seed, straw waddles).
- Sign replacement.
- Other miscellaneous work deemed necessary to maintain highway safety.

Hazard tree removal and metal beam guardrail were the first orders of business. Drainage work was completed on assets that had been damaged by the fire.

Cleanup efforts for this emergency lasted into 2021. The August Fire created unstable landscapes that resulted in numerous rockslides. On July 8, 2021, material composing of large boulders compromised the installed containment system and was deposited in Rattlesnake Creek.

Rattlesnake Creek is a perennial stream that is home to various fish and aquatic species. It is included in the National Marine Fisheries Service (NMFS) Coho recovery plan and supports various anadromous fish runs.

An assessment of the slope leading down to Rattlesnake Creek, and the size, volume, and linear distribution of the large rock material in Rattlesnake Creek was conducted on July 17, 2021.

The additional slide repair work consisted of:

- Removal of approximately 6 – 10 trees on the east side of the slope.
- A bench was cut approximately 70 - 80 ft up the slope for approximately 250 ft on the eastern side of slope.
- Drapery netting was hung from the bench for approximately 150 - 175 ft, in the middle section of the slope centered on PM 20.7
- Continue bench at approximately 70 - 80 ft up the slope for another approximately 200 ft on the western side of the slope after the middle drapery portion.
- Approximately 50,000 – 60,000 cy of material was removed from the slope. Starting 15 ft from the edge of pavement approximately 40,000 – 50,000 cy of the material was disposed on the eastern side of the slide slope at a 2:1 slope. The remaining material was taken to PM 19.45 for stockpile use on this and



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- other projects as well as for maintenance use.
- A CSP riser was added to the existing DI.

### Right of Way

Acquisitions of TCEs were not needed for this project due to work being confined to Caltrans ROW.

### Staging/Stockpiling

Staging and Stockpiling took place on paved or graveled pullouts within Caltrans right of way.

### Disposal/Borrow Sites

Three disposal sites were used for this project cleanup (PM 17.2, PM 20.7, PM 21.8) Two alternative sites were proposed PM 21.45 and PM 22.15. These proposed sites were not used because the US Forest Service did not clear them for disposal. No borrow sites were required for this project.

### Consultation/Coordination

Caltrans performed a review of resource records and databases, and consultation and coordination with applicable agencies, tribes, and individuals. Identified cultural and biological resources are being monitored to aid in their avoidance. Weekly reporting of monitoring efforts were being forwarded to the applicable agencies.

### Permits

Emergency permits for in-stream work were acquired from the California Department of Fish and Game, the State Regional Water Quality Control Board, and the Army Corps of Engineers.

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

**PROCLAMATION OF A STATE OF EMERGENCY**

**WHEREAS** beginning on August 14, 2020, an Extreme Heat Event struck California and surrounding Western states, causing record-breaking temperatures and Red Flag Warnings throughout California; and

**WHEREAS** on August 16, 2020, I proclaimed a State of Emergency to exist in California due to the Extreme Heat Event; and

**WHEREAS** in addition to the fire conditions being exacerbated by extreme temperatures, the weather event has resulted in widespread lightning strikes, sparking fires throughout the state; and

**WHEREAS** there are currently hundreds of fires actively burning during these extreme weather conditions throughout California, which have collectively burned tens of thousands of acres; and

**WHEREAS** the number of fires actively burning statewide, as well as throughout other Western states, has resulted in a strain on California's mutual aid system, making it increasingly difficult for jurisdictions to obtain the necessary in-state and out-of-state firefighting resources to respond to these fires; and

**WHEREAS** several of these fires, including the River Fire in Monterey County, the Jones Fire in Nevada County, and the Gamble Fire, Hennessy Fire, and other nearby fires (collectively referred to as the "LNU Lightning Complex Fire") in Napa County, have rapidly spread, destroying or threatening homes and critical infrastructure, and forcing the evacuations of thousands of residents; and

**WHEREAS** the Federal Emergency Management Agency has approved multiple Fire Management Assistant Grants to assist with the mitigation, management, and control of the River Fire, the Jones Fire, and the LNU Lightning Complex Fire; and

**WHEREAS** extremely high temperatures and dry conditions are expected to continue, which will further increase the spread of fires statewide and likely result in additional wildfires, further exacerbating the current wildfire situation in California; and

**WHEREAS** local and state regional emergency operations centers have been activated; and

**WHEREAS** under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to fires statewide; and

**WHEREAS** under the provisions of Government Code section 8558(b), I find that the conditions caused by fires, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and

require the combined forces of a mutual aid region or regions to appropriately respond; and

**WHEREAS** under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these fires; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of fires statewide.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California due to fires burning statewide.

**IT IS HEREBY ORDERED THAT:**

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services (CalOES) and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. CalOES shall provide local government assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and safety, public and private property, and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, equipment, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these fires.
4. The California National Guard is hereby mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by CalOES, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.

5. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires who applied for unemployment insurance benefits during the time period beginning August 14, 2020, and ending on the close of business on February 14, 2021, and who are otherwise eligible for unemployment insurance benefits.
6. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of certain fees, are suspended with regard to any request for replacement of a driver's identification card, vehicle registration certificate, or certificate of title, by any individual who lost such records as a result of these fires. Such records shall be replaced without charge.
7. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title are suspended with regard to any registration or transfer of title by any resident who is unable to comply with those requirements as a result of these fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
8. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of these fires. Such copies shall be provided without charge.
9. In order to directly respond to the needs of impacted assisted living facilities, adult residential facilities, child care facilities, children's residential facilities, resource family homes, and other similar facilities within the State Department of Social Services' jurisdiction, the Director of the State Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of these fires.
10. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the Department of Public Health may waive any of the licensing requirements of Chapters 1 and 2 of Division 2 of the Health and Safety Code and

accompanying regulations with respect to any hospital, clinic or health facility identified in Health and Safety Code section 1250 that is impacted by the fire. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of these fires.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18th day of August 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State