



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

**Project Information**

**Project Name (if applicable):** Tagus 6-Lane (Combined) Replacement Planting

**DIST-CO-RTE:** 06-TUL-099

**PM/PM:** 30.2/35.2

**EA:** 06-36030

**Federal-Aid Project Number:** 0620000127

**Project Description**

The project will install landscaping and irrigation on SR 99 in between postmile 30.2 in the City of Tulare to postmile 35.2 in Tulare County. This project is needed to fulfill mitigation requirements set by the environmental document for parent project 06-36024. The highway planting provided by this project supplies the visual and environmental mitigation needed for the removal of vegetation by the parent project.

**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 4. b)** (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**

Trais Norris	<i>J William "Trais" Norris, AIA</i>	7/31/2023
Print Name	Signature	Date

**Project Manager**

Sumangali Hoode	<i>Sumangali Hoode</i>	7/31/2023
Print Name	Signature	Date



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Caltrans NEPA Determination (Check one)

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)(7)
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

Trais Norris (Print Name), J William "Trais" Norris, AIA (Signature), 7/31/2023 (Date)

Project Manager/ DLA Engineer

Sumangali Hoode (Print Name), Sumangali Hoode (Signature), 7/31/2023 (Date)

Date of Categorical Exclusion Checklist completion (if applicable): 7/28/23
Date of Environmental Commitment Record or equivalent: 7/13/23

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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DETERMINATION FORM**

**Continuation sheet:**

See attached Environmental Commitment Record.



## Environmental Commitments Record (ECR)

**DIST-CO-RTE:** 06 - TUL - 099 **PM/PM:** 30.600/35.200

**EA/Project ID:** 06-36030\_ / 0620000127

**Project Description:** Replacement Planting

**Date (Last modification):**

**Environmental Planner:** Jeff Sorensen

**Phone:** 559-383-5566

**Construction Liaison:** Alan Roseto

**Phone:** 661-912-9408

**Resident Engineer:**

**Phone:**

### PERMITS

Permit	Agency	Application Submitted	Permit Received	Permit Expiration	Permit Requirements Completed by	Permit Requirements Completed on	Comments
1600			9/5/17	9/5/27			
BO (FWS)			2/21/08				
BO Amendment			4/6/12				

### ENVIRONMENTAL COMMITMENTS

#### PS&E/BEFORE RTL

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
Hazardous Waste	SSP 7-1.02K(6)(j)(iii)		SSP	L. Spann, RE	Review PS&E for inclusion		_____	_____	Soil disturbance only/no excess soil.	

#### PRE-CONSTRUCTION

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
Biology	Measure 1.9: Training. Prior to starting Project activity, all employees and contractors who will be present during Project activities shall receive training from a qualified individual on the contents of this Agreement, the resources at stake, and the legal consequences of non-compliance. A training sign-in sheet for the employees and contractors, including the date of the training and who gave the training shall be submitted to CDFW within one (1) week of completing training.	1600 Agreement	SSP	RE, ECL, BIO, Contractor	Contractor to notify RE when new personnel require training. RE to coordinate with ECL/Bio to schedule training.		_____	_____		

### Environmental Commitments Record for TAGUS 6-LANE (COMBINED)

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
Biology	Measure 2.3d: Pre-activity surveys for potential listed and other special status species shall be conducted by a qualified biologist within 30 days prior to the commencement of Project activities. Surveys shall be conducted within the work area and all access routes to avoid and minimize incidental take, confirm previous observations, identify any areas occupied by listed or sensitive species, and clearly mark all resources to be avoided by Project activities. If any State- or Federally-listed threatened or endangered species are found or could be impacted by the work proposed, Permittee shall notify CDFW of the discovery prior to commencement of Project activity.	1600 Agreement	n/a	RE, ECL BIO	RE to notify ECL/Bio when construction will start so pre-construction surveys may be scheduled.		_____	_____		
Biology	Measure 2.3e: San Joaquin Kit Fox: Prior to the start of Project activities, a qualified biologist shall perform transect surveys of the Project work area and a 250-foot buffer, to identify potential dens and other kit fox sign. During Project implementation, Permittee shall follow all requirements in the United States Fish and Wildlife Service (USFWS) "USFWS Standardized Recommendations for the Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance". A qualified biologist shall be on-site during all Project related activities that could impact the species. If kit fox are found on or within 250 feet of the Project site, all Project activity shall cease until a qualified biologist confirms that the individual(s) has left of its own volition.	1600 Agreement	n/a	RE, ECL, BIO	RE to notify ECL/Bio when replanting will start so pre-construction surveys may be scheduled.		_____	_____		
Biology	Measure 2.3f: Swainson's Hawk: No Project related activities shall be completed from March 1 through August 31 unless a qualified biologist conducts Swainson's hawk nesting surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee prior to commencing Project activities. Survey results shall be provided to CDFW. Additional pre-Project surveys for active nests within a ½-mile radius of the Project site shall be conducted by a qualified biologist no more than 10 days prior to the start of Project activities and during the appropriate time of day to maximize detectability. A minimum no-disturbance buffer of ½ mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined and CDFW has confirmed in writing that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	1600 Agreement	SSP	RE, ECL, BIO	RE to help implement avoidance buffers and notify of work near these buffers.		_____	_____		
Biology	Measure 2.4b: (Birds of Prey) Survey for nesting activity of	1600 Agreement	SSP	RE, ECL, BIO	RE to notify ECL/Bio		_____	_____		

### Environmental Commitments Record for TAGUS 6-LANE (COMBINED)

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	birds in the orders Falconiformes and Strigiformes within a 500-foot radius of the Project area. If any active nests are observed, these nests shall be designated an ESA and protected by a minimum 500-foot avoidance buffer until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.				when replanting will start so pre-construction surveys may be scheduled.		_____ Signature	_____ Date		
Biology	Measure 2.4b: Survey for nesting activity within a 250-foot radius of the defined work area. If any nesting activity is found, Permittee shall designate nests and nest substrate (trees, shrubs, ground, or burrows) as an ESA protected with a minimum 250-foot buffer until the young have fledged and are no longer reliant upon the nest or parental care for survival.	1600 Agreement	SSP	RE, ECL, BIO	RE to notify ECL/Bio when replanting will start so pre-construction surveys may be scheduled.		_____ Signature	_____ Date		

#### CONSTRUCTION

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
Biology	Measure 1.1: Documentation at Project Site. Permittee shall make this Agreement, any extensions and amendments to this Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to CDFW personnel or personnel from another State, Federal, or local agency upon request.	1600 Agreement	SSP	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 1.2: Providing Agreement to Persons at Project Site. Permittee shall provide copies of this Agreement and any extensions and amendments to this Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.	1600 Agreement	SSP	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 1.3: Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a Protective Measure in this Agreement might conflict with a provision imposed on the Project by another local, State, or Federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.	1600 Agreement	n/a	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 1.4: Permittee agrees that CDFW personnel may enter the Project site at any time to verify compliance with this Agreement.	1600 Agreement	n/a	RE, ECL, BIO	ECL to coordinate any on site meetings with agency.		_____ Signature	_____ Date		
Biology	Measure 10: All food-related trash items shall be disposed	BO	n/a	RE, ECL, BIO						

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	of in closed containers and removed at least once a week from the project site.						_____ Signature	_____ Date		
Biology	Measure 11: No construction employees shall have firearms on the project site. This shall not apply to authorized security personnel, or local, State, or Federal law enforcement officials.	BO	n/a	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 12: The California Department of Transportation Residential Engineer is the point of contact for any employee or contractor in the event that any employee or contractor might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The RE's name and phone number will be provided to the Service along with pre-construction surveys to be filed in the administrative file.	BO	n/a	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 13: Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and replanted to promote restoration of the area to historic conditions.	BO	n/a	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 2: Caltrans will follow the provisions of the Service's Standardized Recommendations for Protection of the San Joaquin kit fox prior to or during ground disturbance.	BO	n/a	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 2: Caltrans will follow the provisions of the Service's Standardized Recommendations for Protection of the San Joaquin kit fox prior to or during ground disturbance.	1600 Agreement	SSP	RE, ECL, BIO			_____ Signature	_____ Date		
Biology	Measure 2.3c: Permittee shall immediately notify CDFW of the discovery of any threatened or endangered species prior to and/or during Project implementation.	1600 Agreement	n/a	RE, ECL, BIO, Contractor	Contractor to immediately report any observation of special status species to RE. RE to immediately report to ECL/Bio.		_____ Signature	_____ Date		
Biology	Measure 2.3e: If San Joaquin kit fox dens are found, they shall be avoided by appropriate distances (potential or atypical den= 50 feet; known den= 100 feet; pupping den = 250 feet minimum). During transect surveys the den shall be treated as a known den unless sign associated with natal/pupping activity is observed. If any occupied San Joaquin kit fox pupping dens are subsequently discovered, Permittee shall stop work and contact CDFW immediately for further guidance. Absolutely no disturbance to known	1600 Agreement	n/a	RE, ECL, BIO	RE to help implement avoidance buffers and notify of work near these buffers. Bio/ECL to coordinate monitoring.		_____ Signature	_____ Date		

### Environmental Commitments Record for TAGUS 6-LANE (COMBINED)

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
	San Joaquin kit fox dens shall occur and no work shall occur within the above buffers without contacting CDFW and obtaining prior written authorization to do so.									
Biology	Measure 2.4a: If any fish or wildlife is encountered during the course of Project implementation, said fish or wildlife shall be allowed to leave the Project area unharmed.	1600 Agreement	SSP	RE, ECL, BIO	RE to insure compliance with SSPs. ECL/Bio to report to RE of any observed issues.		_____	_____		
Biology	Measure 2.5d: Vegetation or material removed from the Project site shall be disposed of at an appropriate and legal off-site location where the material cannot enter the stream channel. No such material shall be stockpiled in the streambed, banks, or channel, except that native vegetation removed from the channel may be chipped and the chips used as mulch for disturbed soil sites in or near the Project area.	1600 Agreement	n/a	RE, EC, BIO	RE to insure compliance with SSPs. ECL/Bio to report to RE of any observed issues.		_____	_____		
Biology	Measure 2.5e: Heavy equipment and other machinery shall be inspected for the presence of undesirable species and cleaned prior to on-site use to reduce the risk of introducing exotic plant species into the Project site.	1600 Agreement	SSP	RE, ECL, BIO	RE to insure compliance with SSPs. ECL/Bio to report to RE of any observed issues.		_____	_____		
Biology	Measure 2.9b: Soils that are excavated and temporarily displaced shall be used to backfill excavations and return areas to original contours.	1600 Agreement	n/a	RE, ECL, BIO	RE to insure compliance with SSPs. ECL/Bio to report to RE of any observed issues.		_____	_____		
Biology	Measure 2.9c: Fill shall be limited to the minimal amount necessary to accomplish Project activities. Excess fill material shall be moved off-site at Project completion.	1600 Agreement	n/a	RE, ECL, BIO	RE to insure compliance with SSPs. ECL/Bio to report to RE of any observed issues.		_____	_____		
Biology	Measure 3: A qualified biologist will be on-site during all activities that could result in the take of listed species. The biologist shall be granted the authority to stop any work that may result in take of listed species. Notify USFWS if San Joaquin kit fox is detected.	BO	n/a	RE, ECL, BIO			_____	_____		
Biology	Measure 5: Project-related vehicles shall not exceed a 20-mile per hours speed limit in all project areas, except on county roads and State and Federal highways.	BO	n/a	RE, ECL, BIO			_____	_____		
Biology	Measure 8: All steep-walled holes or trenches more than 0.7 meters (2 feet) deep shall be covered at the close of each working day by plywood or similar materials or	BO	n/a	RE, ECL, BIO			_____	_____		



**Environmental Commitments Record for TAGUS 6-LANE (COMBINED)**

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
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provided with one or more escape ramps construction of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.

Biology	Measure 9: All construction pipes or similar structures with a diameter of 4 inches or greater that are stored for one or more overnight periods shall be thoroughly inspected for kit fox prior to being moved in any way. A pipe occupied by San Joaquin kit fox will not be moved until USFWS has been consulted.	BO	n/a	RE, ECL, BIO						
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Signature                      Date

Hazardous Waste

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Signature                      Date

**POST-CONSTRUCTION**

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
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Biology	Measure 4.2: Report. Reporting of revegetation success by December 31 of each year until performance criteria are met (Compensatory Measure 3.1 (a)).	1600 Agreement	n/a	ECL, BIO						
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Signature                      Date

Category	Task and Brief Description	Source	Included in PS&E Package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA
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Signature                      Date