



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

Project Information

Project Name (if applicable): District 10 Fuels Reduction Contract 2A

DIST-CO-RTE: 10-CAL/TUO-49 **PM/PM:** VAR

EA: 10A2603 **Federal-Aid Project Number:** N/A

Project Description

In January 2021, the Governor’s Office released California’s Wildfire and Forest Resilience Action Plan and state highways were identified as “a critical part of the solution” with direction to create fire-safe roadways. The California Department of Transportation (Caltrans) has a role in the Action Plan by providing a highway system that prioritizes vegetation and wildfire management along primary emergency evacuation routes and a highway system that can also function as a shaded fuel break or fire control line during emergency operations. Caltrans District 10 (D10) proposes vegetation management and fuels reduction along State Route (SR) 49 in Calaveras and Tuolumne Counties (*see Continuation sheet*).

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.** (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	<i>Elizabeth Hummel</i>	03/01/2024
Print Name	Signature	Date

Project Manager

Yi-Liang Kao	<i>Yi-Liang Kao</i>	3/1/2024
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: N/A

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:

County	Route	Post Mile (PM)
Calaveras	49	10.50 – 14.50, 15.50 – 17.50, and 27.00 – 30.80
Tuolumne	49	6.15 – 6.50, 12.50 – 14.00, and 19.00 – 23.37

The work will reduce ignition probability along roadsides and protect the safety of the traveling public and adjacent communities that depend on the highway during normal and emergency operations. Post treatment site conditions shall result in a decrease in surface fire intensity (flame length) and rate of spread, as well as decrease the potential for fire spread from vehicle induced ignitions along SR-49. The post treatment area shall improve the biodiversity, ecological function of the vegetation community, improve the natural forest structure with a healthy tree density, reduce overcrowding, and relieve tree stress.

The scope of work includes removing dead and dying brush, shrubs, surface and ladder fuels, slash, logs, debris, invasive plant species, and dead, dying, diseased, foliage and/or hazardous trees that pose a threat to public health and safety, and small-diameter suppressed or intermediate trees in areas of high density. The project will remove only live vegetation not listed as endangered, threatened, rare, candidate or special status species and in accordance with the Forest Practice Act & Rules. The project will occur entirely within the existing Caltrans Right of Way. The purpose of this project is to reduce and rearrange vegetation while creating breaks in fuel continuity along the SR-49. The project is needed to facilitate the safe ingress and egress of vehicles and personnel during emergency wildfire events.

Environmental Commitments

General:

- Work cannot begin until the Caltrans District 10 Environmental office provides clearance.
- Pre-construction meetings shall be held with the Caltrans District 10 (D10) Contract Manager, Caltrans D10 Environmental Office, contractor, and interested parties to ensure all environmental commitments are understood and adhered to pre-, during, and post-construction.
- If requested by the Caltrans D10 Environmental Office, the contractor will be responsible for supplying a list and ArcGIS shapefiles showing all trees that have been identified for removal by the Registered Professional Forester (RPF) prior to the start of any construction related activities.
- Permits may be required from regulatory agencies for work across the entire project limits. If permits are required, there will be measures and conditions in



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those permits that the contractor will be responsible for adhering to pre-, during, and post-construction.

Environmentally Sensitive Area:

- A Caltrans qualified biologist, Contractor-Supplied Biologist (CSB), a Caltrans Professionally Qualified Staff (PQS), and/or a Contractor-Supplied Archaeologist (CSA) will be responsible for establishing Environmentally Sensitive Areas (ESA) with marked stakes or flags prior to the start of any construction related activities. The stakes and/or flags will delineate the limits of the ESAs. The D10 Environmental Office will generate an ESA List to provide to the contractor prior to the start of any construction related activities. The ESA List will document the ESA boundaries, avoidance measures, and determine if a CSB, CSA, or a Contractor-Supplied Native American tribal monitor will be required to monitor onsite project activities occurring within or near an ESA. Once all construction related activities are completed and post-construction commitments are met, a Caltrans qualified biologist, the Caltrans PQS, the CSB, and/or CSA will be responsible for removing any ESA stakes and/or flags from the project site. If authorized by the Caltrans D10 Environmental Office, other contractor staff may remove the ESA demarcation post-construction.
- No parking, staging, or stockpiling in ESAs.
- If an ESA is shown, the boundaries shown are approximate. Caltrans, the CSB, and/or CSA marks the exact boundaries on the ground.
- Do not enter an ESA. If an ESA is breached, immediately:
 1. Stop all work within 10 feet of the ESA boundary.
 2. Secure the area.
 3. Notify the Caltrans Field Inspector, Caltrans PQS, and Caltrans qualified biologist within and no more than twenty-four (24) hours after the breach.
 4. The incident must be recorded and any damage to the ESA must be photographed.
- If an ESA is damaged, Caltrans determines the necessary remediation and the party to perform the work. Caltrans deducts the cost for this work.
- Contractor shall maintain all ESAs.

Cultural:

- If any cultural resources are found during operations, immediately stop all work within a 60-foot radius of the discovery and notify both the assigned Caltrans Professionally Qualified Staff (PQS) and Caltrans Field inspector immediately. The sites will be flagged for avoidance and recorded. Work will not continue within 60 feet of the discovery until the assigned Caltrans PQS has determined its significance and until authorized by the Caltrans D10 Environmental Office.



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- 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). Caltrans 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.
- When work locations effect or infringe upon any cultural resources of Native American concern, upon review by a Caltrans PQS, a contractor-supplied tribal monitor will be required for the duration of that work. Should cultural monitoring be required to avoid impacts to Native American resources, a tribal monitor will be arranged by the Caltrans PQS and supplied by the contractor. The contractor will retain and compensate the tribal monitor directly.
- Environmentally Sensitive Areas (ESA) pertaining to cultural resources have been identified within the project limits. These areas will be identified and may be flagged and/or staked by the Caltrans PQS and/or CSA prior to the start of any construction related activities. The CSA will be responsible for coordinating with the Caltrans PQS to ensure avoidance or conditions of the identified ESAs are adhered to throughout the duration of construction related activities.
- The Caltrans PQS may determine that segments of the project require an Environmentally Sensitive Area (ESA) Action Plan and an Archaeological Monitoring Area (AMA) Plan. The PQS will develop these plans in compliance with environmental laws, regulations, and Public Resources Code Section 5024 Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer. The plans will include measures to protect cultural resources. The CSA will be required to adhere to measures detailed in the plans as well as submit weekly monitoring logs. The PQS is responsible for disseminating the studies to all parties and will provide a template for monitoring when applicable.

Biology:

- If work will occur during the nesting bird season (February 1 – September 30), a Contractor-Supplied Biologist (CSB) will be required to conduct pre-construction bird nesting surveys to avoid impacts to Migratory Bird Treaty Act (MBTA) protected species within 14 days prior to the start of any construction related activities. If an active bird nest is present within the project limits during nesting season, the Caltrans D10 Environmental Office shall be contacted immediately. A protective buffer zone will be established around the active nest and no work will be allowed to take place within that established buffer zone until the young have fledged the nest. The D10 Environmental Office will determine the protective buffer zone radius based on the bird species identified. If an active



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nest is observed during the pre-construction bird survey, a protective buffer with a radius of up to 500 feet will be established around the nest. Trees targeted for removal by the RPF (including dead trees, snags, and dense foliage) should be identified and marked prior to the pre-construction bird survey. Contact the Caltrans D10 Environmental Office once the pre-construction bird survey is completed.

- There must be complete avoidance of impacts to aquatic resources, special aquatic sites, and riparian areas. Pre-construction surveys will be conducted by the Caltrans qualified biologist and/or CSB to identify jurisdictional waters within the Caltrans ROW that will need to be avoided. If a jurisdictional resource is discovered within the Caltrans ROW, the area will be marked and delineated as an Environmentally Sensitive Area (ESA) and no work will be allowed to occur within those ESA limits. Contact the Caltrans D10 Environmental Office at least 30 days prior to the start of any construction related activities so the Caltrans qualified biologist can survey and delineate any ESA limits.
- No chipping or debris is allowed to be deposited within any lakes, creeks, rivers, streams, wetlands, seasonally wetted areas, or any locations identified on the ESA List.
- The CSB will be responsible for monitoring the Caltrans-supplied Environmental Sensitive Area (ESA) List and ensuring compliance with any avoidance measures established by the Caltrans D10 Environmental Office. Responsibilities of CSB for ESA List compliance includes, but is not limited to, MBTA bird nesting surveys and monitoring, ESA monitoring and identification of special aquatic sites, ESA monitoring and identification of special status species habitat, protected tree species identification, and riparian zone vegetation determinations.
- Removal of heritage tree species must be avoided. If a heritage tree is found to be dead, dying, or an immediate threat to the traveling public, it's selection for removal and removal must be in accordance with any local or County tree ordinances. The Contractor and RPF must be familiar with local and County tree ordinances throughout the entire project limits.

No permits required.