



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

<u>Project Information</u>	
Project Name (if applicable): Los Banos Overlay	
DIST-CO-RTE: 10-MER-165	PM/PM: 11.7/26.9
EA: 10-1K430	Federal-Aid Project Number: n/a
<u>Project Description</u>	
<p>The California Department of Transportation (Caltrans) proposes a maintenance project in Merced County on State Route (SR) 165, near Los Banos, from post mile 11.7 to 26.9. Construction will occur on paved surfaces within Caltrans Right of Way. The scope of work consists of Cold in Place Recycling the existing Asphalt Concrete (AC) pavement and paving back with Rubberized Hot Mix Asphalt (RHMA-G) overlay. The scope of work also includes placing shoulder backing, replacing deteriorated AC dikes, and replacing the existing detection loops at PM 26.8 within the project limits. The purpose of this project is to repair areas of failing or damaged pavement and facilities. The project is needed to prevent further deterioration of the paved highway surface and improve the Traffic Management System equipment on SR-165.</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

Elizabeth Hummel	<i>Elizabeth Hummel</i>	10/11/2023
Print Name	Signature	Date

Project Manager

Edujie Imoisili	<i>Edujie Imoisili Imoisili</i>	10/12/2023
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)()

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 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: 10/11/23

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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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 re discovered at the job site, do not disturb the resources and immediately:
 1. Stop all work within a 60-ft radius 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 stats 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.

- Adhere to Archaeological ESA postmiles denoted in the project Plan Set and table below:

LOCATIONS OF ARCHAEOLOGICAL ESA

Loc No. (#)	COUNTY	ROUTE	PM/PM	DIR	DESCRIPTION
1	Mer	165	22.55-22.40	SB	SEE NOTE NO. 6 TYPICAL CROSS SECTION SHEET
2			25.50-25.40	SB	
3			25.85-25.75	NB/SB	

- Limited access to the ESA is allowed for emergencies. Notify the engineer one business day or less before the planned entry date. Any other access to the ESA area is prohibited.

Hazardous Waste:

- The project requires removal of yellow paint/thermoplastic traffic striping and/pr pavement markings. If determined to be nonhazardous, the waste shall be



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managed as construction debris Caltrans Standards Special Provision (SSP) 36-4 shall be added to the contract.

- The Caltrans SSP 7-1.02K(6)(j)(iii), pertaining to Earth Material Containing Lead, shall be added to the construction contract. A Lead Compliance Plan prepared by a Certified Industrial Hygienist (CIH) is required and all soil must remain on-site.

No permits required for this project.