



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

Project Information

Project Name (if applicable): Mill Creek AR Chip Seal

DIST-CO-RTE: 09-INY-395

PM/PM: 122.3/129.5

EA:09-39840

Federal-Aid Project Number:

Project Description

The purpose of this project is to restore the pavement to a serviceable condition. The pavement within the project limits is suffering distress and needs to be rehabilitated. This project will provide a serviceable condition to address entire limits. The project is located on SR 395 in Inyo County from 9.2 miles north of Bishop to 0.3 mile south of Pleasant Valley Dam Road to Mono County Line. (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 1 (C).** (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

Dennee Alcalá

Dennee Alcalá

10/11/2024

Print Name

Signature

Date

Project Manager

Justin Castleberry

Justin Castleberry

10/14/2024

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: 09/16/2024



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Continuation sheet:

The scope of work is to apply an asphalt rubber chip seal to the existing asphalt surface from the inside edge of pavement to the outside edge of pavement in both directions and flush coat into local streets. A 3/8" aggregate and binder followed by fog seal will be placed with the use of a steel roller in addition to rubber tire rollers. Traffic census loops will be replaced. Excess materials and waste from chip seal will be collected and disposed of to prevent it from leaving the roadway. The scope of work does not propose to do any work such as drainage, guardrail, grinding, or concrete.

The work limits include construction sign in addition to the construction area.

Construction limits include the area of the chip seal construction.

All work will be performed within the existing pavement limits and within existing disturbed areas adjacent to the roadway.

No new disturbed areas will be created with this project. No vegetation or dirt will be outside of existing pavement and contractor use areas. All work will be performed within the right-of-way.

Potential Contractor's staging/ use areas are within Caltrans right-of-way.

Environmental Commitments

Biology

BIO-1: Notify Biologist 2 weeks prior to construction.

BIO-2: Pre-construction rare plant surveys.

- To avoid impacts to special status plant species, any individuals found during pre-construction surveys will be flagged for avoidance and their locations shared with construction personnel; a no-work buffer of up to 10 feet from flagging may be implemented as needed as determined by the Caltrans Biologist.
- If the special status plant species is present within the project impact area and cannot be avoided, the Caltrans Biologist will initiate consultation with CDFW to determine the best course of action for the particular species; while consultation is in progress, a no-work buffer of 10 feet will be implemented to avoid potential impacts to the special status plant species.

BIO-3: Pre-construction nesting/migratory birds and Swainson's Hawk surveys.

- Conducted by a staff Biologist within 72 hours prior to the start of construction. No work may occur until the Department conducts pre-construction surveys.
- If the project occurs between February 1 and September 30 and pre-construction nesting bird surveys conducted by the Department determine that nesting birds are within the buffer areas, a biological monitor may be required to monitor all active bird nests. Monitoring will occur within the buffer areas until nesting activities have been completed. Monitoring will be conducted by the Department.



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- If nesting birds are found present prior to construction start or during construction within buffer areas of regulated species and the Department monitor determines construction activities are impacting nesting activities, a no-work buffer may be implemented. No-work buffer distances and length of time needed for no-work buffer will be determined by the Department. If the construction activities do not appear to be disrupting nesting activities (parent birds not exhibiting stressed behavior, territorial behavior, or abandoning nest, etc.), then the Department Biologist may clear the area for construction to proceed.