

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



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

Project Information

Project Name (if applicable): Toro Creek Fish Passage Project

DIST-CO-RTE: 05-SB-101

PM/PM: 6.7/6.7

EA: 05-0N7B3/ 05-1C8B3 **Federal-Aid Project Number:** 0521000071/0521000072

Project Description:

Caltrans proposes to remediate an existing barrier to fish passage within the Caltrans Right of Way (R/W) within Toro Creek in Santa Barbara County. The purpose of the project is to restore migratory access and fish passage through the US 101 Right of Way (R/W) for the federally endangered and state candidate Southern California Coast Steelhead. There is an existing four-foot vertical drop in the channel bed at the downstream end of Caltrans Right of Way (R/W), as well as velocity and depth barriers associated with a steep concrete bed under the US 101 southbound bridge. The existing vertical drop and concrete-lined creek bed represent a complete barrier to Southern California Steelhead. To remediate the barrier, Caltrans proposes to remove the existing concrete-lined creek bed, construct two retaining walls parallel to the existing channel to avoid conflict with the existing bridge footings, and construct 25 angled vortex metal weirs that are 11-feet in width and spaced 7-feet apart. The fish passage structure will span 180 feet within the creek and Caltrans R/W. Two larger resting pools will be created at the downstream and upstream area of the pool-weir fishway. The maximum depth of excavation in the channel is 10 feet below the existing grade and 15 feet wide within the channel. This proposed fishway will create a series of 26 pools for salmonoids to leap and swim from pool to pool to gain elevation as they migrate upstream. This series of pools will address the 5.5% slope gradient and the 4-foot hydraulic drop. Dewatering, desilting, and tree/ vegetation removal during the construction period will be required. The construction of temporary access areas and excavation within the creek bed is anticipated to generate approximately 1,000 cubic yards (CY's) of soil export. Plant establishment will occur following completion of the project per the guidance of Caltrans Landscape Architecture.

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 (i), Class 33, (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].)



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Senior Environmental Planner or Environmental Branch Chief

Lucas Marsalek

Print Name

Signature

3/3/25

Date

Project Manager

Joe Arnold

Print Name

Signature

03/03/2025

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)(Enter activity number)
23 CFR 771.117(d): activity (d)(Enter activity number)
Activity 3 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

Lucas Marsalek
Print Name Signature Date 3/3/25

Project Manager/ DLA Engineer

Joe Arnold
Print Name Signature Date 03/03/2025

Date of Categorical Exclusion Checklist completion (if applicable): Enter date
Date of Environmental Commitment Record or equivalent: Enter date

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:

Avoidance and Minimization Measures:

Project Level GHG Reduction Strategies:

The following measures for greenhouse gas reduction strategies have been identified and selected for this project to help reduce GHG emissions during project construction.

1. Limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment not in active operations.
2. For improved fuel efficiency from construction equipment:
 - Maintain equipment in proper tune and working condition.
 - Use right sized equipment for the job.
3. Earthwork Balance:
 - Reduce the need for transport of earthen materials by balancing cut and fill quantities.

Noise Reduction Measures:

- Notify the public in advance of the construction schedule when construction noise and upcoming construction activities likely to produce an adverse noise environment are expected. This notice shall be given two weeks in advance. Notice should be published in local news media of the dates and duration of proposed construction activity. The District 5 Public Information Office posts notice of the proposed construction and potential community impacts after receiving notice from the Resident Engineer.
- Shield loud pieces of stationary construction equipment if complaints are received;
- Locate portable generators, air compressors, etc. away from sensitive noise receptors as feasible;
- Limit grouping major pieces of equipment operating in one area to the greatest extent feasible;
- Use newer equipment that is quieter and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer; and,
- Consult District noise staff if complaints are received during the construction process.



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Hazardous Waste Measures:

- The SSP for management of unregulated earth material within the channel of Toro Creek will be SSP 7-1.02K(6)(j)(iii). This SSP requires a Lead Compliance Plan to be developed and implemented by the Construction Contractor. A bid item will need to be included for a lead compliance plan.

Biological Resource Measures:

1. Focused pre-construction surveys for monarch butterflies will be completed to determine the presence/absence of monarch butterfly clusters and/or roosts within 200 feet of the limits of construction. Surveys shall be conducted during peak roosting season (November-December) prior to the onset of construction activities, and annually during construction activities conducted within 200 feet of construction limits. If active monarch butterfly roosts are detected within 200 feet of proposed construction activity during pre-construction surveys, Caltrans will develop a Butterfly Roost Protection Plan. If active roost sites are identified, a minimum protective radius/buffer of 50 feet around the active roost sites will be established, denoted on plans and delineated in the field with temporary ESA fencing. Depending on the location of the roost, protection measures may also include measures to minimize dust and activity, scheduling work outside of overwintering activity, or providing an onsite biological monitor during construction activities.
2. If identified within a 200-foot buffer of the project site, Environmentally Sensitive Areas (ESA) would be established at each Monarch butterfly roosting site. The ESAs will be delineated on project plans and demarcated in the field with temporary ESA fencing prior to the start of work at these locations. No equipment or personnel would be allowed within the ESA.
3. A qualified biologist will survey and clear all potential tree removal and/or grubbing areas 3-5 days before such activities are set to begin. Tree removal and/or grubbing of vegetation within 50 feet of an identified monarch butterfly ESA shall not occur without the review and approval of the qualified biologist.

Water Quality and Stormwater Measures:

1. Temporary Sediment Controls
 - Implement linear sediment controls such as fiber rolls, check dams, or gravel bag berms on all active and non-active DSA's during the rainy season.
 - To further help prevent sediment discharge stabilized construction site entrances, temporary drainage inlet protection, and street sweeping and vacuuming will be necessary.



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- Implement appropriate wind erosion controls year-round.
2. Temporary Soil Stabilization
- Minimize active DSA's during the rainy season utilizing scheduling techniques.
 - Preserve existing vegetation to the maximum extent feasible.
 - Implement temporary protective cover/erosion control on all non-active DSA's and soil stockpiles.
 - Control erosive forces of storm water runoff with effective storm flow management such as temporary concentrated flow conveyance devices, earthen dikes, drainage swales, lined ditches, outlet protection/velocity dissipation devices, and slope drains as determined feasible.

3. Non-Storm Water Management

The appropriate non-storm water BMP's will be implemented year-round as follows:

- Water conservation practices are implemented on all construction sites and wherever water is used.
- Paving and Grinding procedures are implemented where paving, surfacing, resurfacing, grinding, or saw cutting may pollute storm water runoff or discharge to the storm drain system or watercourses.
- Procedures and practices designed for construction contractors to recognize illicit connections or illegally dumped or discharged materials on a construction site and report incidents to the Resident Engineer.
- The following activities must be performed at least 100 feet from concentrated flows of storm water, drainage courses, and inlets if within the floodplain and at least 50 feet if outside of the floodplain; stockpiling materials, storing equipment and liquid waste containers, washing vehicles or equipment, fueling and maintaining vehicles and equipment.
- Concrete curing will be used in the construction of structures such as buildings, sidewalks, and retaining walls. Concrete curing includes the use of both chemical and water methods. Proper procedures will minimize pollution of runoff during concrete curing.
- Since the project involves structure demolition/removal in Toro Canyon Creek, proper procedures will be implemented to minimize pollution during these activities.

Visual Resource Avoidance and Minimization Measures:

The following environmental commitments can avoid or minimize negative visual effects:

1. Preserve as much existing vegetation as possible. Prescriptive clearing and grubbing and grading techniques which save the most existing vegetation possible shall be employed.



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2. Replacement planting shall occur at the maximum extent horticulturally viable and maintained until established, as determined by District 5 Landscape Architecture.
3. Drainage structures and retaining walls visible from public areas shall be designed to visually blend-in with the setting as much as possible and deter graffiti, as determined by District 5 Landscape Architecture.
4. Following construction, re-grade and re-contour any new construction access roads, staging areas and other temporary uses as necessary to match the surrounding natural topography, avoiding unnatural-appearing remnant landforms.
5. All disturbed areas shall receive permanent erosion control to be determined by Caltrans District 5 Landscape Architecture.