

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): Caltrans

50 Higuera Street

San Luis Obispo, CA 93401

(Address)

Project Title: Carmel Highlands Drainage Repair, 05-1K580/0518000224

Project Applicant: Caltrans

Project Location - Specific:

Monterey County, Highway 1, PM 69.6

Project Location - City: Carmel Highlands

Project Location - County: Monterey County

Description of Nature, Purpose and Beneficiaries of Project:

Caltrans is proposing an emergency repair to a failed drainage system by constructing a new parallel system adjacent to the existing in Carmel Highlands, Monterey, PM 69.6.

Name of Public Agency Approving Project: Caltrans

Name of Person or Agency Carrying Out Project: Caltrans

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: 15269 (b)

Reasons why project is exempt:

The project will not have a significant effect on the environment, does not damage a scenic or historical resource, and will not be a significant cumulative effect.

Lead Agency
Contact Person: Allison Donatello

Area Code/Telephone/Extension: 805-542-4685

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: 5/6/19

Title: Assoc. Env. Planner

☒ 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: _____

Governor's Office of Planning & Research

MAY 06 2019

STATE CLEARINGHOUSE

Revised 2011

2019058080

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

05-MON-1	69.6	05-1K580/0518000224	
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

PROJECT DESCRIPTION: (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use *Continuation Sheet*, if necessary.)

Caltrans is proposing an emergency repair to a failed drainage system by constructing a new parallel system adjacent to the existing in Carmel Highlands, Monterey, PM 69.6. This will require a modest amount of excavation just north of the existing pipe for the upper half only. The lower half will consist of an above ground pipe on the same alignment as existing. Portions of the existing pipe will be removed as necessary and the remaining portions will be abandoned by filling with slurry cement.

CALTRANS CEQA DETERMINATION (Check one)

☐ Not Applicable – Caltrans is not the CEQA Lead Agency ☐ Not Applicable – Caltrans has prepared an Initial Study or Environmental Impact Report under CEQA

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☒ **Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)

☐ **Categorically Exempt.** Class _____. (PRC 21084; 14 CCR 15300 et seq.)

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply:

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

☐ **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].)]

<p>Randy LaVack</p> <p>Print Name: Senior Environmental Planner or Environmental Branch Chief</p> <p><i>[Signature]</i> <i>5-6-19</i></p> <p>Signature Date</p>	<p>Berkeley Lindt</p> <p>Print Name: Project Manager</p> <p><i>[Signature]</i> <i>5-6-19</i></p> <p>Signature Date</p>
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NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

CALTRANS NEPA DETERMINATION (Check one)

☐ **23 USC 326:** The State 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). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated May 31, 2016, executed between the FHWA and the State. The State 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 _____ of the MOU between FHWA and the State

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, the State 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 December 23, 2016 and executed by FHWA and Caltrans.

<p>Print Name: Senior Environmental Planner or Environmental Branch Chief</p> <p>Signature _____ Date _____</p>	<p>Print Name: Project Manager/DLA Engineer</p> <p>Signature _____ Date _____</p>
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Date of Categorical Exclusion Checklist completion: _____ Date of ECR or equivalent: _____

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Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

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2019058080
CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

05-MON-1	69.6	05-1K580/0518000224	
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

Continued from page 1:

Biological Measures:

1. Prior to construction, if construction activities are proposed to occur during the typical nesting season (February 15 to September 1) within potential nesting habitat within the project area, a nesting bird survey shall be conducted by a qualified biologist at least two weeks prior to construction to determine presence/absence of nesting birds within the project area. Work activities shall be avoided within 150 ft of active bird nests, until a qualified biologist has determined that young birds have fledged and left the nest. Readily visible exclusion zones shall be established in areas where nests must be avoided. USFWS and CDFW shall be contacted for additional guidance if nesting birds are observed within or near the boundaries of the project site. Active nests shall not be disturbed and eggs, or young of birds covered by the Migratory Bird Treaty Act (MBTA) and California Fish and Wildlife Code shall not be killed, injured, or harassed at any time.
2. Staging Areas, Equipment and Material Storage: To avoid impacts to adjacent native vegetation and wildlife, all staging and equipment and material storage areas shall occur in existing pullouts or at currently paved locations. No vegetation clearing on public or private land is allowed to create storage sites without first being cleared through Caltrans.

Cultural Measures:

3. An Archaeological monitor is required during construction to ensure no impacts to archaeological resources. A monitoring report shall be submitted at the completion of the project. In the event cultural material is identified during construction, work shall cease until a qualified archaeologist can assess the unanticipated discovery.

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