

Notice of Exemption

2019058096

Appendix E

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

From: (Public Agency) Caltrans, Dist. 10
1976 E. Dr. Martin Luther King Jr. Blvd.
Stockton CA 95205

Project Title: 1J240: Patterson Fence Replacement

Project Applicant: California Department of Transportation

Project Location - Specific:

The California Department of Transportation (Caltrans) proposes a Highway Maintenance project to replace fencing along Interstate (I) 5 from post mile 13.5 to post mile 15.9.

Project Location - City: Patterson

Project Location - County: STA

Description of Nature, Purpose and Beneficiaries of Project:

The California Department of Transportation (Caltrans) proposes a Highway Maintenance project to replace fencing along Interstate (I) 5 from post mile 13.5 to post mile 15.9 near the City of Patterson within Stanislaus County. The scope of work includes removing the existing wooden-post and wire mesh and/or barbed wire fencing and replacing it with metal-post fencing and new wire mesh and/or barbed wire. All work will occur within Caltrans Right of Way (ROW). The purpose of the project is to replace the deteriorating and failing wooden-post fence line with upgraded metal posts. The project is needed to provide a secure fence line along I-5.

Name of Public Agency Approving Project: California Department of Transportation

Name of Person or Agency Carrying Out Project: California Department of Transportation

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: Existing Facilities section 15301

☐ Statutory Exemption. State code number: _____

Reason why project is exempt:

The project will not affect any sensitive species or their habitat, any cultural or scenic resources, or any other environmentally sensitive resources.

Lead Agency

Contact Person: Elizabeth Hummel

Area Code/Telephone/Extension: 209-948-3825

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: [Signature]

Date: 4/30/19

Title: Environmental 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 _____

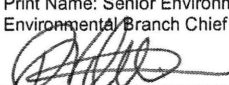

Governor's Office of Planning & Research

MAY 07 2019

Revised 2011

STATE CLEARINGHOUSE

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

10-STA-5	13.5/15.9	1J240/1019000032	
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.)			
<p>The California Department of Transportation (Caltrans) proposes a Highway Maintenance project to replace fencing along Interstate (I) 5 from post mile 13.5 to post mile 15.9 near the City of Patterson within Stanislaus County. The scope of work includes removing the existing wooden-post and wire mesh and/or barbed wire fencing and replacing it with metal-post fencing and new wire mesh and/or barbed wire. All work will occur within Caltrans Right of Way (ROW). The purpose of the project is to replace the deteriorating and failing wooden-post fence line with upgraded metal posts. The project is needed to provide a secure fence line along I-5.</p>			
CALTRANS CEQA DETERMINATION (Check one)			
<input type="checkbox"/> Not Applicable – Caltrans is not the CEQA Lead Agency		<input type="checkbox"/> 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:			
<input type="checkbox"/> Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)			
<input checked="" type="checkbox"/> Categorically Exempt. Class 1. (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:			
<ul style="list-style-type: none"> • 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. 			
<input type="checkbox"/> 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].)]			
Dominic Vitali Print Name: Senior Environmental Planner or Environmental Branch Chief  Signature		Jose A. Alicea II Print Name: Project Manager  Signature	
4/9/19		4/9/19	
Date		Date	
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:			
<ul style="list-style-type: none"> • 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)			
<input type="checkbox"/> 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: <ul style="list-style-type: none"> <input type="checkbox"/> 23 CFR 771.117(c): activity (c) () <input type="checkbox"/> 23 CFR 771.117(d): activity (d) () <input type="checkbox"/> Activity ___ listed in Appendix A of the MOU between FHWA and the State 			
<input type="checkbox"/> 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.			
Print Name: Senior Environmental Planner or Environmental Branch Chief _____ Signature		Print Name: Project Manager or LA Engineer _____ Signature	
Date		Date	
Date of Categorical Exclusion Checklist completion: N/A		Date of ECR or equivalent: 04/09/2019	

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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MAY 07 2019

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CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

10-STA-5	13.5/15.9	1J240/1019000032	
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:

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 are discovered at the job site, do not disturb the resources and immediately:
 1. Stop all work within a 60foot radius of discovery
 2. Protect the discovery area
 3. Notify the Engineer
 4. 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 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). 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.

Hazardous Waste:

- Caltrans Standard Special Provision 7-1.02K(6)(j)(iii) pertaining to earth material containing lead, shall be included in the contract.
- Caltrans Standard Specification 14-11.14 regarding treated wood waste shall be adhered to.

Biology:

- Caltrans Standard Special Provision (SSP) 14-6.03A shall be included in the contract. During the Month of May, prior to any construction activities, a Caltrans biologist will be conducted San Joaquin Kit Fox (SJKF) surveys within the project area. If construction does not begin within 30 days of the surveys completed in May, follow-up surveys will be conducted no more than 30 days prior to the start of construction.
- If SJKF dens are identified prior to or during construction, protective buffers will be established. Nata and pupping dens require a 200-foot buffer. Known dens require a 100-foot buffer. Potential and Atypical dens require a 50-foot buffer. If the existing fence line is found to cross through any of those protective buffers, flags will be used to delineate the length of fencing that falls within the buffer zones. No construction personnel, equipment, or activities are permitted within the areas of fence line that are flagged.
- All construction personnel are required to participate in a training program prior to the start of construction. The training will inform personnel of the SJKF life history, how to identify the species or it's habitats, what to do if the species is encountered, and the State and Federal laws protecting the species. Contact the Environmental Office 30 days prior to the start of construction to schedule the training which will occur on the first day of construction.
- Before any holes or burrows are filled, they must be thoroughly inspected to ensure no animals will be trapped within. If a SJKF is inadvertently killed or injured on the construction site, contact the Environmental Office immediately.
- No rodenticides, herbicides, or pets are allowed on the construction site.
- Caltrans SSP 14-10.01 shall be included in the contract to ensure trash is removed from the construction daily.
- Caltrans SSP 10-1.03 shall be added to the contract to restrict all construction activities to daylight hours only. No work is permitted between dusk and dawn.

No permits required.