

Notice of Exemption

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

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

Project Title: 1K420: Merced & Stanislaus SR-165 Overlay

Project Applicant: California Department of Transportation

Project Location - Specific:
The project is located along a continuous section of State Route (SR) 165 in Merced County from post mile 30.3 to 36.7 to Stanislaus County from post mile 0.0 to 1.6.

Project Location - City: VAR Project Location - County: MER, STA

Description of Nature, Purpose and Beneficiaries of Project:
The California Department of Transportation (Caltrans) proposes a Highway Maintenance project to resurface a continuous section of State Route (SR) 165 in Merced County from post mile 30.3 to 36.7, and in Stanislaus County from post mile 0.0 to 1.6. The scope of work includes 0.10-foot Rubberized Hot Mix Asphalt (RHMA) Type G overlay, dig-outs of failing sections, shoulder backing, and replacement of thermoplastic striping. All work will occur within existing Caltrans right of way. The project includes state and federal funding. The purpose of this project is to repair areas of failing and/or damaged pavement. The project is needed to prevent further deterioration and extend the service life of SR-165.

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));
[X] 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: 8/5/19 Title: Environmental Planner
[X] 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

AUG 08 2019

STATE CLEARINGHOUSE

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**

<b>10-MER,STA-165</b>	<b>VAR</b>	<b>1K420/1019000103</b>	
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.)

The California Department of Transportation (Caltrans) proposes a Highway Maintenance project to resurface a continuous section of State Route (SR) 165 in Merced County from post mile 30.3 to 36.7, and in Stanislaus County from post mile 0.0 to 1.6. The scope of work includes 0.10-foot Rubberized Hot Mix Asphalt (RHMA) Type G overlay, dig-outs of failing sections, shoulder backing, and replacement of thermoplastic striping. All work will occur within existing Caltrans right of way. The project includes state and federal funding. The purpose of this project is to repair areas of failing and/or damaged pavement. The project is needed to prevent further deterioration and extend the service life of SR-165.

**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 1.** (PRC 21084; 14 CCR 15300 et seq.)

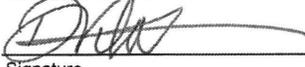
Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply:

- 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].)]

**Dominic Vitali**

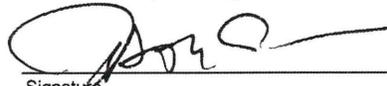
Print Name: Senior Environmental Planner or Environmental Branch Chief

  
Signature

8/1/19  
Date

**Jason Miller**

Print Name: Project Manager

  
Signature

8/1/19  
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:

- 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)

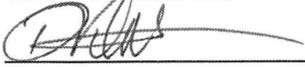
- 23 USC 326:** The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under 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)(26)**  
 **23 CFR 771.117(d): activity (d)( )**  
 **Activity \_\_\_ listed in Appendix A 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.

**Dominic Vitali**

Print Name: Senior Environmental Planner or Environmental Branch Chief

  
Signature

8/1/19  
Date

**Jason Miller**

Print Name: Project Manager/DLA Engineer

  
Signature

8/1/19  
Date

Date of Categorical Exclusion Checklist completion: 08/01/2019      Date of ECR or equivalent: 08/01/2019

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

10-MER,STA-165	VAR	1K420/1019000103	
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:

- o 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.

Cultural:

- o 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.
- o 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:

- o Caltrans Standard Special Provision 7-1.02K(6)(j)(iii) pertaining to earth material containing lead, shall be included in the contract.
- o Caltrans Standard Special Provision 14-11.12 pertaining to the removal of yellow traffic stripe and pavement markings shall be included in the contract.

Biology:

- o If construction will occur during bird nesting season (February 1<sup>st</sup> through September 30<sup>th</sup>), contact the Environmental Office at least one month prior to the start of construction to schedule a pre-construction bird survey with a Caltrans Biologist. The pre-construction survey will need to be completed within 14 days prior to the start of construction.
- o Caltrans Standard Special Provision (SSP) 14-6.03A regarding protective radii shall be included in the construction contract. If active migratory bird nests are observed, a 100-foot buffer shall be established. For hawks, a 300-foot buffer shall be established. For Swainson's hawk, a 600-foot buffer shall be established.

No permits required.

Governor's Office of Planning & Research

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