

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

08-SBD-247	39.0/42.0 & 49.0/70.0	1K840	0819000119
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 project consists of slurry seal coat, cold planing, and digouts on State Route 247 in San Bernardino County between Yucca Valley and Barstow at PM 39.0/42.0 and PM 49.0/70.0. All work and staging areas will be on the pavement between PM 38.5/70.5. The purpose of this project is to perform preventative maintenance on existing pavement.

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].)]

Shawn Oriaz

Print Name: Senior Environmental Planner or Environmental Branch Chief


 Signature

09/30/2019
 Date

Michael Ristic

Print Name: Project Manager


 Signature

9/30/19
 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)

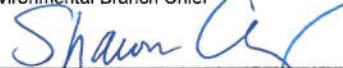
23 USC 326: The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the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

Shawn Oriaz

Print Name: Senior Environmental Planner or Environmental Branch Chief


 Signature

09/30/2019
 Date

Michael Ristic

Print Name: Project Manager/DLA Engineer


 Signature

9/30/19
 Date

Date of Categorical Exclusion Checklist completion:

Date of ECR or equivalent :

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

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet**

Continued from page 1:

Pavement Work Required

Location 1	PM 39.0/42.0	Replace failing asphalt concrete surfacing, apply slurry seal coat to match existing slope
Location 2.1	PM 49.0/53.0	Replace failing asphalt concrete surfacing, cold-plane 0.1' to match existing slope, place 0.1' RHMA-G
Location 2.2	PM 53.0/70.0	Replace failing asphalt concrete surfacing, apply slurry seal coat to match existing slope

The project is programmed under HM1 (Highway Maintenance: Pavement). Total cost is estimated at \$5,010,000.

Land Use

The project lies entirely within unincorporated areas in the County of San Bernardino. The County's 2019 Proposed Land Use Map and current 2012 land use districts designate the project limits as mostly open space, rural living, and resource land management. Rural living, commercial, low/medium density residential, public facilities, and special development areas are clustered around the 247/18 interchange in Lucerne Valley. The project is to rehabilitate existing pavement only. The project is not anticipated to impact land use.

Coastal Zone

Project is not located within a coastal zone.

Wild and Scenic Rivers

Project is not located within 0.5 miles of any designated wild or scenic rivers. The closest wild or scenic river system is over 50 miles from the project limits.

Parks and Recreational Facilities

The area within 0.5 miles of the project limits contains the following parks/recreational facilities:

- Lucerne Valley Parks and Recreation County Service Area 29
- Pioneer Park
- Happy Trails ATV Rental
- Lucerne Valley Elementary School playgrounds
- Lucerne Valley Middle/High School sports fields
- Rocketry Organization of California launch site
- Robert A. Sessions Memorial SportsPark (City of Barstow)
- Barstow Community College tennis courts and baseball diamond
- Various rock climbing and off-roading attractions.

All project work and staging areas will be on existing pavement only, with at least one lane always open for through traffic. No impacts to parks and recreational facilities are anticipated.

Farmlands/Timberlands

The area 0.5 miles from the project limits is entirely classified as "grazing land" by the CA Department of Conservation Farmland Mapping and Monitoring Program and contains no land designated "prime farmland", "farmland of statewide importance", or "unique farmland". The project intersects with the High Desert Plains and Hills juniper woodland area for approximately 6 miles at the northern end of the project limits. All project work will take place on existing pavement. No farmland or timberland impacts are anticipated.

Growth

Project work is on existing pavement only and will not expand existing facilities or add capacity. The project is not anticipated to induce or influence growth.

Community Impacts

The area within 0.5 miles of the project limits contains various parks and recreational facilities, as well as County Service Area 29, Lucerne Valley Elementary School, and Lucerne Valley Middle/High School. County Service Area 29 contains the Lucerne Valley Public Library, Lucerne Valley Senior Center, Pioneer Park, San Bernardino County Fire Station 8, and the CalFire Lucerne Valley Station. The project is also adjacent to a religious facility, Kingdom Hall of Jehovah's Witnesses. No impacts to the community services, religious facility, parks, and recreational facilities are anticipated.

Utilities/Emergency Services

No utility relocations are anticipated. At least one lane will be open to both directions of traffic during construction. A public information campaign will be implemented to inform travelers and the local community of the expected closures. The project is not anticipated to impact emergency services response times.

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet**

Traffic and Transportation/Pedestrian and Bicycle Facilities

The Caltrans Route Concept Report for SR-247 (approved June 2016) states that bicycles are permitted along the entire length of SR-247, and that pedestrian access is not prohibited. Sidewalks are not present along the project limits. A Traffic Management Plan was approved August 28, 2019, which stated that the project is anticipated to be completed in 90 working days at 8 hours/day. Flagging, shoulder closures, and lane closures are anticipated. Lane closures are limited to 6:00am-6:00pm and will always provide at least 1 through traffic lane for use by both directions of travel. The project is not anticipated to impact bicycle or pedestrian access. No full closures or detours are anticipated.

Visual/Aesthetics

A Visual Impact Assessment Questionnaire was completed September 17, 2019 with a score of 6 and determined that no noticeable visual changes to the environment are proposed and no further analysis is required.

Cultural Resources

A Cultural Resources Compliance Memorandum was approved on September 19, 2019. The analysis for this undertaking was carried out in a manner consistent with the provisions of the PRC 5024 MOU Attachment 2. This project falls under: Class 1, "Pavement reconstruction, resurfacing, shoulder backing, or placement of seal coats." The project, as currently proposed, has no potential to affect historical resources. The project is exempt from further review, no additional archaeological or built environment studies are required at this time and the CEQA cultural resources component, and PRC 5024 compliance are complete.

CR-1: If buried cultural resources are encountered during Project Activities, it is Caltrans policy that work stop within 60 feet of the area until a qualified archaeologist can evaluate the nature and significance of the find.

CR-2: In the event that human remains are found, the county coroner shall be notified and ALL construction activities within 60 feet of the discovery shall stop. 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). The person who discovered the remains will contact the District 8 Division of Environmental Planning; Andrew Walters, DEBC: (909)383-2647 and Gary Jones, DNAC: (909)383-7505. Further provisions of PRC 5097.98 are to be followed as applicable.

Hydrology and Floodplain

FIRM/FEMA flood maps accessed September 12, 2019 show the project lies in a Zone D Area of Undetermined Flood Hazard, as shown in the following FIRM panels. The project is not located within a 100-year base floodplain.

- 06071C4545H • 06071C5225H • 06071C6575H
- 06071C5200H • 06071C5900H • 06071C6600H

Water Quality and Storm Water Runoff

All work and staging areas will be on the pavement. No change in impervious surface area is anticipated. The project is not anticipated to impact water quality and storm water runoff.

Geology/Soils/Seismic Topography

SR 247 intersects the Lenwood-Lockart fault zone near PM 73 and the Helendale-South Lockhart fault zone near PM 45. Both fault zones have a slip rate of between 0.2-1.0mm/year. USDA soil maps accessed September 19, 2019 show soils within ¼ mile of the project limits are dominated by Cajon-Arizo Complex, which makes up 29.6% of the soils in the study area. Sizable amounts of Kimberlina Loamy Fine Sand (12.3%) and Cajon Sand (10.8%) are also present. Digouts will be limited to failing pavement only and will not disturb soils. The project is not anticipated to have impacts to geology, soils, or seismic topography.

Hazardous Waste

An Initial Site Assessment (ISA) Checklist was conducted August 6, 2019 and found that the project is considered "High Risk" for hazardous waste involvement. The following sites were observed during hazardous waste studies.

LUST* open case	Lucerne Valley Garage (T0607100998) is located 1.5 miles from project limits. No action required.
LUST* closed case	L G Kitchens Transport (T0606501108) case closed in 1999. No action required.
LUST* closed case	Pfizer Inc (T0607100997) case closed in 1992. No action required.
Oil Gas Well	OGW-08-370 is located 0.2 miles from project limits. Digouts are not expected in the well proximity. No action required.
DTSC** cleanup site	Lucerne Lake Bomb Range, harbors Unexploded Ordnances (UXO) and Munitions and Explosives of Concern (MEC).

*LUST: Leaking Underground Storage Tank

**DTSC: California Department of Toxic Substances Control

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

HW-1: Yellow Traffic Stripe and Pavement Marking: Use SSP 14-11.12A for separate removal of yellow traffic stripe and pavement marking with hazardous waste residue, which requires proper management of hazardous waste residue and a lead compliance plan.

HW-2: Yellow Painted or Thermoplastic Traffic Stripe and Pavement Marking: Use SSP 84-9.03B for separate removal of yellow painted or thermoplastic traffic stripe and pavement markings containing lead, which requires a lead compliance plan for removal when residue is definitely non-hazardous. SSP 84-9.03B is applicable for removal of all other colors of paint (white, blue, black, etc.)

HW-3: UXO and MEC: Use approved 2018 NSSP 7-1.02K(6)(f) for identifying and responding to Unexploded Ordnance (UXO) and Munitions and Explosives of Concern (MEC), which requires a Construction Monitoring and Response Plan (CMRP). Do not begin any activities on the job site, including any required pre-construction surveys, until authorized by the engineer. If you encounter UXO or MEC during job site activities, stop all work and evacuate. All personnel shall be evacuated from the area. You must notify the County Sheriff's Department, the Federal Interagency Communications Center at (909)383-5651 and notify the engineer.

HW-4: Grinding/Cold-Planing: Use SSP 36-4 for grinding or cold-planing concrete or asphalt-concrete pavement, which requires a lead compliance plan.

Air Quality

An Air Quality Conformity Checklist was approved September 23, 2019 and determined that the project type is listed in Table 1 of the Carbon Monoxide Protocol. Therefore, the project is exempt from all air emissions analyses and no further air quality studies are required.

Noise

An Environmental Engineering Memorandum dated September 23, 2019 stated that the project falls under the Type III project categories of 23 CFR 772.7 in the Traffic Noise Analysis Protocol dated May 2011. Therefore, the project is exempt, and a noise analysis is not required.

Biological Resources

A Natural Environment Study (Minimal Impacts) (NES(MI)) was approved September 30, 2019 and found that the project:

- "May Affect, Likely to Adversely Affect" desert tortoise, a federally listed threatened species,
- Will have "No Adverse Effect" on desert tortoise critical habitat,
- Will result in "No Take" to any State-listed species or their respective habitat.

BIO-1 will be implemented to minimize and avoid effects to the plant communities in the project area. BIO-2 and BIO-3 will be implemented to avoid impacts to nesting birds and raptors, particularly California Condor and burrowing owls. BIO-4 through BIO-20 will be implemented to avoid and minimize impacts to desert tortoise. The project will not cause species of special concern or rare species to trend towards becoming listed.

BIO-1: Invasive Species: Executive Order 13112 requires that each federal agency whose actions may affect the status of invasive species shall, to the extent practicable, prevent the introduction of invasive species. In addition, the agency shall provide for the control of invasive species to minimize the economic, ecological, and human health impacts.

BIO-2: Pre-Construction Clearance/Nesting Bird Survey: If construction occurs within the bird nesting season (February 15 to September 1), then pre-construction surveys will be conducted by a qualified biologist to locate and avoid nesting birds. If an active nest is located, a 300-foot no-construction buffer (500-foot buffer for raptors) will be put in place until nesting has ceased or the young have fledged.

BIO-3: Pre-Construction Burrowing Owl Survey: The entire project area will be surveyed for burrowing owls and their burrows by the contractor-supplied biologist no more than 30 days prior to the start of any ground disturbing activities. Use environmentally sensitive area fencing, clearly mark areas supporting burrows and a buffer zone setback area.

BIO-4: Prior to the Beginning of Construction: Prior to the beginning of construction, the temporary staging areas will be fenced with temporary construction fence and maintained throughout the construction of the project in order to accurately delineate the work areas and to prevent the work areas from extending beyond the approved temporary staging area.

BIO-5: Equipment Staging: Equipment, vehicles, and materials must be staged and stored in Caltrans right-of-way and in areas previously paved or previously disturbed.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

BIO-6: Materials and Spoils Control: Project materials will be not cast from the project site into surrounding areas and project related debris, spoils, and trash will be contained and removed to a proper disposal facility. Additionally, the project will prevent material, equipment, and debris from falling into drainages by containing all work to the designated temporary staging area and within the paved roadway.

BIO-7: Species Protection: The project footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.

BIO-8: Biologist Names and Qualifications: Caltrans will submit the names and qualifications of biologists that they believe meet the minimum requirements to serve as Authorized Biologists to USFWS for review and authorization prior to beginning on-site activities (forms at https://www.fws.gov/carlsbad/PalmSprings/DesertTortoise/DT_Auth_Bio_qualifications_statement_10-20-08.pdf). A qualified biologist will be on site each day during all construction activities for the duration of the project. A USFWS-authorized biologist will be on-call in the event that a tortoise needs to be relocated.

BIO-9: Worker Environmental Awareness Training: A qualified biologist will present to each employee (including temporary, contractors, and subcontractors) a worker environmental awareness training prior to the initiation of work. They will be advised of the special status species in the BSA, the steps to avoid impacts to the species and the potential penalties for taking such species. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violation of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the project area environs. Included in this program will be the color photos of the listed species, which will be showed to the employees. Following the education program, the photos will be posted in the contractor and resident engineer office, where they will remain through the duration of the project. The contractor, resident engineer, and the qualified biologist will be responsible for ensuring that employees are aware of the listed species. If additional employees are added to the project after initiation, they will receive instruction prior to working on the project.

BIO-10: Authorized Biologist: Caltrans will designate an authorized biologist to be responsible for overseeing compliance with all protective measures and for the coordination with USFWS. The authorized biologist will immediately notify the resident engineer of project activities that may be in violation of this programmatic biological opinion (PBO). In such event, the resident engineer shall halt all construction activities until all protective measures are fully implemented, as determined by the authorized biologist.

BIO-11: Resident Engineer Responsibilities: A resident engineer is, according to Caltrans' May 2006 Standard Specification, "the Chief Engineer, Department of Transportation, acting either directly or through properly authorized agents, the agent acting within the scope of particular duties delegated to them." The resident engineer has the authority over the contract and is responsible for all aspects of the specific projects to which he or she is assigned. The resident engineer has the authority to stop work on a project. The authorized biologist will have the authority to halt any activity, through the Resident Engineer or other identified authority in charge of implementation that may pose a threat to desert tortoises and to direct movements of equipment and personnel to avoid injury or mortality to desert tortoise.

BIO-12: Desert Tortoise: Desert tortoise may stop underneath parked vehicles and equipment. Therefore, if parking of vehicles and machinery is required, equipment operators or the biological monitor shall tie survey tape to/around truck/machine/equipment to serve as an additional reminder to check underneath vehicles and equipment for desert tortoise prior to resuming work activities.

BIO-13: Project Clearance: Immediately prior to the start of any work activities, clearance surveys for the desert tortoise will be conducted by the authorized biologist, as appropriate. The PIA will be surveyed for desert tortoise and their burrows by an authorized biologist or approved desert tortoise monitor before the start of any ground-disturbing activities following the 2010 field survey protocol (Service 2010) or more current approved protocol. If burrows are found, they will be examined by an authorized biologist to determine if desert tortoises are present. If a tortoise is present and the burrow cannot be avoided, it will be relocated in accordance with Service protocol (Service 2010).

BIO-14: Contractor Requirement: Caltrans will require all contractors to comply with the Federal Endangered Species Act in the performance of work necessary for project completion. Evidence of compliance is required prior to Caltrans accepting or receiving materials or goods produced from outside the right-of-way or through the use of facilities located outside the right-of-way, including but not limited to, non-commercial batch plants, haul roads, quarries, and similar operations. Copies of the compliance documents will be maintained at the work-site by the resident engineer.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

08-SBD-247	39.0/42.0 & 49.0/70.0	1K840	0819000119
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.
<p>BIO-15: Resident Engineer Responsibility: The resident engineer is responsible for ensuring that all protective measures are being fully implemented. If the resident engineer determines, or is notified by the authorized biologist, that one or more protective measures are not being fully implemented, he or she will halt all activities that are out of compliance until all problems have been remedied. All workers, authorized biologists, and biological monitors will be required to notify the resident engineer of any such problem they notice. The resident engineer must always be able to contact an approved biological monitor or authorized biologist to resolve any unforeseen issues.</p> <p>BIO-16: Tortoise Reporting: Upon locating a dead or injured tortoise within a project site, the resident engineer will immediately notify the authorized biologist who then will notify USFWS within 24 hours of observation via telephone. Written notification must be made to the appropriate USFWS field office within 5 days of finding. The information provided must include the date and time of the finding of the incident (if known), location of the carcass of injured animal, a photograph, cause of death or injury, is known, and other pertinent information (i.e., size, sex, recommendations to avoid future injury or mortality).</p> <p>BIO-17: Site BMP: No firearms or pets, including dogs, will be allowed in the work area. Firearms carried by authorized security and law enforcement personnel and working dogs under the control of a handler will be exempt from this protective measure.</p> <p>BIO-18: Completion of Project: Upon completion of construction, all refuse, including, but not limited to equipment parts, wrapping material, cable, wire, strapping, twine, buckets, metal or plastic containers, and boxes will be removed from the site and disposed of properly.</p> <p>BIO-19: Prior to and After Construction: Prior to and following the first day of construction activities, vehicles and construction equipment shall be cleaned of all mud, dirt, and debris prior to entering the project area. Equipment which is to be staged off-site overnight at the same location shall be washed weekly. The purpose of this measure is to minimize the spread of weedy plant species that may degrade desert tortoise habitat.</p> <p>BIO-20: Fuel and Hazardous Materials: Any fuel or other hazardous materials spills will be promptly cleaned up; any leaks from equipment will be stopped and repaired immediately. Vehicle and equipment fluids that are no longer useful will be transported to an appropriate off-site disposal location. Fuel and lubricant storage and dispensing locations will be constructed to fully contain spilled materials until disposal can occur. Hazardous waste, including used motor oil waste and coolant, will be stored and transferred in a manner consistent with applicable regulations and guidelines.</p>			