

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

10/SJ/VAR	VAR	10-1E610	1017000022
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 to rehabilitate the stormwater pumping plants at five (5) locations in San Joaquin county along State Route (SR) 4, SR 99, and SR 120 (see below table of locations). The purpose of the proposed project is to prevent road damage and disruption to traffic due to drainage system failure by rehabilitating or replacing the existing pump plants. The project is needed because existing pump plants have deteriorated past

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(d). (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].)]

C. Scott Guidi

Print Name: Senior Environmental Planner or Environmental Branch Chief



Signature

10/17/19
Date

Allen Lao

Print Name: Project Manager



Signature

10/17/19
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)(___)
- 23 CFR 771.117(d): activity (d)(___)
- Activity 2_ 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.

C. Scott Guidi

Print Name: Senior Environmental Planner or Environmental Branch Chief



Signature

10/17/19
Date

Allen Lao

Print Name: Project Manager/DLA Engineer



Signature

10/17/19
Date

Date of Categorical Exclusion Checklist completion: 10/17/2019

Date of ECR or equivalent : 10/17/2019

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:

their life spans, maintenance and repair of existing plants is unsustainable. The project has been designed to avoid ground disturbance as much as possible near cultural resources, with environmentally sensitive area (ESA) fencing and construction monitoring.

There is a temporary construction easements (TCE) at location 2. A United States Army Corps of Engineers (USACE) Section 10 permit and Regional Water Quality Control Board (RWQCB) Section 401 permit will be required for location 2.

Table 1. Locations

Pump Plant Location	State Route (SR)	Postmile (PM)	Pump Plant Number
1. Mossdale UP OC	120	0.42	29-0030W
2. Route 4/5 separation	4	R16.1	29-0232W
3. Eastside UP	99	19.75	29-0065W
4. Wilson Way OC	99	21.65	29-0118W
5. Acampo Road OC	99	33.6	29-0146W

Under the California Environmental Quality Act (CEQA), this project is Categorically exempt and under the National Environmental Policy Act (NEPA) it is Categorically excluded unless: 1) the scope of the project changes to include additional activities or area; or 2) there is unforeseen discovery of sensitive or cultural resources.

Air:

- The project is exempt from all project-level conformity requirements per Table 2 of 40 CFR 93.126 under the project type: shoulder improvements.
- Caltrans Standard Specification Section 14-9.02 pertaining to Air Pollution Control and Section 10-5 pertaining to Dust Control is required for all projects.

Biological:

- The project work at Location 2 involves horizontal directional drilling in which a 2' to 3' conduit is installed at least 4' below the bottom of the canal. The drilling would not interfere with the water or canal wall. As this portion of the Mormon Slough is designated as navigable water under the federal Rivers and Harbors Act, a Section 10 permit from the USACE is required. The Section 10 permit triggers a requirement for a Section 401 Water Quality certification under the Clean Water Act from the RWQCB. The Section 10 permit from USACE and the Section 401 from RWQCB would be acquired during Plan, Specifications, and Estimate (PS&E) phase of the project. There are no mitigation requirements for the permits for this project.
- Mature trees, agricultural fields, and large shrubs can provide habitat for migratory birds within the project area. The standard special provision (SSP) pertaining to species protection shall be included in the construction contract. Preconstruction surveys for migratory birds and raptors will be required fourteen (14) days prior to start of construction, if construction activities occur during the nesting season of February 1st – September 30th.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

If migratory birds or raptors are found within the project area, then the following ESA buffers will be required.

- If any active migratory bird nest is observed, a 100' ESA buffer is required.
- If an active burrowing owl burrow is observed from September 1st to January 31st, a 165' ESA buffer is required. If an active burrowing owl burrow is observed from February 1st to August 31st, a 250' ESA buffer is required.
- If an active Tricolored blackbird nest is observed, a 250' ESA buffer is required.
- If an active raptor nest is observed, a 300' ESA buffer is required.
- If an active Swainson's hawk nest is observed, a 600' ESA buffer is required.

These buffers will be installed and avoided until the young have fledged or a qualified biologist determines that construction may proceed.

- Swainson's hawk avoidance measures
 - Preconstruction surveys must be completed by a qualified biologist. If a Swainson's hawk nest is detected within a ¼ mile of the project area, the California Department of Fish and Wildlife (CDFW) will be notified, and no new disturbances or project-related activities shall be initiated within 600' of an active nest until consultation with CDFW is completed.
 - Nest monitoring by a qualified biologist would be required if construction or project activities may cause nest abandonment or forced fledging within the buffer zone. Routine disturbance such as commuter traffic, agricultural activities, and routine facility maintenance activities within ¼ mile of active nest are allowed.
 - New sightings of Swainson's hawks must be reported to California Natural Diversity Database (CNDDDB).
 - Tree removal should occur outside nesting bird season, between the October 1st – January 31st. If an active nest must be removed during construction, CDFW authorization must be obtained.
- Tree-roosting bat species exclusion may be necessary if bats are found and it is feasible for the project. Tree removal should occur outside of November 1st – January 31st (maternity season).

Cultural:

- Under section 106 of the National Historic Preservation Act, the proposed project will have *No Adverse Effect without Standard Conditions* for the proposed project. There are sensitive archeological resources within the project area at two (2) locations. The project has been designed to minimize ground disturbance near the sensitive archeological resources. The below Standard Special Provisions (SSP) and avoidance measures would be required:
 - SSP 14-1.02 for ESA fencing is required at Locations 1 and 2.
 - If the ESA is entered by non-authorized personnel, stop all work within 60' of the ESA boundary, secure the area, and notify the Resident Engineer (RE).
 - If the ESA is damaged, Caltrans determines the necessary repairs and who will complete the work. Caltrans deducts for the cost of the work.
 - SSP 14-2.03A for archaeological resources will apply for all project locations.
 - If archaeological resources are discovered within or near construction limits, do not disturb the resources.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

- Stop all work within 60' radius of the discovery, secure the area, and notify the RE.
- Caltrans will investigate the discovery, and the archeological resource will not be moved or taken from the job site.
- Work will not resume until authorized. Additional resources would be necessary to investigate or recover the archeological resource.
- 14-2.0B for Archaeological Monitoring Area will be required at Locations 1 and 2.
 - Caltrans will assign a qualified archaeological monitor to observe construction activities within the monitoring area.
 - Work is not permitted in this area without an archeological monitor present.
 - The archaeological monitor and RE will conduct a review of the project area at least 5 business days before the start of construction activities.
 - Caltrans will mark the boundaries of the monitoring area on the ground, and authorized ESA fencing will be installed to define and protect the archeological resource before construction activities are started.
 - A schedule showing hours and days of work to be performed in the monitoring area will be provided at least five (5) days before work is started in the monitoring area.
 - An updated schedule is required at least five (5) business days before any changed work day.
- Due to potential for ground disturbance, trees needing removal will be cut down to the stump, with the stump remaining in place. No tree stumps should be removed.

Executive Order 12898 (Environmental Justice):

- No minority or low-income populations that would be adversely affected by the proposed project have been identified as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.

Floodplains:

- The project is located within a 100-year base floodplain and will not result in a significant encroachment in the 100-year floodplain.

Hazardous Waste:

- There is potential to encounter aerially deposited lead (ADL) within the project area. A project specific soil survey must be conducted prior to construction activities. There is the possibility for Asbestos Containing Building Materials (ACBM) within the components of the pump house, and ACBM survey shall be conducted on all pump hours prior to construction. Lead Based Paint (LBP) could potentially be found at all project locations, and LBP survey is required prior to construction activities.
- A preliminary site investigation (PSI) will be conducted in PS&E, and additional SSPs may be added based on results of the PSI.

Noise:

- Caltrans Standard Specification Section 14-8.02 pertaining to Noise control is required.
 - Noise levels generated during construction should not exceed 86 dBA at 50 feet from job site activities from 9 p.m. to 6 a.m.
 - Control and monitor noise from construction area

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

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- All equipment will have sound-control devices that are no less effective than those provided on original equipment. No equipment will have an unmuffled exhaust.

Section 4(f):

- A *De Minimis* finding was determined for one (1) archeological resources within the project area.
- A *no use* finding was determined for Mossdale Crossing Regional Park and Morelli Park

Water:

- Caltrans Standard Specification Section 13-1 pertaining to water quality is required.
- If one (1) acre or more of soil is disturbed, then the following is required:
 - A notification of intent (NOI) must be submitted to appropriate Regional Water Quality Control Board at least 30 days prior to start of construction.
 - A stormwater pollution prevention plan (SWPPP) will be prepared and implemented during construction to the satisfaction of the Resident Engineer.
 - A notice of termination (NOT) shall be submitted to the Regional Board upon completion of construction and site stabilization. The project will be considered completed when the criteria for final stabilization in the Construction General Permit is met.