

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

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|----------------------------------|----------------------|-----------------|---|
| 05-SB-101 | 46.200-52.340 | 05-1H860 | 0517000002 |
| 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 will rehabilitate the pavement in Santa Barbara County on State Route 101 from postmile (PM) 46.2 to PM R52.3. The pavement in this area is deteriorating and in need of repair. The purpose of this project is to extend the service life and improve the ride quality of the pavement. The proposed work will first cold plane 0.20 feet of existing asphalt concrete (AC) and then place 0.20 feet rubberized hot mix asphalt followed by a 0.10 foot hot mix asphalt open graded friction course (HMA-O). High-friction surface treatment would be placed through the curves at four locations: three southbound (PM 46.6 to PM 46.7; PM 47.1 to PM 47.6; PM 47.7 to PM 47.8) and one northbound (PM 48.0 to PM 48.1). *continued on next page*

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:

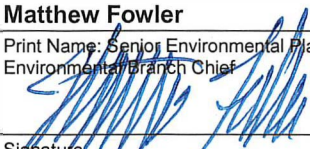
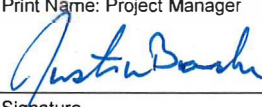
☐ Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)

☒ 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].)]

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| <p>Matthew Fowler</p> <p>Print Name: Senior Environmental Planner or Environmental Branch Chief</p> <p> <u>2/27/20</u></p> <p>Signature Date</p> | <p>Justin Borders</p> <p>Print Name: Project Manager</p> <p> <u>2/27/2020</u></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:

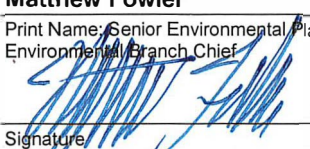

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

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)(13)
☐ 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.

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| <p>Matthew Fowler</p> <p>Print Name: Senior Environmental Planner or Environmental Branch Chief</p> <p> <u>2/27/20</u></p> <p>Signature Date</p> | <p>Justin Borders</p> <p>Print Name: Project Manager/DLA Engineer</p> <p> <u>2/27/2020</u></p> <p>Signature Date</p> |
|--|---|

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

| | | | |
|----------------------------------|----------------------|-----------------|---|
| 05-SB-101 | 46.200-52.340 | 05-1H860 | 0517000002 |
| 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:

All existing dikes, guard rails, and concrete barriers would be reconstructed to meet current standards. Drainage inlets would also be modified to match the finished grade of the pavement. A concrete ditch at the SB 1/101 on-ramp will be replaced with a culvert, and a drainage inlet on the southbound right shoulder just south of the 1/101 Separation will be replaced. Rumble strips will be constructed at the inside shoulders and at outside shoulders 6.5' wide or greater. Tapered edge will be placed on all pavement edges except next to: dikes, guardrails, adjacent concrete barriers, right turn and acceleration lanes, landscape paving, within 3' of driveways and where the edge of shoulder is less than 1'. Ramp and rest area lighting will be reconstructed as required, and existing counting loops in the southbound lanes at PM 46.4 will be re-established during construction. All activities will take place within existing Caltrans right-of-way.

Biology Avoidance and Minimization Measures:

1. A Programmatic Biological Opinion for California red-legged frog has been approved by USFWS. A USFWS-approved biologist shall survey the project area no more than 48 hours before construction activities. If any life stage is found, the approved biologist shall be present at the work site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of habitat has been completed. Caltrans shall designate a person to monitor on-site compliance with all minimization and avoidance measures established in the NES (November 2019).
2. Only clean fill shall be imported. All vegetation removed from the construction site shall be taken to a landfill to prevent the spread of invasive species. If soil from weedy areas must be removed off-site, the top six inches containing the seed layer in areas with weedy species shall be disposed of at a landfill.
3. If necessary, wash stations onsite shall be established for construction equipment under the guidance of Caltrans in order to avoid/minimize the spread of invasive plants and/or seed within the construction area.
4. Invasive species listed in the Cal-IPC Invasive Plant Inventory shall not be included in the Caltrans erosion control seed mix or landscaping planting plans. The contract specifications for permanent erosion control and plantings will require the use of regionally appropriate California native forb and grass species that occur in the same general geographic area as the project site.
5. No equipment will be fueled or serviced within 100 feet of the riparian areas.
6. Prior to initiation of construction, Caltrans shall conduct a worker environmental training program for special status species including: California red-legged frog, Coast Range newt, western pond turtle and two striped garter snake.
7. Prior to construction, a biologist determined qualified by Caltrans shall survey the API and, if special status species are present, observations shall be documented and species will be relocated to suitable habitat as defined in the NES.
8. No less than 14 days and no more than 30 days prior to beginning of ground disturbance and/or construction activities, a qualified biologist will conduct a survey to determine if any American badger dens are present at the project site. If dens are found, they will be monitored as established in the NES in order to avoid any disturbances.
9. Prior to construction, vegetation removal shall be scheduled to occur from October 1 to January 31, outside of the typical nesting bird season if possible, to avoid potential impacts to nesting birds. If tree removal or other construction activities are proposed to occur within 100 ft of potential habitat during the nesting season (February 1 to September 30), a nesting bird survey shall be conducted by a biologist determined qualified by Caltrans no more than three (3) days prior to construction. If active nests are found, buffer zones shall be established dependent on the measures established in the NES until the nesting birds have fledged in order to avoid any disturbances.
10. Prior to implementation of proposed project activities, a pre-construction visual survey will be conducted within suitable woodrat habitat (coastal scrub) in the BSA to determine the presence or absence of woodrat nests. If active nests are found, an ESA shall be established and construction windows will be implemented as outlined in the NES.
11. A roosting bat survey shall be conducted for the Gaviota Creek bridges by a biologist determined qualified by Caltrans no more than 14 days prior to construction. If tree removal is required during the bat maternity roosting season (February 15 to September 1), a bat roost survey shall be conducted by a qualified biologist within three (3) days prior to removal. If an active roost is found, a qualified biologist shall determine an appropriate buffer and monitoring strategy based on the habits and needs of the species.

Cultural Minimization Measure:

1. An ESA action plan has been designed and shall be implemented. No work shall occur within the designated ESA.
2. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

Hazardous Waste Minimization Measure:

1. A lead compliance plan in accordance with Caltrans standards will be implemented.

Visual Minimization Measures:

1. Color all new and replaced concrete barrier from the beginning of the project to the Route 1/101 interchange. Color shall match the existing colored concrete barrier south of the Gaviota tunnel.
2. Darken all new and replaced guardrail and guardrail posts from the beginning of the project to the Route 1/101 interchange.
3. Apply aesthetic treatment to all contrast surface treatment locations. Treatments shall compliment the natural scenic context.
4. If Vegetation Control elements are used under guardrail, use shale or other natural material if possible. If concrete Vegetation Control is required, roughen the surface and use color to match the surrounding natural dirt.
5. If new or replacement rock drapery is required, color the drapery to minimize noticeability.
6. Hinge Point walls shall be designed to minimize visibility and noticeability in terms of scale, materials, and color and other factors. Color shall be applied to the walls as appropriate to blend with the natural surroundings.

Categorical Exclusion Checklist

Dist/Co/Rte/PM: 05/SB/101/46.20 -52.34 **Fed. Aid No. (Local Project):** 0517000002 **EA/Project No.:** 05-1H860

SECTION A: TYPE OF CE: Use the information in this section to determine the applicable CE and corresponding activity for this project.

1. Project is a CE under CE Assignment 23 USC 326. ☒ Yes ☐ No

If "yes", check applicable activity in one of the three tables below (activity must be listed in 23 CFR 771.117 (c) or (d) list or included in activities listed in Appendix A of the CE Assignment MOU to be eligible for 23 USC 326).

Activity Listed in 23 CFR 771.117(c)

| | |
|---|---|
| 1 <input type="checkbox"/> | Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions that establish classes of highways on the Federal-aid highway system. |
| 2 <input type="checkbox"/> | Approval of utility installations along or across a transportation facility. |
| 3 <input type="checkbox"/> | Construction of bicycle and pedestrian lanes, paths, and facilities. |
| 4 <input type="checkbox"/> | Activities included in the State's <i>highway safety plan</i> under 23 U.S.C 402 . |
| 5 <input type="checkbox"/> | Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA. |
| 6 <input type="checkbox"/> | The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction. |
| 7 <input type="checkbox"/> | Landscaping. |
| 8 <input type="checkbox"/> | Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. |
| 9 ¹ <input type="checkbox"/> | The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C 5121): ² |
| <input type="checkbox"/> | (i) Emergency repairs under 23 U.S.C 125; |
| <input type="checkbox"/> | (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: |
| | (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and |
| | (B) Is commenced within a 2-year period beginning on the date of the declaration. |
| 10 <input type="checkbox"/> | Acquisition of scenic easements. |
| 11 <input type="checkbox"/> | Determination of payback under 23 U.S.C 156 for property previously acquired with Federal-aid participation. |
| 12 <input type="checkbox"/> | Improvements to existing rest areas and truck weigh stations. |
| 13 <input type="checkbox"/> | Ridesharing activities. |
| 14 <input type="checkbox"/> | Bus and rail car rehabilitation. |
| 15 <input type="checkbox"/> | Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons. |
| 16 <input type="checkbox"/> | Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand. |
| 17 <input type="checkbox"/> | The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE. |
| 18 <input type="checkbox"/> | Track and railbed maintenance and improvements when carried out within the existing right-of-way. |
| 19 <input type="checkbox"/> | Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site. |

¹ On the CE form, distinguish between c9i or c9ii

² Include copy of the emergency declaration in the file

Categorical Exclusion Checklist

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| Dist/Co/Rte/PM: 05/SB/101/46.20 Fed. Aid No. (Local Project): 0517000002 EA/Project No.: 05-1H860 -52.34 | |
| 20 | <input type="checkbox"/> Promulgation of rules, regulations, and directives. |
| 21 | <input type="checkbox"/> Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. |
| 22 ³ | <input type="checkbox"/> Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities. Note: As a clarifying example, if title 23 (or certain title 49) funds were authorized for the acquisition of the real property, then that property was acquired for an eligible purpose, which was construction, operation, or mitigation, and thus is part of the operational right-of-way. Real property interests acquired with title 23 funds, or otherwise conveyed for title 23 purposes, are eligible for this categorical exclusion as long as the interests are devoted exclusively to the purposes of that facility and the facility is preserved free of all other public or private alternative uses, unless such non-highway alternative uses are permitted by Federal law (including regulations) or the FHWA (23 CFR 710.403(b)). |
| 23 ⁴ | Federally-funded projects: Enter project cost \$ _____ and Federal funds \$ _____ <input type="checkbox"/> (i) That receive less than \$5,500,515.05 of Federal funds; or <input type="checkbox"/> (ii) With a total estimated cost of not more than \$33,003,090.30 and Federal funds comprising less than 15 percent of the total estimated project cost. |
| 24 | <input type="checkbox"/> Localized geotechnical and other investigation to provide information for preliminary design and for environmental analysis and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys. |
| 25 | <input type="checkbox"/> Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. |
| 26 | <input type="checkbox"/> Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below. |
| 27 | <input type="checkbox"/> Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below. |
| 28 | <input type="checkbox"/> Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below. |
| 29 | <input type="checkbox"/> Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE. |
| 30 | <input type="checkbox"/> Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals. |
| Activity Listed in Examples in 23 CFR 771.117(d) | |
| 1 | <i>Reserved.</i> |
| 2 | <i>Reserved.</i> |
| 3 | <i>Reserved.</i> |
| 4 | <input type="checkbox"/> Transportation corridor fringe parking facilities. |
| 5 | <input type="checkbox"/> Construction of new truck weigh stations or rest areas. |

³ On the CE form, identify in the project description that all work is within operation right-of-way.

⁴ On the CE form, distinguish between c23i or c23ii.

Categorical Exclusion Checklist

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|---|--|
| Dist/Co/Rte/PM: 05/SB/101/46.20 Fed. Aid No. (Local Project): 0517000002 EA/Project No.: 05-1H860 -52.34 | |
| 6 | <input type="checkbox"/> Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts. |
| 7 | <input type="checkbox"/> Approvals for changes in access control. |
| 8 | <input type="checkbox"/> Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic. |
| 9 | <input type="checkbox"/> Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users. |
| 10 | <input type="checkbox"/> Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic. |
| 11 | <input type="checkbox"/> Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning, and where there is no significant noise impact on the surrounding community. |
| 12 | <input type="checkbox"/> Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others. (ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project. |
| 13 | <input checked="" type="checkbox"/> Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section. |
| Activity Listed in Appendix A of the CE Assignment MOU for State Assumption of Responsibilities for Categorical Exclusions | |
| 1 | <input type="checkbox"/> Construction, modification, or repair of storm water treatment devices (e.g., detention basins, bioswales, media filters, infiltration basins), protection measures such as slope stabilization and other erosion control measures throughout California. |
| 2 | <input type="checkbox"/> Replacement, modification, or repair of culverts or other drainage facilities. |
| 3 | <input type="checkbox"/> Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife (e.g., revegetation of disturbed areas with native plant species; stream or river bank revegetation; construction of new, or maintenances of existing fish passage conveyances or structures; restoration or creation of wetlands). |
| 4 | <input type="checkbox"/> Routine repair of facilities due to storm damage, including permanent repair, to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity (e.g., slide repairs, construction or repair of retaining walls). |
| 5 | <input type="checkbox"/> Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity. |
| 6 | <input type="checkbox"/> Air space leases that are subject to Subpart D, Part 710, title 23, Code of Federal Regulations. |
| 7 | <input type="checkbox"/> Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes. |

Categorical Exclusion Checklist

Dist/Co/Rte/PM: 05/SB/101/46.20 Fed. Aid No. (Local Project): 0517000002 EA/Project No.: 05-1H860
-52.34

2. This section must be completed in order to use a CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28).

☐ The action **DOES NOT** include any of the following constraints found in 23 CFR 771.117(e):

- A. • An acquisition of more than a minor amount of right-of-way or that would result in any residential or nonresidential displacements
- B. • A bridge permit from the U.S. Coast Guard; OR
• An action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act (i.e., does the project require a Standard 404 permit [Individual Permit or Letter of Permission]?) AND/OR
• A permit required under Section 10 of the Rivers and Harbors Act of 1899
- C. • A finding of "adverse effect" to historic properties under the National Historic Preservation Act; OR
• The use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts; OR
• A finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act
- D. • Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions
- E. • Changes in access control
- F. • A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); OR
• Construction activities in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

If the action includes any of the constraints listed above, it **MAY NOT** be processed under 23 CFR 771.117(c)(26), (c)(27), or (c)(28), however, the project may qualify for a CE under 23 CFR 771.117(d)(13).

3. Project is a CE for a highway project under NEPA Assignment 23 USC 327. ☐ Yes ☒ No

(Use only if project does not qualify under CE Assignment 23 USC 326 [activities not included in three previous lists above].)

4. Independent Utility and Logical Termini

☒ The project complies with NEPA requirements related to connected actions and segmentation (i.e. the project must have independent utility, connect logical termini when applicable, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made and not restrict further consideration of alternatives for other reasonably foreseeable transportation improvements). (FHWA Final Rule, "Background," *Federal Register* Vol. 79, No. 8, January 13, 2014.)

5. Categorical Exclusions Defined (23 CFR 771.117[a]).

FHWA regulation 23 CFR 771.117(a) defines categorical exclusions as actions which:

- do not induce significant impacts to planned growth or land use for the area;
- do not require the relocation of significant numbers of people;
- do not have a significant impact on any natural, cultural, recreational, historic or other resources;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns; or
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

☒ Checking this box certifies that project meets the above definition for a Categorical Exclusion.

6. Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]).

FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

All of the above unusual circumstances have been considered in conjunction with this project. (Please select one.)

☒ Checking this box certifies that **none of the above conditions apply** and that the project qualifies for a Categorical Exclusion.

☐ Checking this box certifies that unusual circumstances **are involved**. However, the appropriate studies/analysis have been completed, and it has been determined that the CE classification is still appropriate.

Categorical Exclusion Checklist

SECTION B: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements⁵ prior to making the NEPA determination:

During the environmental review process for which this CE was prepared, all applicable environmental requirements were evaluated. Outcomes for the following requirements are identified below and fully documented in the project file. **[NOTE: EVERY SECTION BELOW MUST BE COMPLETED, DO NOT SKIP ANY SECTIONS.]**

FSTIP

- ☒ The project description on the Categorical Exemption/Categorical Exclusion Form matches the project description in the FSTIP and RTP, and the appropriate page of the FSTIP is in the project file.

Air Quality

- ☒ [Air Quality Conformity Findings Checklist](#) has been completed and project meets all applicable AQ requirements.
- ☐ For 23 USC 326 projects which require an air quality conformity determination (this will apply to certain projects under 23 CFR 771.117(c)(22), (c)(23), (c)(26), (c)(27), and (c)(28)), list the date of the Caltrans conformity determination: _____
- ☐ For 23 USC 327 projects, list date of FHWA concurrence on conformity determination: _____

Cultural Resources

- ☐ Section 106 compliance is complete. ☐ Screened Undertaking
- Select appropriate finding: ☐ No Historic Properties Affected ☒ No Adverse Effect with Standard Conditions
- ☐ No Adverse Effect without Standard Conditions ☐ Adverse Effect/MOA ☐ Phasing/Project PA

Noise

- 23 CFR 772
- ☐ Is this a Type 1 project? ☐ Yes ☒ No (skip this section.)
- ☐ Future noise levels with project either approach or exceed NAC or result in a substantial increase.
- If yes, ☐ Abatement is reasonable and feasible ☐ Abatement is not reasonable or feasible

Waters, Wetlands

- **Section 404 of the Clean Water Act**
Impacts to Waters of the U.S.: ☐ Yes ☒ No; If yes, approval anticipated:
☐ Nationwide Permit ☐ Individual Permit ☐ Regional General Permit ☐ Letter of Permission
- **Section 401 of the Clean Water Act**
☐ Exemption ☐ Certification ☒ Not Applicable
- **Wetland Protection (Executive Order #11990)**
☒ No Wetland Impact
☐ Permanent Wetland Impact; Only Practicable Alternative Finding is included in a separate document in the project file

Biology

- **USFWS**, Species List Date: 2/25/2020 (must be < 180 days old)
☐ No Effect Section 7 (Federal Endangered Species Act)
Consultation with USFWS Findings (Effect determination):
☐ Not Likely to Adversely Affect with USFWS Concurrence. Date: _____
☒ Likely to Adversely Affect with Biological Opinion Date: 12/12/2019
- **NOAA Fisheries**, Species List Date: _____ (must be < 180 days old) ☒ N/A: Project outside of NOAA jurisdiction
☐ No Effect Section 7 (Federal Endangered Species Act)
Consultation with NOAA Fisheries Findings (Effect determination):
☐ Not Likely to Adversely Affect with NOAA Fisheries Concurrence. Date: _____
☐ Likely to Adversely Affect with Biological Opinion Date: _____
- **Essential Fish Habitat (Magnuson-Stevens Act)** Findings (Effect determination):
☒ Magnuson-Stevens Fishery Conservation and Management Act does not apply
☐ No Adverse Effect ☐ Adverse Effect and consultation with NOAA Fisheries

⁵ Please consult the SER for a complete list of applicable laws, statutes, regulations, and executive orders that must be considered before completing the CE.

Categorical Exclusion Checklist

Floodplains

Floodplains (Executive Order #11988)

☐ No Floodplains ☒ No Significant Encroachment ☐ Significant Encroachment

Section 4(f) Transportation Act (23 CFR 774)

Section 4(f) regulation was considered as a part of the review for this project and a determination was made:

☒ Section 4(f) does not apply

(Project file includes documentation that property is not a Section 4(f) property, that project does not use a Section 4(f) property, or that the project meets the criteria for the temporary occupancy exception.)

☐ Section 4(f) applies

☐ De Minimis

☐ Programmatic: Type _____ (List one of the five appropriate categories as defined in 23 CFR 774.3)

☐ Individual: ☐ Legal Sufficiency Review complete ☐ HQ Coordinator Review Complete

Section 6(f) – Properties Acquired with Land and Water Conservation Fund grants

Was the above property purchased with grant funds from the Land and Water Conservation Fund?

☒ No, Section 6(f) does not apply. No additional documentation required.

☐ Yes ☐ Documentation of approval from National Park Service Director (through California State Parks) has been received for the conversion/and replacement of 6(f) property.

Coastal Zone

Coastal Zone Management Act of 1972

☐ Not in Coastal Zone ☒ Qualifies for Exemptions ☐ Qualifies for Waiver ☐ Coastal Permit Required

☐ Consistent with Federal State and Local Coastal Plans ☐ Federal Consistency

Coast Guard – Bridge Over Navigable Waters of the U.S.

☒ Not applicable

☐ 23 USC 144(c) USCG Bridge Permit Exception

☐ 33 CFR 115.70 Advance Approval

☐ USCG Bridge Permit

Relocation and Right of Way

• Relocations

☒ No Relocations

☐ Project involves _____ (#) relocations and will follow the provisions of the Uniform Relocation Act.

• Right of Way Acquisitions/Easements

☒ No right of way acquisitions or easements

☐ Project involves _____ (#) acquisitions and _____ (#) easements.

Hazardous Waste and Materials

• Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, Cal EPA, County Environmental Health, etc.) present? ☐ Yes ☒ No

• If yes, is the nature and extent of the hazardous materials or contamination fully known? ☐ Yes ☐ No

If no, briefly discuss the plan for securing information:

SECTION C: Certification

Based on the information obtained during environmental review process and included in this checklist, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Policy Act and is in compliance with all other applicable environmental laws, regulations, and Executive Orders.

Prepared by
(print name): Hannah Butler

Title: Associate Environmental Planner

Signature: 

Date: 2/27/20