

Notice of Exemption

Appendix E

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

County Clerk

County of: Los Angeles

From: (Public Agency): _____
California Department of Transportation, District 7
100 S. Main St, MS-16A, Los Angeles, CA 90012

(Address)

Project Title: VEN 33 Highway Maintenance Project: Slurry Seal, Shoulder backing & Digouts.

Project Applicant: California Department of Transportation, District 7

Project Location - Specific:

State Route 33 between post mile (PM) 11.2 and PM 48.5 in Ventura County, CA.

Project Location - City: Ojai Project Location - County: Ventura

Description of Nature, Purpose and Beneficiaries of Project:

The California Department of Transportation (Caltrans) is proposing to improve safety for the traveling public by resurfacing pavement and installing shoulder backing along State Route 33 near the city of Ojai.

Name of Public Agency Approving Project: California Department of Transportation, District 7

Name of Person or Agency Carrying Out Project: California Department of Transportation, District 7

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 1 (d) under section 15301
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Based on information gathered by specialists & summarized in the CE form (attached), the proposed project will not result in significant impacts to the environment. The proposed project is considered to be exempt from CEQA, per Class 1 of Section 15301 item (d): Restoration or Rehabilitation.

Lead Agency
Contact Person: Gabrielle Dashiell Area Code/Telephone/Extension: (213) 897-1185

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: 5/14/19 Title: Environmental Planner.

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

MAY 23 2019

STATE CLEARINGHOUSE

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

07-VEN-33	PM 11.2/48.5	4W590/0719000101	CE#: 201903015
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

PROJECT DESCRIPTION:

Caltrans proposes a Highway maintenance Project from PM 11.2 to PM 48.5 on SR-33 from West Ojai Avenue (Route 150) to Lockwood Valley Road. The project scope includes slurry seal, shoulder backing, and replacement of asphalt concrete surfacing. (digout) All work will take place within Caltrans right of way. See list of environmental commitments on continuation 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 (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].)]

Susan Tse-Koo

Senior Environmental Planner

Susan Tse-Koo
Signature

05/14/2019
Date

Garabed Kevorkian

Print Name: Project Manager

G. Kevorkian
Signature

5/14/2019
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.

Susan Tse-Koo

Senior Environmental Planner

Susan Tse-Koo
Signature

05/14/2019
Date

Garabed Kevorkian

Print Name: Project Manager/DLA Engineer

G. Kevorkian
Signature

5/14/2019
Date

Date of Categorical Exclusion Checklist completion: 5/14/2019

Date of ECR or equivalent : 5/14/2019

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

07-VEN-33	PM 11.2/48.5	4W590/0719000101	CE#: 201903015
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:

Environmental Commitments:

Biology:

- All work will be limited to the prism of the roadway/unpaved shoulder. At no point will any construction equipment enter any drainages, creeks, or other waterways.
- There will be no clearing or grubbing of vegetation as a result of this project.
- It is recommended that all work occur outside of bird nesting season (bird nesting season is February 1st through September 1st). If work is to occur during the bird nesting season, the District Biologist, Sean Herron, must be notified two weeks prior to construction (at 213-897-8081 or Sean.Herron@dot.ca.gov) to determine if nesting bird surveys are required and if nesting birds are present. In the event that nesting birds are observed, the Resident Engineer (RE) shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the RE shall temporarily pause work and coordinate with the District Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). Most likely, the District Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.
- Prior to the start of construction, all drain inlets must be protected with BMPs to prevent paint, cleaning materials, and other debris from entering drainage courses. Furthermore, all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) shall be implemented as necessary to prevent any discharge to adjacent areas. All appropriate BMPs shall be incorporated into the project specifications.
- No asphalt grindings shall be used within 100 feet of any watercourse. Watercourse, for this purpose, is defined as any feature, either natural or man-made, which conveys water during any time of year. The limitation on asphalt use near waterways is restricted to shoulder backing.
- All pollution and litter laws and regulations will be followed by the Contractor and all personnel on site.
- This Division of Environmental Planning will be provided the Project Specifications & Expenditures Review Package for review and comments.
- If this project scope should change for any reason, this Division will be notified to determine whether current environmental documentation is adequate.

Cultural:

- Caltrans maintenance crews should be aware that two built environment cultural resources exist within these post miles on ST-33: The Wheeler Gorge Rock Wall (PM18.8/18.9) and the historic tunnel (PM 13.5). Any work on these resources beyond normal upkeep must be cleared by Caltrans Cultural Resources staff.
- If there are any changes to the proposed undertaking, an additional review by the cultural resources unit will be required.
- If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find.

Hazardous Waste:

- A lead compliance plan (LCP) will be required for workers health and safety. The contractor shall prepare a project specific LCP to prevent or minimize worker exposure to lead in the soil. (SSP 7-1.02K(6)(j)(iii))
- Waste generated by the removal of yellow thermoplastic and yellow paint traffic stripes by-itself may require disposal at a Class I facility. (SSP 14-11.12)
- Residue for removing white traffic stripes by itself will not contain hazardous levels of lead. However, an LCP is required as per Cal-OSHA Title 8 California Code of Regulations (SSP 84-9.03C)

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