

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**

**0-SLO-0-CR** **BRLO-5949(152)**  
 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.)

**San Luis Obispo County, with funding from the Federal Highway Administration, proposes to replace the Dover Canyon Bridge over Jack Creek (bridge 49C-0037). The bridge will be replaced with a longer 79-foot single-span precast concrete slab bridge on the same alignment. A detour bridge will be installed 12-feet to the north. Abutments will sit on spread footings with cast-in-place drilled holes. Rock slope scour protection will be installed. Up to 33 trees will require removal along with vegetation clearing. Stream diversion and dewatering may be required during construction. (cont. p.2)**

**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** . (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].)]

Print Name: Senior Environmental Planner or Environmental Branch Chief	Print Name: Project Manager
Signature	Signature
Date	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)(\_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.

<b>Randy LaVack</b> Print Name: Senior Environmental Planner or Environmental Branch Chief	<b>Reinie Jones</b> Print Name: Project Manager/DLA Engineer
Signature	Signature
Date	Date

Date of Categorical Exclusion Checklist completion: 7/2/20      Date of ECR or equivalent : 7/2/20

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**

**0-SLO-0-CR**

**BRLO-5949(152)**

Dist.-Co.-Rte. (or Local Agency)

P.M./P.M.

E.A/Project No.

Federal-Aid Project No. (Local Project)/Project No.

**The project was reviewed for compliance with Federal environmental laws and regulations. The following avoidance and minimization measures will ensure no adverse impacts on environmental resources:**

1. Hazardous Materials: Measures listed in the Initial Site Assessment will be followed for the identification and handling of mercury-contaminated soil, treated wood waste, and lead based paint.
2. Biology: Measures from the Natural Environment Study, Biological Assessment, Biological Opinion dated 6/9/20 from NMFS, the Biological Opinion dated 11/18/19 from USFWS and the Caltrans Programmatic Biological Opinion for CA Red-Legged Frog will be followed.



**NEPA RE-VALIDATION FORM**

<b>DIST-CO-RTE:</b> 05-SLO-CR
<b>PM/PM:</b>
<b>EA or Fed-Aid Project No.:</b> BRLO-5949 (152)
<b>Other Project No. (specify):</b> 0514000086
<b>Project Title:</b> Dover Canyon Road
<b>Environmental Approval Type:</b> CE
<b>Date Approved:</b> 7/6/2020
<b>Reason for Consultation (23 CFR 771.129), check one:</b> <input checked="" type="checkbox"/> Project proceeding to next major federal approval <input type="checkbox"/> Change in scope, setting, effects, mitigation measures, requirements <input type="checkbox"/> 3-year timeline (EIS only) <input type="checkbox"/> <b>N/A</b> (Re-Validation for CEQA only)
<b>Description of Changed Conditions:</b> <i>Briefly describe the changed conditions or new information on page 2. Append continuation sheet(s) as necessary. Include a revised Environmental Commitments Record (ECR) when applicable.</i>

**NEPA CONCLUSION - VALIDITY**

Based on an examination of the changed conditions and supporting information: (*Check ONE of the three statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.*)

- The original environmental document or CE remains valid. No further documentation will be prepared.**
- The original environmental document or CE is in need of updating; further documentation has been prepared and  is included on the continuation sheet(s) or  is attached. With this additional documentation, the original ED or CE remains valid.**  
**Additional public review is warranted (23 CFR 771.111(h)(3))  Yes  No**
- The original document or CE is no longer valid.**  
**Additional public review is warranted (23 CFR 771.111(h)(3))  Yes  No**  
**Supplemental environmental document is needed.  Yes  No**  
**New environmental document is needed.  Yes  No (If "Yes," specify type: )**

**CONCURRENCE WITH NEPA CONCLUSION**

I concur with the NEPA conclusion above.

<u>Sunny McBride</u>	<u>10/20/2023</u>
Signature: Environmental Branch Chief	Date
<u>[Signature]</u>	<u>10/20/2023</u>
Signature: Project Manager/DLAE	Date

## NEPA RE-VALIDATION FORM

### **CONTINUATION SHEET(S)**

Address only changes or new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

#### **Changes in project design, e.g., scope change; a new alternative; change in project alignment.**

n/a

#### **Changes in environmental setting, e.g., new development affecting traffic or air quality.**

n/a

#### **Changes in environmental circumstances, e.g., a new law or regulation; change in the status of a listed species.**

On August 29, 2023, the U.S. Fish and Wildlife Service (Service) published a final rule listing Foothill Yellow-Legged Frog (FYLF) as an endangered species. This listing went into effect 9/28/23.

#### **Changes to environmental impacts of the project, e.g., a new type of impact, or a change in the magnitude of an existing impact.**

n/a

#### **Changes to avoidance, minimization, and/or mitigation measures since the environmental document was approved.**

Since the recent ruling of FYLF as an endangered species, USFWS has not issued clear direction on how to proceed with projects set for construction. The most recent communication with USFWS directs Caltrans to utilize all applicable CRLF measures for potential impacts to FYLF. (see attached ER email)

A Re-Val may be required to capture additional FYLF measures/ conditions should USFWS impose new conditions at a future date.

#### **Changes to environmental commitments since the environmental document was approved, e.g., the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.**

n/a

California red-legged frog and foothill yellow-legged frog measures:

- 
1. Before any activities begin on a project, biologist(s) familiar with the California red-legged frog and foothill yellow-legged frog should conduct a training session for all construction personnel. At a minimum, the training will include a description of the foothill yellow-legged frog and California red-legged frog and their habitats, the specific measures that are being implemented to conserve the foothill yellow-legged frog and California red-legged frog for the current project, and the boundaries within which the project may be accomplished. The biologist(s) may use brochures, books, and briefings in the training session, provided that a qualified person is on hand to answer any questions.
  2. A biologist(s) familiar with the California red-legged frog and foothill yellow-legged frog should be present during activities to ensure that any individuals of these species' present are avoided or are allowed to move out of harm's way of their own volition. If suspending the activities is not possible until a California red-legged frog or foothill yellow-legged frog leaves, the biologist(s) should move the individual animals to suitable habitat nearby to avoid direct injury or mortality.
  3. Any California red-legged frogs or foothill yellow-legged frogs captured and relocated should

be placed in suitable habitat as close to the capture site as possible, yet far enough to get them out of harm's way. Relocated animals may return to the project site (see measure #3).

4. The activities should be monitored daily to ensure that no other California red-legged frogs or foothill yellow-legged frogs are in the work area and could be killed or injured. Clearance surveys prior to the onset of activities each day would be prudent to make sure any California red-legged frogs or foothill yellow-legged frogs that have moved into the area overnight are captured.
5. Suitable markers should be installed around the work area to minimize the footprint of disturbance needed to complete the project.
6. All trash should be covered and/or taken off-site to minimize attraction of predators that may feed on California red-legged frogs or foothill yellow-legged frogs.
7. All refueling and equipment maintenance should be conducted away from waterbodies to avoid accidental contamination.
8. Any open pits or holes should be covered at the end of each workday to avoid entrapment of California red-legged frogs and foothill yellow-legged frogs that may be dispersing through the area.
9. Any graded areas in California red-legged frog or foothill yellow-legged frogs' habitat should be restored to pre-project conditions, as feasible.
10. All biologists engaged in capture/relocation activities should follow the Declining Amphibian Population Task Force Fieldwork Code of Practice (attached) to avoid or minimize the potential to spread pathogens, such as chytrid fungus.
11. Any California red-legged frogs or foothill yellow-legged frogs captured and relocated should be handled for as short a time as possible and transported to relocation sites as quickly as possible.
12. Biologists should document the location(s) to where California red-legged frogs or foothill yellow-legged frogs are relocated, with a description of the habitat and whether any other California red-legged frogs or foothill yellow-legged frogs are already present.
13. Special attention should be given to the voids proposed for filling as California red-legged frog foothill yellow-legged frogs are likely seeking cover/refuge in those places.

Because project activities include the removal of a tree and vegetation, there is a potential that nesting birds may be disturbed by the project activities. The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. Therefore, we propose the following measures to minimize adverse impacts to nesting birds:

1. Vegetation removal will occur outside the bird nesting season (February 1 – September 1) to

avoid impacts to all nesting birds. Should this be unavoidable, nesting bird surveys will occur during the breeding season prior to vegetation removal.

2. Should a nest be detected within the tree to be trimmed, the U.S. Fish and Wildlife Service (Service) will be notified, and the next course of action will be determined.

After the emergency has abated (i.e., the emergency repair work has been completed), Caltrans should assess whether any adverse effects to listed species occurred and report their findings to the (Service). As soon as possible, you should submit to us a letter describing the actions taken and your assessment of the effects on the listed species, if any. We will either issue our concurrence if you have determined that no adverse effects occurred, if we agree, or we will initiate formal consultation on the actions that resulted in adverse effects.

If you have any questions or updates, please contact me as indicated below. **We have assigned project code 2024-0000480 to this action, for future reference.**

Thank you,  
Kirby

**Kirby M. Bartlett** (she/her)

Senior Fish and Wildlife Biologist & BeachCOMBERS Program Manager  
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**Please note: The best way to reach me is through email.**

*I acknowledge that the Ventura Field Office's area of responsibility includes the traditional tribal territories of the Ohlone, Esselen, Salinan, Chumash, and many other tribes and villages who have stewarded the Central California coast for generations.*

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**From:** McBride, Sunny@DOT <[Sunny.McBride@dot.ca.gov](mailto:Sunny.McBride@dot.ca.gov)>

**Sent:** Thursday, September 28, 2023 9:55 AM

**To:** Ventura Section 7, FW8 <[fw8venturasection7@fws.gov](mailto:fw8venturasection7@fws.gov)>; Takano, Leilani <[leilani\\_takano@fws.gov](mailto:leilani_takano@fws.gov)>

**Cc:** Andreano, Paul@DOT <[paul.andreano@dot.ca.gov](mailto:paul.andreano@dot.ca.gov)>; Vidal, Kelso J@DOT <[kelso.vidal@dot.ca.gov](mailto:kelso.vidal@dot.ca.gov)>

**Subject:** [EXTERNAL] Emergency Section 7 Consultation Request