

# CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM

05-SCR-0-SCR

N/A

N/A

STPLX-5025(048)

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

P.M/P.M.

E.A. (State project)

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

## PROJECT DESCRIPTION:

(Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

The City of Santa Cruz with funding from the Federal Highway Administration, proposes a project to seismically retrofit the Murray Street Bridge over the Santa Cruz Harbor (Woods Lagoon). The proposed project consists of a seismic retrofit of the existing Murray Street Bridge and additional minor modifications to replace deficient bridge barriers (widening shoulders to standard widths and replacement and improvement of sidewalks and railings). The project will provide the bridge with additional vertical support and resistance to lateral seismic forces by installing additional pilings and supplemental structural elements. In order to provide sufficient area for construction operations, some boats, Harbor facilities, and commercial businesses will require temporary relocation. The project will require construction to occur in five phases over approximately 24 months. With implementation of Avoidance and Minimization Measures as described in the documents discussed below, the proposed project will not have an adverse effect on environmental resources in the project area.

## CEQA COMPLIANCE (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- 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.

## CALTRANS CEQA DETERMINATION (Check one)

☐ Exempt by Statute. (PRC 21080[b]; 14 CCR 15200 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☐ Categorically Exempt. Class \_\_\_\_\_. (PRC 21080; 14 CCR 15300 et seq.)

☐ Categorically Exempt. General Rule 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 (CCR 15061[b][3])]

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

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) (<http://www.fhwa.dot.gov/hep/23cfr771.htm> - sec.771.117).

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506(c) and 40 CFR 93.

## CALTRANS NEPA DETERMINATION (Check one)

☒ **Section 6004:** 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 (MOU) dated June 7, 2010, 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 5 listed in the MOU between FHWA and the State

☐ **Section 6005:** Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

Tom Edell

Garin Schneider

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if Section 6005 project; §106 commitments; §4(f); §7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions). Revised June 7, 2010

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

**05-SCR-0-SCR**

**N/A**

**N/A**

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**Biological Resources** The following documents were prepared to analyze potential impacts to biological resources: Natural Environment Study, Marine Mammal Mitigation Plan, Essential Fish Habitat Assessment, and Biological Assessment.

**Federal Endangered Species Act:** In a letter dated February 4, 2011, U.S. Fish & Wildlife Service concluded that the project as proposed was not likely to adversely affect the southern sea otter. In a letter dated June 13, 2011, National Marine Fisheries Service (NMFS) concurred with the determination that threatened Central California Coast (CCC) steelhead and southern Distinct Population Segment (DPS) of North American green sturgeon are not likely to be adversely affected by the proposed project. Regarding designated critical habitat, NMFS determined that the project is not likely to adversely modify designated critical habitat for CCC steelhead or southern DPS of North American green sturgeon.

**Magnuson-Stevens Fishery Conservation and Management Act:** In the above-referenced letter dated June 13, 2011, NMFS determined that the project contained adequate measures to avoid, minimize, mitigate, or otherwise offset adverse effects to Essential Fish Habitat.

**Marine Mammal Protection Act:** The project will require an Incidental Harassment Authorization (IHA) from the National Marine Fisheries Service office in Washington D.C. for potential impacts to marine mammals that may be present in or near the work area (i.e. Eastern Pacific harbor seal and California sea lion). According to the NMFS contact person for the IHA, the permits are only issued for a one-year period, therefore we would not want to get the permit until just before construction. The NMFS will go through their own NEPA process in order to issue the IHP. Caltrans has submitted a request for an IHA and is in the process of responding to a request for additional information in order to determine the application is complete.

**Executive Order 11990-Protection of Wetlands:** The project site does not contain adjacent non-tidal wetlands or "other waters" of the U.S. There are no tidal wetlands within the project area. The project as proposed is in compliance with EO 11990.

**Executive Order 11988-Floodplain Management:** No natural or beneficial floodplain values exist within the biological study area. The project as proposed is in compliance with EO 11988.

**Executive Order 13112- Invasive Species:** In accordance with EO 13112, in the event that any vegetation is removed during project activities, all vegetation will be disposed of at an approved disposal site to avoid the spread of invasive plant that may occur at the project site. There are no known invasive marine species within the Harbor. If a temporary barge is brought in for construction, all equipment shall be inspected prior to entry into harbor waters to prevent potential introduction of invasive plant or animal species.

**Migratory Bird Treaty Act:** Western gulls and cliff swallows have been observed nesting on bridge footings and bridge supports. Measures listed in Section 4.3.11.2 of the Natural Environment Study will be incorporated into the project to ensure protection of migratory nesting birds.

**Cultural Resources** After review of cultural resource studies provided by the City, Caltrans Cultural Resource Staff determined that the project has no potential to affect cultural resources. The undertaking qualifies as a "screened undertaking" under Class 19 of the January 2004 Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (hereafter, the PA). The project as proposed is in compliance with Section 106 of the National Historic Preservation Act.

**Hazardous Materials** A Phase I Environmental Assessment prepared for the project concluded that 1) fill soils used to construct the harbor lands and perhaps the bridge abutment may randomly contain motor oil, 2) An old boat fuel tank that reportedly contained diesel may have been stored on the soil adjacent to the bridge on the southeast side, 3) paint sandings and motor oil may have been present in the subsurface soils at the project site due to occupancy of a boat repair yard, and 4) a transformer is present between the bridge and the railway. The recommendations listed on page 6 of the assessment shall be included in the Environmental Commitments Record as well as standard construction measures for worker safety and proper disposal of hazardous materials/waste if encountered during construction.

**Section 4(f)** The project will require temporary closures of sections of a public bicycle/pedestrian path that is owned by the Santa Cruz Port District. The project meets the five criteria for determining temporary occupancy of a 4(f) resource and therefore does not constitute a use within the meaning of Section 4(f).

**Floodplain Encroachment** A Location Hydraulic Study and a Summary Floodplain Encroachment Report were prepared for the project. The project will not have a significant floodplain encroachment as defined in 23 CFR, Section 650.105(q).

**Permits**

The project will require both State and Federal permits. The City of Santa Cruz will obtain the following permits prior to construction: California Coastal Commission Coastal Development Permit, California Department of Fish and Game 1600 Streambed Alteration Agreement; California Regional Water Quality Control Board 401 Certification; U.S. Army Corps of Engineers Section 404 Permit and Section 9 Permit, and U.S. Coast Guard Bridge Permit. The Federal Consistency Determination for work within the coastal zone will be obtained after the City receives their coastal development permit and prior to the issuance of their Army Corps permit. The project may also require an encroachment permit from the Public Utilities Commission for work within or adjacent to the Union Pacific Railroad.

Prior to construction authorization the County must provide a detailed Environmental Commitments Record that includes all of the measures proposed in the approved environmental studies.