CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM (rev. 05/2020)

Project Information

DIST-CO-RTE: 05-MON-1 **PM/PM:** 96.4/96.6

EA: 05-1P390 **Federal-Aid Project Number:** 0522000037

Project Description: On Highway 1, in Monterey County, at the Elkhorn Slough Bridge in Moss Landing (PM 96.4/96.6, Br. No. 44-0074), Caltrans will repair and reinforce damaged slopes on both the northwest, northeast sides, of the existing bridge alignment and one location at the south abutment of the same bridge.

Caltrans CEQA Determination (Check one)

☐ **Not Applicable** – Caltrans is not the CEQA Lead Agency

☐ **Not Applicable** – Caltrans has prepared an IS or EIR under CEQA

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

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

☐ **Categorically Exempt. Class** Enter class. (PRC 21084; 14 CCR 15300 et seq.)

☐ No exceptions apply that would bar the use of a categorical exemption (PRC 21084 and 14 CCR 15300.2). See the SER Chapter 34 for exceptions.

☐ **Covered by the 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].)

Senior Environmental Planner or Environmental Branch Chief

Sunny McBride	Sunny McBride	8/23/2022
Print Name	Signature	Date

Project Manager

Berkeley Lindt		8-23-2022
Print Name	Signature	Date

Caltrans NEPA Determination (**N/A**)

Continuation sheet:

Project Description: (continued from page 1)

Location One: On the Northwest Side abandoned abutment sheet pile wall on the old bridge alignment has deformed laterally and displaced vertically by several feet, causing settlement of the abandoned roadway alignment and material retained by the sheet pile wall. Caltrans will reinforce the sheet pile wall and prevent the loss of bank material into the slough using buried dead man anchors (k-rail or concrete blocks) to restrain the top of the abutment and sheet pile wall to extend the life of the wall and reduce future deformation. Placement of RSP in the area will bring the area back up to grade and prevent scouring during high tide and tsunami events. Fencing will be installed to prevent unauthorized access. Erosion control will be applied where removal of existing vegetation was necessary during construction.

Location Two: On the Northeast Bridge Side high tides and tsunami surge have scoured the toe of the embankment past the northern extent of the existing rock slope protection. A near vertical head scarp and over-steepened slopes have developed adjacent to the northbound guardrail and shoulder of Highway 1 impacting the roadway, guardrail, and/or bridge abutment. Caltrans will install a RSP buttress to replace the lost volume and extend the toe scour protection north. Placement of the RSP will occur during low tides and will match the existing visible toe of the adjacent RSP. Revegetation of the fill at the top of slope.

Location Three: At Abutment I on the southern end of the Elkhorn Slough Bridge (PM 96.42), the bottom of the bridge is exposed and subject to further erosion that could compromise the stability of the wall and expose the piles below the wall. Caltrans will place rock backfill in existing erosional gully between the abutment wall and the existing RSP slope to protect the abutment wall from further erosion and exposure at the bottom of the wall.

Traffic Control: Occasional shoulder and lane closures using reversing flagging will be required to construct repairs at location1 and 2.

Briefly list environmental commitments on continuation sheet if needed (i.e., not necessary if included on an attached ECR). Reference additional information, as appropriate (e.g., additional studies and design conditions).

Agency Biological Measures:

For compliance with the RGP Authorization, the following special conditions shall be implemented:

1. To avoid impacts to the federally threatened South Central California Coast steelhead (Oncorhynchus mykiss), and Essential Fish Habitat, you shall adhere to the maximum extent practicable to the recommended conservation measures provided by the NMFS (below).

2. To avoid impacts to the federally endangered tidewater goby (Eucyclogobius newberryi) and its critical habitat, the federally threatened western snowy plover (Charadrius alexandrinus nivosus) and its critical habitat, and federally threatened southern sea otter (Enhydra lutris nereis) you shall adhere to the maximum extent practicable to the recommended conservation measures provided by USFWS (below)

3. Pre-construction surveys and daily monitoring for the federally-listed steelhead, tidewater goby, southern sea otter, and western snowy plover shall be performed within and immediately surrounding project waterways that would be affected by project construction. The surveys shall be conducted by a qualified biologist immediately prior to the onset of project construction. If any listed species are found, work in habitat supporting that species shall not resume until the Corps completes consultation with the National Marine Fisheries Service or U.S. Fish and Wildlife Service, respectively, pursuant to Section 7 of the Endangered Species Act, as amended. The Applicant shall be notified in writing by the Corps when work may resume.

4. To minimize impacts to water quality, you shall adhere to the maximum extent practicable to the Central Coast RWQCB Conditions provided (below).

5. All appropriate best management practices shall be implemented throughout the project site to help minimize sediment disturbance and suspension within the water.

6. A post construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document construction activities and contain as-built drawings, and include before and after photographs.

Recommended Conservation Measures provided by the NMFS:

NMFS provides the following discretionary special conditions to the Corps and Caltrans to avoid or minimize potential project-related impacts to South-Central California Coast steelhead (Oncorhynchus mykiss) and Essential Fish Habitat. These special conditions are discretionary in light of the urgency to complete the emergency action:

1. Gabions, concrete mats, tires, and rubble may not be used.

2. Avoid the removal of large woody debris in the active (wetted) channel. If trees need to be removed from other portions of the project site, avoid the removal of willows over 3 inches in diameter at breast height and/or minimize the reduction in canopy cover provided by hardwoods or conifers. Replant any trees removed to achieve 1:1 successful revegetation by one of the following methods: a) trees removed can be replanted at 3:1, or b) site can be monitored for 2 years and replanted until 1:1 successful revegetation is achieved.

3. Where available, use existing ingress or egress points, or perform work from the top of the stream banks.

4. Check heavy equipment daily for leaks. Do not use equipment until leak is fixed.

5. Refuel outside of active stream channel or above ordinary high water at designated sites.

6. A Spill Prevention and Control Plan shall be created, and the Plan and all materials necessary to implement shall be accessible on site.

7. Avoid work during wet weather or where saturated ground conditions exist; if a 60% chance of a one half inch of rain or more within a 24-hour period is forecasted, cease operations until 24 hours after rain has ceased.

8. Avoid the introduction of petroleum products, chemicals, fresh cement, or water contaminated by the aforementioned into flowing waters.

9. Store adequate erosion control supplies (gravel, straw bales, shovels, etc.) onsite.

10. Utilize erosion control treatment (mulching, seeding, planting, etc.) on disturbed areas prior to a cease of operations due to forecasted wet weather and within seven days of Project completion. Prevent any sediment from entering a drainage system.

11. Work pads, falsework, and other construction items will be removed from the 100-year floodplain after the emergency work is complete.

12. In areas expected or forecasted to get rainfall during the emergency work, effective erosion control measures shall be in place at all times during construction activities. Construction within the 5-year floodplain does not begin until all temporary erosion controls (e.g., straw bales, silt fences that are effectively keyed in) are in place, downslope of project activities within the riparian area. Erosion control structures shall be maintained throughout, and possibly after, construction activities. Sediment shall be removed from sediment controls once it has reached one-third of the exposed height of the control. Whenever straw bales are used, they shall be staked and dug into the ground 12 cm. Catch basins shall be maintained so that no more than 15 cm of sediment depth accumulates within traps or sumps.

13. If any salmonids are found dead or injured during visual observations, the biologist shall immediately contact NMFS biologist William Stevens by email (William.Stevens@noaa.gov) or phone (707) 575-6066, or the NMFS Santa Rosa Area Office at (707) 575-6050. All salmonid mortalities shall be retained, placed in an appropriately-sized sealable plastic bag, labeled with the date and location of collection, and fork length. Samples shall be retained by the biologist until specific instructions are provided by NMFS. As soon as practicable after the emergency is under control, the Corps may need to initiate formal consultation with NMFS. At that time, we can assist in determining if formal consultation is needed. If formal consultation is needed, the Corps will need to prepare a post project assessment report. At a minimum the report should contain:

- A description of the construction activity performed.

- A description of the measures implemented to avoid adverse effects to listed species and essential fish habitat.
- pre-and post- color photographs of the site.
- Report any observations of listed species site during the emergency project.
- A description of the amount of in-water, bank, and riparian habitat affected by the emergency action.

Recommended Conservation Measures provided by USFWS:

Given the potential for these species to be present, we are providing measures that may help minimize and avoid potential effects during the emergency project. Even though in-water work is not anticipated, we are including measures for in-water work to be implemented in the event it is needed to complete the emergency repair. Because you have determined that an imminent threat exists to life and/or property without the proposed action, under no circumstances should any of the following measures be implemented if doing so will interfere with alleviating the emergency.

1. All personnel should receive worker awareness training on the listed species that may be present including their identification, how work activities may affect them, and the conservation measures that are being implemented to protect them. Personnel shall be given contact information of a biologist or biological monitor to whom they will report any sightings of listed species.

2. Work activities should be monitored daily by a qualified biologist to ensure that no tidewater gobies, western snowy plovers, or southern sea otters are in or near the work area and could be killed or injured.

3. Pre-activity surveys prior to the onset of activities each day would be prudent to ensure any tidewater gobies, western snowy plovers, or southern sea otters that may have moved into the project area are avoided or are allowed to move out of harm's way on their own. If suspending the activities is not possible until the animal leaves the work area of its own volition, tidewater gobies will be captured and relocated to suitable habitat out of harm's way. Any individuals of the western snowy plover that have moved into or near the project area and remain in work areas will be flushed from the work area, or if found nesting, their nests will be marked and avoided to the extent possible. Southern sea otters are expected to avoid the project activities on their own. But if they remain in harm's way, please contact our office for further direction.

4. Suitable markers should be installed around the work area to minimize the footprint of disturbance needed to complete the project.

5. If possible, a southern sea otter exclusion zone will be implemented at all times when construction work is occurring (a) in water, or (b) onshore within 100 feet of tidal waters. The radius of the exclusion zone will be a minimum of 49 feet to prevent the injury of southern sea otters from machinery. If construction activities (such as in-water RSP or k-rail placement) generate underwater noise, an exclusion zone will be implemented that includes all areas where underwater sound pressure levels are expected to reach

or exceed 160 dB re 1 μPa. If a sea otter enters the exclusion zone during in-water work, if possible, work will stop until the animal leaves the exclusion zone. In-water k-rail or RSP placement will not commence (or re-commence following a shutdown) until sea otters are not sighted within the exclusion zone for a 15-minute period.

6. A biologist approved by the Service will monitor activities to determine if southern sea otters are being disturbed. Monitoring will occur at all times when work is occurring (a) in water, or (b) onshore within 100 feet of tidal waters. The biological monitor will have the authority to stop project activities if southern sea otters approach or enter the exclusion zone or if, in the professional judgment of the monitor, sea otters outside the exclusion zone display a significant and alarming reaction to construction activity. Biological monitoring will begin 0.5-hour before work begins and will continue until 0.5-hour after work is completed each day. Work will commence only with approval of the biological monitor to ensure that no southern sea otters are present in the exclusion zone.

7. To reduce the risk of startling southern sea otters with a sudden intensive sound, the construction contractor will begin construction activities gradually each day by moving around the project area and starting tractors or other heavy equipment one at a time.

8. In-water construction work will occur only during daylight hours when visual monitoring of southern sea otters can be implemented. No in-water work will be conducted at night.

9. If southern sea otters are present within the work area, they will be allowed to leave on their own volition.

10. Fuel storage and all fueling and equipment maintenance activities will be conducted at least 100 feet from subtidal and intertidal habitat.

11. The clean-up of any accidental spill will begin immediately pursuant to all relevant hazardous materials regulations. If the spill could affect water quality or impact special status resources, the appropriate regulatory agencies will be notified to determine the appropriate course of ac on.

12. Any tidewater gobies captured and relocated should be placed in suitable habitat as close to the capture site as possible (preferably upstream in the Elkhorn Slough), yet far enough to ensure they are unaffected by project activities.

13. Biologists should document the location(s) to which tidewater gobies are relocated, with a description of the habitat and whether any other tidewater gobies are already present.

14. If dewatering must be done, work areas to be dewatered should be monitored during and after dewatering to ensure that no tidewater gobies become stranded in dewatered areas. As dewatering proceeds, gobies found in areas being dewatered will

be captured and relocated by a qualified biologist to nearby suitable habitat out of harm's way.

15. During dewatering, any pumps used will be fitted with an anti-entrapment device to prevent tidewater gobies from being drawn into the pump or impinged on intake screening. Intakes for the pumps will be completely screened with wire mesh not larger than 5 millimeters to prevent aquatic species from entering the pump system. Upon completion of construction activities, all diversion structures will be removed in a manner that will allow flow to resume with the least amount if disturbance to the substrate.

16. If necessary, western snowy plovers that do not leave the project area on their own volition will be flushed from the area by a qualified biologist to minimize the risk of harm to the species. Areas where plovers are observed shall be examined to determine if a plover nest is present.

17. If any active nests of the western snowy plover are discovered near the project area during pre-activity surveys, or if a nest is suspected due to species activity and behavior but cannot be found, suitable markers should be placed to establish the widest possible buffer around the nest or approximate nest location to minimize nest disturbance. If an active nest is found in work areas that cannot be avoided, the nest location will be marked by a qualified biologist and the Service contacted for instructions how to proceed. Critical habitat for the tidewater goby is designated within Elkhorn Slough and it is possible the emergency activities could impact the primary constituent elements for the species. As such we recommend the Corps take into consideration any effects to the designated critical habitat for tidewater goby. Furthermore, critical habitat for the western snowy plover has been designated at Elkhorn Slough. Impacts to the primary constituent elements for western snowy plover could occur. As such, we recommend the Corps take into consideration any effects to the designated critical habitat for the western snowy plover. After the emergency has abated, Caltrans should assess whether any adverse effects to any of the aforementioned federally listed species or critical habitats have occurred and report its findings to you. As soon as possible, please submit to us a letter describing the actions taken and your assessment of the effects on these species. 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. Please keep in mind that if substantial impacts occur to this species and/or its habitats, compensation to offset impacts may be appropriate.

Finally, your notification also indicates that the South Central California Coast steelhead (Oncorhynchus mykiss) and its critical habitat may be affected by the Elkhorn Slough Scour and Erosion Repair Project. As you are aware, NOAA Fisheries (National Marine Fisheries Service of the National Oceanic and Atmospheric Administration) is the Federal agency entrusted with implementation of the Endangered Species Act for steelhead. We suggest you notify NOAA Fisheries directly to assist the Corps in avoiding and minimizing impacts to the steelhead and its critical habitat during this emergency action. If you have any questions, feel free to contact me by electronic mail at debora_kirkland@fws.gov or phone at (805) 677-3321. Please refer to our file number 2022-0075059 in future correspondence.

Central Coast RWQCB Conditions:

1. Only the minimal amount of fill (i.e., rock slope protection) shall be used to temporarily address the bank erosion until permanent repairs can be implemented. Bioengineering measures shall be used to the maximum extent feasible.

2. The applicant shall submit a complete Section 401 Clean Water Act Water Quality Certification application to implement a permanent solution to address the instability in relation to erosion along the Elkhorn Slough tidal channel within six (6) months of the submission of the Notice of Intent (on or before February 15, 2023). A complete 401 Certification Application should be submitted only if necessary and in the case that any further work will be done outside that permitted in the RGP 5 Permit.

3. A mitigation ratio of 1:1 in the form of rehabilitation and/or enhancement equal to the area of the proposed placement of rock slope protection (RSP), which as stated in the application would equal to a minimum amount of .036 acre, shall be implemented to compensate for the loss of wetland and/or riparian habitat. If feasible, rehabilitation and/or enhancement shall be onsite. Rehabilitation and/or enhancement shall involve the removal of invasive species located onsite (as stated in the application), planting of appropriate native species where needed, and monitoring for 2 years or until successful enhancement and reduction of invasive species is achieved.