ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
Mt Haggin WMA Highway 569 Improvement Project
Montana Fish, Wildlife & Parks
Region 3, Bozeman
March 19, 2019

Preface

This Decision Notice has been prepared to allow MT Department of Transportation (MDT) in partnership with the Western Federal Lands Highway Division of the Federal Highway Administration (FHWA) to improve a 4-mile section of existing paved surface of MT Highway 569, across MT Fish, Wildlife & Parks' (FWP) Mt Haggin Wildlife Management Area (WMA). Highway 569 is locally known as the Mill Creek Highway. The highway project would include resurfacing and widening the existing road prism, repairing and restoring drainage, replacing the California Creek Bridge, installing earth walls and placing pavement markings.

FWHA determined that this project, referred to as "North of Moose Creek North", qualified for Categorical Exclusion and only a limited environmental assessment was required. This assessment was made available to the public via postings in the *Missoulian* and *Montana Standard* in June 2018. Minimal impacts are expected to result from this project; most are temporary while construction is occurring. Benefits would include public safety from improved road conditions and replacement of the California Creek bridge and reduction in sediment flow into Oregon and California creeks with culvert replacement and bank erosion control.

FWP biologists provided input to the project design and have reviewed this environmental assessment. FWP does have concern about the Oregon Creek culvert. These concerns revolve around maintaining fish and aquatic organism passage year-round through the culvert. Oregon Creek contains important spawning and rearing habitat and flows in the late summer can be very low (< 1 cfs). The very large culvert proposed over Oregon Creek will be filled with native streambed material and a low flow channel will be constructed inside the culvert. Fine sands and silts will be washed into the placed gravels to fill interstitial spaces. FWP's concern is that at low flows Oregon Creek will flow subterranean within the culvert and thus preclude fish passage. The project engineers have addressed these concerns as adequately as possible given the structure type and have agreed to do 1 year of monitoring after project completion to ensure the mitigative measures produce the outcome desired. If fish passage is interrupted the first year, additional actions would be taken to maintain surface flows that would allow for fish passage.

Proposed Action

Reconstruction would include widening the existing road prism from 22-24 feet to 26 feet. This expansion would require the permanent conversion of 0.77 acres of FWP land on the Mt. Haggin WMA to MDT ownership. Because MFWP purchased Mt. Haggin WMA with Land and Water Conservation Funds, Section 6(f) of the Land and Water Conservation Fund Act applies to any land conversion that occurs on the WMA. Specifically, Federal Highway Administration and MDT must provide replacement property to MFWP for the 0.77 acres that will be taken in this project.

Since 1998, MFWP and MDT have maintained a spreadsheet depicting remaining credit/debit status of all 6(f) properties across the state. This process has commonly been referred to as the "6(f) Properties Bank". In 2004, MDT provided funding to MFWP to acquire a track of land with the understanding that the funding provided by MDT would establish a credit that MDT would use to mitigate the impacts of future MDT acquisitions of land owned by MFWP and classified as 6(f). In the case of the Mt. Haggin WMA road improvement project, it is the intent of MDT and MFWP to use the existing 6(f) Properties Bank to mitigate the impacts to the 0.77 acres of 6(f) property owned by FWP that will be taken in this road project.

Public Process and Comments

FWHA made available the Categorical Exclusion and limited environmental assessment to the public via postings in the *Missoulian* and *Montana Standard* in June 2018. No comments were received.

Decision

Based on the Environmental Assessment conducted by the Federal Highway Administration and input from FWP fisheries and wildlife biologists, it is my decision to approve the proposed action to allow permanent conversion of 0.77 acres of FWP land to MDT ownership, to be placed in the 6(f) Properties Bank, pending FWP Commission approval.

Mark Deleray
Region 3 Supervisor
Montana Fish, Wildlife & Parks

3/19/19
Date

U.S. Department
of Transportation
**Federal Highway
Administration**

Western Federal Lands Highway Division
610 E. Fifth Street
Vancouver, WA 98661
Phone 360-619-7700
Fax 360-619-7846

August 3, 2018
{Sent via Electronic Mail}

In Reply Refer To: HFL-17

Vanna Boccadori
Butte Area Wildlife Biologist
1820 Meadowlark Lane
Butte, MT 59701

Dear Vanna Boccadori,

North of Moose Creek North
MT DOT 569(3)
Request for Concurrence of no adverse impact to a Section 4(f) Resource
And
Concurrence to use 0.777 Acres for Section 6(f) lands

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in partnership with Montana Department of Transportation is proposing to reconstruct the existing paved surface of Montana State Highway 569 between milepost 11.0 and 14.446 (Proposed Action). The Proposed Action will be the reconstruction of the roadway and replacement of the bridge over California Creek.

The project is in the Rocky Mountains of Montana, approximately 15 miles south of Anaconda, in Deer Lodge County on State Highway 569. This section of highway begins in the north at an elevation of 6550 feet above mean sea level and follows Oregon Creek south-westward, downstream. The Proposed Action crosses Oregon Creek 0.7 miles upstream of its confluence with California Creek, then crosses California and American creeks, and continues for the 1.5 miles. The southern-most 0.5 miles is located on Montana State Trust Lands.

The Proposed Action includes resurfacing, rehabilitation, restoration and reconstruction (4R) of the road. The 4R action will upgrade the road to meet the current American Association of State Highway and Transportation Officials 55 Mile Per Hour standard for horizontal and vertical curves from approximate mile posts 11.0 to 14.446. Additionally, the 4R action includes repairing and restoring drainage, replacing the California Creek Bridge, installing earth walls and placing pavement markings. The current width of the road is 22-24 feet and the designed width is proposed at 26 feet. The proposed construction year is 2019 through 2020.

This letter is to request concurrence for the level of impact to Sections 4(f) and 6(f) resources located along the edge of the existing roadway.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966 states that "the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation areas, wildlife and waterfowl refuge, or historic sites resulting from such use."

Because Mount Haggin Wildlife Management Area (WMA) is categorized under a 'recreational facility', the project is subject to Section 4(f). However, because of the criteria set forth by DOT a *De Minimis* Section 4(f) evaluation will be prepared by FHWA.

Impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and
3. The official(s) with jurisdiction over the property are informed of DOT's intent to make the *de minimis* impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

This letter is a portion of the following coordination actions that will be taken by the FHWA. The responses to this letter will be held as part of the Administrative Record at Western Federal Lands Highway Division, 610 East Fifth Street, Vancouver, WA 98661.

1. In 2017, the FHWA staff designer reduced the impact area by redesign from about 2.0 acres' impact to 0.855-acre impact.
2. Two public notifications were released: one each to the Missoulian and the Montana Standard on June 13, 2018 for 2-days. No comments were received.
3. This letter of request for concurrence was sent from FHWA to the FWP/Mount Haggin and MDT on July 3, 2018 via email.

To comply with the Transportation Act, we are requesting that you determine in a signed concurrence to us the significance of the Mount Haggin WMA and agree that proposed actions, will not adversely impact the public recreational use of the area.

For your convenience, I have added statements and signature concurrence lines below. If you wish, you may sign and return this letter to me at the above address.

Concurrence: Vanna Boccardo

MT Fish, Wildlife & Parks, Butte Area Wildlife Biologist
Title

Proposed 4R actions will not adversely affect the recreational activities, features, and attributes that qualify the property for protection under Section 4(f).

Concurrence: Vanna Boccardo

MTFWP Butte Area Wildlife Biologist
Title

Section 6(f)
The federal regulation 16 USC 4601-8(f)(3) and 36 CFR 59 is referred to as Section 6(f) of the Land and Water Conservation Fund Act. The Land and Water Conservation Fund Act makes federal funding available for acquisition and development of lands for public outdoor recreation uses. The Mount Haggin WMA is considered a 6(f) property since Land and Water Conservation Fund Act funds were used to acquire or develop portions of the site.

Where FHWA and Montana Department of Transportation (MDT) projects may result in conversion of land acquired or developed with Land and Water Conservation Fund Act funding, The FHWA and the MDT must comply with the requirements of Section 6(f) and the implementing regulations at 36 CFR 59.

Since 1998, Montana Fish Wildlife and Parks (FWP) and the MDT have maintained a spreadsheet depicting remaining credit/debit status of 6(f) properties. This process has been commonly referred to as the "6(f) Properties Bank." In 2004, MDT provided funding to MTFWP to acquire a tract of land with the understanding that the funding provided by MDT would establish a credit that MDT would use to mitigate the impacts of future MDT acquisitions of land owned by FWP and classified as 6(f). In the case of this current project, it is the intent of MDT and FWP to use the existing 6(f) Properties Bank to mitigate the impacts to the 6(f) property owned by FWP on the project.

The permanent conversion will impact the WMA by FHWA taking the 0.777 acres for right of way; in response, FHW is proposing to by ensuring replacement property is deeded to Montana Fish, Wildlife and Parks. Conversion will not change the type of activities the FHWA currently provides.

FHWA has not yet appraised the impacted 6(f) land at the WMA or the proposed replacement land to determine the relative values of the parcels. The appraisals would be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

FHWA proposes that this conversion meets the criteria for a small conversion as it is less than 10% of the total parcel and less than 5 acres in total. The conversion also meets the following criteria:

a) The above-described project impacts to the WMA are minor. The WMA is not a historic resource. FHWA is completing an environmental analysis of the project.

b) The proposed project is not controversial. And,

Upon agreement of the above-proposed concept, FHWA would move forward with land appraisals, completion of a Categorical Exclusion on the highway reconstruction project, continue coordination with Montana FWP as the project plans develop, and complete all the necessary paperwork for the conversion including the preparation of an LWCF Proposal Description and Environmental Screening Form. The FHWA anticipates having the project ready to let to construction in 2019.

The FHWA is requesting signed concurrence that the Section 6(f) impact area of 0.777 acres will be acquired by the MDT in exchange for previously 'banked' 6f conversion credits.

Concurrence: Vanna Baccador

MT FWP Butte Area Wildlife Biologist
Title

The proposed 4R actions will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 6(f).

Concurrence: Vanna Baccador

MT FWP Butte Area Wildlife Biologist
Title

Please call me at 360-619-7593 if you have any questions. Thank you.

Sincerely yours,

DENISE E STEELE

Digitally signed by DENISE E STEELE
Date: 2018.08.03 10:28:29 -07'00'

Denise Steele
Environmental Protection Specialist

cc:

Darlene Edge, Montana Fish, Wildlife and Parks, Butte, MT
Tom Gocksch, MDT
Bob Heiser, MDT
Therese Iwaniak, MDT Butte District, R/W Supervisor
Seth McArthur, Montana Fish, Wildlife and Parks, Butte, MT
Wayne Nome, MDT Secondary Roads Supervisor
Jim Olsen, Montana Fish, Wildlife and Parks, Fisheries Biologist, Big Hole
Tom Reilly, Montana Fish, Wildlife and Parks, Butte, MT
Rebecca Ridenour, MDT
Brandon Stokes, FHWA, Project Manager, Vancouver, WA
Kimber Miller, FHWA, Designer, Vancouver, WA
Project file: MT DOT 569(3)

List "D" (documented) Categorical Exclusion (23 CFR 117[d])

Project Name	
North of Moose Creek North	
Project Number (FLH Accounts Table)	**Project Manager**
MT DOT 569 (3)	Brandon Stokes

Project Description (Briefly describe the project including need, purpose, location (Township Range and Section; Latitude and Longitude for beginning and end), limits, right-of-way requirements, and activities involved in this box. Attach map.)

The Proposed Action includes resurfacing, rehabilitation, and restoration of the road by bringing the road to meet current AASHHTO 50 MPH design standards for horizontal and vertical curves on Montana State Highway 569 from mile post 11.03 to 14.446.

Additional actions include: improving drainage, replacing California Creek Bridge, installation of mechanically stabilized earth walls, and placing pavement of markings.

The existing design width is 22 feet to 24 feet. The anticipated design width will be 26 feet, which includes two 12-foot lanes with 1-foot shoulders.

Ground-disturbing activities will generally be limited to the existing road prism plus 1-foot widening on either side. The proposed project may include vegetation clearing up to 50 feet on either side of centerline for the majority of the route except at the California Creek Bridge, where clearing may extend up to 150 feet on either side of the road.

List "D" (documented) Categorical Exclusion (23 CFR 117[d])

Section 1: Type of List "D" (documented) Categorical Exclusion (23 CFR 117[d]): 13

A. Use the information in this section to determine the applicable "D" list activity for this project.

13. Actions described in paragraphs (c)(28) (c)(26) of this section that do not meet the constraints in paragraph (e) of this section.

B. 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.)

C. 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 the project meets the above definition for a Categorical Exclusion.

D. 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.

E. Required Federal Agency Consultation Processes

*Please provide the **anticipated** results of the required federal consultation processes below if this project is determined to be a Categorical Exclusion prior to completing these processes. Confirmation of the results will be documented in Section 2 of this form.*

☒ **Proceed to Section F if all federal processes are complete.**

F. Required Environmental Analysis for Documented Exclusions: *These projects may be categorical exclusions under 23 CFR § 771.177(d), but require additional documentation demonstrating that the specific conditions or criteria for the CEs are satisfied and that significant effects will not result. These questions need to be answered in order to categorize a project as a CE under list D.*

1.) Land Use

☐ Not Applicable - project is located wholly within federally owned lands

If applicable, attach a map or describe project location and surrounding land uses. Briefly describe the existing zoning of the project area and indicate whether the proposed project is consistent. Describe the community (geographic, demographic, economic, and population characteristics) in the vicinity of the project.

The project is located in Montana Department of Transportation lands and Montana Fish Wildlife and Parks lands.

2.) Traffic

☒ Low volume road with little to no traffic impacts resulting from the transportation improvements.

If applicable, describe potential traffic and parking impacts, including whether the existing roadways have adequate capacity to handle increased vehicular traffic. Include a map or diagram if the project will modify existing roadway configurations. Describe connectivity to other transportation facilities and modes.

3.) Temporary Traffic

Is there construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions? ☒ No ☐ Yes

If yes, describe.

4.) Visual Quality

a) Will the project have an adverse effect on a designated scenic area or scenic byway? ☒ No ☐ Yes

If yes, describe.

b) Will the project substantially degrade the existing visual character or quality of the site or its surrounding? ☒ No ☐ Yes

If yes, describe.

5.) Air Quality

a) Does the project have the potential to adversely impact air quality? ☒ No ☐ Yes

If yes, describe.

b) Is the project located in an Environmental Protection Agency (EPA) - designated non-attainment or maintenance area? ☒ No ☐ Yes

If yes, indicate the criteria pollutant (example: carbon monoxide, ozone, particulate matter (PM))

c) If the non-attainment area is also in a metropolitan area, is the project included in the MPO's Transportation Improvement Program (TIP) air quality conformity analysis? ☐ No ☐ Yes

If yes, date of USDOT conformity finding

N/A

6.) Coastal Zone

Is the proposed project located in a designated coastal zone management area? ☒ No ☐ Yes

If yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding, if available.

7.) Environmental Justice

☒ No Environmental Justice populations are affected by the project

☐ Environmental Justice populations are potentially affected by the project.

Indicate whether the project will have disproportionately high or adverse impacts on minority or low-income populations. Describe any potential adverse effects. Describe outreach efforts specifically at minority or low-income populations.

8.) Floodplains

Is the proposed project located within the Federal Emergency Management Agency (FEMA) 100-year floodplain? ☒ No ☐ Yes

If yes, describe potential impacts and include the FEMA map with project location identified.

9.) Hazardous Materials

Is there any known or potential contamination at the project site? ☐ No ☒ Yes

If NO, describe steps taken to determine whether hazardous materials are present on the site.

If YES, note mitigation and clean-up measures that will be taken to remove hazardous materials from the project site.

The California Creek Bridge was tested for the presence of asbestos and lead. There was no asbestos, but lead was noted in the paint, therefore compliance conditions are included in the Special Contract Requirements of the Contract.

10.) Navigable Waterways

Does the proposed project cross or have the potential to impact a navigable waterway? ☒ No ☐ Yes

If yes, describe potential impacts and any coordination with the US Coast Guard.

11.) Noise

Does the project have the potential to increase noise? Does the project increase number of lanes, change the vertical or horizontal alignment, etc? ☒ No ☐ Yes
(Reference: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/)

If yes, describe resource and impacts and any noise studies that were completed.

12.) Cultural, Historic and Recreational Resources

Does the project have the potential to impact any cultural resources? ☐ No ☒ Yes

If yes, describe resource and impacts, including any coordination with Tribes and state SHPO offices.

No adverse effect to five sites within the project APE. The FHWA received a concurrence letter from the SHPO September 11, 2018.

Does the project have the potential to impact historic resources? ☐ No ☒ Yes

If yes, describe.

The project is impacting the California Creek Bridge which is historic property number 24DL267. The FHWA and the SHPO have a September 13, 2018 signed MOA addressing the adverse effect.

Does the project have the potential to impact 4(f) recreational or wildlife refuge resources? ☐ No ☒ Yes
(Reference: http://www.environment.fhwa.dot.gov/4f/index.asp)

If yes, describe the recreational resource and potential impacts.

Portions of the project are located on Montana Fish Wildlife and Parks land, which is designated recreational property. The FHWA completed a De minimis 4(f) August 29, 2018 and posted notification in the Missoulian and the Montana Standard, no comments were received.

13.) Biological Resources: *Obtain a list of threatened and endangered species in the project area from the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration-Fisheries (NOAA-Fisheries). Attach a current species map (within six (6) months).*

Are there listed species in the project area? ☐ No ☒ Yes

If yes, describe potential impacts, including any critical habitat, essential fish habitat or other ecologically sensitive areas.

The FHWA completed informal consultation on December 20, 2016.

14.) Water Quality

Does the project have the potential to impact water quality, including during construction? ☐ No ☒ Yes

If yes, describe potential impacts.

Temporary construction impacts will cause turbidity that will resolve when construction is complete. Project designed sloped structures to allow water runoff through riprap and vegetation infiltration before entering a WOUS.

Will there be an increase in impervious surface? ☐ No ☒ Yes

If yes, describe potential impacts and proposed treatment for storm water runoff.

There is an estimated 6.0 percent increase in impervious surface after construction is complete. The FHWA designed sloped structures to allow water runoff through riprap and vegetation infiltration before entering a WOUS.

Is the project located in the vicinity of an EPA-designated sole source aquifer? ☒ No ☐ Yes

If yes, describe potential impacts and include a map of the sole source aquifer with project location identified.

15.) Wetlands and Waters

Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways? ☐ No ☒ Yes

If yes, describe potential impacts

There are both temporary and permanent impacts to wetlands and streams and the FHWA is seeking a USACE permit for the actions associated with this project.

16.) Cumulative and Indirect Impacts

Are cumulative and/or indirect impacts likely? ☒ No ☐ Yes

If yes, describe the reasonably foreseeable:

a) Cumulative impacts: Result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

b) Indirect Impacts: Caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density rate, and related effects on air, water and other natural systems, including ecosystems.

17.) Property Acquisition

Will there be property acquired for this project? ☐ No ☒ Yes

If yes, please describe property acquisitions and indicate whether acquisition will result in relocation of businesses or individuals.

There is minor property acquisition (~0.9 acres) from the Montana Fish Wildlife and Parks to the Montana Department of Transportation. Property is subject to Section 6(f) - Land and Water Conservation Fund Act.

18.) Public Notification - *Public outreach activities are not required for all projects. However, there may be specific conditions that require public outreach.*

☐ No public outreach activities were conducted for this project.

☒ Public activities were or will be conducted for this project.

Describe public outreach efforts undertaken on behalf of the project. Indicate opportunities for public hearings, (board meetings, open houses, special hearings, etc.). Indicate any significant concerns expressed by agencies or the public regarding the project.

The FHWA notified the public in the Missoulian and the Montana Standard regarding Section 4(f) in June 2018.

19.) Federal Land Management Agency (FLMA) Consistency Determination.

Is the project consistent with applicable federal land management policies and/or plans?

☒ Not Applicable

☐ Yes - if applicable, attach the consistency statement from the FLMA (letter or email)

☐ No - Describe the coordination and any information from the FLMA that allows the project to move forward.

20.) Construction Impacts

Are there additional construction impacts not described in this document? ☒ No ☐ Yes

If yes, please describe any potential impacts not described elsewhere.

G. Certification Based on project proposal and known information, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Act listed in 23 CFR 771.117(d)

Prepared By: Denise Steele (Print Name) **Signature:** DENISE E STEELE Digitally signed by DENISE E STEELE Date: 2018.09.17 11:31:02 -07'00'

Approved By: Scott Smithline (Print Name) **Title:** Environmental Manager

Signature:

List "D" (documented) Categorical Exclusion (23 CFR 117[d])

Section 2: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements 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.

Cultural Resources

☒ Section 106 compliance is complete-select appropriate finding: _____

☐ Screened Undertaking ☐ No Historic Properties Affected ☐ No Adverse Effect ☒ Adverse Effect/MOA

☒ SHPO Concurrence Date: MOA September 13, 2018

Waters, Wetlands

- Section 404 of the Clean Water Act

  Impacts to Waters of the US: ☒ 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

Floodplains

- Floodplains (Executive Order #11988)

  ☒ No Floodplain Encroachment ☐ No Significant Encroachment ☐ Significant Encroachment

Biology

☐ No Section 7 Needed

- Section 7 (Federal Endangered Species Act) Consultation Findings (Effect determination)

  ☐ No Effect ☒ Not Likely to Adversely Affect with FWS/NOAA Concurrence Date: December 20, 2016

  ☐ Likely to Adversely Affect with Biological Opinion Date: _____

  ☐ Programmatic BO held by Partner Agency; File Number: _____ Date: _____

- Essential Fish Habitat (Magnuson-Stevens Act) Findings (Effect determination): _____

  ☒ No Effect ☐ No Adverse Effect ☐ Adverse Effect and Consultation with NOAA Fisheries

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 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) --- 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 Exemption ☐ Qualifies for Waiver ☐ Coastal Permit Required

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

List "D" (documented) Categorical Exclusion (23 CFR 117[d])

Relocation and Right of Way

- [x] No Relocations
- [ ] Project involves _____ (#) relocations and will follow the provisions of the Uniform Relocation Act.
- [ ] No right of way acquisitions or easements
- [x] Project involves 1 partial (#) acquisitions and 1 const. (#) 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? [x] Yes [ ] No
- If yes, is the nature and extent of the hazardous materials or contamination fully known? [x] Yes [ ] No

If no, briefly discuss the plan for securing information:
The California Creek Bridge was tested for the presence of asbestos and lead. There was no asbestos, but lead was noted in the paint, therefore compliance conditions are included in the Special Contract Requirements of the Contract.

Wild and Scenic Rivers

- Are there wild and scenic river designations in the project area? [ ] Yes [x] No
- Describe any impacts.

Land Management Agency Consistency

- Is a consistency statement needed from the Federal Land Management Agency? [ ] Yes [ ] No [x] N/A

Please attach.

Materials, Disposal and Staging Areas

- Any materials sources, disposal or staging areas? [x] Yes [ ] No

If yes, please describe.
These sites will be contractor located.

- Have clearances been obtained? [ ] Yes [x] No

If no, please explain.
The contractor is required to obtain clearances on contractor located sites.

Other Relevant Approvals/Processes

- Are there other relevant approvals or processes needed for this project? [ ] Yes [x] No

If yes, please describe.

Section 3: 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: Denise Steele (Print Name) **Title:** Environmental Protection Specialist

Signature: DENISE E STEELE Digitally signed by DENISE E STEELE Date: 2018.09.17 11:31:36 -07'00' **Date:** September 17, 2018

Approved By: Scott Smithline (Print Name) **Title:** Environmental Manager

Signature: SCOTT SMITHLINE Digitally signed by SCOTT SMITHLINE Date: 2018.09.17 12:24:39 -07'00' **Date:** September 17, 2018