

DEPARTMENT OF TRANSPORTATION
 DISTRICT 8
 ENVIRONMENTAL LOCAL ASSISTANCE (MS 1162)
 464 WEST 4TH STREET, 6TH FLOOR
 SAN BERNARDINO, CA 92401
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*Flex your power!
 Be energy efficient!*

March 3, 2010

Mr. Dennis D. Barton
 27215 Baseline
 Highland, CA. 92346

File: 08-Riv-Local Assistance
 Seismic Indio Blvd. Bridge
 FPN: BRLO 5449 (014)

Dear Mr. Barton:

The California Department of Transportation (Caltrans) has prepared the NEPA environmental determination (Categorical Exclusion) for the proposed project in the City of Highland in the County of San Bernardino consisting of reconstructing bridge from 2 to 4 lanes, improve the roadway to provide the clearance for multiuse trail under the bridge, utility construction, pavement widening, curbs, gutters, sidewalks, and decorative street lighting.

Caltrans would also like to reiterate the requirements of the NEPA Pilot Program MOU that became effective July 1, 2007. Pursuant to the MOU and Section 6005 of SAFETEA-LU codified at 23 U.S.C. 327(a)(2)(A), effective July 1, 2007 FHWA has assigned, and Caltrans has assumed, all the United States Department of Transportation (USDOT) Secretary's responsibilities under NEPA. The assignment applies to all projects on the State Highway System (SHS) and all Local Assistance Projects off the SHS within the State of California.

- Local Agency or its consultant *must do* formal QC of environmental documents and technical reports paralleling Caltrans standards, to be confirmed by use of "External QC Form" provided to Caltrans. <http://www.dot.ca.gov/ser/forms.htm>
- Local Assistance documents *must use* Annotated Outlines for EAs and EISs
 - Annotated Outlines are effective and efficient tools to ensure all requirements are met and to ensure consistency of terminology and treatment of issues. Agencies may use either the combined CEQA/NEPA outlines, or the NEPA-only outline. <http://www.dot.ca.gov/ser/forms.htm>
 - One Caltrans standard for federal environmental documents is required.
 - If challenged, Caltrans must defend Local Agency documents in federal court; documents that follow standardized formats and procedures are more defensible
- Local Agencies *must send* copies of:
 - 1) Environmental documents, 2) technical reports, 3) summary lists of environmental commitments to be incorporated into PS&E, and 4) permits to Caltrans' DLAE for files to facilitate audits and process reviews. The requirement to have environmental commitments and permits is not new (Local Assistance Procedures Manual Chapters 6, 12, 15, 17), but providing copy to DLAE is now mandated because of the need to provide rapid response to FHWA in process reviews and audits and because FHWA nationally is placing new emphasis on ensuring these commitments are carried out.

If you have any questions regarding the CE, please call Stephen Kent at (909) 383-6389.

Sincerely,

Aaron Burton
 Senior Environmental Planner
 Environmental Local Assistance

CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM

08-SBD

BRLO 5449(014)

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.)

Enter project description in this box. Use Continuation Sheet, if necessary

Boulder Avenue across City Creek south of Baseline, reconstruct existing bridge from 2 to 4 lanes; also widen Boulder Avenue from 190 feet north to 1, 430 feet south of the bridge from 2 to 4 lanes. Improve the roadway to provide the clearance for multiuse trail under the bridge, utility construction, pavement widening, curbs, gutters, sidewalks, and decorative street lighting.

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 classes 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 15260 et seq.)

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

Categorically Exempt. Class _____. (PRC 21084; 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))]

N/A

Print Name: Environmental Branch Chief

N/A

Print Name: Project Manager/DLA Engineer

N/A

Signature _____ Date _____

N/A

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, 2007, 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 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.

Aaron Burton

Print Name: Environmental Branch Chief

Savat Khamphou

Print Name: Project Manager/DLA Engineer

3-2-10

Signature _____ Date _____

3-3-10

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 September 15, 2008**

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Natural Environmental Study

- Prior to project implementation, an exclusionary fence will be placed around the impact area as determined by a qualified biologist. A 4-foot high, 0.5-inch temporary steel mesh SBKR exclusionary fence will be placed along the south right of way limits where suitable SBKR habitat exists. The bottom of the exclusionary fence will be buried below ground a minimum depth of 24 inches to minimize the potential that SBKR can re-enter the construction area, and to preclude impacts to adjacent habitat. Trapping will be conducted for SBKR within 30 days prior to ground-disturbing activities. Any SBKR or other sensitive mammal species that are captured will be relocated outside the exclusionary fencing. Trapping will be conducted by a permitted biologist and according to protocol.
- A qualified biological monitor will be present during ground-disturbing activities within suitable habitat for SBKR. The monitor will have the authority to stop activities should it be required to avoid take of the species. The monitor will also be responsible for ensuring the project is in compliance with conditions set forth by the USFWS in the incidental take authorization for SBKR pursuant to the FESA.
- The temporary SBKR exclusionary fence will be maintained in place throughout the duration of construction in these areas to minimize take of SBKR during the construction phase and preclude the inadvertent disturbance of outlying areas by construction personnel. Access to SBKR habitat outside of the construction limits will be prohibited and posted accordingly. Because SBKR are nocturnal, the exclusionary fence will be inspected daily before dusk and will be repaired as necessary, so that there are no gaps greater than 0.5-inch on any portion of the fence that could allow SBKR entry into the project area.
- Within construction limits in any potentially suitable habitat for SBKR in or adjacent to City Creek, the City will ensure that all excavated, steep-walled holes or trenches more than 2 feet deep are covered at the close of each working day with plywood, or provide one or more escape ramps constructed of earth fill or wooden planks to prevent entrapment of SBKR during construction. The ramps will be located at no greater than 100-foot intervals, slopes less than 45 percent, and be at least 1 foot in width.
- Trenches and holes will be inspected for entrapped wildlife each morning prior to the onset of construction. Before holes or trenches are filled, they will be thoroughly inspected for

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entrapped animals. Any animals so discovered will be removed from the trench or hole by a qualified biologist and released.

- All construction pipes, poles, culverts, or similar structures with a diameter of 1.5 inches or greater stored at a construction site for one or more overnight periods; will be thoroughly inspected for the presence of SBKR before the pipe is subsequently buried, capped, or otherwise used or moved in any way. Unburied pipes laid in trenches overnight will be capped. If SBKR are discovered inside a pipe, that section of pipe will not be moved until a qualified biologist has been consulted. If necessary and under the direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity until the animal has been removed and released.
- The permitted will develop and implement an employee education/awareness program in coordination with CFWO. Each employee, contractor, or subcontractor involved in project construction (including temporary contractors and subcontractors) will receive SBKR and gnatcatcher training prior to working within or near areas that may affect federally listed or proposed species. At a minimum, the “Workers Environmental Awareness Program” must include the following information:

Requirements of the Act

- Identification of sensitive habitats and all federally listed and proposed species that may occur in the action areas.
- Habitat needs of all federally listed and proposed species and areas where they are known to occur, or could potentially occur, within the action areas.
- Reasons for protecting biological resources.
- Measures that will be taken to avoid and minimize incidental take during construction, operation, and maintenance activities.
- Location of conservation and protected areas within the action areas.
- Reporting procedures for observations of listed and proposed species.
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- Reporting procedures for incidents involving the take or potential for take of listed and proposed species.
- Information regarding whom to contact if personnel have further comments or questions regarding the material presented during training.
- Information regarding whom to contact at CFWO to report non-compliance with the terms and conditions of the Incidental Take
- Statement (or other potential violations of the Act) in the biological opinion. The content of the “Workers Environmental Awareness Program” and the qualifications of the proposed instructor(s) must be submitted to CFWO for review no later than thirty days prior to the proposed initiation of training. Pre-construction meetings and environmental awareness meetings will be conducted for construction personnel.
- Contractors’ pets will be prohibited in and adjacent to the construction and environmentally sensitive areas.
- Vegetation removal should be conducted outside of the avian breeding season (February-August) to avoid impacts to nesting birds. If removal occurs during the breeding bird season, a pre-construction bird survey would be required less than 7 days from disturbance activities. If passerine birds are found to be nesting, a 250-foot buffer, in which no vegetation disturbance would be permitted, will be required around the active nest. For raptors, this buffer is usually expanded to 500 feet. A qualified biologist would closely monitor the nest until it is determined that the nest is no longer active, at which time vegetation could be removed.
- Construction of the Boulder Avenue Bridge will be conducted during daylight hours while the use of the creek by wildlife for a corridor is primarily after dark. Impacts are expected to be minimal and short-term.
- The City will retain a biologist knowledgeable about SBKR, woolly-star, and their habitat to function as a biological monitor. At least 30 days prior to initiating project activities, the City will submit to the CFWO, in writing, the name(s), any permit numbers, and resumes of all prospective biological monitors. Project activities will not begin until a biological monitor has been approved by the CFWO:

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- The biological monitor will ensure compliance with the Project Description, including Conservation Measures and Terms and Conditions of the FWS biological opinion issued on 1-21-10, and have the authority to halt/suspend all activities until appropriate corrective measures have been taken. The biological monitor will report any non-compliance immediately to the CFWO and the California Department of Fish and Game.
- The biological monitor will develop and implement a contractor education program to be provided to all personnel (including temporary contractors and subcontractors) over the life of the project. Prior to conducting any work on the site, personnel will be instructed regarding: i) the purpose of resource protection, ii) a description of SBKR and its critical habitat and a description of woolly-star and its habitat, iii) the conservation measures that will be implemented in conjunction with project construction, and iv) the general provisions of the Act;
- The biological monitor will be present during vegetation clearing and grading prior to project construction and during construction, to monitor habitat conditions and construction impacts as deemed necessary in coordination with the CFWO.
- The following Best Management Practices will be implemented during project construction:
 - All equipment maintenance and dispensing of fuel, oil, coolant, or any other such activities, will be restricted to the designated staging areas within the vacant lots behind the west-bank levee of City Creek, to prevent the release of a hazardous substance into the project site or City Creek. Any accidental spills will be immediately contained and properly disposed of;
 - No pets will be allowed in or adjacent to the project site;
 - Rodenticides, herbicides, insecticides, or other chemicals that could potentially harm SBKR or woolly-star will not be used;
 - Trash will be stored so that it is inaccessible to scavengers (e.g., crows and raccoons) and will be removed from the construction site on a daily basis so as not to attract potential SBKR predators.
 - Spoils and rubble will not be deposited outside the limits of construction, and all fill and material waste generated by the proposed project will be disposed of offsite.

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- The City will purchase 6.0 ac (2.43 ha) of credit from the Cajon Creek Conservation Bank, Vulcan Materials located in San Bernardino County, California. A signed conservation certificate will be submitted to CFWO prior to project implementation.

- Prior to project-related vegetation clearing and grading, snow fencing or other highly-visible fencing will be installed along the northern and southern construction limits (boundary fencing) from Bledsoe Creek to the edge of the east channel of City Creek. Silt fencing (or similar material) will be installed at the base of the boundary fencing along habitat areas for SBKR as deemed appropriate by the biological monitor:
 - A fence design will be submitted to the CFWO for approval at least 30 days prior to emplacement.
 - The boundary fencing will be inspected by either the biological monitor or a designated agent (e.g., the construction foreman) at the close of each work day to ensure that it is in place and properly maintained. The boundary fencing with silt fencing will remain in place and be maintained until project construction is completed.
 - Any excavated, steep-walled holes or trenches more than 2 feet (61 cm) in depth will be backfilled or covered with plywood at the close of each working day to help prevent entrapment of SBKR during construction. Though this measure is not applicable to the deep excavations in sandy (unstable) soils within City Creek, these trenches will be sloped rather than steeply angled.
 - All unfilled holes or trenches will be inspected for entrapped SBKR each morning prior to the onset of construction. Any SBKR so discovered will be removed from the trench or hole by the biological monitor and released outside of the limits of construction.
 - Unburied pipes or conduit laid in trenches overnight will be capped. All other pipes or conduit with a bore-diameter of 1.5 inches (in) [(32 centimeters (cm))] or greater stored overnight within the construction site for one or more nights will be

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thoroughly inspected for the presence of SBKR before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If SBKR are discovered inside a pipe, the biological monitor will:

- supervise movement or relocation of the pipe until the animal has been removed and released.
- No night-time construction will occur.
- Following construction, all permanent lighting installed along the bridge, new road alignments, and trail-crossing bridge will be permanently shielded and directed onto the roadway or trail.
- The biological monitor will harvest seed capsules after seed set from the woolly-star plants growing within the project footprint. The capsules will be collected and stored in a paper bag in a cool, dry place. Prior to the rainy season, the woolly-star seed capsules will be broken into small pieces and scattered within the adjacent property north of Boulder Avenue on the east bank in an area agreed upon by the landowner (i.e., SBCFCD) and CFWO.
- Prior to the issuance of a Section 401, Section 404 and Section 1602 (Streambed Alteration Agreement) permit, the City will mitigate the loss of riparian habitat, per negotiation with the resource agencies during the permitting phase. This may include, but not be limited to, contribution to an approved mitigation bank for off-site habitat preservation.
- Vegetation removal should be conducted outside of the avian breeding season (February-August) to avoid impacts to nesting birds. If removal occurs during the breeding bird season, a pre-construction bird survey would be required less than 7 days from disturbance activities. If passerine birds are found to be nesting, a 250 foot buffer, in which no vegetation disturbance would be permitted, will be required around the active nest. For raptors, this buffer is usually expanded to 500 feet. A qualified biologist would closely monitor the nest until it is determined that the nest is no longer active, at which time vegetation could be removed.
- To ensure that no invasive plant species are allowed to germinate and spread, an annual weed abatement program will be adopted for a period of 3 years.

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- The City will fund the removal of nonnative grasses from 6.0 ac (2.43 ha) of adjacent alluvial fan terrace habitat owned by the SBCFCD:
 - A habitat enhancement plan outlining proposed methodology and schedule for nonnative grass removal will be submitted to CFWO for review and approval at least 30 days prior to initiating project activities;
 - This habitat enhancement will be conducted twice yearly for a period of two years.
 - A brief report will be submitted to the CFWO within 6 weeks following each treatment of habitat. This report will include: (a) photographs taken from permanent photo points displaying before and after views of treatment; (b) the site location and size; and (c) dates of treatment.

Noise

- Sound control shall conform to the provisions in Section 7-1.01I, Sound Control Requirements, of the Standard Specifications and these special provisions. The noise level from the Contractor's operations, between the hours of 9:00 p.m. and 6:00 a.m., shall not exceed 86 dBA at a distance of 15 m (50 ft). This requirement in no way relieves the contractor from responsibility for complying with local ordinances regulating noise level. The noise level requirement shall apply to the equipment on the job or related to the job, including but not limited to trucks, transit mixer, or transient equipment that may or may not be owned by the contractor. The use of loud signals shall be avoided in favor of light warnings except those required by safety laws for the protection of personnel.
- The Noise Abatement Study recommended a 6 foot high wall, 782 feet in length to be located on the west side of Boulder Avenue on the edge of the shoulder between Station 126 +60 and 134 + 80. A final decision to construct noise abatement will be made upon completion of the project design and public input. During the construction of a sound barrier, several other factors were also considered in making this recommendation:
- Line-of-sight break between a receiver and an 11.5 ft high truck stack (per Chapter 1100 of the Highway Design Manual)

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- Absolute noise level (i.e., a barrier that reduces the absolute noise level to below the severe impact level of 75 dBA $L_{eq[h]}$ (A-weighted, energy average sound level during a 1-hour period) could be favored over one that does not)
- Number of benefited receivers
- Cost per benefited receiver
- Degree of noise reductions (i.e., a barrier that provides only 1 dB of improved noise reduction over a lower barrier and costs substantially more may not be favored over the lower barrier)
- 15-year minimum life cycle

Hazardous Waste

- Prior to construction of the sound wall, ADL surveys and testing should be conducted to comply with special handling, treatment and/or disposal of ADL material. Prior to the removal of yellow thermoplastic paint markings on the pavement, these surfacing materials should be tested for lead based paint (LBP). If LBP is found, it should be removed from on-site and hauled to a licensed receiving facility and disposed of by a transportation company certified to handle materials containing LBP. Following completion of the LBP removal, a report documenting the abatement procedures used, the volume of LBP removed, and where the materials were deposited, along with transportation/disposal manifests or dump tickets, shall be submitted to the City.
- Any transformers to be relocated during site construction/demolitions should be conducted under the purview of the local utility purveyor to identify proper handling procedures regarding potential PCBs.
- The contractor would be required to use standard construction controls and safety procedures, which would avoid and minimize the potential for accidental release of hazardous substances into the environment.

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- Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and federal law.

Water Quality

- The project proponent shall comply with the provisions of the *Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Permit* (NPDES Permit No. CAS000002) and any subsequent permit or individual permit if required by the Santa Ana Regional Water Quality Control Board (RWQCB) as it relates to construction activities for the project including dewatering. This shall include a Notice of Intent (NOI) to the State Water Resources Control Board prior to the start of construction. Upon completion of work and the stabilization of all disturbed areas. A Notice of Termination shall be submitted to the Santa Ana RWQCB.
- The project proponent shall submit a complete notification package and associated fees to the California Department of Fish and Game (CDFG) regional office that serves the County
- where the streambed alteration activity will take place. This shall include coordination with the CDFG with respect to the drafting and acceptance of a Section 1602 Streambed Alteration Agreement from the CDFG for construction activities that are anticipated to occur within the City Creek and Bledsoe Creek channels.
- The project proponent shall obtain a Section 404 permit from the U.S. Army Corps of Engineers (Corps) for activities that would discharge materials into a water of the U.S. This shall include coordination with the Corps with respect to the submittal of the permit application and supplemental information required for permit processing.
- The project proponent shall obtain a 401 Certification from the Santa Ana Regional Water Quality Control Board for activities that would discharge materials into navigable waters.
- This shall include coordination with the Santa Ana RWQCB with respect to the submittal of the permit application and supplemental information required for certification.

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Visual

- The City of Highland Public Works sub-committee recommended the use of cobblestone treatment along the length of the bridge accented by cobblestone pilasters located at the corners of the bridge. The installation of antique-style lighting fixtures, similar to those installed on the Fifth Street Bridge, was recommended. Additionally, the sub-committee recommended the use of a relieved treatment to enhance the bridge's superstructure. The sub-committee further recommended the removal of the arch over the trail access, the mid-bridge lookout, and additional railing topping the cobblestone bridge walls. The recommendations of the sub-committee will be incorporated into the final bridge design.

Air Quality

- The construction contractor shall select the construction equipment used on-site based on low emission factors and high energy efficiency. The engineer shall ensure that construction specifications include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications. The construction contractor shall ensure that compliance is met.
- The construction contractor shall use electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- The engineer shall ensure that construction specifications include a statement that work crews will shut off equipment when not in use. The construction contractor shall ensure that compliance is met.
- The construction contractor shall time the construction activities so as not to interfere with peak hour traffic and so as to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

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- The construction contractor shall adhere to the requirements of SCAQMD rules and regulations on cutback and emulsified asphalt paving materials.
- To reduce fugitive dust emissions the construction contractor shall adhere to the requirements of SCAQMD Rule 403. The BACMs specified in SCAQMD's Rule 403 shall be incorporated into the project construction specifications. The BACMs are listed in Table J of the approved air quality report dated July 2008.

Caltrans' Standard Construction (Air Quality)

- All disturbed areas, including storage piles, not being actively utilized for construction purposes shall be effectively stabilized for dust emissions using water, chemical stabilizers/suppressants, or vegetative ground cover.
- All on-site unpaved roads unpaved access roads shall be effectively stabilized for dust emissions using water or chemical stabilizers/suppressants.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled for fugitive dust emissions by utilizing applications of water or by presoaking.
- When materials are transported off site, all material shall be covered or effectively wetted to limit visible dust emissions, or at least 15.2 cm (6 in) of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (The use of blower devices is expressly forbidden.)
- Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized for fugitive dust emissions utilizing sufficient water or chemical stabilizers/suppressants.
- Traffic speed on unpaved roads shall be limited to 24 kph (15 mph).
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

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- Areas subject to excavation, grading, and other construction activity shall be limited at any one time.

Cultural Resources

- If cultural resources are discovered during project construction all work in the area of the find shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find and to make recommendations on its disposition. If human remains are encountered during construction all work shall cease and the San Bernardino County Coroner's Office shall be contacted pursuant to Health and Safety Code provisions.