



**Arizona Department of Transportation**  
**Categorical Exclusion (CE) Checklist**  
**for Actions Approved Under**  
**23 CFR 771.117(c) & (d)**

**Project Information:**

**Project Name: Chandler Heights Road; Gilbert Road – Val Vista Road**

**ADOT Project Number: 0000 MA CHN T0203 01C**

**Federal-Aid Number: CHN-0(244)D**

**Estimated Project Construction Cost: \$2,587,369**

**Planning Requirements:**

**STIP/Line Item**

**ADOT Sub-program**

**CE Start Date: 11/28/2018**

**Construction Project Administration**

**ADOT**  **CA Agency**

**Categorical Exclusion Approval for FMIS**

**2A - (c) Listed**

**2B - (d) Listed**

**2C - (d) Unlisted**

**Re-evaluation:**



This project has been re-evaluated pursuant to 23 CFR 771.129 due to a change in the project scope, location, or termini or because of the need to evaluate new impacts not previously considered, or because five years have passed since the date of the CE Approval. The information on this form reflects all updates to the project information.

**Location and Limits:**

The project is located along Chandler Heights Road, from approximately 0.1 miles west of Gilbert Road to approximately 0.2 miles east of Val Vista Drive, in the City of Chandler (City) and the Town of Gilbert (Town), Maricopa County, Arizona. The project would occur within existing City and Town owned right-of-way (ROW), easements from Roosevelt Water Conservation District (RWCD) and private lands.

**Purpose and Description (scope of work):**

The purpose of this project is to add to the capacity of Chandler Heights Road to enhance regional mobility and complement the freeway system.

The scope of work includes:

- Widening Chandler Heights Road to accommodate two through lanes in each direction, bicycle lanes, a raised median island, curbs, gutters, and sidewalks
- Reconstructing driveways and sidewalk ramps to meet Americans with Disabilities Act (ADA) requirements
- Constructing drainage improvements such as scuppers, inlets, retention basins, and storm drains
- Removing, replacing, and installing signs
- Obliterating pavement striping and replacing striping as needed
- Replacing the traffic signal at the Chandler Heights Road / Lindsay Road intersection
- Relocating Roosevelt Water Conservation District (RWCD) and private irrigation facilities
- Improving signal interconnect and street lights
- Converting all existing high-pressure sodium (HPS) street lights to light-emitting diode (LED) street lights
- Installing and/or restoring landscaping and irrigation

**Purpose and Description (scope of work):**

- Installing and/or rehabilitating public water, sanitary sewer, and reclaimed water systems,
- Relocating overhead electric and underground electric, gas, fiber optic, telephone, and cable television (TV)
- Installing, replacing, or rehabilitating waterline and sewer manhole improvements
- Replacing or rehabilitating adjacent property owner improvements, such as fencing, walls, and driveways
- Conducting geotechnical and potholing investigations,

New ROW, public utility easements, drainage easements, RWCD easements, irrigation easements, and temporary construction easements are anticipated. Temporary lane closures and/or lane shifts are anticipated during construction, however no detours are anticipated. Traffic will be controlled to minimize impacts on motorists, pedestrians, and construction personnel as necessary. Access to residences and businesses will be maintained throughout construction.

**Type of CE - Choose one from (c) or (d) or Appendix A drop-down lists:**

(c) - list: (c)(23)(i) Federally-funded projects that receive less than \$5,500,515 of Federal funds

(d) - list:

 **(c)(1) Non-Construction**

If the project qualifies for a (c)(1) CE then no Technical Sections review is required and the CE is complete. Proceed to NEPA Compliance Certification and Categorical Exclusion Approval.

**Environmental Review Section**

Each category below will be reviewed and a determination from a drop-down menu will be selected for each. The checkbox will indicate review has been completed and the appropriate documentation placed in the Project File as applicable.

**Air Quality – Clean Air Act**

An ADOT 326 conformity determination has been made and documented in the project file

**Noise – 23 CFR 772**

This project requires a noise analysis. The report is complete and located in the project file

**Biological Resources – Endangered Species Act**

Project Determination: No Effect under Section 7 of the Endangered Species Act

**Cultural Resources – Section 106**

Section 106 Determination: No Adverse Effect

**Section 4(f)**
 No Section 4(f) use
**Section 404 – Clean Water Act**
 There are no potential impacts to Waters of the US
**Section 401 – Clean Water Act**
 There are no potential impacts to Waters of the US
**Hazardous Materials**
 A Preliminary Initial Site Assessment (PISA) has been completed and documented in the project file
**Environmental Justice**
 This project has no potential Environmental Justice impacts
**Public Involvement**
 Public involvement for the project has been conducted consistent with 23 CFR 771.111
**Other Considerations**
 Other potential environmental impacts such as Prime and Unique Farmlands, Sole Source Aquifers, Wild and Scenic Rivers, visual resources, etc. have been considered if needed. Additional documentation as applicable is contained in the Project File.

Briefly cite *if* there are other applicable considerations and reference the appropriate file documentation:

n/a

**Complete this section only for CEs determined under 23 CFR 771.117(c)(26), (c)(27) and (c)(28) for evaluation of the constraints under 23 CFR 771.117(e):**

*If the answer to all questions 1 through 11 below is **No** then the project can be approved as a (c)(26), (c)(27) or (c)(28) CE.*

*If the answer to any question 1 through 11 for a project listed under (c)(26), (c)(27) or (c)(28) is **Yes** then the project exceeds the constraints listed under 23 CFR 771.117(e) and must be processed under (d)(13). Additional information regarding any constraint exceeded is included below.*

**Constraints:**

Yes

No

1. Does the project involve the permanent acquisition of more than a minor amount of right-of-way?



2. Does the project involve any residential or non-residential displacements?

**Complete this section *only* for CEs determined under 23 CFR 771.117(c)(26), (c)(27) and (c)(28) for evaluation of the constraints under 23 CFR 771.117(e):**

*If the answer to all questions 1 through 11 below is **No** then the project can be approved as a (c)(26), (c)(27) or (c)(28) CE.*

*If the answer to any question 1 through 11 for a project listed under (c)(26), (c)(27) or (c)(28) is **Yes** then the project exceeds the constraints listed under 23 CFR 771.117(e) and must be processed under (d)(13). Additional information regarding any constraint exceeded is included below.*

<b>Constraints:</b>	<b>Yes</b>	<b>No</b>
3. Does the project require a bridge permit from the U.S. Coast Guard?	<input type="radio"/>	<input type="radio"/>
4. Does the project require an Individual Permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act?	<input type="radio"/>	<input type="radio"/>
5. Does the project have a finding of "Adverse Effect" on historic properties protected by Section 106 of the NHPA by FHWA?	<input type="radio"/>	<input type="radio"/>
6. Does the project involve the use of a resource protected under Section 4(f) except for actions resulting in de minimis impacts?	<input type="radio"/>	<input type="radio"/>
7. Does the project have a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act?	<input type="radio"/>	<input type="radio"/>
8. Does the project involve construction of temporary access, or the closure of an existing road, bridge, or ramp, that would result in major traffic disruptions?	<input type="radio"/>	<input type="radio"/>
9. Does the project involve a change in access control on a controlled access highway?	<input type="radio"/>	<input type="radio"/>
10. Does the project involve a floodplain encroachment for other than functionally dependent uses (e.g. bridges, wetlands) or actions that facilitate open space use (e.g. recreational trails, bicycle and pedestrian paths)?	<input type="radio"/>	<input type="radio"/>
11. Does the project involve construction activities in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers?	<input type="radio"/>	<input type="radio"/>

**23 CFR 771.117(e) – Constraints Exceeded (If any "Yes" on Checklist)**

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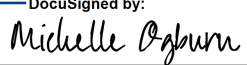
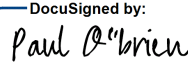
**Certification and Determination by ADOT**

<input checked="" type="checkbox"/>	The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under NEPA. The action complies with NEPA requirements relating to connected actions and segmentation [23 CFR 771.111(f)]. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. 326 and a Memorandum of Understanding dated January 3, 2018, executed between FHWA and the State.
<input type="checkbox"/>	The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under NEPA. The action complies with NEPA requirements relating to connected actions and segmentation [23 CFR 771.111(f)]. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated April 16, 2019 and executed by FHWA and ADOT.

**Environmental Commitments**

<input checked="" type="checkbox"/>	Environmental commitments are included with this project and will be incorporated into the project plans, specifications and estimates as required.
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**Categorical Exclusion Approval**

<p>DocuSigned by:                    _____  <small>54C04771442A4AD...</small></p> <p>Prepared By:                  Michelle Ogburn, CEM                  Environmental Planner</p>	<p>5/29/2019                  _____                  Date:</p>	<p>DocuSigned by:                    _____  <small>6780E98BC3EB4EE...</small></p> <p>Approved By:                  Paul O'Brien, PE                  Administrator, Environmental Planning</p>	<p>5/29/2019                  _____                  Date:</p>
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**0000 MA CHN 0203 01C  
CHN-0(244)D**

**Chandler Heights Road; Gilbert Road - Val Vista Road**

**ENVIRONMENTAL COMMITMENTS**

The following shall be included in the project special provisions:

- I. **“The project mitigation measures are not subject to change without written approval from ADOT Environmental Planning. The Contractor shall follow all the requirements of the permits specified herein and comply with the project special provisions as well as the MAG Uniform Standard Specifications for Public Works, as well as all applicable local environmental requirements.”**

The following contractor’s mitigation measures, permits and guidelines (as applicable) shall be included in the project special provisions:

II. Project Mitigation Measures:

City of Chandler Responsibilities:

- If any active bird nests cannot be avoided by vegetation clearing or construction activities, the Engineer will contact the City of Chandler project manager (480.782.3314) to evaluate the situation.
- If active bird nests are identified within the project limits, construction activities will avoid disturbing any active nest. Avoidance areas, if necessary, will be marked in the field with temporary fencing or t-posts with flagging by the approved biologist. The engineer will confer with the approved biologist to determine the appropriate avoidance strategies until the nestlings have fledged from the nest and the nest is no longer active.

Contractor Responsibilities:

- If clearing, grubbing, or tree/limb removal will occur between March 1 and August 31, the contractor shall employ a qualified biologist to conduct a migratory bird nest search of all vegetation within the 10 (ten) days prior to removal. Vegetation may be removed if it has been surveyed and no active bird nests are present. If active nests cannot be avoided, the contractor shall notify the Engineer to evaluate the situation. During the non-breeding season (September 1 – February 28), vegetation removal is not subject to this restriction.
- Prior to construction, all personnel who will be on-site, including, but not limited to, contractors, contractors’ employees, supervisors, inspectors, and subcontractors shall review the attached Arizona Department of Transportation Environmental Planning “Western Burrowing Owl Awareness” flyer.

Contractor Responsibilities (continued):

- If any burrowing owls or active burrows are identified the contractor shall notify the Engineer immediately. No construction activities shall take place within 100 feet of any active burrow.
- If the Engineer in cooperation with the Environmental Planning Biologist determines that burrowing owls cannot be avoided, the contractor shall employ a qualified biologist holding a permit from the US Fish & Wildlife Service to relocate burrowing owls from the project area, as appropriate.
- To prevent the introduction of invasive species seeds, all earthmoving and hauling equipment shall be washed prior to entering the construction site and the contractor shall inspect all construction equipment and remove all attached debris, including plant parts, soil and mud, prior to the equipment entering the construction site.
- To prevent invasive species seeds from leaving the site, the contractor shall inspect all construction and hauling equipment and remove all debris, including plant parts, soil and mud, prior to leaving the construction site.
- The contractor shall develop a Noxious and Invasive Plant Species Treatment and Control Plan in accordance with the requirements in the contract documents. Plants to be controlled shall include those listed in the State and Federal Noxious Weed and the State Invasive Species list in accordance with State and Federal Laws and Executive Orders. The plan and associated treatments shall include all areas within the project right of way and easements as shown on the project plans. The treatment and control plan shall be submitted to the Engineer for the City of Chandler Landscape Architect for review and approval prior to implementation by the contractor.
- Prior to the start of ground-disturbing activities and throughout the duration of construction and any landscape establishment period, the contractor shall arrange for and perform the control of noxious and invasive species in the project area.
- The contractor shall notify their employees prior to impact/disturbance where respirable crystalline silica dust may be created with regards to the US Department of Labor Occupation Safety and Health Administration Construction Standard (29 CFR 1926.1153). As part of this notification the OSHA Fact Sheets are provided in reference to this ruling: English: <https://www.osha.gov/Publications/OSHA3681.pdf>, and Spanish: [https://www.osha.gov/OshDoc/data\\_General\\_Facts/crystalline-spanish.pdf](https://www.osha.gov/OshDoc/data_General_Facts/crystalline-spanish.pdf) must be made available to the area supervisor and reviewed with potentially affected employees, prior to work that could expose workers to respirable crystalline silica dust.

III. Permits:

AZPDES 402 Coverage under the ADEQ Construction General Permit Required

IV. Guidelines:

Burrowing Owl Flyer



## Western Burrowing Owl Awareness

### ADOT Environmental Planning

1611 W. Jackson St- Mail Drop EM02  
Phoenix, AZ 85007

*The purpose of this flyer is to provide ADOT employees and contractors, working on roadside projects, with basic knowledge to reduce the risk of incidental take of Western Burrowing Owls.*

### Legal Status:

Western Burrowing Owls (*Athene cunicularia*) are protected under the Federal Migratory Bird Treaty Act of 1918. All migratory birds and their parts are fully protected. They are also protected under Arizona State Law in Title 17-101, Title 17-235, and Title 17-236.

### What to look for:

- Description– small, ground-dwelling owl.
- Length– 19.5-25.0 cm (7.68-9.85 inches)
- Wingspan– 58.42 cm (23.0 inches)
- Mass– about 150 grams
- Males are typically slightly larger than females.
- Round head, lacks ear tufts.
- Distinct oval facial ruff, framed by a broad, puffy white eyebrow.
- Eyes contain a bright yellow iris.

### Where are owls found?

- Dry, open, short grass, treeless plains.
- Dependent on fossorial mammals. (ground squirrels, prairie dogs, badgers, etc.) to construct burrows.
- Human dominated landscapes: golf courses, airports, agricultural fields.

### Identifying an active burrow:

- Owls use burrows constructed by ground squirrels, badgers, coyotes and tortoises. They can also use pipes, culverts, and ditches.
- Presence of excrement (whitewash) near entrance to burrow.
- Burrowing owls frequently decorate entrance of burrows with cow or horse manure, feathers, vegetation and trash items.

### How to avoid them:

- Scan ahead prior to arriving at a sign location.
- If burrowing owls are observed within the project area, stop and move at least 100 feet beyond the owl or occupied burrow before resuming work.

*If you think your work may potentially impact a Burrowing Owl or active burrow, please stop. Move at least 100 feet from the animal or burrow before resuming work.*

*If you have any questions or think you have a borrowing owl or active burrow on your work site please contact: Joshua Fife, Biologist, ADOT Environmental Planning, [jfife@azdot.gov](mailto:jfife@azdot.gov)  
Office: (602)712-6819, Mobile: (602) 622-9622, EP General: (602)712-7767*

*Source: Arizona Game and Fish Department Animal Abstract: Western Burrowing Owl. Heritage Data Management System*

*(revised October 24, 2018)*