



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 06/2022)**

Project Information

Project Name: Livingston Broadband (BBMMN)

DIST-CO-RTE: 10-MER-99

PM/PM: 28.2/37.3

EA: 10-1P930

Federal-Aid Project Number: 1022000199

Project Description

This project will install broadband conduits as part of the Broadband Middle Mile Network (BBMMN) identified in the Interagency Agreement between Caltrans and the Department of Technology.

The California Department of Transportation (Caltrans) proposes to install (4), 2-inch conduits in a 2 feet to 6 feet deep trench along State Route 99 from post mile 28.2 to 37.3 in Merced County, to allow for the installation of a fiber optic line as part of the Broadband Middle Mile Network. There are three proposed methods to install the conduit in this project (open trench, trenching in the pavement, and horizontal directional drilling). It is proposed to use one of three methods to convey the conduit through bridge locations namely attach the conduit to the outside of the bridge barrier, hang the conduit from the soffit of the bridge or place the conduits into the structure cell. Vaults will be spaced out at intervals not to exceed 2,500 feet and fiber optic cable splices approximately at 12,500 feet. Maintenance vehicle pullouts are also proposed to access the vaults. All work will be performed within Caltrans Right-of-Way. This project is exempt, by statute, from CEQA due to Section 21080.51 of the California Public Resources Code.

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:

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

James P. Henke

Print Name

James P. Henke

Signature

10/13/2022

Date

Project Manager

Dina El-Nakhal

Print Name

Dina El-Nakhal

Signature

10/13/2022

Date



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Caltrans NEPA Determination (Check one)

Not Applicable

Caltrans has determined that this project has no significant impacts on the environment as defined by NEPA and that there are no unusual circumstances as described in 23 CFR 771.117(b). See SER Chapter 30 for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

23 USC 326: Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2022, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

23 CFR 771.117(c): activity (c)(2)

23 CFR 771.117(d): activity (d)()

Activity listed in Appendix A of the MOU between FHWA and Caltrans

23 USC 327: Based on an examination of this proposal and supporting information, Caltrans has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

James P. Henke (Print Name), James P. Henke (Signature), 10/13/2022 (Date)

Project Manager/ DLA Engineer

Dina El-Nakhal (Print Name), Dina El-Nakhal (Signature), 10/13/2022 (Date)

Date of Categorical Exclusion Checklist completion (if applicable): Enter date
Date of Environmental Commitment Record or equivalent: Enter date

Briefly list environmental commitments on the 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).



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation sheet:

Project Description:

The California Department of Transportation (Caltrans) proposes to install (4), 2-inch conduits in a 2 feet to 6 feet deep trench along State Route 99 from post mile 28.2 to 37.3 in Merced County, to allow for the installation of a fiber optic line as part of the Broadband Middle Mile Network. There are three proposed methods to install the conduit in this project (open trench, trenching in the pavement, and horizontal directional drilling). It is proposed to use one of three methods to convey the conduit through bridge locations namely attach the conduit to the outside of the bridge barrier, hang the conduit from the soffit of the bridge or place the conduits into the structure cell. Vaults will be spaced out at intervals not to exceed 2,500 feet and fiber optic cable splices approximately at 12,500 feet. Maintenance vehicle pullouts are also proposed to access the vaults. All work will be performed within Caltrans Right-of-Way.

Purpose:

This project will install broadband conduit and fiber from post mile 28.2 to post mile 37.3 along State Route 99, in Merced County.

Need:

The need of the project is to connect California's unserved and underserved communities to ensure every Californian has access to broadband Internet service that meets the connectivity needs.

Biological Resources:

Designated Navigable Waters of the United States

Per the Natural Environment Study—Minimal Impact dated August 29, 2022, the project construction activities place conduit through the Merced River Bridge. The segment of the Merced River within the Environmental Study Limits is designated as a Navigable Water of the United States. Under the current assumptions, no activities are proposed to occur below the top of the bank/levee or below the ordinary high-water mark of the Merced River but would result in construction activities over the Merced River.

A Rivers and Harbors Section 10 Permit will be required and is administered by the United States Army Corps of Engineers. The proposed action is likely to qualify for coverage under Nationwide Permit #57 (Electric, Utility Lines, and Telecommunications Activities). Compensatory mitigation for adverse effects on navigable waters of the United States is not expected to be required. Water Quality Certification under Section 401 of the Clean Water Act is also required for projects under Rivers and Harbors Section 10.



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Special-Status Species

The project will have a low possibility of direct or indirect impacts on Special-Status Species: Bumblebees, Structures Roosting Bats, Valley Elderberry Longhorn Beetle, San Joaquin Kit Fox, American Badger, and Nesting Birds/Raptors.

With the implementation of the following Avoidance Measures, any impacts on Special-Status Species will be minimized.

Pre- Construction and Construction – Designated Biologist

A Designated Biologist(s) shall be on-site during any activities that have the potential to affect sensitive biological resources. The Designated Biologist will monitor regulated species and habitats, ensure that construction activities do not result in the unintended take of regulated species or disturbances to regulated habitats, will ensure that construction activities comply with any permits, licenses, agreements, or contracts, will immediately notify the Caltrans Resident Engineer of any take of regulated species, disturbances to regulated habitats, or breaches of Environmentally Sensitive Areas, and would prepare, submit, and sign notifications and reports. A Designated Biologist who performs specialized activities must have demonstrated field experience working with the regulated species or performing the specialized task.

Pre-Construction and Construction - Environmentally Sensitive Area Designation

Additional direct and indirect impacts to sensitive biological resources throughout the project area would be avoided or minimized by designating “Environmentally Sensitive Areas”. All areas outside of the proposed construction footprint shall be considered Environmentally Sensitive Areas, as well as any areas determined by a qualified biologist during project planning or during pre-construction surveys to qualify for Environmentally Sensitive Area designation.

Environmentally Sensitive Area information will be shown on contract plans and discussed in Section 14-1.02 of the Caltrans 2018 Standard Specifications or any Special Provisions in Section 14-1.02. Environmentally Sensitive Area provisions may include but are not necessarily limited to, the use of temporary orange fencing or other high-visibility marking to identify the proposed limit of work in areas adjacent to sensitive resources or to locate and exclude sensitive resources from potential construction impacts. Contractor encroachment into Environmentally Sensitive Areas will be prohibited and immediate work stoppage and notification to the Caltrans Resident Engineer is required if an Environmentally Sensitive Area is breached. Environmentally Sensitive Area provisions will be implemented as the first order of work and remain in place until all construction activities are complete.

- Areas below the top of the bank/levee of the Merced River will be designated as Environmentally Sensitive Areas and will be shown on contract plans and discussed in Section 14-1.02 of the Caltrans



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Pre- Construction and Construction – Worker Environmental Awareness Training for Construction Personnel

Before any work occurs in the project area a qualified designated biologist (Designated Biologist; familiar with the resources to be protected) will conduct a mandatory “Worker Environmental Awareness Training” for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) to brief them on the need to avoid and minimize effects to sensitive biological resources (e.g., jurisdictional wetlands and other waters, threatened and endangered species, other special-status species, roosting bats, nesting birds, etc.) within and adjacent to construction areas and the penalties for not complying with applicable state and federal laws and permit requirements. The Designated Biologist will inform all construction personnel about the life history and habitat requirements of special-status habitats and species known to occur or with potential for occurrence onsite, the importance of maintaining habitat, and the terms and conditions of regulatory requirements.

The Worker Environmental Awareness Training will cover general restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological resources during project construction. The training also will include identifying the Best Management Practices written into construction specifications for avoiding and minimizing the discharge of construction materials or other contaminants into jurisdictional waters.

Worker Environmental Awareness Training shall be required for any construction personnel intending to enter the construction zone for more than 15 minutes. Any Designated Biologists conducting Worker Environmental Awareness Training must meet the qualifications of regulatory agencies, and copies of training sign-in sheets for construction personnel will be provided to regulatory agencies upon their request.

Construction - Containment Measures / Construction Site Best Management Practices

In order to contain construction-related material and prevent debris and pollutants from entering receiving waters and reduce the potential for discharge to receiving waters, the Contractor shall follow all applicable guidelines and requirements in Section 13, Water Quality of the Caltrans 2018 Standard Specifications or any Special Provisions in Section 13 regarding water pollution control and general specifications for preventing, controlling, and abating water pollution in streams, waterways, and other bodies of water.

- Best Management Practices will be implemented during construction activities at the northbound Merced River Bridge to prevent construction materials from being discharged into the waters of the State of California.

Construction – Day/Maternity-Roosting Bats

Installation of conduit on the Merced River Bridge shall occur between September 15th and May 1st, outside of the expected bat reproductive period.



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Pre- Construction and Construction – Bumblebee Hives

Pre-construction surveys and/or biological monitoring for active bumblebee hives will be required. Caltrans Standard Special Provisions under 14-6.03A (Species Protection) will be implemented to define survey requirements and define protective buffer distances for bumblebee hives:

- If an active bumblebee hive is observed, a 50-foot buffer will be implemented around the den until a qualified biologist determines that construction may proceed.

Pre- Construction and Construction - Nesting Migratory Bird and Raptors:

Caltrans Standard Specification 14-6.03B (Bird Protection) will be implemented for the general protection of migratory birds and/or raptors. Pre-construction surveys and/or biological monitoring for nesting migratory birds or raptors would be required if construction activities occur during the migratory bird nesting season (February 1 to September 30). Caltrans Standard Special Provisions under 14-6.03A (Species Protection) or 14-6.03B (Bird Protection) will be implemented to define survey requirements and to define protective buffer distances for certain bird species as per below:

- If an active migratory bird nest is observed, a 100-foot protective buffer will be implemented around the nest until the young have fledged or a qualified biologist determines that construction may proceed.
- If an active raptor nest is observed, a 300-foot protective buffer will be implemented around the nest until the young have fledged or a qualified biologist determines that construction may proceed.

If an active Swainson's hawk nest is observed, a 600-foot ESA buffer will be implemented around the nest until the young have fledged, or until a qualified biologist, in consultation with the California Department of Fish and Wildlife, determines that construction may proceed.

Pre- Construction and Construction – San Joaquin Kit Fox

Pre-construction surveys and/or biological monitoring for active kit fox dens will be required. Caltrans Standard Special Provisions under 14-6.03A (Species Protection) will be implemented to define survey requirements and to define protective buffer distances for the San Joaquin kit fox:

- If an active San Joaquin kit fox den is observed, a 250-foot buffer will be implemented around the den until a qualified biologist, in consultation with the California Department of Fish and Wildlife and the United States Fish and Wildlife Service, determines that construction may proceed.

Construction and Post-Construction / Restore and Revegetate Temporarily Disturbed Areas Onsite:

Disturbed areas within the construction limits will be graded to minimize surface erosion and siltation into receiving waters. Disturbed areas will be re-contoured to as close to the pre-project condition as possible and will be stabilized as soon as feasible (and no later than October 15th of each construction season) to avoid erosion during



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

subsequent storms and runoff. Permanent erosion control seeding will be performed at all disturbed sites by hydro-seeding over the course of the construction as each site is completed, with all sites seeded by the completion of construction activities.

Cultural Resources:

No potential to affect historic properties and no potential to affect historical resources, and is exempt from further review at this time, and Section 106, CEQA cultural resources component, and PRC 5024 compliance are complete.

Air

Per the Air Quality Compliance Study dated September 27, 2022, this project is not expected to cause any operational effects on air pollutants within the project limits. During construction, the proposed project will generate air pollutants. The exhaust from construction equipment contains hydrocarbons, oxides of nitrogen, carbon monoxide, suspended particulate matter, and odors. However, the largest percentage of pollutants would be windblown dust generated during excavation/trenching, hauling, and various other activities. The impacts of these activities would vary each day as construction progresses. Dust and odors during construction could cause occasional annoyance and complaints from residence along the State right-of-way. With the implementation of the following Caltrans Standard Specifications and Non-Standard Specifications will minimized any impacts to air quality from this project.

Standard Specifications

- *Standard Specification Section 14-9.02 -Air Pollution Control*
- *Standard Specification Section 10-5 -Dust Control*

Non-Standard Specification

- If the project disturbs over 5 acres or removes 2,500 cubic yards of soil for at least three days of the project, a Dust Control Plan (DCP) approved by the San Joaquin Valley Air Pollution Control District will be required for this project.

Noise

Per the Noise Compliant Study dated October 10, 2022, no adverse noise impacts from construction are anticipated because construction would be conducted in rural setting. With the implementation of the following Caltrans Standard Specifications any impacts from construction-related noise would be minimized.

Caltrans Standard Specifications Section 14-8 Noise Control.

- Construction noise resulting from work activities should not exceed 86 dBA at 50 feet from the job site from 9:00 pm to 6:00 am.

Furthermore, implementing the following measures would minimize the temporary noise impacts from construction:



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

- Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

Water Quality:

Per the Water Compliance Memo dated October 10, 2022, the project is not expected to result in long-term water quality impacts on nearby surface water and groundwater. Short-term potential impacts to a nearby surface and groundwater could occur due to accidental spills or poor management of handling hazardous materials, fuels, and other potential chemicals used during trench excavation to install optic cables operation.

With the implementation of Best Management Practices (BMP), per Caltrans Planning and Design Guide; and Caltrans Standard Specifications any impacts to water quality will be minimized or eliminated.

- *Caltrans Standard Specification Section 13-1 Water Pollution Control*

Any potential impacts (erosion, accidental spills of hazardous material, and disruption to natural drainage) must be addressed, eliminated, or minimized to the maximum extent practicable during the design and construction phases of the project by incorporating the appropriate permanent and temporary Best Management Practices into the project. Before project initiation, the Caltrans Stormwater Unit should be consulted to identify the applicable Best Management Practices for stormwater concerns.

If the potential water quality impacts are correctly identified and mitigated through Best Management Practices, then the potential for adverse effects on surface or groundwater quality would be eliminated. If the project disturbs one acre or more of soil, the following requirements would be required:

- A Notification of Intent (NOI) is to be submitted to the appropriate Regional Water Quality Control Board at least 30 days before the start of construction
- A Stormwater Pollution Prevention Plan (SWPPP) is to be prepared and implemented during construction to the satisfaction of the Resident Engineer.
- A Notice of Termination (NOT) shall be submitted to the Regional Board upon completion of construction and site stabilization. A project will be considered complete when the criteria for final stabilization in the Construction General Permit are met.

If the project disturbs less than one acre of soil, a Water Pollution Control Plan (WPCP) is required to be prepared by the contractor following the *Caltrans 2018 Standard Specification Section 13-1 – Water Pollution*.

Hazardous Materials:

Per the Hazardous Waste Initial Site Assessment dated, October 11, 2022, the project has the potential to encounter non-hazardous concentrations of Aerially Deposited



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Lead. With the implementation of the following Caltrans Standard Special Provision any impacts from aerially deposited lead will be minimized.

- *Caltrans Standard Special Provision, 7-1.02K(6)(j)(iii) Earthen Material Containing Lead*

Construction activities will occur on bridges within the project area. Asbestos Containing Materials are known to occur in bridge bearing pad, shims, mastic material, and/or concrete. There is insufficient data to determine the presence of these materials on the bridge structures, which will be impacted by this project.

Due to the accelerated schedule for the broad band projects a survey for asbestos containing material will not be conducted in the design phase of this project. The following Caltrans Non-Standard Special Provision shall be included in the construction contract and an asbestos containing material survey will be conducted prior to any renovation activities.

- *Caltrans Non-Special Provision 14-11.16 Asbestos-Containing Construction Materials In Bridges*

Visual/Aesthetics:

Per the Visual Impact Assessment dated October 3, 2022, the project will not have a significant impact to visual or aesthetics resources. With the implementation of the following Caltrans Standard Specifications any impacts will be minimized.

Caltrans Standard Specification 5-1.36E, Landscape

- Areas that require ground disturbance and vegetation removal must be restored before completion of the construction project. BMP's will reduce vegetation loss and, where practicable, mature trees shall be protected. Vegetation removal shall be limited to the immediate vicinity of the project and replaced in accordance with Caltrans Standard Specification 5-1.36E, Landscape.

Caltrans Standard Specification 5-1.36, Property and Facility Preservation

- If the project requires equipment/staging areas, all areas used for staging, access, or other construction activities shall be repaired and restored pursuant to Caltrans Standard Specification 5-1.36, Property and Facility Preservation.

Standard Specification 7-1.04, Public Safety

- Temporary construction activities that require nighttime illumination sources for staging, access, or other construction activities shall comply with Caltrans Standard Specification 7-1.04, Public Safety.

Paleontological:

Per the Paleontological Impact Report Memo dated September 22, 2022, the project is located in an area with high paleontological potential. Any proposed grading and excavation work in the project area will impact paleontological resources. However, based on the current project description, and the extent and intensity of the proposed



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

ground disturbances, any impacts will be localized. As a result, scientifically significant fossils are unlikely to be encountered. If unanticipated fossil discoveries occur during construction activities, Caltrans Standard Specification 14-7.03 shall be implemented to protect paleontological resources:

Caltrans Standard Specification 14-7.03—Discovery Of Unanticipated Paleontological Resources

If unanticipated paleontological resources are discovered at the job site, do not disturb the resources and immediately:

- Stop all work within a 60-foot radius of the discovery
- Secure the area
- Notify the Engineer

The Department investigates the discovery and modifies the dimensions of the secured area if needed. Do not move paleontological resources or take them from the job site. Do not resume work within the radius of discovery until authorized.

If there are additional changes to the project scope the Paleontological Identification Report shall be updated/reevaluated.

Environmental Justice:

Per review of the CalEnviroScreen 4.0 Indicator Maps, the project is located near low-income and minority populations. However, due to the project scope and construction activities the project will not cause disproportionately high and adverse effects on minority or low-income populations in accordance with the provision of Executive Order 12898. The need of the project is to connect California's unserved and underserved communities to ensure every Californian has access to broadband Internet service that meets the connectivity needs. No further environmental justice analysis is required.