

**RESOLUTION 2023-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES  
APPROVING A NOTICE OF EXEMPTION FOR PROPOSED FORT MOJAVE  
TELECOMMUNICATIONS INCORPORATED FIBER OPTIC PROJECT**

**WHEREAS**, the City Council wishes to assist property owners in their efforts to have access to fiber optic cables systems for the delivery of highspeed broadband services to residents in the City of Needles; and

**WHEREAS**, the Fort Mojave Telecommunications Incorporated (FMTI) has proposed a Fiber Optic Project that would allow the City to take advantages that stem from broadband infrastructure such as economic development, remote learning capabilities and health care, increased property values and more; and

**WHEREAS** Fort Mojave Telecommunications Incorporated has been awarded a United States Department of Agriculture (USDA) Rural Utilities Services (RUS) Reconnect Grant to build a fiber-to-the-premise (FTTP) network (fiber optic) in portions of the City of Needles and San Bernadino County; and

**WHEREAS**, the City is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed FTTP Project and City staff have evaluated the FTTP Project as required under CEQA; and

**WHEREAS** City staff have determined that the FTTP is categorically exempt under Section 15062 and Section 15300 of the State CEQ Guidelines. City staff have determined that the FTTP meets the requirements for Categorical Exemptions as defined by 15303, Class 3 and 15304, Class 4 exemptions; and

**WHEREAS**, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

**NOW, THEREFORE, BE IT RESOLVED** by the CITY COUNCIL of the City of Needles as follows:

- 1) Pursuant to the California Environmental Quality Act (CEQA), the FTTP Project is exempt from CEQA, and
- 2) Staff is directed to file the Notice of Exemption (NOE) for the FTTP Project with the State of California, Governor's Office of Planning and Research - State Clearinghouse, and the San Bernardino County Clerk.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2023 by the following roll call

vote:

AYES: Council Members Campbell, McCorkle, Merritt, Pogue, Belt and Longbrake

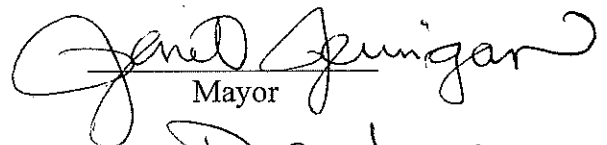
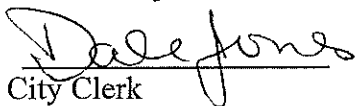
NOES: None

ABSENT: None

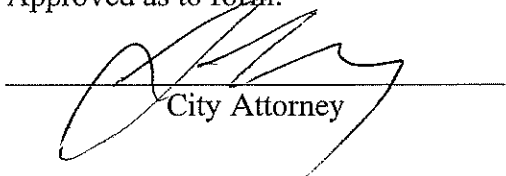
ABSTAIN: None

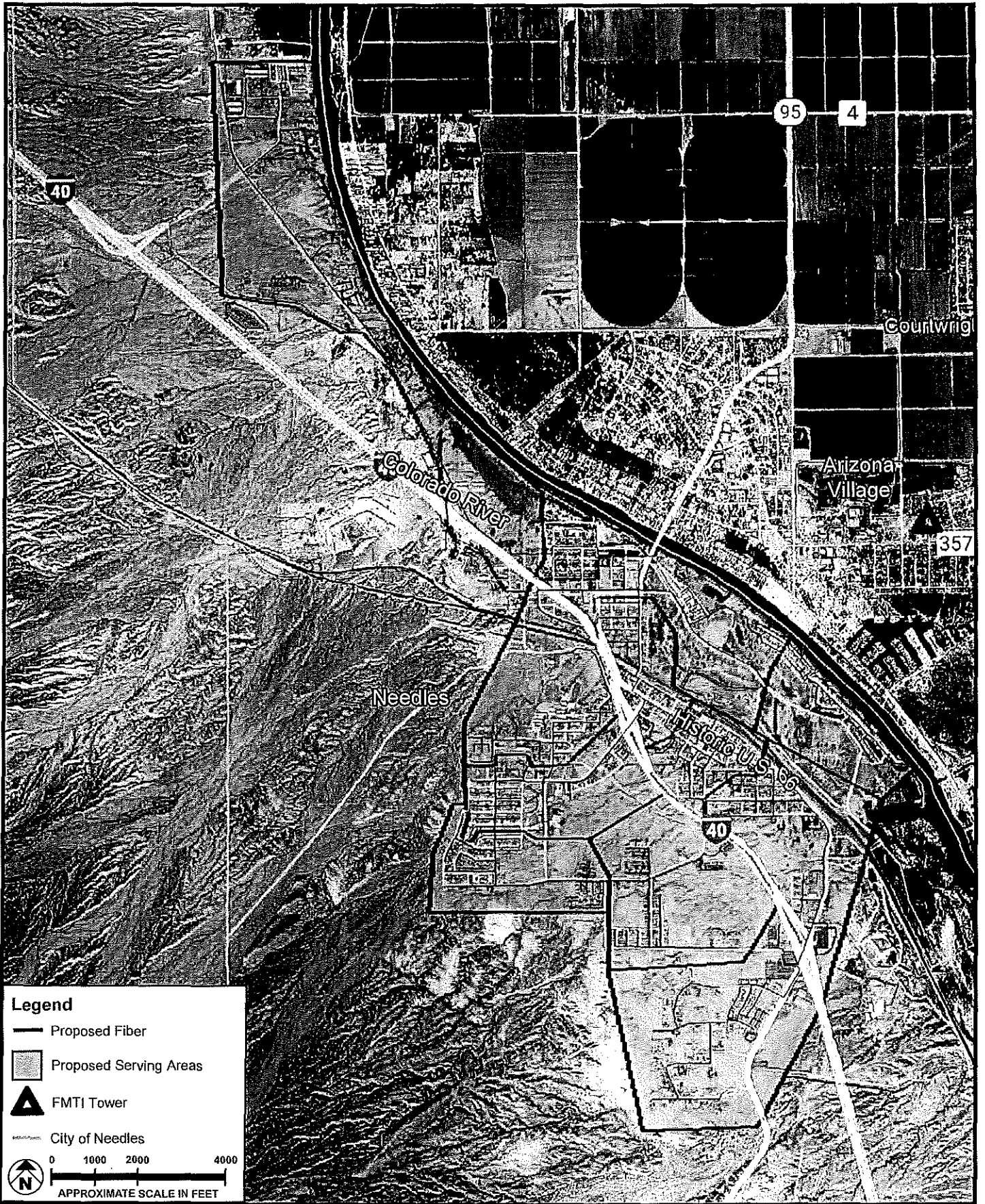
(Seal)

Attest:

  
Mayor  
  
City Clerk

Approved as to form:

  
City Attorney



SOURCE: Google Earth - 2023

FIGURE 1

Project Location Map

## Exhibit "A"

### *Project Description*

The City is the Lead Agency under the California Environmental Quality Act (CEQA) for proposed FTTP Project.

The design gives FMTI path diversity and redundancy to ensure the reliability of the proposed network. The project fiber design includes 40 miles of fiber cable to cover approximately 7.5 square miles and no new sites will be constructed. The Project would connect the new service area to existing infrastructure by connecting to FMTI's existing ILEC and joining on the Northern and Eastern boundaries with the installation of the fiber optic cable. The Project would provide broadband speeds up to 10Gbps symmetrical speeds and to approximately 1,013 premises.

The proposed Project will be located within the public right-of-way along previously disturbed roadway ditches and utility corridors. Installation of the cables would require ground disturbance that includes a directional bore to bore the channel, a static plow to plow in the fiber optic cable then fill and compact the soil, as well as a cable blowing machine, hydraulic power pack, and an air compressor to blow the fiber optic cable through the existing conduit.

The types of activities will be as follows:

- Directional Bore - Place bore machine in ditch and bore the channel. Then pull the conduit into the bored space while pulling the bit back out.
- Plowing - Plow in the fiber optic cable. When bore encountered when plowing, excavate area at both ends of the bore and pull the cable through. Fill in and compact the plow strip. Back fill, compact the soil and seed the bore pit.
- Blowing fiber - Open the existing hand holes, pedestals, or cabinets. Use a cable blowing machine, hydraulic power pack, and an air compressor to blow the new fiber optic cable through the existing, already buried, conduit. Close the existing hand holes, pedestals, or cabinets.
- Erosion and Sediment Controls – the following will be employed:
  - Static Plow – will be disturbing a path of approximately 3 inches which will allow for existing vegetation to act as the sediment control.
  - Backhoe – to place hand hole (30"X48"), the backhoe will use an 18" to 24" bucket allowing for minimum soil disturbance. Existing vegetation in the area will act as sediment control. The area will then be backfilled, packed, and seeded as required by governing agencies.

- Directional Boring - Soil disturbance will be an area of approximately 60 square feet when boring in the conduit for the fiber optic cable. Existing vegetation in the area will act as the sediment control and the area will be backfilled, packed, and seeded as required by governing agencies.

Within the City, plowing and directional boring techniques will be used to install the cable in along the streets and roadways, and when entering buildings. A typical plowing blade, which is not more than ½ - 1-inch in width, acts like a knife during plowing and consequently does very minimal temporary disruption to the landscape. Directional boring will also be used to minimize the disruption to the landscape. A small ground level hand hole will be placed at the building, coming up out of the hand hole will be a 1 ¼-inch riser that will connect to the LB transition box. A hole will be drilled, approximately 1 ¼-inch in diameter through the outside wall of the building in which to feed the cable through to the inside of the building. The depth of cable under the surface is at a minimum of 24 inches. Concrete may need to be removed when it cannot be avoided by means of boring. Access handholes will be placed along the route as well. Any concrete that has been removed will be replaced to previous standards.

During construction Erosion and Sediment Control Inspection and Maintenance Practices and Spill Prevention and Material Management Practices will be followed.

The proposed Project will follow all state and local entity guidelines for permitting and construction practices to ensure minor impact on the landscape.

### *General Plan and Land Use Zoning*

The proposed Project will take place in public right-of-way along previously disturbed roadways and utility corridors and does not have a General Plan land use designation and Zoning designation within the City.<sup>1</sup>

The proposed Project will connect existing residential, commercial, and other uses in the City to fiber optic cables.

### **Findings Under the California Environmental Quality Act (CEQA):**

The proposed Project is exempt from the California Environmental Quality Act (CEQA) under a Class 3 and Class 4 categorical exemption.

### *Class 3 (CEQA Guidelines 15303): New Construction or Conversion of Small Structures*

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the

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<sup>1</sup> City of Needles, General Plan Land Use and Transportation Element, 2023.  
<https://cityofneedles.com/services/planning-department/>. Accessed March 2023.

conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

*Justification for why Project is Exempt under the Class 3 Exemption:*

- The proposed Project would consist of the installation of small new equipment, fiber optic cable, that would expand upon existing utility infrastructure. The cable will connect the service area from an existing handhole and at FMTI's central office located in existing service area.
- Minor and temporary modifications would be made to the landscape in order to install the fiber optic cables.
- The proposed Project would not construct any new sites and as such would not make changes to the maximum allowable amount of structures on any parcel.

Therefore, the proposed Project would be exempt from CEQA under a Class 3 categorical exemption.

#### *Class 4 (CEQA Guidelines 15304): Minor Alterations to Land*

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- Filling of earth into previously excavated land with material compatible with the natural features of the site.
- Minor trenching and backfilling where the surface is restored.

*Justification for why Project is Exempt under the Class 4 Exemption:*

- The proposed Project would not cross any known active or potentially active earthquake faults in the Needles vicinity.<sup>2</sup>
- The proposed Project would not affect any waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic areas.
- The Project would consist of minor trenching and the use of an underground boring machine to create minor channels to create space for the fiber optic cables along previously disturbed roadways. After the fiber optic cables are in place, disturbed areas would be backfilled and packed using the previously excavated material.
- The proposed Project would implement erosion and sediment controls. This will minimize soil disturbance.
- Minimal vegetation would be disturbed, and no trees would be removed.

Therefore, the Project would be exempt from CEQA under a Class 4 categorical exemption.

### *Considerations of Exceptions to the Use of Exemptions*

The CEQA Guidelines, Section 15300.2 list several exceptions that preclude the use of an exemption.

The proposed Project does not include any of the following:

- Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
  - The proposed Project is not located in an area that is particularly sensitive or contains environmental resources that are of hazardous or critical concern.
- Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
  - The proposed Project would not result in any cumulative impacts from successive projects overtime.

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2 City of Needles, General Plan, Natural, Cultural & Aesthetic Resources, 1986, <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:1e49e56a-7702-3c41-a171-5608a2906d0d>. Accessed March 2023.

- c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- The proposed Project would not include any activities that would result in significant effects on the environment due to unusual circumstances.
- d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- Interstate 40 traverses the City of Needles and is designated as a state scenic highway.<sup>3</sup> The proposed Project would not utilize I-40 for fiber installation.
  - Fiber optic cables installed alongside previously distributed roadways and utility corridors and would be installed under the scenic highway and would not damage any scenic resources.
- e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- Information on hazardous waste in the City and surrounding area was obtained through the review of available environmental records by Environmental Data Resources, Inc. (EDR).<sup>4</sup> None of the activities associated with proposed Project would take place on a hazardous waste site.
- f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.
- The National Register of Historic Places lists one historic building (the El Cortez Hotel) in the City.<sup>5</sup> Installation of fiber optic cable will not affect in an adverse way this property and no adverse changes would be made to the historic resource.

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3 Caltrans, California State Scenic Highway System Map  
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed March 2023.

4 Environmental Data Resources Inc., EDR Report, 2022.

5 National Park Service, National Register of Historic Places,  
<https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466>. Accessed March 2023.

# CITY OF NEEDLES

817 Third Street • Needles, California 92363  
(760) 326-2113 • FAX (760) 326-6765

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*Mayor Jan Jernigan  
Vice Mayor Kirsten Merritt  
Councilmember Tona Belt  
Councilmember Ellen Campbell  
Councilmember Jamie McCorkle  
Councilmember JoAnne Pogue  
Councilmember Henry Longbrake  
City Manager Rick Daniels*

## CERTIFICATION

I, Dale Jones, CMC, City Clerk of the City of Needles, California, do hereby certify that the foregoing is a true and correct copy of Resolution Number 2023-21.



\_\_\_\_\_  
Dale Jones, CMC  
City Clerk

(SEAL)

Date: April 17, 2023