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

Project Information

Project Name (if applicable): District 9 Middle-Mile Broadband Network Project #29

DIST-CO-RTE: 09-KER-058 **PM/PM:** M111.119/R143.8

EA: 09-39490 **Federal-Aid Project Number:** 0923000008

Project Description

See continuation sheets

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** Enter 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

Wendy Campbell	Wendy Campbell	5/26/2023
Print Name	Signature	Date

Project Manager

Dennee Alcala	Dennee Alcala	5/31/2023
Print Name	Signature	Date

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)(Enter activity number)**
- ☐ **23 CFR 771.117(d): activity (d)(Enter activity number)**
- ☐ **Activity Enter activity number 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

Print Name	Signature	Date

Project Manager/ DLA Engineer

Print Name	Signature	Date

Date of Categorical Exclusion Checklist completion (if applicable): n/a
Date of Environmental Commitment Record or equivalent: n/a

Briefly list environmental commitments on 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).

Continuation sheet:

Project Description

This project would include the installation of approximately 32.3 miles of broadband infrastructure in eastern Kern County. This project will support a middle-mile network as part of a statewide commitment to deliver 3,000 miles of broadband infrastructure within the State Highway System (SHS).

Work will include the installation of subsurface Broadband conduit and fiber as well as the installation of underground vaults approximately every 2,500 feet.

All work will take place within 30-feet of Caltrans rights-of-way. The areas of project impact in most areas will be limited to the existing paved surfaces, disturbed shoulders, and maintained Caltrans right-of-way.

Purpose: This Middle-Mile Broadband Network project will install the broadband infrastructure along the State Highway System (SHS) necessary to connect to a third-party operated Last Mile Broadband Network which will bring internet connectivity to homes, businesses, and community institutions.

Need: In July 2021, California Governor Gavin Newsom signed into law Senate Bill (SB) 156 to create an open-access middle-mile network to bring equitable high-speed broadband service to all Californians. The lack of available middle-mile broadband infrastructure has been a major issue in connecting California's unserved and underserved communities. The statewide open-access middle-mile network included in SB 156 is a foundational investment to ensure every Californian has access to broadband Internet service that meets the connectivity needs of today, and well into the future. This project intends to support in providing critical statewide broadband infrastructure to enhance access to and increase the affordability of high-speed internet for all Californians.

General Construction Description

1. Install four (4) two-inch high-density polyethylene (HDPE) conduits, with a minimum of 42 inches of clearance underground (unless trenching in-pavement). Caltrans will choose the location and installation method for conduit placement with avoidance of sensitive environmental resources and existing utilities as the priority.

- **Conduit installation methods**:

  a. **Plowing** (four inches wide) - Plowed installation uses a tracked vehicle with a cable reel in front and a plow blade in back. As the vehicle moves, it simultaneously furrows the soil and installs the conduit or cable. In some instances, the soil may be pre ripped by a tractor in front of the plow. Ripping is a technique in which a slit is made in the surface of the soil to loosen it. The amount of surface disturbed by plowing is typically less than with the trenching method. The construction corridor is usually 20 feet wide. In sensitive areas, the construction corridor can occasionally be restricted to less than 20 feet.

  b. **Trenching** (6-12 inches wide) – Trenched installations typically involve a rubber-tired backhoe or an excavator digging a trench approximately 6-12 inches wide by 46-50 inches deep (42-inches of cover is needed from the top of conduit). Typically, no more than 1,000 feet of trench would be

exposed by a crew at any time during construction, and trenches would be filled at the end of each day. If conditions do not allow for small, isolated areas, such as handholes or assist points, to be backfilled at the end of each day, appropriate safety, erosion, and wildlife control features would be installed. Access vaults or handholes would be installed approximately every 2,500 feet The construction corridors would typically be confined to within the existing rights-of-way and approximately 20 feet wide in some cases

c. **Horizontal Directional Drilling** (HDD) boring (eight inches in diameter and minimum depth of four feet and maximum depth of 20 feet. Directional boring could be used in various locations along the project routes to cross areas where surface disturbance or sensitive resources must be avoided (e.g., cultural resources, crossing railroads, highways, rivers, streams) or when the existing shoulder is too narrow for traditional plowing or trenching. For streams and rivers, boring would only occur if the conduit could not be attached to a structure. For river, stream, and wetland crossings, the work areas could be located 100 feet from edge of the jurisdictional resource as long as the site allows for it. Directional bore lengths can range from less than 100 feet to more than 500 feet, depending on the type of equipment used. A work area will be established on each end of the bore. One work area contains the "entry point/pilot hole" and drilling equipment. The other work area contains the "exit point/receiving hole". From the exit point, a reamer is attached along with the conduits. The drilling machine will ream a larger hole (eight inches) from the exit point while pulling the conduits at the same time back towards the entry point. Once the reamer and all the conduits are pulled back through the initial entrance pit, conduit placement is complete. Drilling equipment most suitable for site-specific conditions would be used for each bore. Silt fences, straw bales, and other erosion control measures would be installed around these work areas, consistent with the Stormwater Pollution Prevention Plans (SWPPPs).
During the boring process, a bentonite slurry is typically pumped through the bore hole to help lubricate the drill bit, prevent the bore tunnel from collapsing, and carry drill cuttings to the surface. Bentonite is a naturally occurring Wyoming clay known for its hydrophilic characteristics. The slurry is pumped through the bore hole, collected at the surface, passed through machinery to remove the bore cuttings, and then recirculated through the hole. The slurry is stored in tanks at the drill site when not in use. Any excess slurry remaining after the bore is complete would be removed from the site and either reused by the drilling contractor or discarded at an appropriate location. The soil conditions at the drilling site are identified to help determine what type of additives are needed. For example, in non-reactive clay, a mixture of bentonite will likely be needed, which helps produce needed cutting carrying capacity to flush the bore hole, and a lubricant to keep soil from sticking and bit balling to your tooling. If working in reactive clay, sand or cobble, a polymer additive may be needed. Polyanionic cellulose (PAC) polymers are typically added to a bentonite mixture to help provide secondary filtration control (sands and cobbles). PAC is a water-soluble polymer derived from cellulose. In formations with high concentrations of reactive clays, partially hydrolyzed polyacrylamide (PHPA) polymers are used in place of bentonite. PHPA is used as a functional additive in water-based drilling fluids. PHPA influences cuttings and wellbore stability and enhances solids removal by flocculation.

d. **Trenching in-pavement** (3-6 inches wide and minimum depth of 24 inches) – Trenching in-pavement is a construction method that can allow quick and economical installation of broadband conduits under the pavement structure. Broadband conduits should typically be installed in the ground outside of pavement structures as trenching in-pavement poses the risk of interfering with pavement performance and future pavement rehabilitation activities. However, site specific constraints may preclude the placement of broadband conduits away from pavement. For example,

in an urban environment where the edge of pavement is next to a sound wall, or in rocky mountainous areas where shoulder space is limited, or to avoid sensitive resources. The equipment includes a specially designed saw blade (for cutting into the asphalt) which is connected to a vacuum truck/trailer, which removes any spoils, dust, or dirt. The construction corridor width is approximately 20 feet. The depth is shallower, and the width is 3-6 inches. Trenches in concrete pavements are not permitted at this time due to their high susceptibility for failure when continuity of concrete slabs is interfered with through trenching.

2. **Install vaults** (30" x 48" x 36") approximately every 2,500 feet. Every fifth vault may be larger for splicing (48" x 48" x 48"). Vaults will be flush with the ground or buried. (Note: separate Caltrans pullboxes may be installed adjacent to vaults spaced approximately one mile apart)

- Place vaults to avoid sensitive environmental resources and existing utilities, if possible.
- If a vault must be accessed from the mainline on "access-control" non-Interstate routes, then the vault may be installed no more than 10 feet from the right-of-way line.
- If a vault can only be accessed from the mainline and ramps on non-Interstate routes, then a maintenance vehicle pullout may be considered, unless maintenance can be performed using existing pullouts or existing maintenance access. Buried boxes do not require a maintenance vehicle pullout.
- If longitudinal installations are installed on a bridge, splice vaults are recommended to facilitate future bridge work. Splice vaults are allowed at both ends of the bridge and as maintenance access points, the locations for these vaults should follow the criteria outlined above.

3. **Cable marker posts -** may be installed and located at approximately 1-mile intervals to alert people of the presence of the fiber optic cable.

4. **Aerial Installation on existing poles** – fiber is vulnerable to fire, theft, vandalism, animal damage and exposure to weather. Aerial Installation is the least desired installation method.

5. **Aerial Installation on new poles** – fiber is vulnerable to fire, theft, vandalism, animal damage and exposure to weather. Aerial installation is the least desired installation method.

Analysis under CEQA

The proposed scope of work as described is exempt from CEQA. Senate Bill 156 added §21080.51 to the California Public Resources Code which statutorily exempts linear broadband deployment within 30-feet of existing rights-of-way.

Summary of Analysis Including Avoidance and Minimization Measures

General:

- The project area will be prioritized to the Caltrans maintained right-of-way, including the shoulders and paved surfaces. Where not feasible then work may take place within 30 feet of Caltrans right-of-way.
- All District 9 Middle-Mile Broadband Network projects will be independently evaluated for sensitive resources prior to, during and after construction. Caltrans intends to identify and avoid any potential environmental impacts.
- Locations containing sensitive resources will be identified and evaluated through desktop surveys, database searches and high-level field studies prior to construction. Sensitive locations

will be noted as areas to be avoided during construction and further protected using biological, cultural, and tribal monitors during construction.

- In instances where complete avoidance cannot be developed prior to construction, Caltrans may use Caltrans Standard Special Provisions, Non-Standard Special Provisions, preconstruction training, environmentally sensitive area flagging, fencing and monitoring to avoid or minimize any potential impacts, with avoidance being the primary objective. Mitigation may be required if significant impacts cannot be avoided.
- Environmental reevaluation will be required if the scope of the project changes to include additional areas or activities, or if previously unknown cultural or other sensitive resources are discovered.
- Caltrans will work to design the project around sensitive resources.
- The contractor will not be allowed to park, stage, store equipment or materials outside of the project impact area or on unimproved areas within Caltrans right-of-way.

Air Quality: The project activities will not add vehicular capacity and are not anticipated to have any negative affect on long term air quality standards in the region. Short term, localized degradation of air quality may occur due to exhaust from heavy equipment and minor dust generation, however the Caltrans Standard Specifications for emissions controls, idling times, and dust control, as addressed in the Water Quality Pollution Control Plan are sufficient to minimize these impacts.

Noise: This project is not anticipated to generate adverse long-term operations or temporary construction noise impacts on land uses or activities within the area. All proposed work for this project will occur in the existing right-of-way or within 30 feet of the existing highway right-of-way and noise levels will not be significantly elevated above the baseline condition.

The expected progress of the work, based on the methods described, assumes any noise impacts would be limited to short timeframes in any one area. There is no night work proposed for the project and all temporary elevations in noise levels related to construction are therefore expected to be short term and restricted to normal daytime working hours.

Water Quality: The project is not a new facility or a major reconstruction and there will be no change in grade or hydraulic capacity. This project will maintain the original purpose of any original drainage facilities and will not increase or change the existing impervious surface areas.

Construction site best management practices (BMPs) should minimize any potential short-term water quality impacts. All short-term water quality impacts will be addressed in the Design and Construction phases of this project and BMPs will be selected and implemented. As required in Caltrans Standard Specification 13-1, the contractor must address all water quality impacts that may occur during construction.

Water Resources: It is anticipated that throughout the project area there are ephemeral drainages, engineered culverts, etc. that have the capacity to convey water intermittently.

Caltrans proposes to design the project to not impact or to substantially divert or obstruct the natural flow or substantially change or use any material from the bed, channel, bank of any river, stream, or lake. Project design will not require the depositing or disposal of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any water resource.

When available and applicable, Caltrans will utilize existing bridges to carry broadband/conduit across wetlands, rivers, streams, or creeks.

In instances where impacts to Waters of the State and Waters of the U.S. cannot be avoided, Caltrans will apply for applicable permits from the responsible regulatory agencies (California Department of Fish and Wildlife, United States Army Corps of Engineers, California Water Board).

Stormwater: A Stormwater Data Reports (SWDR) will be prepared for the project. Estimated trenching dimensions and the length of the projects are likely to have over one acre of disturbed soil area which will require coverage under the National Pollution Discharge Elimination System (NPDES) Stormwater Construction General Permit and preparation of a Stormwater Pollution Prevention Plan (SWPPP) by the contractor prior to construction. The contractor will prepare a SWDR prior to construction.

The contractor's SWPPP will outline specific BMPs to be deployed during construction to protect water quality. Typical BMPs include fiber roll or silt fence between excavation and aquatic resources, spill kits and drip pans beneath equipment, staging area run-on and run-off protections, and preservation of existing vegetation.

Hazardous Waste: Prior to construction, individual projects will be evaluated for current as well as historic evidence or records of contamination through review of the following sources:

- EnviroStor database, List of Hazardous Waste and Substances sites, Department of Toxic Substances Control (DTSC)
- Geotracker database, List of Leaking Underground Storage Tank sites, State Water Resources Control Board

If, after review of the databases, any known remedial action sites or potentially hazardous waste locations are encountered, project specific avoidance and minimization measures will be developed and implemented.

Excavated soils are anticipated to be reused onsite to fill in the conduit trenches and therefore do not require testing for aerially deposited lead contamination. If disposal of roadside soils becomes necessary, Aerially Deposited Lead (ADL) testing shall occur prior to excavation and disposal.

Caltrans Standard Special Provisions and Nonstandard Special Provisions may be implemented as required depending on location and the potential to encounter contaminants.

Paleontology: With the limited depth and width of anticipated excavation, the ongoing surficial grading within the highly maintained and disturbed right-of-way the potential to encounter significant fossil resources is generally low. The project will be evaluated, a Paleontological Impact Report may be prepared, and avoidance and minimization measures will be implemented, if necessary. Caltrans Standard Specifications are in place for the protection of fossil resources if they are encountered during construction.

Biology: The broadband infrastructure project will be carried out in a manner consistent with the protection of biological resources. On-site biological construction monitoring will be utilized to avoid significant adverse effects and to avoid take of special status species (or their Designated

Critical Habitat) that are listed as rare, threatened, or endangered under Federal law; or rare, threatened, endangered, candidate for protection, or fully protected under State law.

- The Project Impact Area (PIA) will be prioritized to the Caltrans maintained right-of-way, including the shoulders and paved surfaces. Where not feasible then work may take place within 30 feet of Caltrans right-of-way.

Existing human activity and disturbance (environmental alteration, vehicle presence, and noise) within the PIA makes the areas largely unsuitable habitat for sensitive-status species.

A qualified biologist will perform a combination of background research and historical record reviews, as well as high-level location specific field surveys and habitat assessments if needed, of the project area before construction for special status species and their habitat. The biologist will make recommendations to modify the scope of work, provide training to the contractor regarding work near sensitive species and their habitats, as well as monitoring the construction in sensitive areas to ensure there is no take or adverse effect to biological resources.

Environmentally Sensitive Areas (ESA) pertaining to biological resources will be identified and avoided within the project limits. The biological monitor will be responsible for ensuring the conditions of any ESAs are met during construction.

In instances where impacts to biological resources cannot be avoided, Caltrans will apply for applicable permits from the responsible regulatory agencies (California Department of Fish and Wildlife, United States Fish and Wildlife Service).

Cultural Resources: A qualified archaeologist will perform a combination of background research and historical record reviews, as well as high-level location specific field surveys if needed, of the project area before construction for cultural resources. The archaeologist will make recommendations to modify the scope of work, provide training to the contractor regarding work near sensitive areas, as well as monitoring the construction in sensitive areas to ensure there is no adverse effect to cultural resources.

Environmentally Sensitive Areas (ESA) pertaining to cultural resources will be identified and avoided within the project limits. The archaeological monitor will be responsible for ensuring the conditions of any ESAs are met during construction.

Any tribal areas of concern identified by tribal representatives during the consultation process will be avoided to the greatest extent possible. When work locations effect or infringe upon any cultural resources of tribal concerns, upon review of a Caltrans Professionally Qualified Staff (PQS), a tribal monitor may be required for the duration of that work. Should cultural monitoring be required to avoid effects to tribal areas of concern, a tribal monitor will be arranged by the Caltrans archaeologist PQS.

If previously unidentified cultural resources are discovered during construction, workers should not disturb the resources and immediately:

1. Stop all work within a 60-foot radius of the discovery
2. Protect the discovery area
3. Notify the Caltrans Contract Manager

Caltrans will follow procedures to investigate the site. Workers should not move cultural materials or take them from the job site. Work may not resume within the discovery area until authorized by a Caltrans archaeologist.

If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner should be contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) which will then notify the Most Likely Descendent (MLD). At that time, the landowner will work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

Septic systems and alternative waste disposal systems: The project will be confined to within 30 feet of the existing State Highway Right of Way and is not anticipated to have a sewer/septic or an alternative waste disposal element.

Mineral resources: The project will be confined to within 30 feet of the existing State Highway Right of Way and will involve minimal ground disturbance and do not have the potential to impact mineral resources.

Population/housing: The project will be confined to within 30 feet of the existing State Highway Right of Way and do not have a residential component; as such, population and housing will not be affected by the projects.

Recreation: The project will be confined to within 30 feet of the existing State Highway Right of Way and will not impact recreation resources.

Agriculture and Forestry: The project will be confined to within 30 feet of the existing State Highway Right of Way. No agricultural or forestry resources are present within the State Highway Right of Way and any work outside of Caltrans right-of-way would be evaluated for potential impacts with avoidance of agricultural and forestry resources being the priority.

Soils and Geology: The project will be confined to within 30 feet of the existing State Highway Right of Way and will involve minimal ground disturbance and do not have the potential to impact geology or soils.

Greenhouse Gas Emissions: The project will be confined to within 30 feet of the existing State Highway Right of Way and no effects related to greenhouse gas emissions are likely to occur as the result of the proposed scope of work.

Land Use and Planning: The project will be confined to within 30 feet of the existing State Highway Right of Way and will not result in land use or planning impacts.

Public Service and Utility Systems: The project will be confined to within 30 feet of the existing State Highway Right of Way and during design as well as prior to construction any existing utilities will be identified and avoided.

Traffic and Circulation: The project will be confined to within 30 feet of the existing State Highway Right of Way and may have minor and temporary impacts to traffic and circulation during construction. Standard traffic control will be required, and in some locations temporary and short-term lane closures may be necessary during construction.