CEQA EXEMPTION DETERMINATION FORM (rev. 06/2022)
NEPA CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS DETERMINATION FORM (rev. 05/2023)

Project Information

Project Name (if applicable): Middle-Mile Broadband Network

DIST-CO-RTE: 11-SD-5 **PM/PM:** R4.628/16.074

EA: 11-4B023 / 1123000028 **Federal-Aid Project Number:**

Project Description

The project proposes to install broadband conduit and fiber on I-5 (PM R4.628/16.074) as a part of the Middle-Mile Broadband Network (MMBN) for 11.4 miles on I-5 from Palm Avenue to SR-163 in San Diego County. Please see more information on the Continuation Sheet for the NEPA/CEQA CE/CE, Environmental Commitments, and attached District-prepared Middle-Mile Broadband Network CE Checklist.

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** 1. (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

Marc Baza		8/17/2023
Print Name	Signature	Date

Project Manager

Levy Le		8/17/2023
Print Name	Signature	Date

Caltrans NEPA Determination

Caltrans has determined this project meets the conditions set forth below and therefore is categorically excluded from the requirements to prepare an EA or EIS under NEPA.

The actions listed in Appendix A, Number 6 ("Actions including, but not limited to, right-of-way use agreements, encroachment permits, and consent letters that are subject to subpart D of 23 CFR 710") of the 23 USC 326 CE Assignment MOU between FHWA, California Division and the California Department of Transportation (2022) may be classified as a categorical exclusion, provided the following conditions are met:

- The action is required in order to implement a project that is part of the California Middle-Mile Broadband Network
- The Federal Action consists of: Approval of a non-highway use of the right-of-way/grant of a right-of-way use agreement
- The action does not, either individually or cumulatively, have any significant environmental impacts as described in 23 CFR 771.117(a); and
- The action does not involve unusual circumstances as described in 23 CFR 771.117(b):
    - Significant environmental impacts;
    - Substantial controversy on environmental grounds;
    - Significant impact on properties protected by Section 4(f)[1] requirements or Section 106 of the National Historic Preservation Act; or
    - Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.
- The action can be authorized under a Section 404 Nationwide Permit, or Regional General Permit, including one specific to Middle-Mile Broadband Network activities when issued. Sufficient information to issue a Wetlands Only Practicable Alternative Finding must be included in the CE documentation; and
- The action would not significantly encroach on the base floodplain and no impacts to the natural and beneficial floodplain values are anticipated; and
- The action would not impact the features or attributes of a designated scenic river that make it eligible for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of Interior/U.S. Department of Agriculture; and
- The action does not require any U.S. Coast Guard construction permits;

[1] Middle-Mile Broadband Network Projects are not considered transportation projects and are therefore exempt from the requirements of 23 CFR 774.

- The use of this CE certifies that the project has been evaluated and is designed to prevent unauthorized releases of hazardous materials. Caltrans would maintain compliance with the Department of Toxic Substances Control (DTSC) Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils effective July 1, 2016, and that there are no known Cortese sites within the project footprint based on a record search; and
- The action does not require formal Section 7 Consultation for effects to federally listed or proposed species or critical habitat (likely to adversely affect determination for any species or critical habitat), or can be covered under an existing Programmatic Biological Opinion or the specific Programmatic Biological Opinion for Middle-Mile Broadband Network activities when issued; and
- The action is consistent with the State's Coastal Zone Management Plan, if applicable.

☒ The proposed project(s) are in compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. It is anticipated that no impacts would occur with the construction and implementation of the Middle-Mile Broadband Network.

☒ Categorical Exclusion (CE) issued by Caltrans approving certain actions subject to subpart D of 23 CFR 710 for projects that are a part of the California Middle-Mile Broadband Network.

Senior Environmental Planner or Environmental Branch Chief

Marc Baza		8/17/2023
Print Name	Signature	Date

Project Manager/DLA Engineer

Levy Le		8/17/2023
Print Name	Signature	Date

Continuation sheet:

Project Description

The project (11-4B023) is part of the Middle-Mile Broadband Network (MMBN) initiative program, which includes the installation of broadband infrastructure throughout California within the State Highway System (SHS), including Interstate routes.

Due to the varied topography and locations of the broadband infrastructure across the State of California, the design would be dependent on project site features. This project segment of the MMBN is located in San Diego County within Caltrans District 11 (District). The project would install 11.41 miles of broadband conduit and fiber on Interstate 5 (I-5) from Palm Avenue, Post Mile (PM) 4.628, to the State Route 163 Interchange, PM 16.074, within San Diego County. Approximately 9.8 miles of the project falls within the California Coastal Zone (PM 4.63 to 14.40) and requires approval from the California Coastal Commission. Work would take place within existing Caltrans Right-of-Way, avoiding impacts to sensitive environmental resources. The areas of project impact will be limited to the existing paved surfaces, disturbed shoulders, and maintained Caltrans Right-of-Way, and would primarily use the existing subsurface fiber-optic conduit network (see *Description of Work*).

Purpose and Need

Purpose: This MMBN project will install the broadband infrastructure along the SHS necessary to connect to a third-party–operated Last Mile Broadband Network, which will bring equitable highspeed internet connectivity to homes, businesses, and community institutions.

Need: In July 2021, California Governor Gavin Newsom signed into law Senate Bill 156 to create an open-access middle-mile network to bring equitable high-speed broadband service to all Californians.

Description of Work

The project proposes the installation of the MMBN along 11.41 miles on I-5. Caltrans-owned existing conduits and vaults are currently located along the proposed alignment. The project proposes installation of MMBN, which includes:

- Utilizing Caltrans-owned existing conduit and vaults currently located along the alignment.
    - Use of existing Caltrans-owned conduit. Additionally, as a part of this project, Caltrans will install new vaults to be owned by the California Department of Technology (CDT) and connect to the existing conduit network, to be constructed for CDT use as part of this project.

  - Connection to new vaults via short stretches of conduit to extend on average approximately 30 feet from the existing Caltrans-owned vaults to new CDT-owned vault locations.

- Vaults will be spaced approximately every 2,400 feet, including splice vaults every 12,000 feet; vaults would generally measure a maximum of approximately 48 inches wide x 48 inches long x 48 inches deep and be flush with the ground surface (or 2 inches above unpaved areas).
- Linear connection of broadband conduit and fiber installation to existing vaults, generally anticipated to consist of one 2-inch conduit, with minimum cover of 24 to 42 inches depending on location.
  - The three methods for underground installation of fiber optic conduit proposed to connect proposed vaults to existing facilities are plowing, trenching, and trenching in pavement (micro-trenching).
  - Micro-trenching would occur under asphalt pavement when off-pavement solutions are not feasible due to site-specific restrictions, with the depth of cover over conduit in paved areas a minimum of 24 inches.
  - For bridges or culverts, fiber optic fiber would be placed within existing conduit located in structure cells, attached underneath the structure, hung underneath the structure, or attached to the barrier on the structure. No additional conduit or modifications to the exterior of bridges or structures are proposed.

Environmental Factors

If project scope should change, the Division of Environmental shall be notified to determine whether the current environmental documentation and technical assessments are adequate or further documentation for a reevaluation will be required.

The project would not affect agriculture and forestry, air quality, a wild or scenic river, energy, geology/soils, greenhouse gas emissions, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation, utilities/service systems, or wildfire potential.

Avoidance of Sensitive Resources

- This project has been independently evaluated for sensitive resources prior to construction. Caltrans intends to identify and avoid potential environmental impacts throughout construction.
- Sensitive locations have been noted as areas to be avoided during construction.

- Caltrans shall use Caltrans Standard Special Provisions (SSP), Non-Standard Special Provisions (NSSP), pre-construction training, and Environmentally Sensitive Area (ESA) flagging to avoid potential impacts.
- Environmental reevaluation would be required if the scope of the project changes to include additional areas or activities, or if previously unknown cultural, biological, or other unidentified environmental resources were discovered.
- The contractor would not be allowed to park, stage, or store equipment or materials outside of the project impact area or on sensitive areas identified within Caltrans Right-of-Way.
- Staging areas would shift along the alignment as construction progresses and be limited to temporary equipment parking at each vault/connection location and would remain within existing Right-of-Way. All work would remain within the project footprint and within the area cleared for construction as delineated by environmental constraints mapping for biological (including jurisdictional waters) and cultural resources.

Technical Studies Prepared

Air Quality

An Environmental Engineering Memo was prepared in July 2023 for the project and found that a portion of this project (~PM 9.1 to ~PM R14.9) is located within a designated Assembly Bill 617 Air Protection Program community; therefore, the entire project is subject to the regulations as designated in SSP 5-1.33 *Air Protection Program Community* and SSP 7-1.02C *Air Protection Program Community*.

Air Quality Avoidance and Minimization Measures

To ensure that potential temporary effects to air quality during construction and operation are minimized, the following avoidance and minimization measures would be implemented:

- SSP 5-1.33 requires that the Contractor use tier 4 interim or tier 4 final engines for off-road diesel-fueled vehicles subject to 13 California Code of Regulations (CA Code of Regs) Section (§) 2449 instead of lowered tiered engines. However, the requirement to use tier 4 interim or tier 4 final engines does not apply to vehicles registered to operate on public roads when those vehicles are used solely to deliver materials or supplies to the job site.
- SSP 7-1.02C is a statement of certification by the Contractor that requires Contractor's compliance upon signing the Contract.

- SSP 14-9.05 specifies the air quality district (San Diego Air Pollution Control District) and SN-040, which adds language referring to SSPs 5-1.33 and 7-1.02c.

Biological Resources

A No Effect Memo was prepared in June 2023 for the project and found biological resource impacts would be avoided with the avoidance and minimization measures discussed below. The project limits extend through urban areas and are located within the boundaries of the roadway, shoulders, and connectors.

Critical habitat for least Bell's vireo overlaps with the project limits from PM 5.0 to 5.15 where the freeway crosses the Otay River and associated wetlands. Work is to be done outside of the bird breeding season (February 15 through September 30) at this location. Work within this area will be constrained to the roadway or bridge facilities. Areas outside of the pavement and immediate unvegetated shoulder are considered an ESA, and work will and shall not occur within these areas. Biological resources would not be affected with implementation of avoidance measures outlined below.

Biological Avoidance and Minimization Measures

To ensure that potential temporary effects to biology during construction and operation are minimized, the following avoidance and minimization measures would be implemented:

- From PM 5.0 to 5.15, critical habitat for least Bell's vireo overlaps with the project area. Work is to be done outside of the breeding season (February 15 through September 30). Work shall not occur outside of the pavement and immediate unvegetated shoulder. Vegetation removal is not to occur in this area and staging and storage off the pavement is not permitted. The area outside of the pavement and immediate unvegetated shoulder is considered an ESA.
- If vegetation removal is required outside of critical habitat, it must be done outside of the bird breeding season (February 15 through September 30). If vegetation clearing must occur during this time period, the District biologist must be notified at least 2 weeks prior to the start of work. Pre-construction nesting surveys shall be completed no more than 72 hours prior to the start of work to confirm no nesting is occurring prior to clearing. If nesting activity is detected, work is to pause until the young have fledged and nesting is no longer detected.

Water Resources

A No Effect Memo was prepared in June 2023 and found jurisdictional waters overlap with the project for PMs 5.1 to 5.15, 5.4, 6.7, 7.27 to 7.5, 8.55 to 10.05, 11.75, 12.45,

and 12.75. At these locations, work will be constrained to the bridges or box culvert facilities and work, staging, and storage are not to enter the waterways.

The proposed project would not involve construction of a new facility or a major reconstruction and there would be no changes in grade or hydraulic capacity. The proposed project would maintain the original purpose of original drainage facilities and would not substantially increase or change existing impervious surface areas.

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

The project falls within the coastal zone boundary from PM 4.63 to R14.40 (approximately 9.8 miles). Work would take place within existing Caltrans Right-of-Way, avoiding impacts to sensitive environmental resources based on environmental constraints mapping.

Coastal Hazards and Sea Level Rise

The proposed project will utilize existing facilities along the existing roadway. In isolated locations where vaults will be installed and connections to existing conduit completed, these facilities will be below the existing ground level. It is outside of the scope of this project to change the roadway elevation and/or alignment. The project does not include the replacement of any bridge structures, and all work is limited to the existing developed or disturbed Right-of-Way in an urbanized area.

A review of the National Oceanic Atmospheric Association's SLR (Sea Level Rise) mapper shows this project segment will remain outside of inundated areas, with some low-lying areas under the roadway potentially inundated, but not the I-5 roadway itself. Most of this freeway section is raised/elevated; therefore, the risk of sea level rise to the roadway facility is low.

Water Resource Avoidance and Minimization Measures

To ensure that water quality and resources are not affected during project construction and operation, the following avoidance and minimization measures would be implemented:

- Construction site best management practices (BMPs) would minimize potential short-term water quality impacts. Short-term water quality impacts would be addressed in the Design and Construction phases of this project, and specific BMPs would be selected and implemented. As required in Caltrans Standard

Specification 13-1, the contractor will address water quality impacts that may occur during construction.

- At locations where jurisdictional waters overlap with the project (PM 5.1 to 5.15, 5.4, 6.7, 7.27 to 7.5, 8.55 to 10.05, 11.75, 12.45, and 12.75), work will be constrained to the bridges or box culvert facilities and work, staging, and storage are not to enter the waterways.

Stormwater

A National Pollution Discharge Elimination System (NPDES)/Storm Water Compliance Review Memo was prepared for this project by Caltrans in May 2023. This project would be designed in conformance with the NPDES Permit Order 2012-0011-DWQ and Appendix E of the Caltrans Project Planning and Design Guide. A Short Form Storm Water Data Report (SWDR) was prepared for the project.

The proposed project would not violate water quality standards or waste discharge requirements, withdraw a large amount of groundwater or entail features or activities that would obstruct groundwater infiltration, substantially alter the existing drainage pattern of the construction sites in a manner that would result in substantial onsite or offsite erosion or siltation, or substantially increase impervious surfaces or alter the sites in a way that contributes to the volume of stormwater runoff at the sites, and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Stormwater Avoidance and Minimization Measures

To ensure that water quality and waste discharge are not affected during project construction and operation, the following avoidance and minimization measures would be implemented:

- Specific BMPs will be identified and 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.
- Construction Site BMPs for Soil Stabilization will be required.
- Construction Site BMPs for Non-Stormwater Management will be required.

Cultural Resources

A Screened Undertaking was prepared for this project by Caltrans in July 2023. No cultural resources are located within the Area of Potential Effects defined for the project;

therefore, there would be no impacts and no avoidance or minimization measures are required.

Paleontology

Areas of paleontological sensitivity are anticipated along I-5 between PM 4.6 to 4.8, 5.5 to 6.1, 8.1 to 9.0, 9.7 to 10.5, and 11.0 to 16.1. Paleontological resources in these areas may be impacted by construction operations involving earthwork during trenching for broadband fiber optic conduit, and excavation of access vaults within areas assigned a high paleontological potential ranking.

Paleontology Avoidance and Minimization Measures

A Paleontological Mitigation Plan (PMP) shall be prepared and implemented and follow Caltrans guidelines, including:

- Retain a qualified project paleontologist to monitor ground disturbance activities during construction of the project.
- Attend pre-construction meetings to consult with grading and excavation contractors.
- Prior to start of construction, paleontological resource training workshops shall be presented to ensure that all earth excavation personnel understand paleontological monitoring requirements, roles and responsibilities, and appropriate actions in the event of a discovery.
- In the event of a discovery, a qualified paleontological monitor may immediately initiate recovery, or temporarily stop construction to consult with the project paleontologist, and the PMP will be consulted for additional steps.

Hazardous Waste

A Hazardous Waste Memo was prepared by Caltrans in May 2023, and revised in July 2023, which included discussions of typical waste issues that could affect the proposed project. Environmental Engineering staff at Caltrans reviewed the Investor (DTSC) and GeoTracker (State Water Resources Control Board) databases for nearby hazardous waste/unauthorized release facilities that may have impacted the environmental condition of the project area. No facilities were identified.

The proposed installation of broadband conduit and fiber optic cable would generate excess soil contaminated with aerially deposited lead (ADL) in the unpaved area. The earth material along both shoulders of I-5 is known to have regulated and hazardous concentrations of ADL. The estimated volume calculation based on removal of the top 2 feet of soil that is assumed to be regulated material is 100.3 cubic yards. This material

will be hauled offsite with the assumption that none will be used as backfill. Surplus excavations of regulated, hazardous material will therefore follow SSP 14-11.08. Minimal disturbance of regulated, hazardous material will follow SSP 14-11.09.

A Lead Compliance Plan (LCP), as described under standard specification 7-1.02K(6)(j)(ii), is required and must be provided by the Contractor and implemented for all workers handling regulated or unregulated earth material as well as removal of lead-based paint, thermoplastic, painted traffic stripe, and/or pavement marking (Bid Item 070030). Regulations containing specific California Division of Occupational Safety and Health (Cal/OSHA) requirements when working with lead include 8 CA Code of Regs § 1532.1.

It is possible to discover previously unknown contamination and hazards during construction activities. If previously unknown hazardous substances are encountered, the District has an on-call Construction Emergency Response Contract managed by the Environmental Engineering branch that would be accessed to have appropriate testing and disposal performed.

Hazardous Waste Avoidance and Minimization Measures

As described above, to ensure potential effects involving hazardous materials/waste during construction are avoided, the following avoidance and minimization measures would be implemented:

- An LCP, prepared by a certified industrial hygienist, will be prepared and provided to Caltrans by the Contractor and implemented for all workers handling hazardous or non-hazardous soil as well as removal/application of hazardous or non-hazardous lead-based paint, thermoplastic, painted traffic stripe, and/or pavement marking. Regulations containing specific Cal/OSHA requirements when working with lead include 8 CA Code of Regs § 1532.1. The plan must:
    - Document the compliance program to prevent or minimize worker exposure to lead.
    - Include items listed in 8 CA Code of Regs § 1532.1l(2)(B).
    - Be sealed and signed by a certified industrial hygienist with knowledge of and experience complying with 8 CA Code of Regs.
- Obtain authorization for the plan from Environmental Engineering Branch before starting activity that presents the potential for lead exposure.
- The Contractor is responsible for identifying the appropriate permitted landfill to receive excavated material and for all associated trucking and disposal costs, including additional sampling and analysis required by the receiving landfill.

- Compliance with SSP 14-11.08, *Regulated Material Containing Aerially Deposited Lead* will be required.
- If all excess ADL material would remain on the project area and not be hauled offsite, then SSP 7-1.02K(6)(j)(iii) *Unregulated Earth Material Containing Lead* would be required and would be provided by Environmental Engineering. If excess material would be hauled offsite, then NSSP 7-1.02K(6)(j)(iii) *Unregulated Earth Material Containing Lead* would be required. This NSSP requires headquarters approval. Both the SSP and NSSP require an LCP.
- If previously unknown hazardous substances are encountered, the District will contact the on-call Construction Emergency Response Contract managed by the Environmental Engineering branch to have appropriate testing and disposal performed.

Aesthetics and Visual Resources

A Visual Impact Assessment was prepared by the Caltrans Environmental Division in May 2023. While preliminary design is currently ongoing; the project would involve detours, ground disturbance, removal of vegetation, equipment staging area, and fiber optic trenching. Publicly owned lands, Department of Defense land, and Coastal Zone would be traversed.

This portion of the I-5 corridor has primarily irrigated roadside ornamental landscape associated with highway construction. The build environment includes a variety of land uses, including the industrial activities associated with Naval Base San Diego, commercial shipyards, and two working Port of San Diego marine terminals.

Affected viewers are primarily motorists on the freeway traveling at moderate to high speeds. Motorists have a high viewer exposure and awareness due to proximity to the project features. The visual quality/character of the corridor would become more urban due to broadband fiber installation, which will require trenching and vegetation removal. Broadband vault covers would add to the visual clutter at the highway roadside.

Due to the quantity of viewers who would experience the proposed project, the viewer exposure is considered high. Viewer sensitivity and response to the anticipated visual change caused by trenching and vaults are considered low. Collectively, the “low” change in visual resources combined with the “low” viewer response to changes indicates the proposed project will cause a “low” visual impact with the inclusion of the following impact avoidance measures.

Aesthetics & Visual Resources Avoidance and Minimization Measures

- Avoid placing vaults under tree canopies.

- Avoid trenching under tree canopies. If trenching under a tree canopy cannot be avoided, then trenching must be done manually by hand to avoid cutting through critical roots.
- Contractor to hand trench across irrigation lines. Any damage to irrigation components by construction shall be replaced in kind. Repair or replace existing operational irrigation equipment where the project disturbs roadside areas.
- Install fiber optic lines a minimum of 24 inches from edge of existing irrigation valve boxes and irrigation conduit pullboxes.
- Trucks and equipment shall be confined to pavement and previously disturbed areas to the extent possible.
- Protect vegetation outside of the work area by prohibiting staging areas, material storage, parking, and construction access in vegetated areas.
- No equipment, material storage, or vehicles are allowed under tree dripline.
- Protect trees and sensitive vegetation outside of grading limits/contractor use areas with temporary fencing.
- Disturbed soil shall be mulched.
- If approved, apply a tan stain to the exposed surface of concrete vault lids to blend lids with native soils.