



## Middle-Mile Broadband Network Categorical Exclusion Checklist

### CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS (rev. 11/22)

#### **Project Information**

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

**DIST-CO-RTE:** 07-VEN/LA-Various      **PM/PM:** Various

**EA:** 07-388U0      **Project ID Number:** 0723000191      **CE#:** 202304015

#### **SECTION A: Determination that Project Meets Categorical Exclusion Conditions:**

Use the information in this section to determine that this project meets to 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 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) <sup>1</sup> 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.

<sup>1</sup> Middle-Mile Broadband Network Projects are not considered transportation projects and therefore exempt from the requirements of 23 CFR 774

## Categorical Exclusion Checklist for MMBN Projects

### **SECTION B: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements<sup>2</sup> prior to making the NEPA determination:**

During the environmental review process for which this CE was prepared, all applicable environmental requirements were evaluated. Outcomes for the following requirements are identified below and fully documented in the project file. **NOTE: EVERY SECTION BELOW MUST BE COMPLETED, DO NOT SKIP ANY SECTIONS.**

---

#### **Cultural Resources**

---

- Section 106 compliance is complete.
- A Screened Undertaking Memo was prepared, or
- A Historic Properties Survey Report was prepared, and the following finding was made:
- No Historic Properties Affected     No Adverse Effect with Standard Conditions
- No Adverse Effect     Adverse Effect/MOA     Phasing/Project PA

---

#### **Biology - Natural Environment Study 04/24/2023 and 05/04/2023**

---

##### **USFWS**

Effect Determination:

- No Effect Section 7 (Federal Endangered Species Act)

*Consultation* with USFWS Findings (Effect determination): N/A

- Not Likely to Adversely Affect with USFWS Concurrence. Date: \_\_\_\_\_

- Likely to Adversely Affect determination for a consultation appended to an existing Programmatic Biological Opinion or the Programmatic Biological Opinion specific to the Middle-Mile Broadband Network effort, when issued. Date: \_\_\_\_\_

**NOTE:** CE cannot be used for a consultation with an effects determination of Likely to Adversely Affect that is NOT appended to an existing or Middle-Mile Broadband Network-specific Programmatic Biological Opinion.

---

<sup>2</sup> Please consult the SER for a complete list of applicable laws, statutes, regulations, and executive orders that must be considered before completing the CE.

## Categorical Exclusion Checklist for MMBN Projects

### NOAA Fisheries

Effect Determination:

No Effect Section 7 (Federal Endangered Species Act)

*Consultation* with NOAA Fisheries Findings (Effect determination): N/A

Not Likely to Adversely Affect with NOAA Fisheries Concurrence. Date: \_\_\_\_\_

Likely to Adversely Affect determination for a consultation appended to an existing Programmatic Biological Opinion. Date: \_\_\_\_\_

NOTE: CE cannot be used for a consultation with an effects determination of Likely to Adversely Affect that is NOT appended to an existing Programmatic Biological Opinion.

**Essential Fish Habitat (Magnuson-Stevens Act)** Findings (Effect determination):

Magnuson-Stevens Fishery Conservation and Management Act does not apply

No Adverse Effect

NOTE: CE cannot be used for a consultation with an adverse effect determination that is NOT included in an existing Programmatic Biological Opinion.

---

### Floodplains

Floodplains (Executive Order 11988)

No Floodplains     No Significant Encroachment     Significant Encroachment

---

### Waters, Wetlands

#### Section 404 of the Clean Water Act

Impacts to Waters of the U.S.:  No     Yes; anticipated approval:

Nationwide Permit     Regional General Permit

NOTE: CE cannot be used for a project applying for an Individual Permit or Letter of Permission.

#### Wetland Protection (Executive Order 11990)

No Wetland Impact

Permanent Wetland Impact; Only Practicable Alternative Finding is included in a separate document in the project file

---

### Coastal Zone

The action is consistent with the State's Coastal Zone Management Plan, if Applicable.

---

### Wild and Scenic

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.

## Categorical Exclusion Checklist for MMBN Projects

---

### Coast Guard – Bridge Over Navigable Waters of the U.S.

---

- Not applicable
  - 23 USC 144(c) USCG Bridge Permit Exception
- 

### Hazardous Waste and Materials

---

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.

## Categorical Exclusion Checklist for MMBN Projects

---

### **SECTION C: Certification**

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.

Prepared by:

Lillian Cai

Environmental Scientist



Signature

09/28/2023

Date