

Attachment to Notice of Exemption

Master Streambed Alteration Agreement No. EPIMS-MMBN-43890-R4 Middle Mile Broadband Network Project

Approval of this Project is statutorily exempt from the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 et seq.) because CDFW is relying on Senate Bill 156 adopted on July 20, 2021, more specifically the Project shall be subject to the following conditions within Public Resources Code, Section 21080.51, subdivision (a): (1) The project is located in an area identified by the Public Utilities Commission as a component of the statewide open-access middle-mile broadband network pursuant to Section 11549.54 of the Government Code; (2) The project is constructed along, or within 30-feet of, the right-of-way of any public road or highway; (3) The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aurally along an existing utility pole right-of-way; (4) The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission or the Department of Transportation to address potential environmental impacts. At minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources; (5) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the planning department of a city or county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

The purpose of the Project is for the development, construction, and acquisition of a statewide open-access middle mile broadband network. In general, the Project activities conditionally allowed under this Agreement involve installation of the state-owned Middle Mile Broadband Network, an open access system of high-capacity fiber lines, carrying data at high-speed over long distances between first mile and last mile infrastructure. The Project will serve to improve reliable and equitable access to underserved communities throughout the state.

The proposed Project includes the installation of the statewide middle-mile network occurring within 30 feet of California Department of Transportation right-of-way along approximately 10,000 miles of roadway. The network will be comprised of network hubs (constructed outside all streams), underground and bridge-mounted conduit, with series of vaults (installed outside all streams), and approximately 3-inch cable marker posts. More specifically, Project activities conditionally allowed under this Agreement involve: soils evaluation/exploration; excavation of trenches and/or subsurface borings, or preparation of structures; installation of conduits; excavation backfill; pulling of fiber optic cables; and the splicing of fiber optic cables. The Project is expected to result in temporary impacts in association with Project activities, the Project will not result in permanent impacts. The Project is expected to cause the temporary loss of habitat.

Impacts will be minimized and compensated for, through the implementation of measures required by Master Streambed Alteration Agreement No. EPIMS-MMBN-43890-R4. Measures include: 1) Quarterly and Annual Reports; 2) establishment of Environmentally Sensitive Areas; 3) worker education; 4) species avoidance; and 5) permanent habitat protection.