



CEQA EXEMPTION DETERMINATION FORM (rev. 06/2022)
NEPA CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK
PROJECTS DETERMINATION FORM (rev. 5/23)

<u>Project Information</u>	
Project Name (if applicable): Middle-Mile Broadband Network	
DIST-CO-RTE: 11-SD-163	PM/PM: 3.1/R10.90
EA: 11-4B038/1124000023	Federal-Aid Project Number:
<u>Project Description</u>	
The project proposes the installation of broadband conduit and fiber on State Route 163 (SR-163) from 0.6 miles south of Route 8/163 separation to 0.1 miles north of Kearny Villa Road Overcrossing. in San Diego County. For more information, please see 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		07/08/2024
_____ Print Name	_____ Signature	_____ Date

Project Manager

Mike Dispenzieri		7/9/2024
_____ Print Name	_____ Signature	_____ Date



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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 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 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 U.S. Coast Guard construction permits;
- 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

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



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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 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		07/08/2024
Print Name	Signature	Date

Project Manager/ DLA Engineer

Mike Dispenzieri		7/9/2024
Print Name	Signature	Date

See Attached District Prepared Middle-Mile Broadband Network CE Checklist
 See Attached District Prepared Environmental Commitment Record.



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Continuation sheet:

Project Description

This project is to install Middle-Mile Broadband Network (MMBN) in San Diego County on State Route 163 from 0.6 miles south of Route 8/163 separation to 0.1 miles north of Kearny Villa Road Overcrossing. The work involves laying out fiber optic cable, installing vaults, and integrating and facilitating all required elements.

Purpose and Need

Purpose: This project will install broadband conduit and fiber on SR-163 from 0.6 miles south of route 8/163 separation to 0.1 mile north of Kearny Villa Road Overcrossing. The project will utilize existing Caltrans empty conduit from PM from PM 3.1 to R10.9 as part of the Middle-Mile Broadband Network identified as Project 11-4B038 / 1124000023 in the Interagency Agreement between the California Department of Technology (CDT) and California Department of Transportation.

Need: Build out of a critical statewide broadband network is needed to enhance access to, and increase affordability of, high-speed Internet for all Californians.

Description of Work

The project proposes the installation of the MMBN along 7.8 miles on SR-163. 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 would install new vaults to be owned by the 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.
 - 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.



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- Trenching in pavement 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 existing structures, 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.
- Cable marker posts installed at approximately 1-mile intervals to alert to the presence of the fiber optic cable, if needed.

Environmental Factors

If project scope should change, the Division of Environmental Analysis shall be notified to determine whether the current environmental documentation and technical assessments are adequate or further documentation for a reevaluation would 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 and would be further protected using environmental monitors during construction and identified Environmentally Sensitive Areas (ESAs), as needed.
- Caltrans shall use Caltrans Standard Special Provisions (SSP), Non-Standard Special Provisions (NSSP), pre-construction training, and 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.



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- 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 or Caltrans-owned land. Work would remain within the project footprint and within the area cleared for construction as delineated by environmental constraints and ESA mapping for sensitive environmental resources (including biological resources and jurisdictional waters).

Technical Studies Prepared

Biological Resources

A Natural Environmental Study (NES) No Effect Memo was prepared in June 2024 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.

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:

- Vegetation removal for this project is not to occur within the bird breeding season (February 15th to August 31st). If work must occur during this time period, the district biologist must be notified at least 2 weeks prior to the start of work and complete nesting surveys within 72 hours prior to the start of work. If nesting activity is detected, work is to pause until young have fledged and nesting is no longer detected. Nesting bird surveys are only good for 7 days and will have to be repeated if vegetation clearing has not been completed within that time frame.
- From postmiles 3.1 – 3.6, the Mission Valley Hillside and Uptown Open Space areas support sensitive vegetation communities and occur on either side of SR-163. At these postmiles, work, equipment, staging and personnel should remain on the pavement or disturbed shoulder. Impacts to any native vegetation will be avoided.
- From postmiles 9.29 – 10.9, the project occurs near or crosses through the Miramar Marine Corps Air Station. This area has vernal pools present and recorded occurrences of endangered San Diego Fairy Shrimp. At these postmiles, any area outside of the edge of pavement, immediate bare shoulder composed of fill soil, or the approved work area for the Lumen lease line connection along the Kearny Villa Road off-ramp is considered an ESA. Any work, ground disturbance, vegetation removal, staging, equipment or personnel is not to occur within the ESA. Staging and storage off pavement is not permitted. There are two new vaults proposed within these postmiles (PM 9.86 and 10.41, approximately). Ground disturbance,



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personnel, and equipment/machinery is not to exceed the existing roadway fill soil boundary adjacent to the edge of pavement. Vault placement will be restricted to the pavement, motor vehicle pullouts (MVPs), or the bare fill soil area immediately adjacent to roadway.

- At postmile 9.86, 100 feet of orange mesh fencing will be required around the vault placement location within the fill soil boundary to ensure there will be no impacts to potentially sensitive areas. Notify the biologist 2 weeks prior to the start of work. The biologist will be present during installation of ESA fencing to ensure there are no impacts to ESAs.
- From postmile (PM) R10.41 - R10.8, approximately, trenching will occur along the Kearny Villa Road off ramp to connect to two existing Lumen vaults. There will be minimal impacts to non-native vegetation on the southwestern corner of the off-ramp. The area downslope of the connection point was found to have vernal pools. Any area downslope of the approved Lumen lease line connection area is an Environmentally Sensitive Area (ESA). Trenching will remain upslope on pavement and the bare or disturbed shoulder immediately adjacent to the roadway. Any work, equipment, staging, vegetation removal, ground disturbance, and personnel are not to occur within the ESA.
- There will be no disturbance or removal of vegetation within ESAs. Vegetation removal outside of ESAs must be avoided or limited to the maximum extent possible. Locations outside of ESAs that will require vegetation removal will be reviewed by the district biologist.

Water Resources

A No Effect Memo was prepared in June 2024 and found several jurisdictional waterways that run through or adjacent to the project limits. 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 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, bank of rivers, streams, or lakes. 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.

Avoidance and Minimization Measures

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

- At postmiles 3.28, 3.36, 4.00 – 4.11 (San Diego River), 10.00, 10.20, 10.39, R10.60, R10.85, and R10.90 there are jurisdictional waterways and unnamed drainages that run through or adjacent to the project limits. Any area outside of the pavement and immediate unvegetated shoulder is considered an ESA. Work will be constrained to the bridges or box culvert facilities and work, staging, and storage are not to enter the waterways. No equipment, debris, or personnel should enter waterways. Any area outside of the unvegetated shoulder is considered an Environmentally Sensitive Area (ESA).
- Construction site best management practices (BMPs) will be implemented to minimize potential short-term water quality impacts, as required in Caltrans Standard Specification 13-1.
- To minimize impacts to fish and wildlife resources associated with an inadvertent frac-out, HDD operations underneath California Department of Fish and Wildlife (CDFW) jurisdictional features would be monitored by a Biologist who would work with construction personnel to stop work in the event that frac-out occurs.
- Middle Mile Broadband Network specification 77-2.03H(4) establishes Horizontal Directional Drilling (HDD) BMPs that would be followed for prevention, mitigation, and containment of a potential frac-out.

Stormwater

Middle Mile Broadband Network (MMBN) projects are subject to two NPDES permits to regulate stormwater runoff: (1) the Construction General Permit (CGP), and (2) the Caltrans NPDES Permit. This project would be designed in compliance with 2009 Construction General Permit (CGP) and the 2022 Caltrans MS4 Permit. MMBN projects would be covered under the 2009 CGP through 9/1/2025, when the regulatory transition (i.e., grandfather period) ends. MMBN projects must adhere to requirements of the National Pollutant Discharge Elimination System (NPDES) statewide storm water permits. The project would develop procedures to address potential water quality impact and control construction site erosion through the implementation of effective erosion and sediment control measures in accordance with the 2009 CGP. 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



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obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Cultural Resources

A Screened Undertaking was prepared for this project by Caltrans in January 2024. No cultural resources are located within the Area of Potential Effects defined by the project; therefore, there would be no impacts and no avoidance or minimization measures are required.

Paleontology

Areas of paleontological sensitivity are anticipated along the route, except from PM 3.6 – PM 4.5. 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.

Avoidance and Minimization Measures

To ensure potential effects involving paleontological resources during construction are avoided and/or minimized, the following measures would be implemented:

- Retain a qualified project paleontologist to monitor ground disturbance activities during construction of the project where areas of paleontological sensitivity are anticipated.
- 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 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. Consult with paleontological monitor and construction liaison for next steps. Fossil remains collected during the monitoring and salvage portion of the mitigation program will be cleaned, prepared, sorted, and cataloged.
- A Paleontological Monitoring Report (PMR) will be prepared to document the results construction monitoring, fossil salvage laboratory preparation of salvaged specimens, curation of prepared specimens, and storage of curated specimens.
- Although fossils collected remain the property of the State, the collection must be properly curated at an approved facility (preferably local to the project location) and preserved for future researchers. A complete set of field notes, geologic maps, stratigraphic sections, and a copy of the final report will be curated with the fossils.



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Hazardous Waste

A Hazardous Waste Memo was prepared by Caltrans in June 2024, 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 could generate excess soil contaminated with aerially deposited lead (ADL) at the unpaved area. ADL contamination is generally found in unpaved soil adjacent to the roadway due to historical use of lead containing fuel. The project would disturb unpaved areas to install fiber optic vaults and conduits; therefore, there is concern that ADL-contaminated soil would be encountered. Existing material within the project limits has not been characterized, therefore NSSP 14-11.08 Regulated Material Containing Aerially Deposited Lead would be required. This NSSP would require sponsor approval and a Lead Compliance Plan (LCP).

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.

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 (CIH), would be prepared and provided to Caltrans by the Contractor and implemented for 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 (Bid Item 070030). 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 § 1532.11(2)(B).
 - Be sealed and signed by a CIH with knowledge of and experience complying with 8 CA Code of Regs.



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Allow 7 days for review. Obtain authorization for the plan before starting activities that present the potential for lead exposure.

- Compliance with SSP 14-11.08, Regulated Material Containing Aerially Deposited Lead will be required.
- If removal of painted or thermoplastic traffic striping and pavement is included during grinding or cold planing, SSP 36-4 *Residue Containing Lead from Paint and Thermoplastic* shall be followed and an LCP would be required.
- If removal of traffic stripes and/or pavement markings is separate, then SSP 84-9.03B *Remove Traffic Stripes and Pavement Markings Containing Lead* shall be followed and an LCP would be required.
- If Treated Wood Waste is determined to be present, Environmental Engineering would provide SSP 14-11.14 *Treated Wood Waste*. The required temporary EPA ID number would be provided.
- If previously unknown hazardous substances are encountered, the District would 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 June 2024. While preliminary design is currently ongoing, the project would involve detours, ground disturbance, removal of vegetation, equipment staging area and fiber optic trenching. Federal lands owned by Department of Defense would be traversed, but work would take place within existing Caltrans right-of-way.

The project area is located within the SR-163 corridor, situated in the City of San Diego. This area is characterized as an urban freeway with standard freeway landscaping except where the freeway crosses a canyon open space characterized by brush covered natural terrain.

Affected viewers are primarily motorists on the freeway traveling at moderate to high speeds. Motorists have the highest viewer exposure and awareness due to the number of motorists and proximity to project features.

Most of the broadband fiber installation would occur in existing conduit and would have no visual impact. Vegetation removal due to trenching and vault construction would be a temporary visual impact because disturbed sites would be mulched. Concrete vault lids may be visible from the roadway.

Due to the quantity of viewers experiencing the project, the viewer exposure is considered high. Viewer sensitivity and response to the anticipated visual change



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caused by trenching and vaults is considered low. Collectively, the 'low' change in visual resources combined with the 'low' viewer response to changes indicates the Project would cause a 'low' visual impact with the inclusion of impact avoidance measures.

Avoidance and Minimization Measures

To ensure visual resources are not affected by construction, the following avoidance and minimization measures would be implemented:

- 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. 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 dirt road 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.