



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

Project Information

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

DIST-CO-RTE: 11-SD-67

PM/PM: R0.0 / R6.7

EA: 11-4B005/1122000201

Federal-Aid Project Number:

Project Description

The project proposes to install broadband conduit and fiber as a part of the Middle Mile Broadband Network (MMBN) for 6.7 miles on State Route 67 (SR-67) from I-8/SR-67 Separation to Lakeside Avenue. 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

Print Name



Signature

10/02/2024

Date

Project Manager

Ali Demir

Print Name



Signature

10/04/2024

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 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;
- 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 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		10/02/2024
Print Name	Signature	Date

Project Manager/ DLA Engineer

Ali Demir		10/04/2024
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

The project (11-4B005) 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.

As part of the Caltrans/CDT middle mile partnership, District 11 is constructing 6.7 miles of Middle Mile Broadband Network in San Diego County on SR-67 from post mile R0.0 to R6.7. The project is intended to provide internet access to close key gaps in the rural high speed internet network (see Description of Work).

Purpose and Need

Purpose: This project will install broadband conduit and fiber on SR-67 from I-8/SR-67 Separation (PM 0.0) to Lakeside Avenue (PM 6.7) in San Diego County as part of the Middle Mile Broadband Network identified as Project 11-4B005 / 1122000201 in the Interagency Agreement between the California Department of Technology (CDT) and California Department of Transportation (DOT).

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

Description of Work

The project proposes the installation of the MMBN along 6.7 miles on SR-67 including the installation of subsurface broadband conduit and fiber, pull or splice vaults, and road markers at approximately 500-foot intervals along the route, if needed. The details are as follows:

- Linear installation of broadband conduit and fiber installation, generally consisting of one 2-inch conduit, with minimum cover of 24 to 42 inches depending on location.
 - The four methods for underground installation of fiber optic conduit are plowing, trenching, trenching in pavement, and horizontal directional drilling.
 - 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 conduits would be placed within structure cells, attached underneath the structure, hung underneath the



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- structure, or attached to the barrier on the structure. If necessary, fiber optic cable may be installed on existing poles.
- Vaults spaced approximately 2,400 feet apart, with intermittent “splice vaults” to allow for last mile connections; vaults would generally measure a maximum of approximately 48” wide x 48” long x 48” deep and be generally flush with the ground surface (or 2” above unpaved areas).
 - Fiber optic markers to be installed at approximately 500-foot intervals and at the beginning, middle, and end of horizontal curves to alert to the presence of 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 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 and would be further protected using biological, cultural, and tribal 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, as needed.
- 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 or Caltrans-owned land. Work would



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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 August 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 and rural areas, and is 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:

- From postmiles R0.1 – R0.33, San Diego Ambrosia may be present adjacent to or within the Caltrans ROW east of SR-67. At this location, areas outside of the paved shoulder and travel way are ESAs. Work, personnel, vegetation removal, staging, and storage/deposition of materials is not to occur within the ESAs.
- From postmiles R2.28 - R2.53 and R3.8 - R4.13 occurrences and suitable habitat for California gnatcatcher are found within or adjacent to the Caltrans ROW. At these postmiles, areas outside of the pavement and immediate unvegetated shoulder are considered ESAs. Work, vegetation removal, staging, and storage/deposition of materials is not to occur within ESAs. The Department anticipates nesting or attempted nesting by the California gnatcatcher from February 15 to August 31. Stop work within a 300-foot radius of the discovery of a California gnatcatcher.
- From postmiles R3.73 - R4.4, R4.81 - R4.84, and R5.86 - R6.1 occurrences and suitable habitat for least Bell's vireo are found within or adjacent to the Caltrans ROW. At these postmiles, areas outside of the pavement and immediate unvegetated shoulder are considered Environmentally Sensitive Areas (ESAs). Work, vegetation removal, staging, and storage/deposition of materials is not to occur within ESAs. The Department anticipates nesting or attempted nesting by the least Bell's vireo from March 15 to September 15. Stop work within a 300-foot radius of the discovery of a least Bell's vireo. Stop work within a 300-foot radius of the discovery of a least Bell's vireo.



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- Vegetation removal for the project is not to occur during the bird breeding season (February 15th – August 31st). If work is to occur during this time period, the district biologist must be given 2 weeks' notice from the start of work and will complete nesting surveys within 72 hours of the start of vegetation work. If nesting activity is detected, work is to pause until they young have fledged and nesting is no longer detected.
- Vegetation removal should be limited to the maximum extent possible. If vegetation removal is necessary, it should be limited to disturbed areas within the ROW where non-native vegetation is present.
- A Caltrans provided biological monitor will be required during HDD activities at wetland locations to ensure avoidance of impacts to ESAs and sensitive biological resources. Locations for bore pits and work areas for HDD activities must be reviewed and approved by the district biologist.

Water Resources

A No Effect Memo was prepared in February 2024 and found jurisdictional waters and wetland areas cross or run adjacent to the project limits. At these locations, work will be constrained to the pavement or bridges and ground disturbance including trenching, vault construction, staging, and storage would not occur further than the immediate unvegetated shoulder adjacent to the pavement.

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

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 locations where jurisdictional waters overlap with the project postmiles (R0.09, R0.65, R1.62, R4.18, R4.77 - R4.84, and R5.89 – R6.04), work will be constrained to the pavement or bridges and ground disturbance including trenching, vault construction, staging, and storage are not to occur further than the immediate



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unvegetated shoulder adjacent to the pavement. No equipment, debris, or personnel shall enter waterways. Areas outside of the unvegetated shoulder are considered Environmentally Sensitive Areas (ESAs).

- 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 CDFW jurisdictional features will be monitored by a Biologist who will 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 will 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 will 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 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 for the project; therefore, there would be no impacts and no avoidance or minimization measures are required.



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Paleontology

Areas of paleontological sensitivity are not anticipated along SR-67. The project was assigned a low paleontological potential rating, therefore, there would be no impacts and no avoidance or minimization measures are required.

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 of concern 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. Previous aerially deposited lead (ADL) investigations (XRF and Lab) along SR-67 show that soil along this corridor is unregulated. Standard special provision (SSP) 7-1.02K(6)(j)(iii) *Unregulated Earth Material Containing Lead* is required. Excavated material must be reused on the right-of-way. This SSP requires a Lead Compliance Plan (LCP) as described under standard specification (Std. Spec.) 7-1.02K(6)(j)(ii).

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:

- Two lead compliance plans (LCPs), as described under standard specification 7-1.02K(6)(j)(ii), are required and must be provided by the Contractor and implemented for workers handling 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 Cal/OSHA requirements when working with lead include 8 CA Code of Regs § 1532.1. The plans must:
 - Document the compliance program to prevent or minimize worker exposure to lead.



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- 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.

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

- Excess ADL material will be reused within the right-of-way and not be hauled offsite. SSP 7-1.02K(6)(j)(iii) *Unregulated Earth Material Containing Lead* will be required and provided by Environmental Engineering, and a lead compliance plan (LCP) is required. The LCP must be submitted to Environmental Engineering when received from Contractor.
- The project will involve grinding, therefore, *SSP 36-4 Residue Containing Lead from Paint and Thermoplastic* is required. Paint and thermoplastic residue generated from grinding activities has nonhazardous concentrations of lead. This SSP requires an LCP. The LCP must be submitted to Environmental Engineering when received from Contractor.
- 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 March 2024. While preliminary design is currently ongoing; the project would involve detours, ground disturbance, removal of vegetation, equipment staging area and fiber optic trenching. No hub is anticipated on this route.

Within the project limits, the roadway section varies from an urban 2-lane, undivided highway in flat terrain to a rural 3-lane undivided or 4-lane divided highway in mountainous terrain. The urban segment includes a variety of land uses and densities including residential, commercial, recreational, and schools. A key natural feature is the San Diego River. The urban setting has low to moderate visual quality due to low levels of unity, vividness, and intactness.

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 only permanent visible change to roadside views would be 4'x4' concrete vault lids approximately 2400 feet apart with markers. Some roadside vegetation may be temporarily impacted due to trenching to the vaults.

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



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

Avoidance and Minimization Measures

- Avoid trenching under tree canopies. If trenching under a tree canopy cannot be avoided, then contractor must trench manually by hand to avoid cutting through critical roots.
- 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.
- If tree pruning is required, work shall be performed under the direct supervision of a certified arborist and as directed and approved by the State's Inspector. Pruning shall not detract from the appearance, compromise the function, or adversely impact the maintainability or longevity of the tree.
- 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.
- BMPs such as fiber rolls, felt fiber fabric, gravel bags (if used) must be made of biodegradable materials. (No plastic)
- Remove temporary ESA fence and temporary silt fence (if used) prior to vacating the construction site.
- Locate vaults in flat areas where possible.
- Where conduit on structures would be visible to the public, install conduit in recessed areas at the barrier and shield with a cover plate painted to match the bridge surface.
- At retaining walls/wing walls, install new surface-mounted conduit parallel to architectural elements such as the bridge barrier, pilasters and under deck overhangs to hide them. Avoid strapping a conduit diagonally across a wall face.
- Where possible, install broadband in existing conduit and trenching for other electrical items.
- Disturbed areas caused by trenching or vault construction will be seeded with a CA Native seed mix or mulched.