



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-163

PM/PM: 0.7 / 3.1

EA: 11-4B039/1124000024

Federal-Aid Project Number:

Project Description

The project proposes the installation of broadband conduit and fiber on State Route (SR-) 163 in San Diego County in San Diego from 0.2 miles south of Route 5/163 separation to 0.1 miles north of the 6th Avenue on-ramp undercrossing. For more information, please see the Continuation Sheet for the NEPA/CEQA CE/CE.

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

12/16/2024

Date

Project Manager

Mike Dispenzieri

Print Name


Signature

12/16/2024

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 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		12/16/2024
Print Name	Signature	Date

Project Manager/ DLA Engineer

Mike Dispenzieri		12/16/2024
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 (11-4B039) 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 2.3 miles of Middle Mile Broadband Network on SR-163 in San Diego County in San Diego from 0.2 miles south of Route 5/163 separation to 0.1 miles north of the 6th Avenue on-ramp undercrossing. It 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-163 in San Diego County as part of the Middle-Mile Broadband Network identified as Project 11-4B039 / 1124000024 in the Interagency Agreement between the California Department of Technology 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 2.3 miles on SR-163 including the installation of subsurface broadband conduit and fiber, pull vaults, and splice vaults. 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 proposed to connect proposed vaults to existing facilities are plowing, trenching, and trenching in pavement, and horizontal directional drilling (HDD).
 - 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 culverts, fiber optic fiber would be placed within structure cells, attached underneath the structure, hung underneath the structure, or attached to the barrier on the structure.



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- Vaults spaced approximately every 2,400 feet, with intermittent “splice vaults” to allow for last mile connections; vaults would generally measure a maximum of approximately 48 inches wide x 48 inches long x 48 inches deep and generally be buried 6 to 8 inches below ground surface (or flush with the ground surface).
- MMBN typically requires vertical object markers at vault locations and flexible post delineators non-reflective class 1 at horizontal direction drilling begin and end. The vertical, high-visibility and/or colored fiber optic delineators will not be used within the Scenic Highway portion of the route (PM 0.9 – 2.2) or the Cabrillo Freeway Historic District (PM 1.3 – 2.9) to avoid adverse visual impacts.
- One staging yard will be located within the Caltrans right-of-way off southbound SR-163 at the I-5 northbound interchange on the concrete pullout (Plan Sheet MML-1).

Environmental Factors

If project plans and scope should change at any point prior to Ready to List (RTL) or in construction, 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 due to the sensitivity of the Scenic Highway and Historic District.

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 paleontology during construction and identified Environmental 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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- Approved 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 contractor use area and identified ESAs for cultural and biological (including jurisdictional waters) resources.

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 Balboa Park 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:

- If vegetation removal or trimming is required, it must be done outside of the bird breeding season (February 15th to August 31st). If work cannot be avoided within this time period, the district biologist must be notified at least 2 weeks prior to the start of work to complete a nesting survey within 72 hours of the start of work. If nesting activity is detected, pause work 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 the area is not cleared within that time frame.
- Vegetation removal shall be avoided or limited to the maximum extent possible. Locations requiring vegetation removal shall be reviewed by the district biologist.
- Cover trenches and other hazards. Ensure that wildlife cannot become trapped in construction areas. Trenches shall not be left open when not being worked on and shall be checked for trapped wildlife before work resumes. Take all appropriate measures to prevent wildlife from inhabiting stockpiled materials, such as pipe, and these shall be checked before being moved.
- Any changes to the project will require subsequent review by the district biologist.
- A Caltrans provided biological monitor will be required during any 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.



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Water Resources

An Environmental Permit Memorandum was prepared in July 2023 and found several unnamed drainages 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

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 unnamed drainages overlap with the project postmiles (1.20, 1.25, 1.55, 2.19, 2.20, and 2.36), work would be constrained to the bridges box culvert facilities and work, staging, and storage are not to enter the 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 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.



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

Cultural Resources

Based on the findings of the Historic Property Survey Report (HPSR) and an Archaeological Survey Report (ASR) prepared in July 2024 for the project, Caltrans made a Finding of No Adverse Effect (FNAE). These studies identified two historic properties in the Area of Potential Effect for the project: the Cabrillo Freeway Historic District (P-37-016279) and the Balboa Park Historic District (El Prado Complex) (P-37-028239). Within cultural sensitivity areas, the project would use preferred construction methods (e.g. trenching limited to the depths of the roadway prism/previous disturbance, and HDD). No additional conditions are proposed because the specifications outlined in the project design would avoid adverse effects on the two historic properties.

In applying the criteria of adverse effects, Caltrans has determined that there are no adverse effects to cultural resources and pursuant to Section 106 PA Stipulation X.B.2, has determined a FNAE is appropriate for this project. On August 26, 2024, SHPO concurred with this finding.

Avoidance and Minimization Measures

- The concrete roadway would be avoided. Fiber optic conduit would be sited within non-contributing asphalt or landscape. Mature trees would be avoided. Asphalt and



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landscape would be replaced in-kind. HDD would be used to avoid impacts to the plain cement concrete (pcc) in all locations.

- After construction activities, Environmental Construction Liaison will inform Caltrans Cultural Resource Specialist when construction is complete. Environmental Construction Liaison will provide post-construction photos to the Caltrans Cultural Resource Specialist for post-construction report.
- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the finding in accordance with Standard Specifications Section 14-2.03A.
- If unanticipated human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities would cease in any area or nearby area suspected to overlie remains, and the County Coroner would be contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the Coroner would notify the Native American Heritage Commission (NAHC), who would then notify the Most Likely Descendant (MLD). At the same time, the person who discovered the remains would contact the District 11 Chief of the Cultural Resources Branch so that they could work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 would be followed, as applicable.
- Pre-construction, cultural resource training will occur at the Kickoff meeting to ensure that all earth excavation personnel understand roles and responsibilities, and appropriate actions in the event of a discovery.

Paleontology

Areas of paleontological sensitivity are anticipated along the entire route.

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/HDD bore pits 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.



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- 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.

Hazardous Waste

A Hazardous Waste Memo was prepared by Caltrans in July 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

EA: 11-4B039

Federal-Aid Project Number:



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

- A Lead Compliance Plan (LCP), prepared by a certified industrial hygienist (CIH), is required and must be provided 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. 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.

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 84-9.03C *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 October 2024. The project would involve detours, ground disturbance, removal of vegetation, equipment staging area, HDD, and fiber optic trenching.

The project area includes the segment of Highway 163 that runs through the Balboa Park area (known as the Cabrillo Highway). This segment has been designated by the State as a California Historic Parkway. This scenic highway cuts through a canyon



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within San Diego's Balboa Park. This area is characterized as an attractively landscape parkway with mature oaks and sycamores planted in a grassy median. Side slopes are landscaped with ornamental trees, shrubs, and groundcovers.

Affected viewers are highway users. Motorists have high viewer exposure and awareness due to the number of motorists and proximity to the project features. Community groups and residents of San Diego pushed for the California Historic Parkway designation and would be highly sensitive to changes in the visual environment. The project includes avoidance measures to ensure it will not affect the official Historic Parkway designation and the official State Scenic Highway designation.

Vegetation removal due to trenching and vault construction would be a temporary visual impact because disturbed sites would be mulched. Concrete vaults lids would displace groundcover area and be visible from the roadway.

MMBN typically requires vertical object markers (Type K-2(CA) at vault locations and flexible post delineators non-reflective class 1 at horizontal direction drilling begin and end. The vertical, high-visibility and/or colored fiber optic delineators will not be used within the Scenic Highway portion of the route (PM 0.9 – 2.2) to avoid adverse visual impacts. High-visibility and/or colored fiber optic delineators would add brightly colored vertical elements that would detract from the park setting. To minimize visual impacts, the vertical markers would be eliminated within the Scenic Highway limits.

Due to the quantity of viewers experiencing the project, the highway viewer exposure is considered high. Viewer sensitivity is considered high due to the historic parkway location. Viewer response to the anticipated visual change would be low. Collectively, the 'low' change in visual resources combined with the '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

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

- No vertical object markers or flexible post delineators will be used within PM 0.9-2.2.
- Avoid trenching through bridge slope paving or minor concrete features such as curbs, gutters and paving beyond the gore. Instead of trenching, install fiber under concrete features with horizontal directional drilling.
- Avoid placing vaults under tree canopies.



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- 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 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.