



CEQA EXEMPTION DETERMINATION FORM (rev. 06/2022)

|   |                                 |
|---|---------------------------------|
| <b>Project Information</b>  |                                 |
| Project Name (if applicable): BMMN  |                                 |
| DIST-CO-RTE: 10-ALP-89  | PM/PM: 21.376/23.972            |
| EA: 10-1Q090 /1022000238  | Federal-Aid Project Number: N/A |
| <b>Project Description</b>  |                                 |
| See Continuation sheets on the NEPA Categorical Exclusion form for Broadband. |                                 |

**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 21080.51)
- Categorically Exempt. Class** Enter class. (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**

|                |   |            |
|----------------|---|------------|
| Jonathan Coley |  | 06/12/2024 |
| Print Name     | Signature   | Date       |

**Project Manager**

|                |  |           |
|----------------|--|-----------|
| Dina El-Nakhal |  | 6/12/2024 |
| Print Name     | Signature  | Date      |



**CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND  
NETWORK PROJECTS**

**NEPA CATEGORICAL EXCLUSION  
DETERMINATION FORM (rev. 11/22)**

|   |  |
|---|--|
| <b><u>Project Information</u></b>         |  |
| <b>Project Name (if applicable):</b> BMMN |  |
| <b>DIST-CO-RTE:</b> 10-ALP-89             | <b>PM/PM:</b> 21.376/23.972            |
| <b>EA:</b> 10-1Q090/ 1022000238           | <b>Federal-Aid Project Number:</b> N/A |
| <b><u>Project Description</u></b>         |  |
| See continuation sheets                   |  |

**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 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.
- 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

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



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- 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 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**

Jonathan Coley

Print Name

Signature

06/12/2024

Date

**Project Manager/ DLA Engineer**

Dina El-Nakhal

Print Name

Signature

6/12/2024

Date

See Attached District Prepared Middle-Mile Broadband Network CE Checklist



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## CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS

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#### Continuation sheet:

#### Project Description

This project would include the installation of approximately 10,000 miles of broadband infrastructure throughout California within the State Highway System, including Interstate routes.

Due to the varied topography and locations of the 10,000-mile broadband infrastructure across the State of California, the design would be dependent on project site features. Work would include the installation of subsurface broadband conduit and fiber, the installation of network repeater hubs at approximately 50-mile intervals, as well as the installation of vaults (Pull, Splice, and Buried) at various locations.

All work will take place within 30 feet of highway rights-of-way except where not feasible. The areas of project impact in most areas will be limited to the existing paved surfaces, disturbed shoulders, and maintained Caltrans right-of-way.

**Purpose:** This Middle-Mile Broadband Network project will install the broadband infrastructure along the State Highway System (SHS) necessary to connect to a third-party operated Last Mile Broadband Network which will bring internet connectivity to homes, businesses, and community institutions.

**Need:** In July 2021, California Governor Gavin Newsom signed into law Senate Bill (SB) 156 to create an open-access middle-mile network to bring equitable high-speed broadband service to all Californians.

The lack of available middle-mile broadband infrastructure has been a major issue in connecting California's unserved and underserved communities. The statewide open-access middle-mile network included in SB 156 is a foundational investment to ensure every Californian has access to broadband Internet service that meets the connectivity needs of today, and well into the future. This project intends to support providing critical statewide broadband infrastructure to enhance access to and increase the affordability of high-speed internet for all Californians.

#### Environmental Commitments

Due to the varied topography and locations of the 10,000-mile broadband infrastructure across the State of California, the design and construction methods would be dependent on project site features. For each project, environmental resources would be evaluated within the project areas and measures would be identified in the supporting technical documents. These measures would be implemented prior to and during construction (see District Project file for supporting documentation). In addition, Caltrans



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would continue to work closely with resource agency partners to develop programmatic agreements to streamline the environmental process and address potential impacts. Please refer to the following agreements for associated environmental requirements:

- Section 7 Programmatic Biological Opinion(s)
- Section 404 USACE Nationwide or Regional General Permit
- Section 106 Programmatic Agreement

The project proposes to place one 2-inch conduits in a 2 to 4 feet deep trench preferably 4 to 6 feet away from the edge of pavement along the state highways. The project allows for the installation of a fiber optic line as part of the Broadband Middle Mile Network. There are three proposed methods to install the conduit in this project (open trench, trenching in pavement, horizontal directional drilling). It is proposed to use one of three methods to convey the conduit through bridge locations namely attach the conduit to the outside of the bridge barrier, hang the conduit from the soffit of the bridge or place the conduits into the structure cell. Vaults will be spaced out at interval not to exceed 2,400 feet and fiber optic cable splices approximately at 12,000 feet. Maintenance vehicle pullouts will be needed access splice vaults where no other means exist.

#### **General:**

This project is Statutorily Exempt under the California Environmental Quality Act (CEQA) and under the National Environmental Policy Act (NEPA). This project is Categorical Excluded unless: 1) the scope of the project changes to include additional activities or area: or 2) There is an unforeseen discovery of sensitive or cultural resources.

#### **Air:**

Per the Air compliance memo dated March 23rd, 2023, the project is exempt from all project-level conformity requirements per Table 2 of 40 CFR 93.126 under the project type Shoulder Improvements. During construction activities, the project will generate air pollutants. To avoid and minimize any impacts, Caltrans Standard Specifications 14-9.02 (Air Pollution Control) and 10-5 (Dust Control) would be required. If the project disturbs over 5 acres or removes 2,500 cubic yards of soil for at least three days of the project, a Dust Control Plan (DCP) approved by the San Joaquin Valley Air Pollution Control District will be required for this project.

#### **Biology:**

Considering the information in the Natural Environment Study (Minimal Impacts) dated October 10, 2023, the following significance determinations have been made: With implementation of standard Caltrans construction Best Management Practices (BMPs)



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and avoidance and minimization measures (AMMs) identified herein, the Project will not directly or indirectly affect waters of the United States/waters of the State or any associated streamside riparian vegetation. Therefore, there will be no impacts on the sensitive natural communities.

With implementation of standard Caltrans construction BMPs and AMMs, impacts on suitable habitat for potentially occurring special-status plant species are anticipated to be avoided.

With implementation of standard Caltrans construction BMPs and AMMs, the Project will not directly or indirectly affect habitat for special-status fish or wildlife species. There is a potential for some temporary disturbance to special-status wildlife species occurring in the vicinity of the Project area from construction noise and vibrations, which could alter species normal behaviors (e.g., foraging, calling, dispersal); however, these effects will be temporary in nature and not substantial relative to baseline traffic noise and pedestrian activity (e.g., hikers, fishers, and/or bikers).

Implementing Caltrans' standard BMPs and AMMs, the project will not impact U.S./State waters, riparian vegetation, or sensitive natural communities. It will also avoid affecting habitats for special-status plant species. While there may be temporary disturbances to special-status wildlife species due to construction noise, these effects are not significant compared to baseline activities.

#### *Avoidance, Minimization, and/or Mitigation Measures*

Per the Natural Environment Study, implementation of the following measures will avoid and minimize effects on sensitive biological resources adjacent to the Project area:

- Measure 1: Conduct Environmental Awareness Training for Construction Personnel
- Measure 2: Install Fencing to Protect Sensitive Biological Resources
- Measure 3: Retain a Designated Biologist to Conduct Monitoring during Construction Activities
- Measure 4: Conduct Preconstruction Botanical Surveys for Plants
- Measure 5: Avoid and Minimize Effects on Monarch Butterfly
- Measure 6: Conduct Preconstruction Surveys for Amphibians, Mammals, Nesting Birds, and Roosting Bats





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- Measure 7: Avoid Disturbance or Harm to Wildlife

Under the current description of the Project, no permits are anticipated for the Project.

#### **Cultural:**

Considering the information in the Section 106 Memorandum dated August 23, 2023, the following significance determinations have been made: Caltrans, pursuant to Section 106 PA Stipulation IX.A, has determined a Finding of No Historic Properties Affected is appropriate for this undertaking because there are no historic properties within the Area Potential Effects.

#### **Executive Order 12898 (Environmental Justice):**

For the purposes of this document, there are no communities within the project area that can be considered Environmental Justice populations under Executive Order 12898 for low-income and/or minority populations. As the project scope will not affect or impact homes or businesses, and will be limited to the Caltrans Right-of-Way, there would be no impact on any potential low-income or minority population.

The project will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of Executive Order 12898. No further environmental analysis is required.

#### **Executive Order 11988 and 23 CFR 650.105 (Floodplain)**

The project is neither located within a 100-year base floodplain nor will it result in a significant encroachment in the 100-year floodplain. Additional details can be found in the Location Hydraulic Study from May 2024.

#### **Hazardous Waste**

Per the Initial Site Assessment, dated November 29, 2023, the project will not have adverse impacts due to hazardous materials or hazardous waste. 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.

The project will disturb unpaved areas to install fiber optic vaults and conduits; therefore, there is concern that ADL-contaminated soil will be encountered. Caltrans has specific requirements for assessment, management, transportation, and disposal of





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ADL impacted soils pursuant to the Soil Management Agreement with the Department of Toxic Controlled Substances (DTSC).

Bridge and box culvert structures are subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (40 CFR 61, Subpart M—National Emission Standard for Asbestos). One structure, the West Fork Carson River bridge (Br.# 31-0017), at PM 21.46 is expected to be impacted by this project. The Caltrans Non-Standard Special Provision 14-11.16 shall be included in the construction contract. This provision requires that the structure be sampled prior to construction activities.

One structure, the West Fork Carson River bridge (Br.# 31-0017), at PM 21.46 is expected to be impacted by this project. Paint systems on bridges and bridge railings may contain lead-based paint (LBP). The current scope of work is not anticipated to disturb paint systems on bridge railings. If bridges with paint systems are being disturbed OEE will issue a Nssp for disturbance of existing paint systems on bridges for the project.

#### **Noise**

Per the Noise Compliance Memo dated August 23, 2023, the construction activities may intermittently dominate the noise environment in the immediate area of construction, but it is not anticipated to cause adverse noise impacts. To minimize potential temporary noise impacts during construction, the following will be included:

- Caltrans Standard Specification Section 14-8.02 (Noise Control) for controlling noise and vibrations.
- Do not exceed 86 dBA Lmax at 50 feet from the job site activities from 9 pm to 6 am.
- Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

#### **Paleontology**

Considering the information in the Paleontological Identification Report dated November 15, 2023, the following significance determinations have been made: Paleontological mitigation is not recommended. Based on the current project description and the unlikelihood of observing in-context fossils in the side walls of narrow, open trenches, and that trenching grinds and destroys fossil resources during excavation, it is unlikely that scientifically significant fossils would be recovered.



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#### **Visual**

According to the information in the Scenic Resources Report dated November 9, 2023, Alpine 89 is an officially designated scenic highway. No vegetation removal will occur based on the proposed work. All work will be at or below ground level. No qualifying scenic resources, as defined in the enactment of Section 15301(c) of the State EIR Guidelines, will be affected by the implementation of the proposed project.

#### **Water**

Considering the information in the Water Compliance Memorandum dated November 15, 2023, the following significance determinations have been made: By incorporating proper and accepted engineering practices and BMPs, the proposed project will not have significant impacts on water quality during construction or its operation.

#### **Cumulative Impacts and Growth**

The installation of broadband conduit, vaults, and hubs parallel with the existing state highway system would have no effect on growth or community character and cohesion as work is anticipated to occur within Caltrans right-of-way.

The project described in this document is part of the larger Middle-Mile Broadband Network; no significant impacts are anticipated for the overall effort. With the implementation of the Middle-Mile Broadband Network, the cumulative effect of this Project on all fish and wildlife, water, air quality, parks and recreational facilities, farmland, or scenic resources, when combined with the other Projects in the vicinity of the Project, will not be cumulatively considerable.

No additional cumulative impacts (temporary or permanent) to water, air quality, parks and recreational facilities, farmland, or scenic resources were identified in the Cumulative Impacts Analysis Memo completed on May 11, 2024.

#### **Community Impacts**

Per the Community Impacts Assessment dated May 11, 2024, the installation of broadband conduit, vaults, and hubs parallel with the existing state highway system would have no effect on growth or community character and cohesion as work is anticipated to occur within Caltrans right-of-way.

#### **Project Co-lead**

The United States Forest Service Humboldt-Toiyabe National Forest, is a partner on this project. Based on their review concurrence with the Technical Studies appended to this report, they issued a concurring Categorical Exemption on [insert date], attached a Appendix [#].