

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: El Dorado

From: (Public Agency): California Department of Transportation
703 B Street
Marysville, CA 95901

(Address)

Project Title: ED 50 Middle-Mile Broadband Project (EA: 03-3J470)

Project Applicant: California Department of Transportation

Project Location - Specific:

United States (U.S.) Highway 50 between post miles R15.06 to R30.40 in El Dorado C

Project Location - City: Near Placerville Project Location - County: El Dorado

Description of Nature, Purpose and Beneficiaries of Project:

The California Department of Transportation (Caltrans), in coordination with the California Department of Technology, proposes to install broadband infrastructure, including conduit, cable, vaults, maintenance vehicle pullouts, and markers on U.S. Highway 50 between post miles R15.06 to R30.40 in El Dorado County.

Name of Public Agency Approving Project: Caltrans

Name of Person or Agency Carrying Out Project: Caltrans

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: Public Resources Code Section 21080.51

Reasons why project is exempt:

Installation of broadband infrastructure is exempt by statute pursuant to Public Resources Code Section 21080.51.

Lead Agency
Contact Person: Shawn Duffy Area Code/Telephone/Extension: (530) 812-4313

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: *Shawn P. Duffy* Date: 6/28/2024 Title: Branch Chief (Acting)

■ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS

NEPA CATEGORICAL EXCLUSION DETERMINATION FORM (rev. 5/23)

Project Information

Project Name (if applicable): El Dorado 50 Middle-Mile Broadband Network Project

DIST-CO-RTE: 03-ED-50

PM/PM: R15.06/R30.40

EA: 03-3J470

Federal-Aid Project Number: N/A

Project Description

The California Department of Transportation (Caltrans) in coordination with the California Department of Technology proposes to install broadband infrastructure consisting of conduit, fiber optic cable, vaults, maintenance vehicle pullouts, and markers on United States (U.S.) Highway 50 between post miles (PM) R15.06 to R30.40 in El Dorado County. Caltrans is coordinating with co-federal leads National Telecommunications and Information Administration (NTIA) on the entire project and U.S. Department of Agriculture (USDA) Forest Service where the project crosses into Forest Service land between PM R25.61 to R26.25, R28.05 to R28.15, and PM R28.32 to R28.69.

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.

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



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

**NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM**

- 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 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

Shawn Duffy

Print Name

Signature

6/18/2024

Date

Project Manager/ DLA Engineer

Najed Dakak

Print Name

Signature

06/25/2024

Date



CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS

NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

See District Prepared Middle-Mile Broadband Network CE Checklist: 6/11/2024

See District Prepared Environmental Commitment Record: 6/14/2024

Continuation sheet:

Purpose

This Middle-Mile Broadband Network project would install the broadband infrastructure along the State Highway System and Interstate System necessary to connect to a third-party operated Last Mile Broadband Network which would 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.

Scope of Work

Work includes the following:

- Placement of temporary traffic control devices and signage.
- Installation of underground two-inch diameter high-density polyethylene conduit.
- Installation of underground fiber optic cable.
- Installation of fifty-three (53) approximately 30-inch-wide by 48-inch-long by 36-inch-deep pull vaults spaced every 2,400 feet.
- Installation of fifty-three (53) approximately 48-inch-wide by 48-inch-long by 36-inch-deep splice vaults spaced every 12,000 feet.
- Installation of six (6) new maintenance vehicle pullouts at the following approximate locations:
 1. PM 19.18 eastbound direction.
 2. PM 23.37 eastbound direction.
 3. PM 25.77 eastbound direction.
 4. PM R27.85 eastbound direction.
 5. PM R28.28 eastbound direction.
 6. PM R30.40 eastbound direction.
- Installation of metallic disk markers approximately every 500 feet along conduit path for paved areas.
- Installation of flexible post delineators approximately every 500 feet along conduit path in unpaved areas.
- Application of temporary and permanent erosion control.

To facilitate conduit installation two different installation methods including trench in pavement and horizontal directional drilling would be used. Broadband conduit would cross 8 structures by attaching to the bridge superstructure and/or railing.



CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS

NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Right of Way/Staging

All work and staging would occur within existing Caltrans right of way or easements. Potential staging locations are as follows.

- PM R15.97 to R16.00 eastbound direction on approximately 15,135 square foot dirt area.
- PM R22.61 to R22.65 eastbound direction on approximately 17,639 square foot dirt area.
- PM R27.83 to R27.86 eastbound direction on approximately 7,816 square foot asphalt area.

Disposal/Borrow

All excess material would be relinquished to the contractor for disposal at an approved location. No borrow is required.

Consultation/Coordination

Native American consultation was conducted with the following Native American Tribes and Groups: Colfax Todds Valley Consolidated Tribe, Lone Band of Miwok Indians, Nashville El Dorado Miwok Tribe, Shingle Springs Band of Miwok Indians, T'si Akim Maidu, United Auburn Indian Community, Washoe Tribe of Nevada and California, Wilton Rancheria. No issues have currently been identified. United Auburn Indian Community and Washoe Tribe of Nevada and California will monitor during construction.

Permits/Approvals

No environmental permits are required. The NTIA and USDA Forest Service would issue their own NEPA decision for project approval. A special use permit from the USDA Forest Service would also be required for work between PM R25.61-R26.65, R28.05 to R28.15, and PM R28.32 to R28.69.



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 06/2022)**

Project Information

Project Name (if applicable): El Dorado 50 Middle-Mile Broadband Network Project

DIST-CO-RTE: 03-ED-50

PM/PM: R15.06/R30.40

EA: 03-3J470

Federal-Aid Project Number:

Project Description

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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.** (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

Shawn Duffy

Print Name

Signature

6/18/2024

Date

Project Manager

Najed Dakak

Print Name

Signature

06 /25 /2024

Date



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Caltrans NEPA Determination (Check one)

☒ **Not Applicable**

Caltrans has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). See [SER Chapter 30](#) for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

☐ **23 USC 326:** Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2022, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

☐ **23 CFR 771.117(c): activity (c)(Enter activity number)**

☐ **23 CFR 771.117(d): activity (d)(Enter activity number)**

☐ **Activity 6 listed in Appendix A of the MOU between FHWA and Caltrans**

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, Caltrans has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

Shawn Duffy

Print Name

Signature

6/18/2024

Date

Project Manager/ DLA Engineer

Najed Dakak

Print Name

Signature

06/25/2024

Date

Date of Categorical Exclusion Checklist completion (if applicable): 6/11/2024

Date of Environmental Commitment Record or equivalent: 6/14/2024



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

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CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

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