CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM FOR MIDDLE-MILE BROADBAND NETWORK PROJECTS (REV. 3/2025)

Project Information

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

DIST-CO-RTE: 06-KER-58 **PM/PM:** 28.75/31.812

EA or Encroachment Permit Number: 06-25-6-BB-0819

Project Description:
See Continuation Sheet

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

John Thomas		6/26/25
Print Name	Signature	Date

Project Manager

Manuel Ornelas	Manuel Ornelas	6/26/2025
Print Name	Signature	Date

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., 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 23 issued for the California Middle-Mile Broadband Network. 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 Programmatic Biological

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

Opinion/Programmatic Letter of Concurrence for Middle-Mile Broadband Network activities; 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.

☒ **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)(2)**

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

☐ **Activity Enter activity number listed in Appendix A of the MOU between FHWA and Caltrans**

Senior Environmental Planner or Environmental Branch Chief

John Thomas		6/26/25
Print Name	Signature	Date

Project Manager/ DLA Engineer

Manuel Ornelas	Manuel Ornelas	6/26/2025
Print Name	Signature	Date

Date of District-Prepared Categorical Exclusion Checklist (Attached): 6/6/2025
Date of District-Prepared Environmental Commitment Record (Attached): 6/23/2025

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 high-speed broadband service to all Californians.

The lack of available middle-mile broadband infrastructure has been a major issue in connecting California's 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 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.

Cultural Resources

The project will comply with Caltrans Standard Specifications and Encroachment Permit Special Provisions for Environmentally Sensitive Areas and Archaeological Monitoring Area to fulfil the monitoring requirements described in Senate Bill 156/Section 21080.51 to the Public Resources Code.

The project will comply with the following Encroachment Permit Special Provision:

- If any archaeological or historical resources are identified or encountered in the work vicinity, the Permittee must immediately stop work, notify the Department's representative (Caltrans), retain a qualified archaeologist who must evaluate the site at Permittee's sole expense, and make recommendations to the Department's representative (Caltrans) regarding the continuance of work.

The project will comply with Encroachment Permit General Provision regarding Standards of Construction, including Caltrans Standard Specification Section 14: Environmental Stewardship, 14-2: Cultural Resources.

Biology

The project will comply with Caltrans Standard Specifications and Encroachment Permit Special Provisions for Contractor-Supplied Biologist to fulfil the monitoring requirements described in Senate Bill 156/Section 21080.51 to the Public Resources Code.

The project will comply with the following Encroachment Permit Special Provision:

- If any regional, state, or federally listed biological resource is identified or encountered in the work vicinity, the Permittee must immediately stop work, notify the Department's representative (Caltrans), retain a qualified biologist who must evaluate the site at Permittee's sole expense, and make recommendations to the Department's representative (Caltrans) regarding the continuance of work.

The project will comply with Encroachment Permit General Provision regarding Standards of Construction, including Caltrans Standard Specification Section 14: Environmental Stewardship, 14-6: Biological Resources.

Air Quality

The project will comply with Caltrans Standard Specification 14-9.02 Air Pollution Control:

- Air-pollution-control rules, regulations, ordinances, and statutes that apply to work performed under the encroachment permit, including those provided in Govt Code § 11017 (Pub Cont Code § 10231).
- Do not dispose of material by burning.

Noise

The Project will comply with Caltrans Standard Specification 14-8.02 Noise Control:

- Do not exceed 86 dBA Lmax at 50 feet from the job site from 9:00 p.m. to 6:00 a.m.

Hazardous Waste and Materials

The project will comply with Encroachment Permit Special Provisions for Hazardous Materials:

- If any hazardous waste or materials (such as underground storage tanks, asbestos pipes, contaminated soil, etc.) are identified or encountered in the work vicinity, the Permittee must immediately stop work, notify the Department's representative (Caltrans), retain a qualified hazardous waste/material specialist who must evaluate the site at the Permittee's sole expense, and make recommendations to the Department's representative (Caltrans) regarding the continuance of work.

- Attention is directed to potential aerially deposited lead (ADL) presence in unpaved areas along highways. It is the Permittee's responsibility to take all appropriate measures to protect workers in conformance with California Code of Regulations Title 8, Section 1532.1, "Lead," and with Cal-OSHA Construction Safety Orders, and to ensure roadway soil management is in compliance with Department of Toxic Substances Control (DTSC) requirements.

Water Quality

The project will comply with Encroachment Permit Special Provisions for Stormwater Pollution Prevention Plan (SWPPP).

Visual and Aesthetics

The project will comply with the following Encroachment Permit General Provisions:

- Permittee is responsible for restoration and repair of State highway right-of-way resulting from permitted work (Streets and Highways Code, section 670 et seq.).
- Upon completion of work, Permittee must remove and dispose of all scraps, refuse, brush, timber, materials, etc. off the State highway right-of-way. The aesthetics of the highway must be similar or better before work started.

Paleontology

The project will comply with Caltrans Standard Specification 14-7.03 Discovery of Unanticipated Paleontological Resources:

- If unanticipated paleontological resources are discovered at the job site, do not disturb the resources and immediately:
    - Stop all work within a 60-foot radius of the discovery
    - Secure the area
    - Notify the Engineer (Caltrans Representative)

Caltrans investigates the discovery and modifies the dimensions of the secured area if needed. Do not move paleontological resources or take them from the jobsite. Do not resume work within the radius of discovery until authorized by the Department (Caltrans).