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# INTERNET FOR ALL

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## Finding of No Significant Impact

*The California Department of Technology  
(06-40-MM438)*



U.S. Department of Commerce  
National Telecommunications and Information Administration

# Finding of No Significant Impact

## National Telecommunications and Information Administration

### Middle Mile Grant Program

#### State Route 32 Middle-Mile Broadband Network Project

## Overview

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This document serves as the Finding of No Significant Impact (FONSI) for the following project awarded by the National Telecommunications and Information Administration (NTIA). NTIA has completed the **sufficiency review of the recipient's Environmental Assessment (EA) and has determined that the project will not have a significant impact on the environment. The FONSI contains information related to the review.**

Recipient Name:	The California Department of Technology
Grant Project Name:	State Route 32 Middle-Mile Broadband Network Project
Grant Award No.	06-40-MM438
Program Location:	Butte County, California

## Program Summary

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The NTIA awarded a grant for The California Department of Technology (CDT), through the Middle Mile (MM) Grant Program, authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title IV, Section 60401, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (Infrastructure Act or Act), also known as the Bipartisan Infrastructure Law. The MM program provides funding to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the Internet (commonly referred to as the “last mile”) and to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network. The CDT project is called State Route 32 Middle-Mile Broadband Network Project and activities are scheduled to occur in Butte County, California.

CDT completed an EA for this Project in September 2024. The Bureau of Land Management, (BLM), Federal Highway Administration (FHWA), and NTIA reviewed the EA and determined it is sufficient; NTIA adopted it as part of the development of this FONSI.

The Project includes:

- **Project Activity 1 (Preferred Alternative):** Construction and maintenance of Middle-Mile Broadband Network (MMBN) infrastructure including conduit, fiber optic cable, vaults, cable markers, and maintenance vehicle pull-outs on State Route (SR) 32 between post mile (PM) R10.16 to 32.84 in Butte County, California.

Based on a review of the analysis in the EA, NTIA has determined that the Project, implemented in accordance with the preferred alternative, and incorporating best management practices (BMPs) and protective measures identified in the EA, will not result in any significant

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environmental impacts. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required. The basis for this determination is described in this FONSI.

Additional information and copies of the Executive Summary of the EA and FONSI are available to all interested persons and the public through the NTIA website (<https://broadbandusa.ntia.gov/funding-programs/documentation-and-reporting>) and the following contact:

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## Project Purpose and Need

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The Bureau of Land Management (BLM), Federal Highway Administration (FHWA), and National Telecommunications and Information Administration (NTIA) operate under separate legal authorities and have distinct roles and responsibilities related to the Middle-Mile Broadband Initiative, as described in Section 1.2 of the Environmental Assessment (EA). Accordingly, each agency has developed its own purpose and need statement to reflect each agency's respective requirements in regulation and policy. The agencies view the statements as separate but complementary objectives.

### *FHWA's Purpose and Need*

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

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 Senate Bill 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 these communities in providing critical statewide broadband infrastructure to enhance access to and increase the affordability of high-speed Internet for all Californians.

### *NTIA's Purpose and Need*

The purpose of the proposed action is to provide fast, reliable, and affordable high-speed Internet connectivity within Butte County, California. It will enable local networks within Butte County to connect to robust, high-capacity regional networks thereby improving the availability of high-speed Internet within the county. This Project will help to implement the MMBN by interconnecting spurs and will further the mission of the Internet for All (IFA) initiative.

Approximately 1 in 5 American households are not connected to the Internet. Although Internet availability in California is high, coverage gaps persist, particularly in rural areas. One of the keys to lowering the cost of high-speed Internet is to provide a reliable middle mile network to which local networks can connect. This proposed action is intended to address these gaps within Butte County.

### *BLM's Purpose and Need*

In addressing the Project goals and objectives and broader needs identified above, the BLM's need is established by the authorities under the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, and associated BLM right-of-way (ROW) regulations. In accordance with the FLPMA (43 United States Code [USC] Section 1701(a)(7) and Section 1702(c)), public lands and their resources are to be managed for multiple uses that will best meet the present and future needs of the American people, taking into account the long-term needs of future generations for renewable and non-renewable resources, and containing terms and conditions for meeting applicable standards established by law for resources including air and water quality, public health, and safety. The Secretary of the Interior is authorized to grant rights

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of way on public lands for systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication (43 USC Section 1761(a)(5)).

The BLM's purpose is to provide the State of California the opportunity to construct and maintain broadband infrastructure on public lands administered by the BLM in a manner consistent with applicable laws, regulations, and policies, by responding to the ROW application.

## Project Description

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The following is a description of the Project:

The proposed action will install MMBN infrastructure including conduit, fiber optic cable, vaults, cable markers, and maintenance vehicle pull-outs on and along State Route (SR) 32 between post mile (PM) R10.16 to 32.84 in Butte County, California. A portion of the Project will be placed on BLM lands (from PM 20.43 to PM 20.71 and from PM 20.85 to PM 21.42). Work will occur within existing California Department of Transportation (Caltrans) ROW or easements as further described in the EA.

Underground conduit installation will occur via open trenching, trench in pavement, or horizontal directional drill (HDD), depending on site-specific conditions and to ensure avoidance of sensitive resources. Where trenching is required, trench width and depths will range from 3 to 12 inches wide and 24 to 48 inches deep. Additionally, conduit will be installed under or over culverts or attached to culverts with clamps. For conduit installation in unlined channels and ditches, a minimum clearance of 24 inches below the flowline will be maintained. HDD installation under culverts can be achieved without placing vaults.

Bridge-, concrete barrier-, and sound wall-mounted conduits will either be installed in existing unused conduit passages or placed in steel conduit (up to 8 inches in diameter) attached to the existing structure. When installing conduit on a bridge, an approximately 30-inch-wide by 48-inch-long by 36-inch-deep pit will be excavated at either end of the bridge to allow for pull vault installation.

Pull vaults (up to 48-inch-wide by 48-inch-long by 48-inch-deep) will be installed above surrounding grade or flush with surrounding grade approximately every 2,400 feet to support future broadband connections.

## Analysis of Alternatives

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The recipient's EA includes an analysis of the alternatives for implementing the Project to meet the purpose and need. NTIA conducted a review of the recipient's analysis of alternatives for implementing the Project to meet the purpose and need, including a review of the "no action" alternative, where applicable. Each alternative was evaluated for impacts against the "no action" alternative and impacts from other alternatives, as a component of selecting the preferred alternative. The following summarizes the alternatives analyzed in the EA.

**Alternative 1 (Preferred Alternative):** The build (proposed action) alternative will consist of the following :

- Placement of temporary traffic control devices and signage.
- Removal of minor vegetation.
- Installation of a two-inch diameter high-density polyethylene conduit.
- Installation of fiber optic cable.
- Installation of approximately 30-inch-wide by 48-inch-long by 36-inch-deep pull vaults.
- Installation of approximately 48-inch-wide by 48-inch-long by 48-inch-deep splice vaults.
- Placement of slurry backfill, cold planning to a depth of approximately 0.25 inches, and placement of approximately 48-inch-wide hot mix asphalt overlay.
- Construction of six maintenance vehicle pull-outs.
- Installation of metallic disk markers approximately every 500 feet along conduit path in paved areas and installation of flexible post delineators approximately every 500 feet along conduit path in unpaved areas.
- Application of temporary and permanent erosion control.

Construction is anticipated to begin in November 2024 and last for approximately 140 working days.

**No Action Alternative:** No action was also considered. This alternative represents conditions as they currently exist in Butte County, California. Under the no action alternative, new middle mile infrastructure will not be constructed. Many rural communities will continue to be unserved or underserved with respect to broadband Internet access. Additionally, broadband services will not be provided to Californians in the Project area. The EA examined this alternative as the baseline for evaluating impacts relative to other alternatives being considered.

## Findings and Conclusions

The recipient's EA analyzed existing conditions and environmental consequences of the preferred alternative, other alternatives, and the no action alternative for potential impacts in the major resource areas of Noise, Air Quality (including greenhouse gases [GHGs]), Geology and Soils, Water Resources, Biological Resources, Historic and Cultural Resources, Aesthetic and Visual Resources, Land Use, Infrastructure, Socioeconomic Resources, and Human Health and Safety. The results of the analysis are summarized in the table below:

Resource Area <sup>a</sup>	Preferred Alternative	No Action Alternative
Noise	Less than Significant	No Impact
Air Quality	Less than Significant Impacts with Best Management Practices (BMPs) and Protective Measures Incorporated	No Impact
Geology and Soils	Less than Significant Impacts with BMPs and Protective Measures Incorporated	No Impact
Water Resources	Less than Significant Impacts with BMPs and Protective Measures Incorporated	No Impact
Biological Resources	Less than Significant Impacts with BMPs and Protective Measures Incorporated	No Impact
Historic and Cultural Resources	No Impact with BMPs and Protective Measures Incorporated	No Impact
Aesthetic and Visual Resources	Less than Significant Impacts with BMPs and Protective Measures Incorporated	No Impact
Land Use	Less than Significant Impacts	No Impact
Infrastructure	Less than Significant Impacts with BMPs and Protective Measures Incorporated	No Impact
Socioeconomic Resources	Beneficial Impact	Negative Impact
<sup>a</sup> This table presents all resource conditions presented in the EA (see Table 2 in the EA) within the relevant resource areas; however, the discussions that follow are focused on the resource conditions where potential impacts were identified.		

The sections that follow provide a brief narrative for those resource areas where there has been a potential impact indicated in the table above or provide a summary of the results of required consultation with the appropriate agency or agencies.

## Noise

The Project will have no impacts on noise during long-term operation; however, short-term increases in ambient noise levels are expected during the construction period. Noise created by machinery used during installation will be temporary and localized in nature. To reduce noise impacts, construction activities will occur primarily during weekday daylight hours and construction equipment will be monitored and controlled to ensure noise will not exceed 86 A-weighted decibels of equivalent continuous sound level (dBA  $L_{eq}$ ) at 50 feet from the job site from 9 p.m. to 6 a.m. Some construction activities will require nighttime construction; however, residents within 100 feet of the Project will be notified at least two weeks prior to the start of nighttime construction. The Project does not require a detailed noise analysis, based on the criteria for a Type III project as defined in 23 Code of Federal Regulations (CFR) 772. Based on



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these considerations, no significant impacts on noise are expected to occur as a result of Project implementation.

### *Air Quality*

Installation of the Project will result in temporary, localized impacts on air quality due to airborne dust from open trenching and HDD techniques. Fugitive dust emissions will be mitigated by application of a water or dust palliative on the site or equipment, as necessary. A short-term minor increase in the use of fossil fuel and associated GHG emissions will occur as a result of Project construction. The Project is exempt from all Project-level conformity requirements; however, the Project will comply with all applicable air-pollution-control rules, regulations, ordinances, and statutes, including BLM's 2024 Northwest California Integrated Resource Management Plan (NCIP) management goals of minimizing air quality degradation. Due to the limited Project scope and utilization of standard Caltrans BMPs for air quality, there will be no significant impacts on air quality.

### *Geology and Soils*

The Project will be installed within existing Caltrans ROWs or easements. Installation of the Project via open trenching and HDD will result in temporary, minor disturbance of soils. However, temporary erosion and sediment control and soil stabilization measures will be implemented in accordance with the Project Storm Water Pollution Prevention Plan (SWPPP) and the Project area will be restored to previous conditions. Due to the limited depth of excavation, the Project will have no effect on geology, seismology, or topography. Where the Project is on BLM lands, installation will also conform with the approved NCIP. In the unlikely event a paleontological resource is encountered, measures to stop work and assess the resource will be taken. With these measures in place, the Project is not expected to result in significant adverse impacts on geology or soils (including seismicity, topography, and paleontological resources).

No significant hazardous waste or materials have been identified along the Project; however, if minor hazardous waste issues are identified, they will be addressed with implementation of appropriate Caltrans contract special provisions for hazardous materials. Therefore, the Project is not expected to result in significant adverse effects related to hazardous waste and material.

### *Water Resources*

The Project will be installed within the existing Caltrans ROW or easement. Any wetlands or waters of the U.S. potentially jurisdictional under the Clean Water Act (CWA), as well as other drainages, will be crossed by either attaching to existing structures or HDD to avoid direct impacts. Indirect impacts will be further avoided through implementation of temporary erosion and sediment control and soil stabilization in accordance with the Project SWPPP, restoration of Project workspaces, and implementing a Frac-Out Contingency Plan for all HDD activities under flowing water (perennial streams or intermittent streams if water is present).

The Project will require encroachment permits and work authorization approvals for crossing of the regulated floodway at Dead Horse Slough, where the Project will cross the street at two locations via either attaching to existing structures or HDD to avoid floodplain impacts. The Project is not located within the 100-year floodplain.



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On BLM lands, installation will conform with the approved NCIP. With these measures in place, the Project is not expected to result in significant adverse impacts on water resources (including wetlands and other waters, water quality, stormwater runoff, hydrology, and floodplains).

### *Biological Resources*

On August 12, 2024, the U.S. Fish and Wildlife Service (USFWS) provided a list of 15 federally listed, proposed, or candidate species potentially occurring within the Project area, and three areas of critical habitat adjacent to, but outside of, the Project corridor. The National Marine Fisheries Service (NMFS) similarly provided a list of species and habitats in the Project area; however, impacts on aquatic habitats will be avoided. The Project would have *no effect* on all federally listed species and designated critical habitat in the Project action area.

Some ground and vegetation disturbance will occur during construction activities; however, no special wildlife habitat, mature trees, or natural communities will be affected, and any vegetation removal will be within the existing, previously disturbed ROWs or easements. Further, vegetation removal and bridge work will be limited to the period outside of the bird nesting season (between October 1 and January 31) to avoid impacts on migratory and nongame bird species, including occupied nests and eggs, potentially occurring within the Project action area. In the event vegetation removal or bridge work is required during the nesting season, a nesting bird survey will be conducted by a qualified biologist within five days prior to vegetation removal or bridge work. Additionally, standard measures and BMPs will be implemented to avoid the introduction of invasive species within the Project area.

Prior to the start of work, flagging or staking will be installed around designated critical habitat, as well as around other sensitive natural communities and habitat areas, rare plant occurrences, and any wetlands and other waters (collectively referred to as Environmentally Sensitive Areas [ESAs]) within the Project area. All ESA locations will be included in the Project plan set, and the contractor will not be able to work within the flagged or staked ESA areas. Additionally, a qualified biologist will prepare and present a biological resource information program to Project-specific work crews. This program will include information regarding the resources present within the Project area and measures used to protect them; the qualified biologist will also monitor work activities that may potentially impact sensitive biological resources. Based on these measures, the Project will have no significant adverse impacts on biological resources.

### *Historical and Cultural Resources*

In August of 2022, the recipient initiated Native American Tribal consultations. On August 29, 2022, the Mechoopda Indian Tribe of Chico Rancheria expressed interest in consulting on the Project and indicated it will monitor the Project. Consultation with the tribes is ongoing and will continue through the life of the Project.

In June 2023, the recipient submitted a Historic Property Survey Report and Environmentally Sensitive Area (ESA) Plan for agency review. As a result, and in accordance with *The First Amended Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The California State Historic Preservation Officer, And The California Department Of Transportation Regarding Compliance With Section 106 Of The National Historic Preservation Act, As It Pertains To The Administration Of The Federal-Aid Highway Program In California*, a determination of “No Adverse Effect with Standard Conditions – ESA” was issued on July 10, 2023.

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The Project will occur within existing Caltrans' ROW or easements. The activities will not impact historical or cultural resources, including Tribal interests, within or adjacent to the Project. Locations determined to be culturally sensitive or of importance to local Tribal interests will be demarcated as ESAs. No cultural or Tribal resources will be impacted on BLM lands within the Project area as none were identified on BLM lands.

Based on the completed consultation and implementation of cultural resources BMPs and additional protective measures by the recipient, including archaeological and Tribal monitoring, the Project is expected to have no impact on historical and cultural resources, including Tribal interests, by designation and enforcement of the ESA(s).

*Aesthetic Visual Resources*

During installation, the Project will have a short-term, minor, and temporary impact on visual receptors (e.g., residents and visitors to the area) due to the presence of construction equipment and personnel. While vault and fiber optic markers may be installed above grade, resulting in a new permanent features in the viewshed, they are small components that are consistent with similar built features and, as such, will result in negligible, long-term impacts. Long-term impacts associated with conduit installation on structures will be minimized by painting or covering the conduit to match the color of the structure. Accordingly, the preferred alternative is not expected to have a significant impact on aesthetic and visual resources in the Project area.

*Land Use*

The Project will be constructed entirely in previously disturbed areas and removal of mature trees are not expected. The Project will conform with the Butte County General Plan 2040 and BLM's NCIP objectives. The Project will require a ROW grant from the BLM for construction and future maintenance purposes; however, it will not require any permanent relocations or any permanent limitations of BLM lands. Therefore, the Project will have no significant impact on land use.

*Infrastructure*

The Project will occur within the existing Caltrans ROW or easements along SR 32, which is a two-lane highway. Full closures of the road are not anticipated. If one-way traffic control is needed, traffic will be stopped for a nominal amount of time (no more than 20 minutes). Caltrans will maintain access for pedestrian and bicycle traffic along SR 32; as well as access to nearby parks and recreation along SR 32 or other nearby roads, as discussed in the EA. A Transportation Management Plan (TMP) will be prepared, and work will be scheduled to avoid inconveniencing the public unnecessarily. Therefore, the Project will have no significant impact on traffic and transportation infrastructure.

Conduit is to be installed in a manner which avoids utility conflicts. Utilities will be positively identified during construction to ensure full avoidance. Therefore, the Project will have no significant impact on existing utility infrastructure.

The installation of the Project will provide essential communication infrastructure and will benefit affected communities increasing advanced connectivity potential. The Project will have a long-term, beneficial impact on available communication infrastructure.

### *Socioeconomic Resources*

Installation of the Project will not displace any homes or businesses, and will not affect access to homes, businesses, or parks and tourism destinations. The Project will require a ROW grant from the BLM; however, it will not require any permanent relocations or any permanent limitations of BLM lands and will not inhibit the goals of the BLM's NCIP goals for Lands and Realty.

The Project will provide essential infrastructure that will benefit affected communities by providing Internet connectivity to homes, businesses, and communities. No environmental justice communities will be crossed by the Project; therefore, the Project will not cause a disproportionately high or adverse effect on minority or low-income communities.

### *Cumulative Impacts*

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the Project. The EA analyzed the potential for cumulative impacts for the SR 32 MMBN Project and three other recently completed projects identified in proximity to the proposed action. As described in the EA, these recently completed projects have footprints that overlap with or are adjacent to the proposed action. As described throughout this FONSI, the Project will not have significant adverse impacts on any of the environmental resource areas evaluated in the EA. As such, no cumulative impacts on the environment are anticipated.

### *Public Comment*

The Middle-Mile Advisory Committee (MMAC) monitors the development and construction of the middle mile broadband project statewide. The MMAC holds public meetings multiple times per year in a hybrid format where project updates are given as well as the opportunity for public comment. The notice of the proposal and draft EA were also posted on NTIA's website for national exposure. The notice described the proposed project and comment process and provided guidance on where to view the document and federal points of contact. The comment period started on September 12, 2024, and ended on October 12, 2024. No comments were received by NTIA.

## Decision

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NTIA concludes that constructing and operating the Project as defined by the preferred alternative, identified BMPs, and protective measures, will not require additional mitigation. A separate mitigation plan is not required for the Project. The analyses indicate that the proposed action is not a major federal action that will significantly affect the quality of the human environment. NTIA has determined that preparation of an EIS is not required.

Issued on December 24, 2024, by:

AMANDA PEREIRA

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