



State Water Resources Control Board

Public Notice of Water Quality Certification Application for California Department of Technology Middle-mile Broadband Network Project (09-39470)

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program
Date Posted: March 25, 2024

Affected County: Kern County

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program.

State Water Resources Control Board (State Water Board) staff are proposing to regulate this Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. **Staff will consider all comments submitted in writing and received at this office during a 21-day comment period that begins on the first full date of issuance of this notice (March 25, 2024) and ends at 5:00 p.m. on the last day of the comment period (April 15, 2024).** To submit comments, or if you have questions, please contact the State Water Board staff person listed below.

State Water Resources Control Board Contact:

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Note: No regulatory decision on the application is implied or intended in this public notice.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Project Name: Middle-mile Broadband Network Project (09-39470)

(SWRCB ID: SB23010GN)

Background: On March 7, 2024, the California Department of Transportation (Caltrans) on behalf of the California Department of Technology (CDT) submitted a Clean Water Act section 401 water quality certification application for the Middle-mile Broadband Network (MMBN) Project (09-39470; Project) by requesting authorization under the Order for the MMBN Initiative (Order No. 2023-0068-DWQ).

Project Description: The Project is part of the MMBN initiative, which includes an overall goal of providing an open access, state-owned, high-capacity fiber network that would carry large amounts of data at higher speeds over longer distances between local networks. The Project proposes to install fiber optic cables, and associated vaults and cable marker posts, along State Route-14 between post mile L17.379 and 28.0. Project activities would include horizontal directional drilling (HDD), jack and bore/drilling, plowing, and trenching. All work would be completed within the Caltrans right-of-way with staging and storage of equipment onsite.

The Project application reports impacts to waters of the state as shown in Table 1. Temporarily impacted areas would be restored to pre-project condition once the Project is complete. No permanent impacts are proposed.

Table 1: Total Project Fill/Excavation Impacts to Waters of the State

| Aquatic Resource type | Stream Channel |
|------------------------------|-----------------------|
| Acres of temporary impact | 0.045 |

On November 29, 2023, Caltrans, as the lead agency under the California Environmental Quality Act (CEQA), filed a Notice of Exemption (NOE) for the Project with the State Clearinghouse (Number: 2022120233). The Project is considered exempt under a statutory exemption, Public Resources Code section 21080.51. The NOE is available at the following website: <https://ceqanet.opr.ca.gov/2022120233/2>.

A Certification or Denial will be prepared by the State Water Board for the MMBN Project (09-39470) in response to this application.

Applicant: California Department of Technology

Applicant Contact: Mark Monroe

Telephone: (916) 956-6768

Email: mark.monroe@state.ca.gov

Date of Application Submittal: March 7, 2024

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge

will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the Submit button after entering a valid email address under the Subscribe to the 401 Water Quality Certification and Wetland Program Email List banner on the 401 Water Quality Certification and Wetlands Program webpage at:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/

By enrolling in this list, you will receive notices for all current certification applications, including the Project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the email notification service, contact the staff person named in the notice to express your interest in receiving notices by other means. You can enroll or un-enroll at any time.