Print Form

Notice of Exemption 21-2025-182 Appendix E

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

County Clerk
County of: Marin
3501 Civic Center Dr., Rm. 234
San Rafael, CA 94913

From: (Public Agency): Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920
(Address)

FILED
DEC 12 2025
SHELLY SCOTT
MARIN COUNTY CLERK
By O Lobato Deputy

Project Title: State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Applicant: Town of Tiburon

Project Location - Specific:

In Tiburon, Marin County on State Route 131/Tiburon Blvd from Post Mile 0.0 to 4.4

Project Location - City: Tiburon Project Location - County: Marin

Description of Nature, Purpose and Beneficiaries of Project:

The Town of Tiburon will install broadband internet infrastructure on East Blithedale Avenue/Tiburon Boulevard (State Route 131), from approximately 50 feet west of the U.S. Highway 101 interchange extending east to the Tiburon Boulevard/Main Street intersection. Project improvements will include the installation of conduit, fiber optic cable, and vaults to provide the critical "middle mile" backbone infrastructure along the SR-131/Tiburon Boulevard corridor to enable broadband internet connectivity for homes, businesses, and community institutions.

Name of Public Agency Approving Project: Town of Tiburon

Name of Person or Agency Carrying Out Project: Town of Tiburon

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. The broadband project will be constructed along, and within 30 feet of, the SR-131/Tiburon Boulevard right-of-way, and fiber optic conduit and vaults will be deployed underground with the surface area being restored to its previous condition. Avoidance and minimization measures, as required by Caltrans for the issuance of the SR-131 encroachment permit, will be implemented by the Town as part of the project to avoid and minimize environmental impacts.

Lead Agency Contact Person: David O. Eshoo Area Code/Telephone/Extension: 415-435-7388

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: _____ Date: 12/02/25 Title: INTERIM CDD DIRECTOR

• 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: _____

POSTED 12-12-25 TO 1/11/26

Revised 2011

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ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: November 17, 2025

TO: David Eshoo, P.E., Town of Tiburon

FROM: Kristin Nurmela, Associate/Project Manager

SUBJECT: Statutory Exemption for the State Route 131 Middle-Mile Fiber Optic Infrastructure Project

This memorandum was prepared to support a Statutory Exemption under the California Environmental Quality Act (CEQA) for the State Route 131 Middle-Mile Fiber Optic Infrastructure Project, which would construct broadband internet infrastructure on East Blithedale Avenue/ Tiburon Boulevard (State Route [SR] 131), from approximately 50 feet west of the United States Highway 101 (US-101) interchange extending east to the Tiburon Boulevard/Main Street intersection. Project improvements would include the installation of conduit, fiber optic cable, and vaults. The proposed project would be implemented just prior to or concurrently with the California Department of Transportation's (Caltrans) SR-131 Capital Preventive Maintenance (CAPM) Project.

Senate Bill 131, which was signed into law on June 30, 2025, streamlines the approval of a variety of projects under CEQA. Specifically, changes to the broadband project statutory exemption under Public Resources Code (PRC) Section 21080.51 include linear broadband projects that are located in a right-of-way, including the right-of-way of a local street or road, meeting the conditions specified below:

1. The project is constructed along, or within 30 feet of, the right-of-way of any public road or highway.

2. The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aerially along an existing utility pole right-of-way.

3. The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission, the Department of Transportation, or the city, county, or city and county responsible for the right-of-way to address potential environmental impacts. At minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources.

4. The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by a city, county, or city and county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5),

the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

Furthermore, consistent with PRC Section 21080.51, as amended, if a project meets all of the requirements listed above, the entity undertaking the project shall do all of the following:

1. Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority, of the exemption of the project pursuant to this section.

2. Provide notice to the public in the area affected by the project in a manner consistent with subdivision (b) of Section 21108.

3. In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.

4. Comply with all conditions authorized by law imposed by a city, county, or city and county as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

Based on the review of the amended CEQA Statute language under Section 21080.51, the Town of Tiburon (Town) has determined that the proposed SR-131 Middle-Mile Fiber Optic Infrastructure Project meets the requirements for the Statutory Exemption. As such, the Town will provide public notice of the project, file a notice of exemption, and will comply with all other state and federal laws, as required, and as summarized below.

PROJECT LOCATION

The approximately 4.5-mile-long project is located along the highly developed SR-131 corridor, which extends from an unincorporated area of Marin County in the west to downtown Tiburon (see Figures 1 and 2, Attachment A). The project area is located within the northern portion of the San Francisco Bay along the Tiburon Peninsula and immediately north of Richardson Bay. The SR-131 corridor is characterized by residential, commercial, recreation, and public/quasi-public uses.

PROPOSED FACILITIES

The proposed project includes the installation of conduit, fiber optic cable, and vault systems within SR-131. Approximately 4.5 miles of 3-inch, multi-chambered, high-density polyethylene (HDPE) conduit would be installed within Caltrans and adjacent public road right-of-way. Fiber optic cable would be installed within the conduit and connected via the vaults. The fiber would also serve to connect the traffic signals along Tiburon Boulevard with the Caltrans control network.

The proposed fiber conduit and vaults would primarily be located on the westbound (north) side of SR-131. However, the broadband facilities would cross SR-131 at numerous locations in order to provide broadband internet connections for residences and businesses south of SR-131, including downtown Tiburon. Short conduit laterals (i.e., between 75 and 100 feet long) and vaults would be installed at these locations underneath paved road surface. The broadband facilities would be installed underneath asphalt concrete pavement and within the unpaved vegetated shoulder/ SR-131 right-of-way up to approximately 25 feet from the edge of pavement. Within the US-101/ SR-131 interchange, the conduit would be installed underneath US-101 just north of the SR-131 overcrossing.

Approximately 2,000 feet of empty 2-inch conduit was recently installed on SR-131 by the Town in conjunction with the Hawthorne District utility undergrounding project. At these locations, between Bayshore Terrace and Rock Hill Drive, the existing conduit would be sufficient to accommodate the proposed fiber optic cable. A flexible fabric innerduct may be installed within the existing conduit at these locations to preserve space for the subsequent fiber optic cable installation. There would be no ground disturbance at these locations.

For locations that require new conduit, one of three installation methods may be employed: directional boring or horizontal directional drilling (HDD), microtrenching (i.e., trench-in-pavement), and traditional/open trenching. The conduit installation method would be chosen based on the location, the presence of environmental resources, existing utilities and structures, and soil conditions. HDD is the preferred method for installing the fiber conduit. Limited microtrenching will occur to avoid environmentally sensitive areas and existing utilities. Limited traditional/open trenching may occur, as needed, due to the unforeseen site or soil conditions. The installation methodology is described in more detail below under Construction Methods and Equipment.

Approximately 65 vaults (e.g., Channell Bulk 2 or Bulk 3 Series vaults) would be installed at an average approximate spacing of every 350 feet for maintenance of the broadband distribution infrastructure. Vault spacing of up to 1,000 feet would occur, as needed, to avoid conflicts with other utilities or sensitive areas. Splice cases would be installed inside the vaults, as needed. The vaults, measuring approximately 36 to 48 inches long by approximately 24 inches wide and between 24 and 36 inches deep, would consist of an HDPE box with an HDPE Shield X™ or a traffic-rated steel lid. The vaults would be buried flush with the adjacent ground, with the lip and lid occurring below ground level. Concrete would be poured around each vault box to provide stabilization, and the surface would be finished to grade. To install the vault boxes, an excavation of up to approximately 5 to 6 feet wide and up to approximately 3 feet deep would be required at each location.

PROJECT CONSTRUCTION

Implementation of the proposed project would occur just prior to or in conjunction with the Caltrans SR-131 CAPM Project, which involves roadway rehabilitation along with intersection, curb and ramp, bikeway, guardrail, electrical, and drainage improvements within the same approximately 4.5-mile stretch of SR-131. Conducting the projects in tandem would minimize traffic disruptions and disturbance to sensitive resources. The fiber optic cable installation would not occur until after the conduit and vault system is installed and possibly not until after the Caltrans project is completed, depending upon the timing of both projects and the Town's need to provide broadband

services. The proposed project would occur entirely within Caltrans and public road right-of-way; as such, an encroachment permit from Caltrans would be required for the project activities within the SR-131 right-of-way. No other temporary construction easements or permits to enter are anticipated. No utility relocations would be required.

Construction Staging

Consistent with the Caltrans SR-131 CAPM Project, the Town's project would be implemented in stages to keep travel lanes open to the public and minimize traffic disruptions. Partial lane and shoulder closures are expected as part of project construction; however, no detours or signalized traffic controls are expected. To protect construction workers and the traveling public, traffic controls would be in place while construction activities are underway. A detailed Traffic Management Plan would be developed to maintain access along SR-131.

Construction Schedule

Construction of the project would begin in spring 2026 just prior to or in conjunction with the Caltrans SR-131 CAPM Project and would occur over an estimated 10 months. Consistent with the construction schedule for the Caltrans project, the broadband infrastructure installation could involve night and weekend work. For any project activities conducted separately from the Caltrans CAPM Project, the project would comply with applicable Town and Marin County Municipal Code requirements pertaining to construction hours.

If the fiber optic cable is not installed concurrent with the conduit and vaults during the SR-131 CAPM Project, this work would occur shortly after the Caltrans project is complete. In this case, construction activities would typically occur between 7:00 a.m. and 5:00 p.m. on weekdays. No construction activities associated with the fiber installation, if implemented separately from the Caltrans CAPM Project, would occur at night or on weekends.

Construction Methods and Equipment

The project would involve three types of construction methods for the installation of the conduit: HDD, microtrenching, and traditional/open trenching. The installation of the fiber optic cable would be completed using compressed air or hydraulic pullers and a pull line. Trenches would be backfilled with native material in areas that are not under pavement and with a two-sack slurry in areas that are under pavement. All pavement grindings and broken concrete material would be off hauled to a suitable disposal facility, and asphalt would be replaced. Due to the construction methodology (i.e., primarily underground boring), limited roadway material would be removed from the project site. The construction methods and equipment are described in more detail below.

Horizontal Directional Drilling

As described above, HDD is the preferred method of broadband infrastructure installation (including underneath US-101, existing utilities, and culverted aquatic features). HDD would involve a bore machine that uses 1.5-inch flexible steel rods that are twisted and drilled horizontally into the ground. Bore pits (both associated with the proposed vaults and at additional locations along the alignment) would be excavated at both ends of the planned bore path. The excavation disturbance area for the vaults/conduit installation pits would be up to approximately 5 by 6 feet wide, and the

typical maximum depth of disturbance would be 3 feet. All utilities would be physically located through potholing before the boring is initiated. To connect these bore pits together, the HDD machine would use the steel rods. Once the steel rods connect the two pits together, the conduit would be attached to the end of the steel rods. The HDD machine would then pull the conduit back through the hole created by the rods. The minimum depth of disturbance for the fiber conduit and excavation pits/vaults using the HDD method would be approximately 3 feet; however, depths of up to 12 feet or more may be required for the conduit installation to avoid utility conflicts or culverted aquatic features.

In addition to the bore rig, the following construction equipment is anticipated: a tender vehicle/ vacuum trailer, mini excavator, and water tanks. A work area (i.e., a single lane of traffic) up to approximately 12 feet wide would be required for HDD and vault installation. If space is not available, workers with shovels would dig the holes and prepare the ground for vault placement.

Microtrenching

Microtrenching would involve the use of a carbide tipped saw blade to cut an approximately 1.5-foot-wide trench. The trench would be up to 2 feet deep where the conduit is placed at the bottom of the trench and covered with a hard sealant to protect the conduit from damage. Microtrenching would be conducted in areas where a boring machine does not fit and in areas with sensitive resources or potential utility conflicts.

The following equipment would be used: a microtrencher with a wheel saw and a tender truck with a vacuum and conduit wheel. A work area up to approximately 12 feet wide would be required for microtrenching activities.

Traditional/Open Trenching

Traditional open trenching would be used in limited circumstances for unforeseen site or soil conditions that could be encountered during construction. Open trenches would be between approximately 18 inches wide and approximately 36 inches below surface.

The following equipment would be used: pavement saws, trenchers, backhoe, directional drill, and a tender truck with a vacuum and conduit wheel. A work area up to approximately 12 feet wide would be required for traditional open trenching activities.

Installation of Fiber Optic Line

The fiber optic cable would be pulled or blown into the conduit. The installation would be accomplished using compressed air or hydraulic pullers and a pull line to thread the fiber optic cable through the conduit. The fiber would be installed via the vaults and would be pulled through the conduit from one vault to the next.

Installation of fiber into the conduit using these methods would not require any new ground disturbance, only access to existing buried vaults. The installation would require two vehicles, including an air compressor trailer and a conduit reel trailer. A work area up to approximately 12 feet wide would be required for the installation of the fiber optic cable. However, if there is

damage to the conduit, it may be necessary to excavate temporary "assist points" to facilitate fiber installation. These could be required for a small number of the vaults. In such cases, an excavation approximately 2 feet wide by 3 feet long and up to 3 feet deep would be excavated to provide access to the conduit and backfilled once the line is installed. In these instances, the anticipated equipment would include a concrete saw, jackhammer, and shovels. A work area up to approximately 12 feet wide would be required.

Staging Areas

Two materials and equipment staging areas have been identified for the proposed project, including on the south (eastbound) side of SR-131, across from the Tiburon Police Department Station, and on the north (westbound) side of SR-131, near the Lyford Drive intersection. Both staging areas are located in a Caltrans right-of-way, within the SR-131 road shoulders (Figure 2).

Vegetation Removal

Throughout the project area, impacts to vegetation would be minimized to the extent feasible, and all disturbed areas would be reseeded with a regionally appropriate seed mix to maintain visual continuity with the surrounding environment. No tree removals are anticipated.

Permits and Approvals

- Caltrans encroachment permit for project activities within SR-131 right-of-way
- San Francisco Bay Conservation and Development Commission (BCDC) regionwide permit authorization for project activities within the 100-foot shoreline band

In addition to the authorizations listed above, Caltrans will process a Categorical Exclusion for the project consistent with the National Environmental Policy Act (NEPA) since the project involves a non-highway use of SR-131.

AVOIDANCE AND MINIMIZATION MEASURES

The following technical studies were prepared for the proposed project consistent with Caltrans' encroachment permit requirements and in support of the NEPA Categorical Exclusion:

- Historic Property Survey Report for the Proposed State Route 131 Middle-Mile Fiber Optic Infrastructure Project, Marin County, California (HELIX Environmental Planning, Inc., November 2025)
- Finding of no Adverse Effect with Standard Conditions for the Proposed State Route 131 Middle-Mile Fiber Optic Infrastructure Project, Marin County, California (HELIX Environmental Planning, Inc., October 2025)
- Natural Environment Study-Minimal Impact (No Effect) for the State Route 131 Middle-Mile Fiber Optic Infrastructure Project in Tiburon, Marin County, California (LSA, October 2025)

- Technical Air Quality/Energy/Greenhouse Gas Emissions Memorandum for the State Route 131 Middle-Mile Fiber Optic Infrastructure Project in Marin County, California (LSA, April 17, 2025)
- Technical Noise and Vibration Memorandum for the State Route 131 Middle-Mile Fiber Optic Infrastructure Project in Marin County, California (LSA, March 21, 2025)
- Technical Visual Impact Assessment Memorandum for the State Route 131 Middle-Mile Fiber-Optic Infrastructure Project in Marin County, California (LSA, April 23, 2025)

The Town will comply with the following avoidance and minimization measures from these technical studies, as listed below.

Air Quality

AQ-1 **Construction Related Emissions.** The following construction measures, as periodically amended by the Bay Area Air Quality Management District (Air District), are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:

1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.

2) All haul trucks transporting soil, sand, or other loose material off site shall be covered.

3) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

5) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

BIO-1 **Construction Site Best Management Practices.** The following site restrictions would be implemented to avoid or minimize potential effects on listed species and their habitats:

a. Project-related vehicle traffic would be restricted to established roads and construction areas. The speed limit of 15 miles per hour in the project footprint and in unpaved and paved areas would be enforced to reduce dust and excessive soil disturbance.

b. Project personnel would be required to comply with current guidance governing vehicle use, speed limits, fire prevention, and other hazards.

c. Construction access, staging, storage, and parking areas would use existing maintenance vehicle pullouts, existing paved areas, gravel shoulder backing, and disturbed areas within the project limits. Staging and storage areas would be located at least 50 feet from wetlands, the ordinary high-water mark of jurisdictional waters, a concentrated flow of stormwater, a drainage course, or an inlet, unless additional containment efforts are used. Access routes and boundaries of the footprint would be clearly marked prior to initiating construction activities and would be limited to the extent necessary to construct the proposed project. Only approved areas clearly delineated in the plans may be used for staging and storage.

d. Any borrow material must be certified non-toxic and free of weeds to the maximum extent possible.

e. All food-related trash items such as wrappers, cans, bottles, and food scraps would be disposed of in closed containers and removed at least once daily from the project footprint.

f. All pets would be prohibited from entering the project area during construction to prevent harassment of, injury to, or mortality of sensitive species.

g. Firearms would be prohibited within the project site, except for those carried by authorized security personnel or local, state, or federal law enforcement officials.

h. A Horizontal Directional Drilling (HDD) Frac-Out Plan would be prepared by the contractor prior to starting HDD work.

BIO-2 **Environmentally Sensitive Areas**. Before starting construction, environmentally sensitive area (ESAs) (defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed) would be clearly delineated as needed using high-visibility orange fencing. The ESA fencing would remain in place at each location until work at that location is complete and would prevent construction equipment or personnel from entering sensitive habitat areas. The ESA fencing would also serve to delineate the project footprint in which all construction activity would occur. The final project plans would depict the locations where ESA fencing would be installed and how it would be assembled/constructed. The ESA fencing would be removed following completion of construction activities.

BIO-3 **Work Period in Dry Weather Only.** Work would only be conducted during periods of dry weather. Forecasted precipitation would be monitored. When 0.25 inch or more of precipitation is forecast to occur, work would stop before precipitation commences. No project activities would be started if their associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, all sites currently under construction and all sites scheduled to begin construction within the next 72 hours would be inspected for erosion and sediment problems, and corrective action would be taken as needed; 72-hour weather forecasts from the National Weather Service would be consulted, and work would not start back up until runoff ceases and there is a less than 50 percent forecast for precipitation for the following 24-hour period.

BIO-4 **Vegetation Removal**. Vegetation would be cleared only where necessary and would be cut above soil level, except in areas that would be permanently affected or excavated. This would allow plants that reproduce vegetatively to resprout after construction. Vegetation removed by construction operations within the project limits would be replaced according to the California Department of Transportation's (Caltrans) policy. Appropriate native species would be used to the maximum extent possible. Shrubs and groundcover would be selected for drought tolerance and disease resistance. Mulch would be applied to planted areas to reduce weed growth, conserve moisture, and minimize maintenance operations.

BIO-5 **Reseed and Restore Disturbed Areas**. Temporarily disturbed areas would be restored to the maximum extent practicable. Exposed slopes and bare ground would be reseeded with native vegetation or other methods to stabilize and prevent erosion.

BIO-6 **Invasive Weed Control**. To reduce the spread of invasive, non-native plant species and minimize the potential decrease of palatable vegetation for wildlife species, the project would comply with Executive Order 13112. This order is provided to prevent the introduction of invasive species and provide for their control to minimize the economic, ecological, and human health effects. If noxious weeds are disturbed or removed during construction-related activities, the contractor would be required to contain the plant material associated with these noxious weeds and dispose of them

in a manner that would not promote the spread of the species. The contractor would be responsible for obtaining all permits, licenses, and environmental clearances for the proper disposing of materials. Areas subject to noxious weed removal or disturbance would be replanted with fast-growing native grasses or a native erosion control seed mixture. Where seeding is not practical, the target areas within the project footprint would be covered to the extent practicable with heavy black plastic solarization material until the end of the project.

BIO-7 **Worker Environmental Awareness Training**. Prior to the start of construction, a qualified biologist will provide a training session for all work personnel to identify any sensitive species that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later will receive the same training before beginning work. Upon completion of the education program, employees will sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project, notes key avoidance measures, and provides employee guidance will be given to each person who completes the training program.

BIO-8 **Biological Monitor**. A qualified biologist will be present during all proposed work activities within 500 feet of mapped jurisdictional aquatic features. The biological monitor's responsibilities will include, but are not limited to:

a. Pre-construction surveys for California red-legged frog conducted no more than 14 calendar days prior to initial ground disturbance and immediately prior to ground-disturbing activities (including vegetation trimming and removal) within the project footprint.

b. Working in coordination with the Resident Engineer (RE) to specify designated staging and parking areas.

c. Monitoring the installation, maintenance, and removal of ESA fencing.

d. Through communication with the RE or their designee, the biological monitor may stop work if deemed necessary for any reason to protect listed species. The biological monitor will advise the RE or designee on how to proceed accordingly.

BIO-9 **Contingency for Listed Species Discovery**. Construction will cease if a California red-legged frog or other listed species is discovered within the project footprint and delay resumption of project activities until discussion has been completed with Caltrans and the United States Fish and Wildlife Service (USFWS) as to whether additional actions are needed. If a California red-legged frog is encountered during project activities, it will be allowed to move away on their own volition, and no California red-legged frogs will be handled.

BIO-10 **Prevent Inadvertent Entrapment.** To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 1 foot deep will be covered at the close of each working day with plywood or similar materials or provided with one or more escape ramps constructed of earthen fill or wooden planks at an angle no greater than 30 degrees. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. Pipes, culverts, or similar structures stored in the project footprint overnight will be inspected before they are subsequently moved, capped, or buried.

BIO-11 **Proper Use of Erosion Control Devices**. To prevent entanglement or trapping of animals in erosion control materials, plastic monofilament netting (i.e., erosion control matting) or similar material will not be used. Acceptable substitutes will include coconut coir matting or tackified hydroseeding compounds.

BIO-12 **Night Lighting**. For nighttime work, all lighting will be shielded and directed downward toward the active construction area to avoid exposing wildlife to excessive glare.

BIO-13 **Pre-Construction Nesting Bird Surveys**. If project activities occur between February 1 and September 30, a pre-construction survey will be conducted for nesting birds no more than 3 days before the start of construction. If active nests are found, then an appropriate buffer will be established, and the nest will be monitored for compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) Section 3503. Surveys might not be able to be conducted on private property.

BIO-14 **Active Nest Buffer**. If an active bird nest is found during construction activities, then the following work restriction buffers will be established: If an active raptor nest is observed, a 300-foot buffer will be implemented to avoid affecting the young until they have fledged; if an active nest of non-raptor, migratory bird is observed, a 50-foot buffer will be implemented to protect the young until they have fledged, or as otherwise determined by consultation with the California Department of Fish and Wildlife (CDFW) regarding appropriate action to comply with the MBTA and CFGC Section 3503. Buffers may be adjusted in areas of dense urban development at the discretion of the Biological Monitor.

Cultural Resources

PF-CUL-1 **Unanticipated Discovery.** In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 60 feet of the discovery must immediately stop. A qualified archaeologist who meets the Secretary of the Interior Professional Qualifications for Archaeology will evaluate the find's significance in consultation with the Tribe to determine if further study is warranted. Additional archaeological survey will be needed if the project limits are extended beyond the present survey limits. Contact

the Lead California Department of Transportation (Caltrans) Archaeologist in the Office of Cultural Resource Studies.

If any Tribal Cultural Resources (TCR) as defined by the Tribe and CEQA are found during construction, a Professionally Qualified Staff archaeologist will assess the find. The Office of Cultural Resource Studies will notify local consulting Tribes if the resource is a TCR and consult with the contractor and Tribe to determine avoidance. If avoidance isn't possible, further consultation with the Tribe will determine treatment.

PF-CUL-2 If Caltrans Professionally Qualified Staff determines that cultural materials contain human remains, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains. Caltrans' Cultural Resources Studies Office will contact the County Coroner. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), which will then notify the Most Likely Descendant. Caltrans, District 4, Cultural Resource Studies Office will work with the Most Likely Descendant on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

AMM-CUL-1 **Environmentally Sensitive Areas.** There are six cultural resource Environmentally Sensitive Areas (ESAs) on this project. The California Department of Transportation (Caltrans) Archaeologist will collaborate with all responsible parties to ensure ESAs are accurately represented in plans, specifications, and estimates, and the ESA Action Plan will be included in the Resident Engineer (RE) Pending File. During the pre-construction meeting, a qualified archaeologist and Tribal representative will discuss the ESAs with construction personnel, emphasizing that no construction activity, including material storage, is permitted within these areas and that workers must remain outside of them. The RE will notify the Caltrans Archaeologist and qualified archaeologist at least two weeks prior to construction, who will then inform the Tribe. Prior to construction, the Caltrans Archaeologist, qualified archaeologist, and the Tribe, as available, will mark/identify ESA locations in the field with the contractor. Regular inspections and site visits will be conducted by the qualified archaeologist and the Tribe to ensure the integrity of the ESAs.

AMM-TCR-1 **Tribal Cultural Resources.** During the pre-construction meeting, a qualified archaeologist and Tribal representative will discuss Tribal Cultural Resources (TCRs) with construction personnel. It will be emphasized that cultural monitoring will occur at specific project areas. The Resident Engineer (RE) will notify the California Department of Transportation (Caltrans) Archaeologist at least two weeks prior to construction, who will then inform the Tribe. Before construction begins, the Caltrans Project Archaeologist and the Tribe will identify monitoring areas in the field with the contractor. Monitoring will be conducted by a qualified archaeologist and the Tribe.

AMM-TCR-2 **Monitoring Area.** The Caltrans Archaeologist will collaborate with all responsible parties to ensure Environmental Monitoring Area(s) are accurately represented in plans, specifications, and estimates, and the RE Pending File. During the pre-construction meeting, a qualified archaeologist and Tribal representative from the Federated Indians of Graton Rancheria will discuss monitoring areas with construction personnel. It will be emphasized that archaeological monitoring will occur at specific project areas. The RE will notify the Caltrans Archaeologist at least two weeks prior to construction, who will then inform the Tribe. Monitoring will be conducted by a qualified archaeologist and the Tribe.

Noise

NOI-1 The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, pursuant to Section 13-6 of the Town of Tiburon's (Town) Municipal Code, for construction activities occurring in Tiburon. For construction activities occurring in Marin County, the construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturday, pursuant Section 6.70.030(5) of the County of Marin (County) Municipal Code. Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) shall be maintained, operated, or serviced from 8:00 a.m. to 5:00 p.m., Monday through Friday only. Project construction activities outside of the permitted hours require written permission from the respective Town manager and County community development director. In addition, the construction contractor shall limit construction activities to 86 A-weighted decibels (dBA) maximum instantaneous noise level (L_{max}) at a distance of 50 feet between the hours of 9:00 p.m. and 6:00 a.m., pursuant to Section 14-8.02 of the California Department of Transportation (Caltrans) Standard Specifications. Construction activities are prohibited on Sundays and the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

NOI-2 The construction contractor shall schedule noisy operations within the same timeframe where feasible. The construction contractor shall schedule project construction activities concurrently with the State Route (SR) 131 Capital Preventive Maintenance Project where feasible.

NOI-3 The construction contractor shall use solar or electricity as a power source instead of diesel generators where feasible.

NOI-4 The construction contractor shall avoid unnecessary idling of internal combustion engines.

NOI-5 The construction contractor shall locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and the noise-sensitive receptors nearest the active project sites during all project construction.

NOI-6 The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

NOI-7 The construction contractor shall use quiet air compressors and other quiet equipment where such technology exists.

NOI-8 The construction contractor shall not deliver or drop construction equipment off before 6:00 a.m.

NOI-9 The construction contractor shall maintain all internal combustion engines properly to minimize noise generation.

NOI-10 The construction contractor shall update residents, businesses, and others with upcoming project activities and timeframe. Public outreach could entail a public meeting, sending notices to nearby residents, and/or posting a notice on the project website.

Visual

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 than before work started.

VIS-1 The following additional measures would avoid or minimize negative visual effects and/or improve aesthetics during project construction:

- Construction materials and equipment would be stored in a staging area beyond direct view of the motoring public and adjacent land uses to the extent feasible.
- Directional lighting and/or shielding for any night work would be maintained to reduce light trespass affecting motorists or adjacent land uses.
- Consistent with the Town of Tiburon's Municipal Code, the illumination of signs from an artificial source during construction would be minimized to avoid light spillage, nuisance, momentary blindness or other hazard, unreasonable brightness, glare, or other annoyance, disability, or discomfort to persons within view of such light sources. Exterior construction lighting would be directed so as to not invade the privacy of other properties, or produce glare or light pollution, yet would provide adequate illumination for safety and security purposes.

- Consistent with the County of Marin's Municipal Code, exterior construction lighting visible from off-site would be allowed for safety purposes only, would consist of low-wattage fixtures, and would be directed downward and shielded to prevent adverse lighting impacts on nearby properties.

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 the California Occupational Safety and Health Administration (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 the Encroachment Permit Special Provisions for Stormwater Pollution Prevention Plan (SWPPP).

Paleontology

The project will comply with California Department of Transportation (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:

    1. Stop all work within a 60-foot radius of the discovery

    2. Secure the area

    3. 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 job site. Do not resume work within the radius of discovery until authorized by the Department (Caltrans).

CONCLUSION

On the basis of the information above, the proposed project is eligible for a Statutory Exemption in accordance with PRC Section 21080.51, as amended on June 30, 2025. The broadband project will be constructed along, and within 30 feet of, the SR-131/Tiburon Boulevard right-of-way, and fiber optic conduit and vaults will be deployed underground with the surface area being restored to its previous condition. No project activities will occur within private right-of-way. The avoidance and minimization measures listed above, as required by Caltrans for the issuance of the SR-131 encroachment permit, will be implemented by the Town as part of the project to avoid and minimize environmental impacts. The avoidance and minimization measures include requirements for biological and archaeological/tribal monitors, consistent with PRC Section 21080.51. There will be no "take" of species listed under the federal Endangered Species Act or the California Endangered Species Act with the implementation of the measures listed above, and no incidental take authorizations are required. Furthermore, the project will avoid impacts to potential jurisdictional aquatic resources, and no regulatory permits are required. The Town will obtain any required authorization from BCDC (e.g., regionwide permit authorization) for project activities within the 100-foot shoreline band of Richardson Bay. Consistent with PRC Section 21080.51, the Town will notify in writing all local agencies with permit, land use, and emergency response authority for the project area, including the County of Marin, as well as provide notice to the public in the area affected by the project in advance of project initiation.

Attachments: A: Figures

ATTACHMENT A

FIGURES

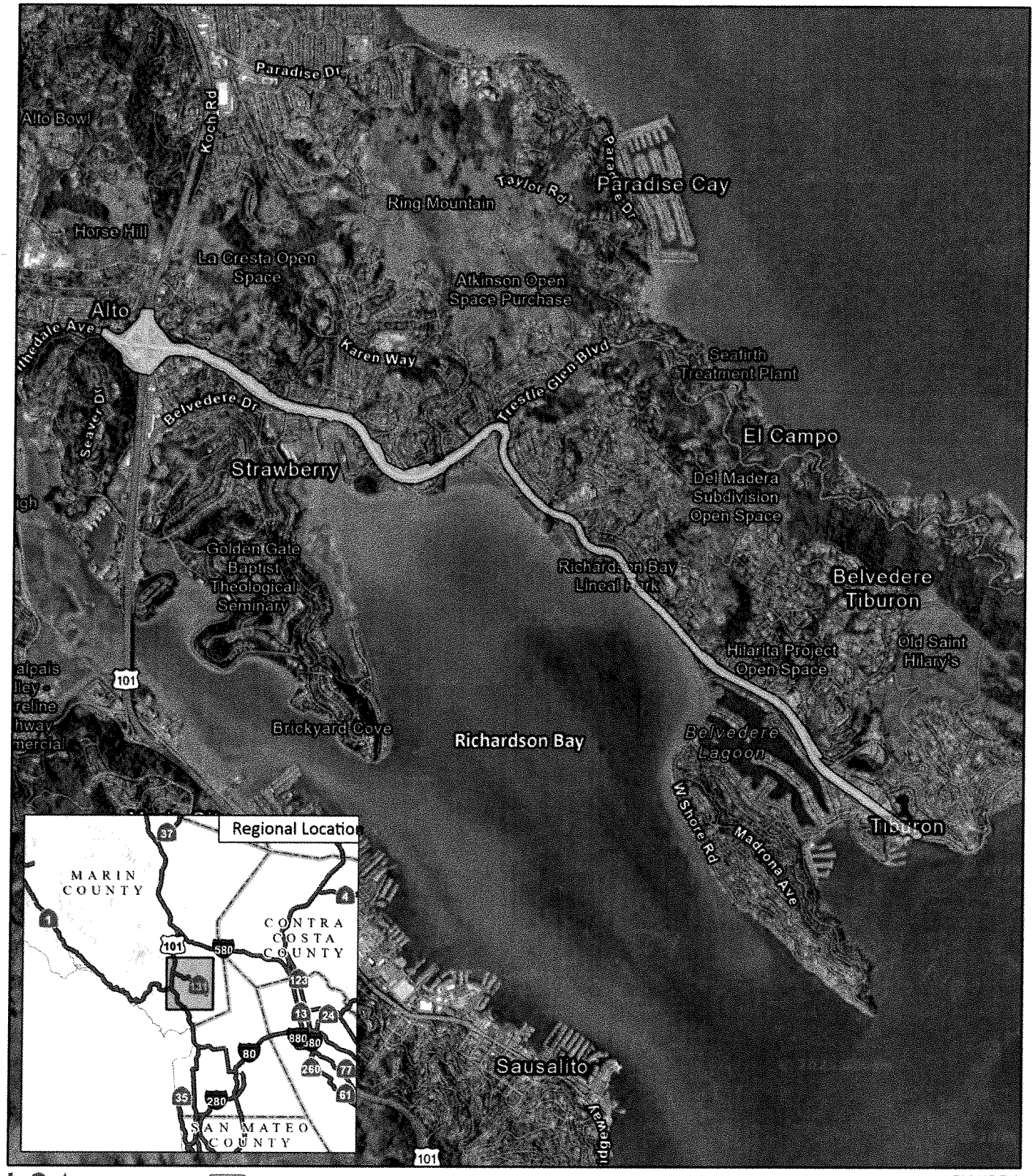

FIGURE 1

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SOURCE: Google Imagery (2025)

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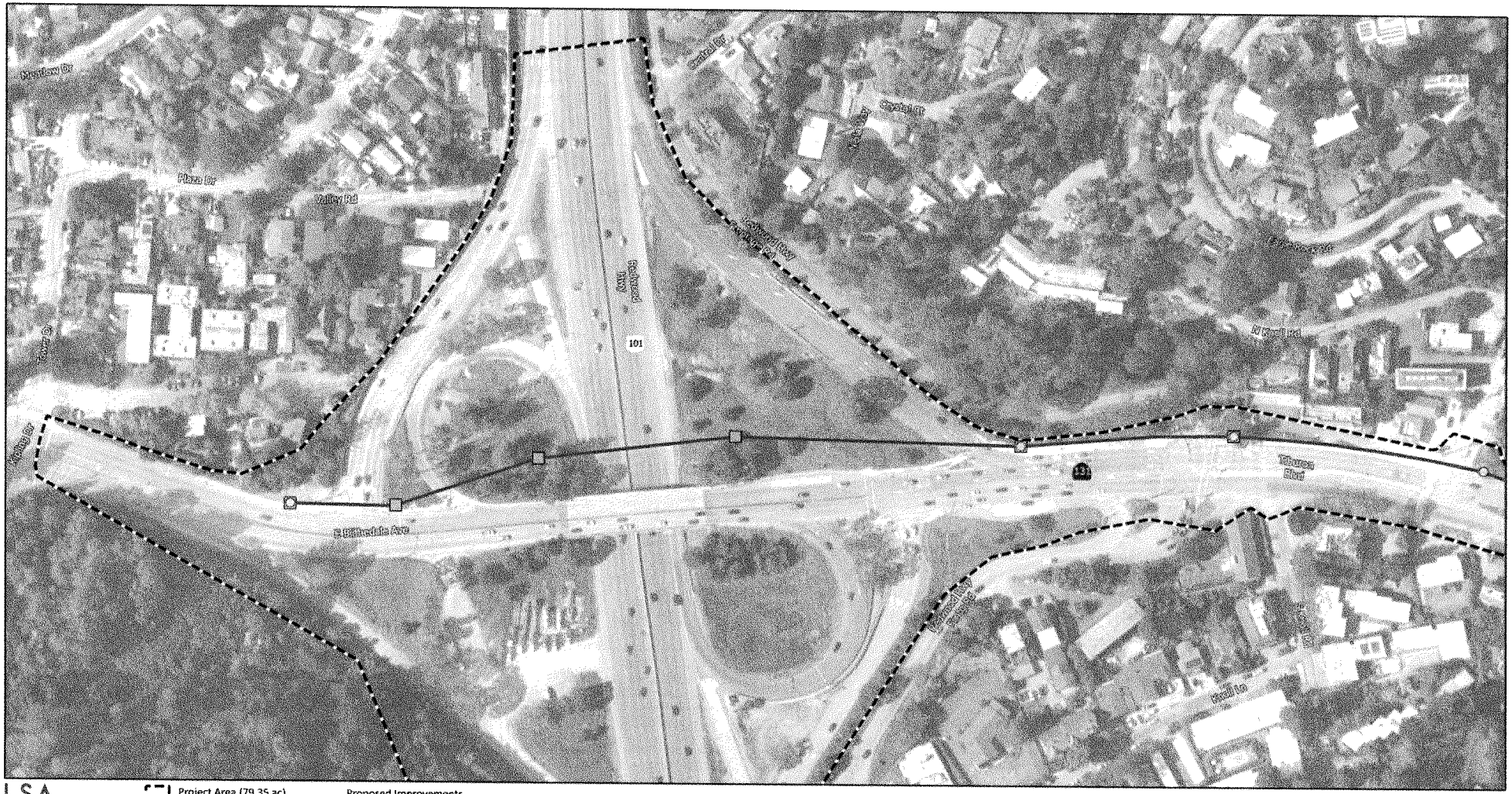
Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

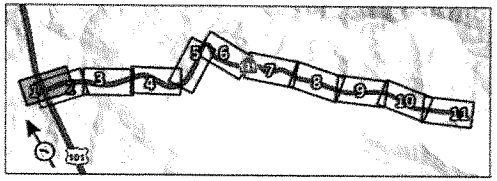
Regional Location



LSA

Project Area (79.35 ac)
Existing Conduit
Existing Vault

Proposed Improvements
Proposed Micro Trench
Proposed Horizontal Directional Drilling
Proposed Trench
Proposed Vault
Proposed Bore Pit
Staging Areas



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SOURCE: Google Imagery (2024); Caltrans (2024)

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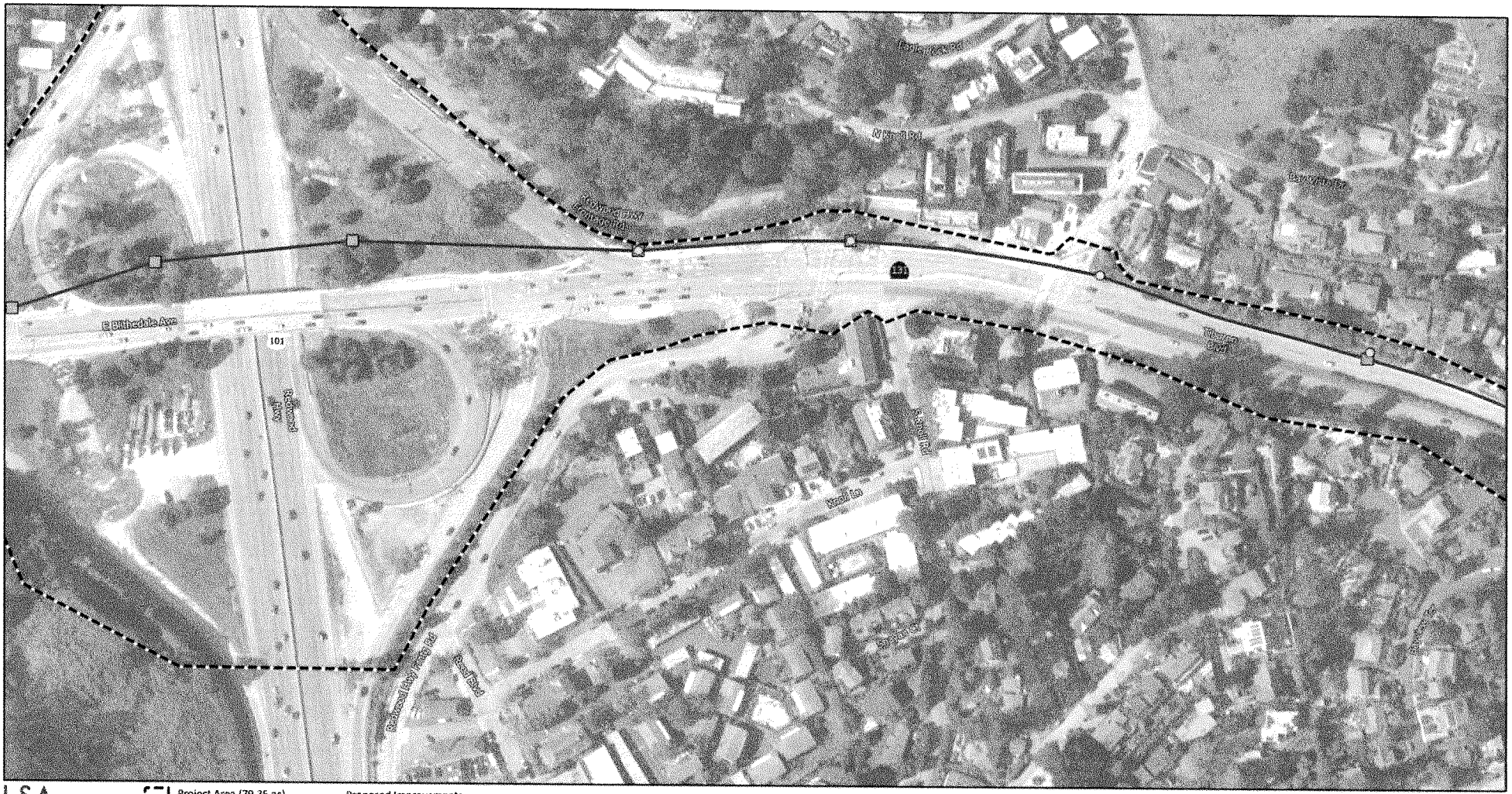
FIGURE 2
Sheet 1 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design

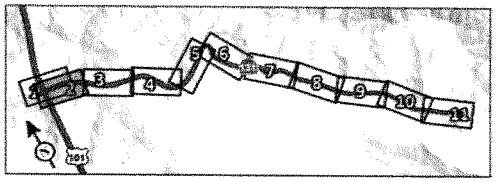


LSA

- Project Area (79.35 ac)
- Existing Conduit
- Existing Vault

Proposed Improvements

- Proposed Micro Trench
- Proposed Horizontal Directional Drilling
- Proposed Trench
- Proposed Vault
- Proposed Bore Pit
- Staging Areas



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SOURCE: Google Imagery (2024); Caltrans (2024)

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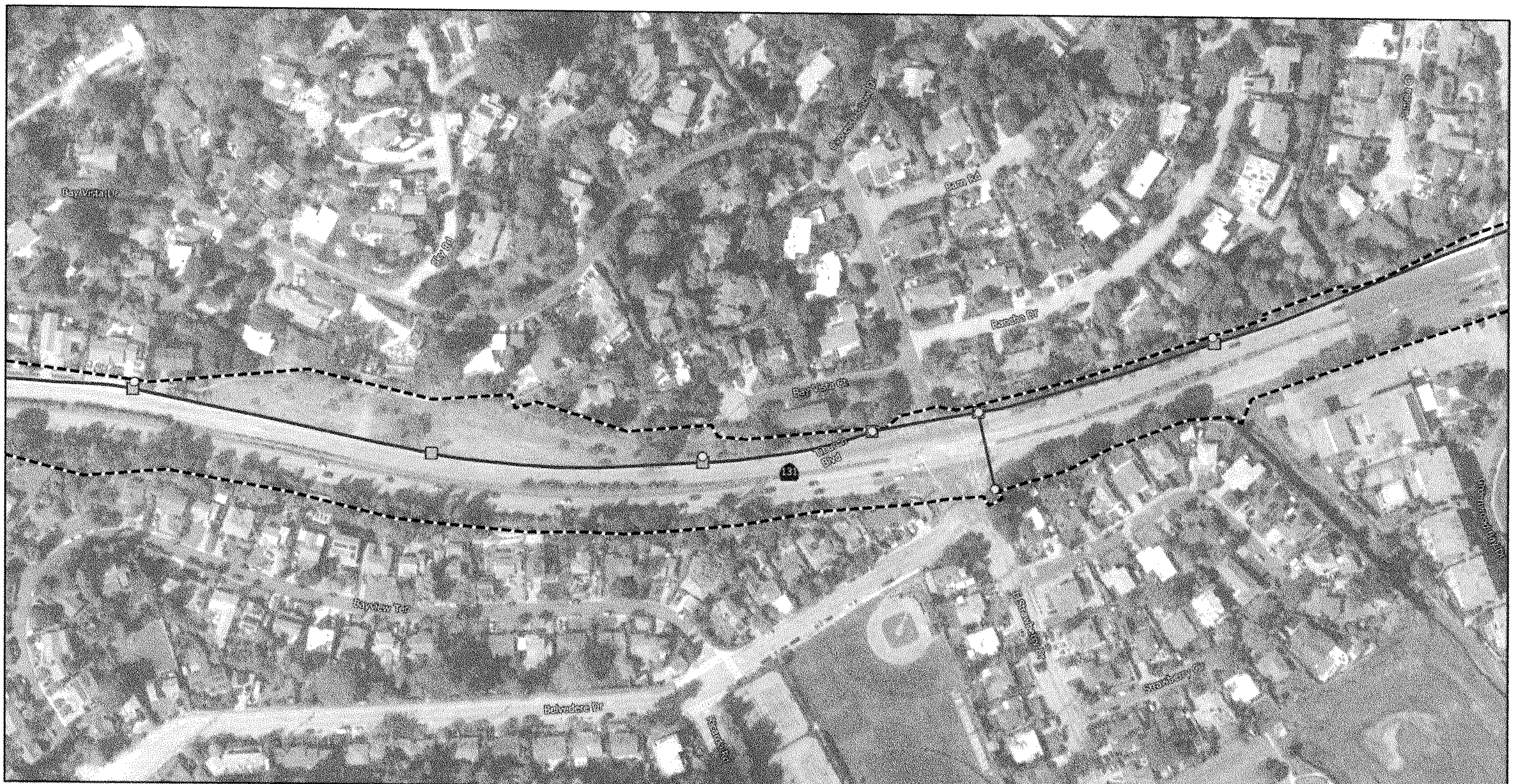
FIGURE 2

Sheet 2 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design



LSA

Project Area (79.35 ac)
Existing Conduit
Existing Vault

Proposed Improvements
Proposed Micro Trench
Proposed Horizontal Directional Drilling
Proposed Trench
Proposed Vault
Proposed Bore Pit
Staging Areas

0 75 150
FEET

SOURCE: Google Imagery (2024); Caltrans (2024)

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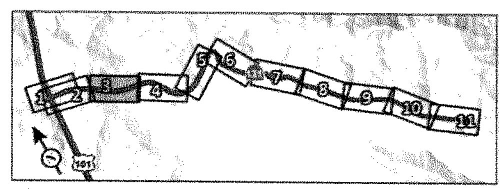
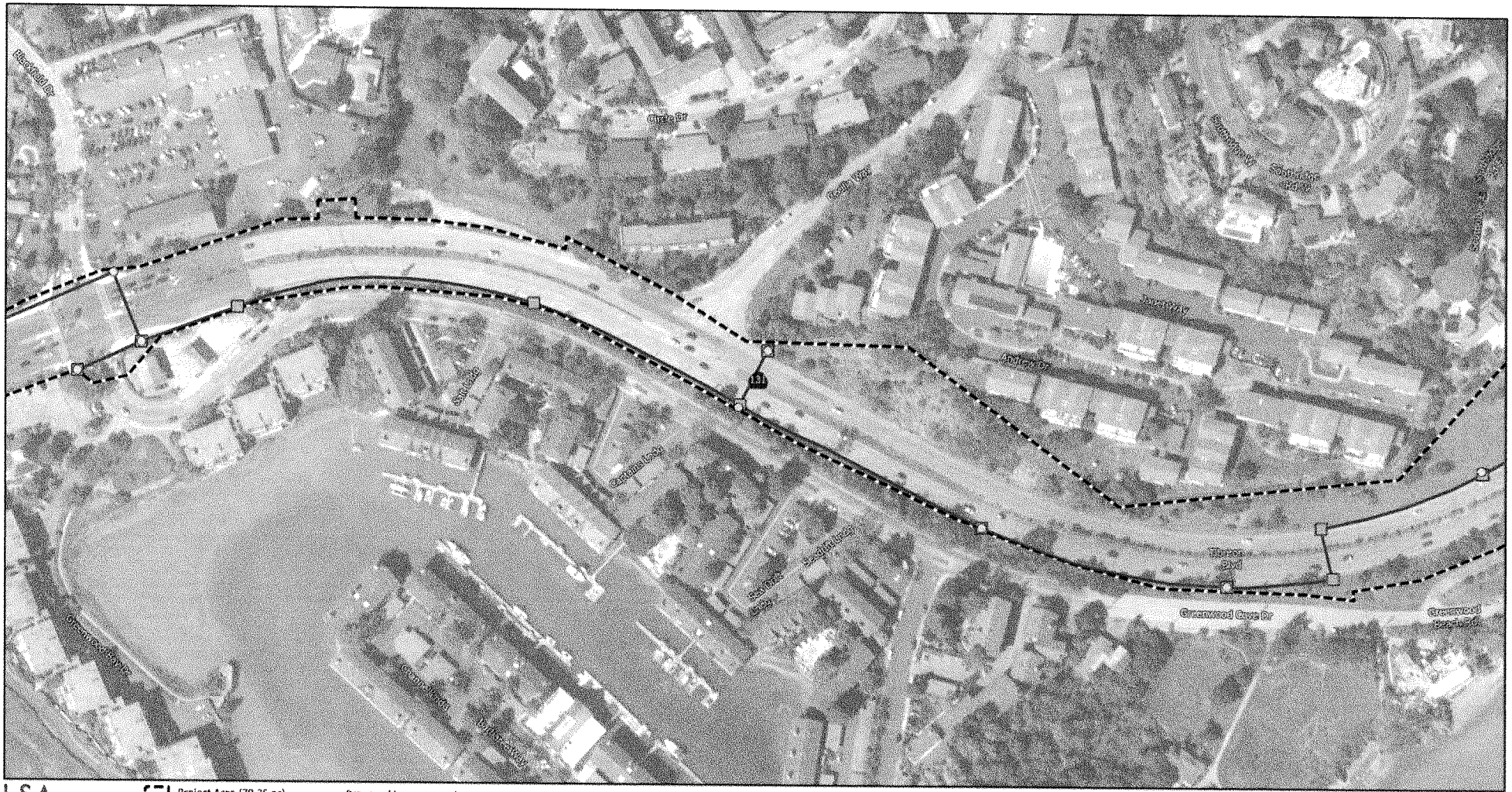


FIGURE 2

Sheet 3 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design



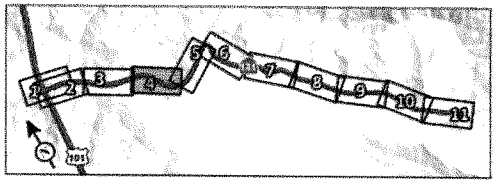
LSA

- Project Area (79.35 ac)
- Existing Conduit
- Existing Vault

Proposed Improvements

- Proposed Micro Trench
- Proposed Horizontal Directional Drilling
- Proposed Trench
- Proposed Vault
- Proposed Bore Pit
- Staging Areas

0 75 150
FEET



SOURCE: Google Imagery (2024); Caltrans (2024)

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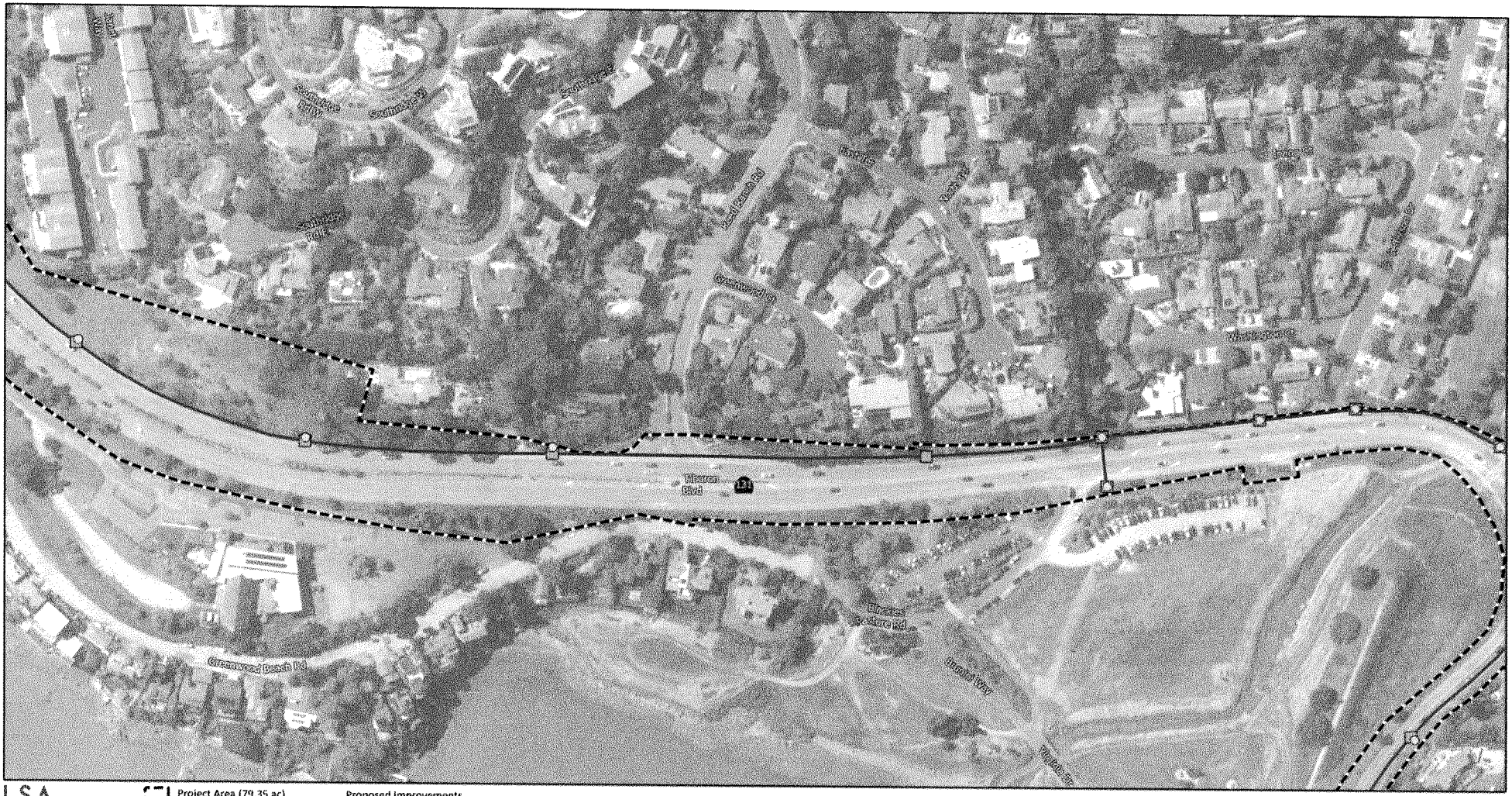
FIGURE 2
Sheet 4 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design



LSA

Project Area (79.35 ac)
Existing Conduit
Existing Vault

Proposed Improvements
Proposed Micro Trench
Proposed Horizontal Directional Drilling
Proposed Trench
Proposed Vault
Proposed Bore Pit
Staging Areas

0 75 150
FEET

SOURCE: Google Imagery (2024); Caltrans (2024)
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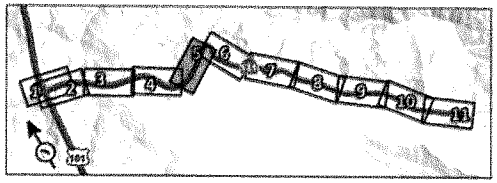


FIGURE 2
Sheet 5 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design

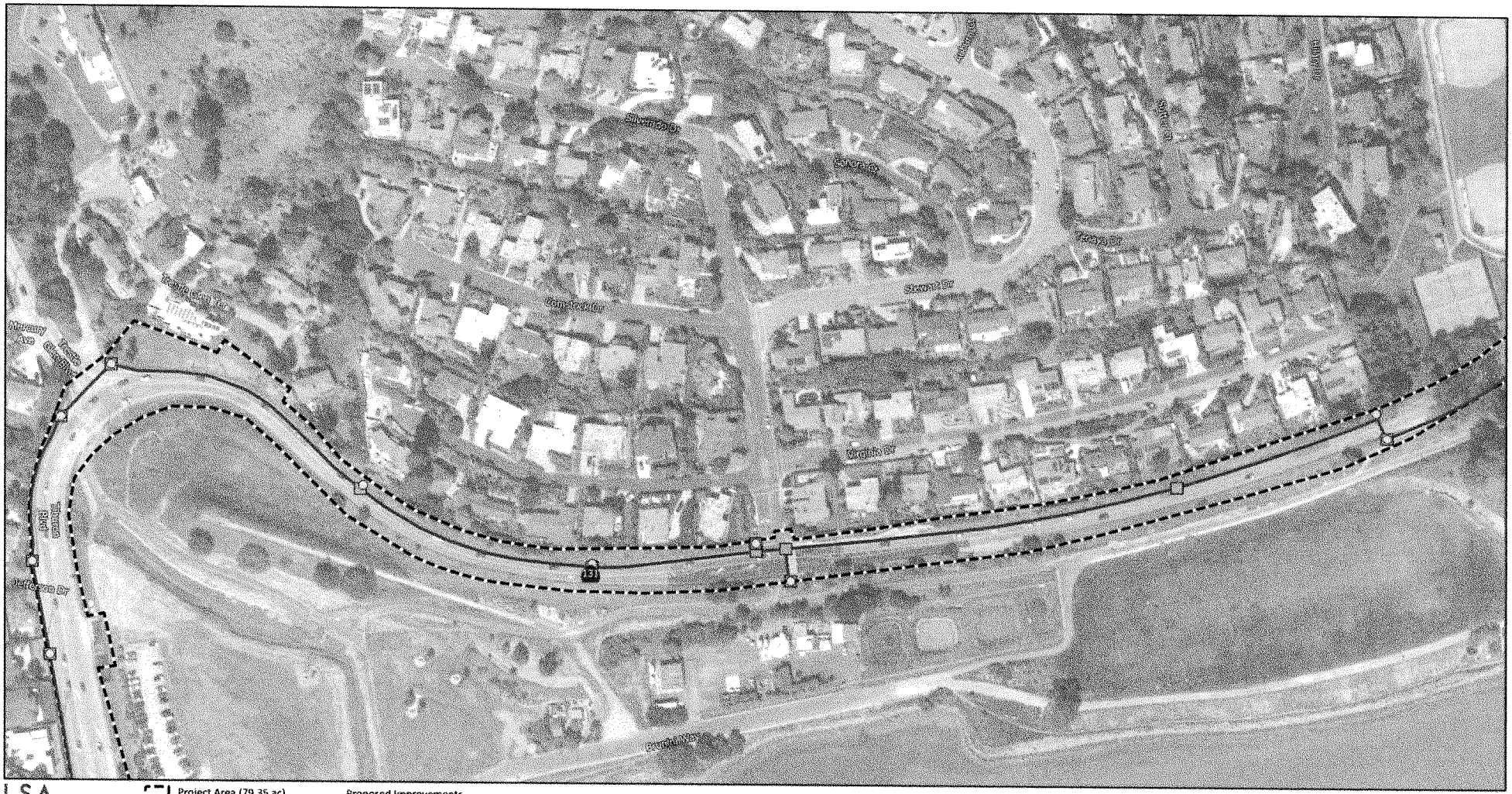
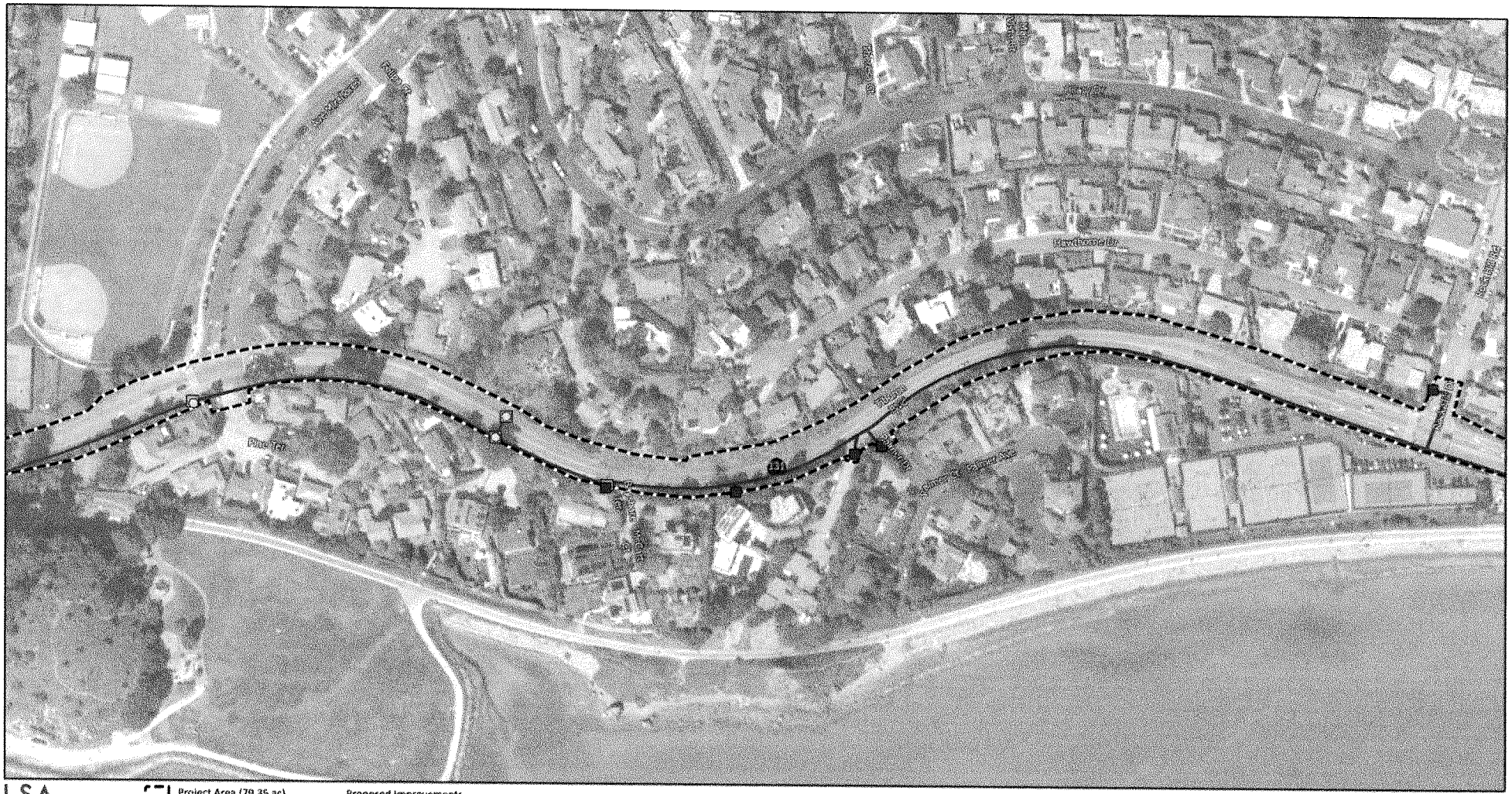


FIGURE 2
Sheet 6 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design



LSA

SOURCE: Google Imagery (2024); Caltrans (2024)

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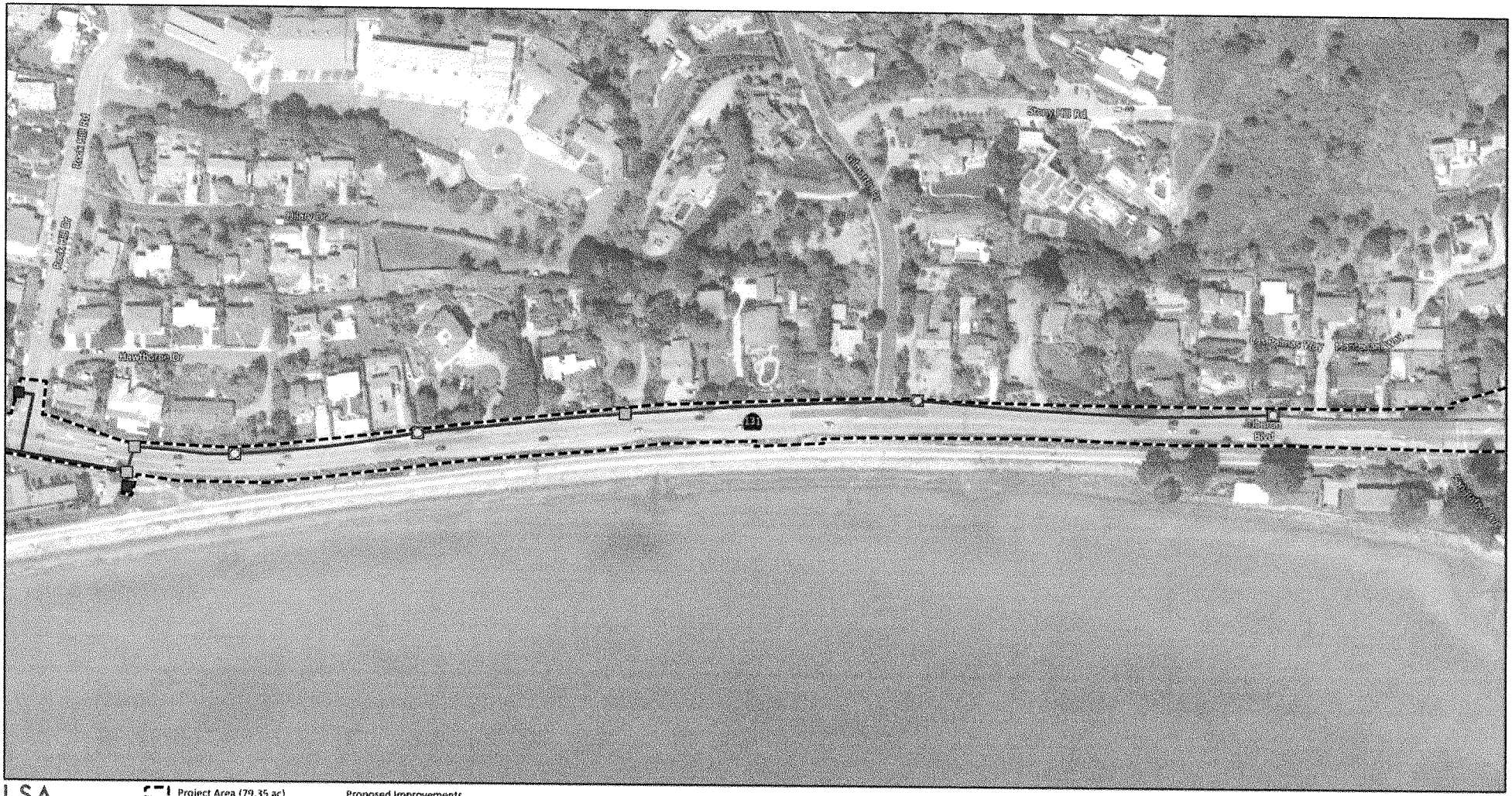
FIGURE 2

Sheet 7 of 11

Tiburon State Route 131 Middle-Mile
Fiber Optic Infrastructure Project

Project Design



LSA

- Project Area (79.35 ac)
- Existing Conduit
- Existing Vault

Proposed Improvements

- Proposed Micro Trench
- Proposed Horizontal Directional Drilling
- Proposed Trench
- Proposed Vault
- Proposed Bore Pit
- Staging Areas

0 25 150
FEET

SOURCE: Google Imagery (2024); Caltrans (2024)

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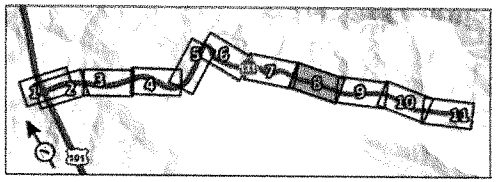

FIGURE 2
Sheet 8 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design

LSA

Project Area (79.35 ac)
Existing Conduit
Existing Vault

Proposed Improvements
Proposed Micro Trench
Proposed Horizontal Directional Drilling
Proposed Trench
Proposed Vault
Proposed Bore Pit
Staging Areas

0 75 150
FEET

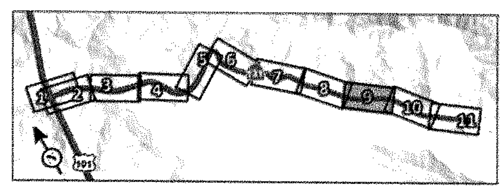

FIGURE 2

Sheet 9 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design

SOURCE: Google Imagery (2024); Caltrans (2024)

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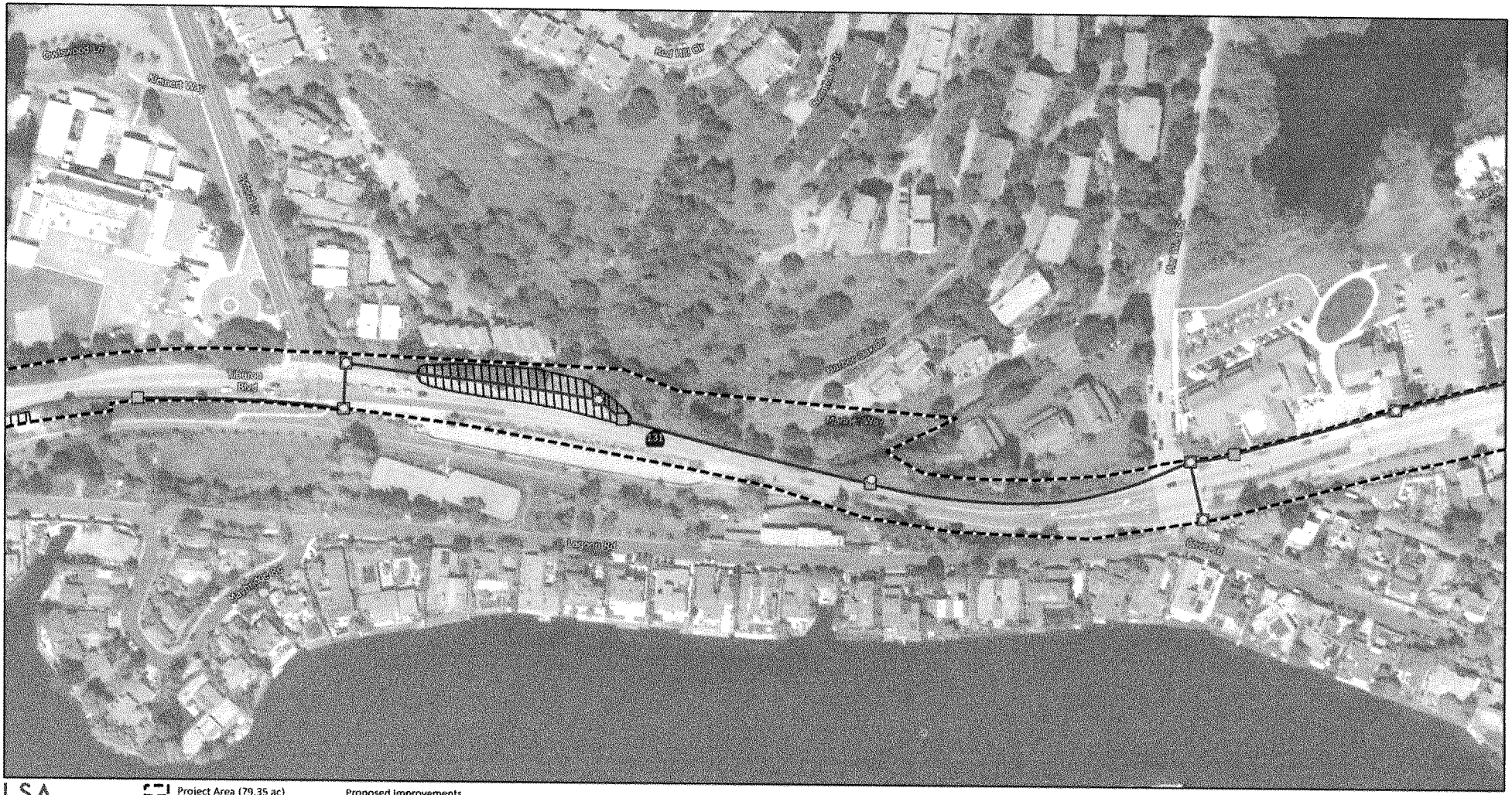

LSA

Project Area (79.35 ac)
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Existing Vault

Proposed Improvements
Proposed Micro Trench
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Proposed Trench
Proposed Vault
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0 75 150
FEET

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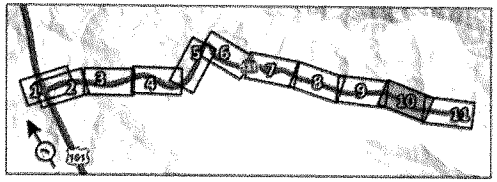
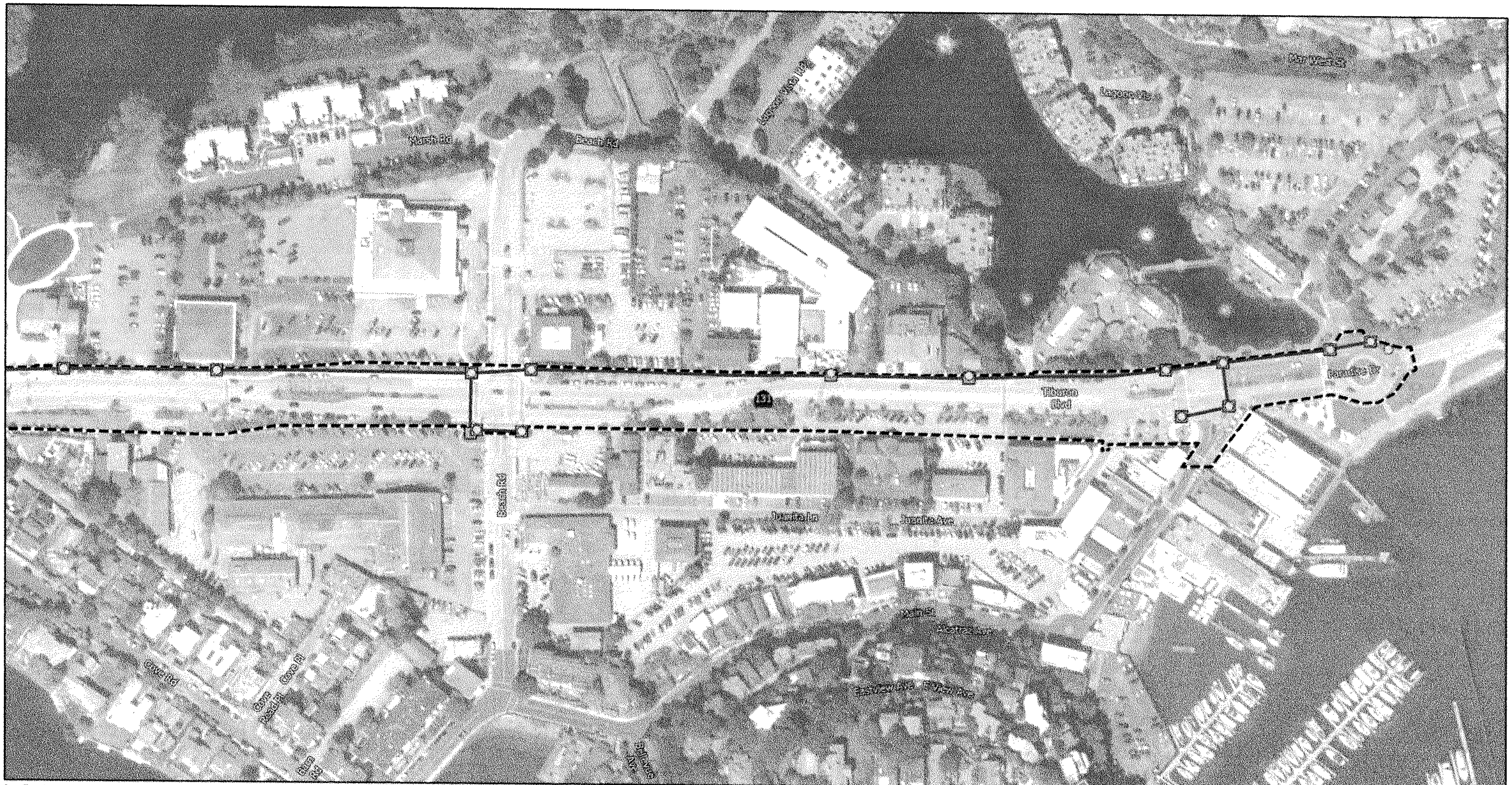


FIGURE 2
Sheet 10 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design



LSA

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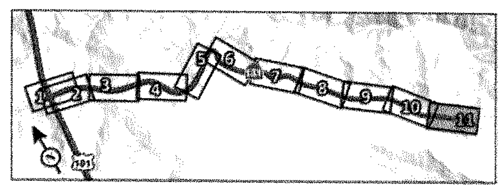

FIGURE 2

Sheet 11 of 11

Tiburon State Route 131 Middle-Mile Fiber Optic Infrastructure Project

Project Design

SOURCE: Google Imagery (2024); Caltrans (2024)

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