
Attachment B
Notice of Intent and Instructions

I. Notice of Intent Instructions

Please review the Order for Middle-mile Broadband Network (MMBN) initiative projects and the entirety of the instructions before completing the Notice of Intent (NOI).

A. How to Apply

Applicants seeking MMBN project authorization are required to submit a NOI and application fee to the State Water Resources Control Board (State Water Board) at least 60 days before any project activity. Submit the signed NOI and required information via email to: stateboard401@waterboards.ca.gov. Include in the subject line of the email: "MMBN NOI." Submittals can also be mailed to:

State Water Resources Control Board, Division of Water Quality
1001 I Street; 15th Floor
Sacramento, CA 95814
Attention: Wetlands Permitting and Enforcement Unit I

B. NOI Instructions and Guidance by Specific NOI Section

The organization and statements below correspond with the sections set forth in the NOI.

I. Eligibility

The State Water Board shall determine whether the activity is eligible for Order coverage. If the eligibility requirements set forth in this Order are not met, the State Water Board will not authorize the proposed project under this Order and will instead require the discharger to apply for an individual authorization or authorization under another order. The Permittee may also choose to apply for an individual water quality authorization.

II. Contact Information

Duly Authorized Representative: The Duly Authorized Representative (agent) is authorized to certify and submit applications or reports to the State Water Board on behalf of the Legally Responsible Party. Telephone number, email address, and the agent's mailing address (not the project address) including the street, city, state, and zip code must be provided.

III. Project Information

A. General Description

1. Project Name: Provide the project name. The project name will be used in all correspondence referencing the project. Be sure the project name is consistent with other agency permits and applications for the same project, and is consistent on all maps, drawings, and reports. The project name should be clearly relevant to the project (e.g., EA#04-1J345, Highway 39 MMBN Project)
2. Project Activities:

- If Horizontal Directional Drilling is selected, a Horizontal Directional Drill or Drilling Plan is required as an attachment to the NOI (See Order Attachment C, section VII, Report Type 9 for report contents).
- If Dewatering is selected, a Water Quality Monitoring Plan shall be submitted to State Water Board staff for approval at least 30 days in advance of any discharge to the affected water body (per Order section X.C.2.1.).

B. Location

Map format information is provided in Order Attachment C, section IV.A.

C. Receiving Waters Information

2. The Lahontan Regional Water Quality Control Board prohibits discharge to lands within the Walker, Carson, Lake Tahoe, Little Truckee, and Truckee River Hydrologic Basins unless specific prohibition exemption criteria are met. For projects in this region, in addition to this application, complete the applicable prohibition criteria form for projects discharging to the [Lake Tahoe Hydrologic Basin](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/docs/att3.doc) (https://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/docs/att3.doc) or the [Little Truckee or Truckee River](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/docs/att4.doc) (https://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/docs/att4.doc) Hydrologic Basins.

F. Avoidance and Minimization Measures

- If In-Water Work or Diversions is selected, note that temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas shall be performed as authorized in the project Notice of Applicability (NOA or permit), which shall include appropriate monitoring for water quality upstream and downstream of diversion structures as required in the Water Quality Monitoring section of the Order.
- If Construction Conditions – Construction materials and spoils storage (X.G.2.) is selected, note that spoils from excavations shall not be stored in waters of the state unless such storage is approved in the NOA for an individual project (e.g., temporary storage of spoils in a dry area will be considered by State Water Board when proposed in the NOI).
- If Construction Conditions - Removal of temporary materials and restoration of temporary roads (X.G.6.) is selected, note that temporary materials placed in any water of the state must be removed as soon as construction is completed at that location unless storage is approved in the NOA for an individual project (e.g., temporary storage of spoils in a dry area will be considered by State Water Board when proposed in the NOI).
- If Construction Conditions – Work in delineated waters of the state (X.G.17) is selected, note that equipment must not be operated in standing or flowing waters of the state without site specific approval via

the NOA for an individual project (e.g., equipment operation in waters will be considered by State Water Board when proposed in the NOI).

- For Restoration and Mitigation for Temporary Impact (X.H.1-3), note that the Permittee shall restore all areas of temporary impacts to waters of the state and all project site upland areas of temporary disturbance which could result in a discharge to waters of the state as described in a Temporary Impact Restoration Plan approved by the State Water Board. The restoration plan shall be submitted to State Water Board staff for review and approval prior to initiating temporary impacts. Temporary impacts to waters of the state are not authorized and shall not occur until a restoration plan has been approved by State Water Board staff.

The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; a planting palette with plant species native to the project area; seed collection location; invasive species management; performance standards; success criteria; timeframe for monitoring and reporting; and maintenance requirements (e.g., watering, weeding, and replanting).

If temporary impacts are proposed to be restored through passive restoration, the restoration plan shall include an explanation of how passive restoration will restore the area to pre-project conditions, assessment components, and an estimated date for expected restoration.

G. Compensatory Mitigation

2. Permittee Responsible Compensatory Mitigation Site Information –
The draft Compensatory Mitigation Plan shall include:

- Preliminary information about ecological performance standards, monitoring, and long-term protection and management.
- A timetable for implementing the compensatory mitigation plan.
- If the compensatory mitigation plan includes buffers, design criteria and monitoring requirements for those buffers.
- If compensatory mitigation involves restoration or establishment as the form of mitigation, applicants shall notify, as applicable, state and federal land management agencies, airport land use commission, fire control districts, flood control districts, local mosquito-vector control district(s), and any other interested local entities prior to initial site selection. These entities should be notified as early as possible during the initial compensatory mitigation project design stage.

- If applicable, an assessment of reasonably foreseeable impacts to the compensatory mitigation associated with climate change, and any measures to avoid or minimize those potential impacts.

VI. Fees

The application fee amount is determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3). A fee calculator can be found online at:

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

The calculator is useful for estimation of fees, but dischargers must confirm the correct fee amount through consultation with the State Water Board prior to submitting payment. Appropriate fees will be determined by the current fee regulations at the time of NOI submittal for an individual project. Note that fees are periodically adjusted.

II. Notice of Intent Review Process

To avoid project delays, submit an NOI as early as possible. Within 30 days of NOI receipt, State Water Board staff will determine if the NOI is complete.

- Incomplete NOIs will be returned to the applicant with a request to provide information needed to determine the NOI complete. In cases where the NOI is incomplete and the applicant fails to provide the requested information, the State Water Board may issue a Notice of Exclusion (NOE).
- If the NOI is determined complete, the State Water Board will either issue a NOA or NOE.
 - An NOA authorizes the proposed activity for enrollment under the Certification. An NOE denies authorization and enrollment of the proposed activity under the Certification.
- Impacts to waters of the state associated with the project may not occur until and NOA is issued.

NOTICE OF INTENT (NOI)

Middle-mile Broadband Network (MMBN) Initiative

*Note to readers (to be deleted following Order adoption: The NOI format presented in this draft will change prior to issuance of the final permit to allow for the addition of interactive selection tools, such as check boxes, dropdown menus, and/or fillable fields.

I. Eligibility

1. Is the proposed project part of an area identified by the Public Utilities Commission as a component of the statewide open-access MMBN pursuant to Section 11549.54 of the Government Code?
2. Does the proposed project limit construction activities to within 30-feet from the right-of-way of an existing public road or highway?
3. If the proposed project involves installation of utility poles, is installation within an existing utility pole right-of-way?
4. If associated infrastructure is included in the proposed project (i.e., hubs, substations, and/or foundations), is the construction of such infrastructure designed to avoid all impacts to waters of the state?
5. Is the proposed project exempt from (or does not require) a Federal Energy Regulatory Commission (FERC) license, an amendment to a FERC license, or any water right approvals, including but not limited to, a new water right, petition to change purpose/place of use or point of diversion, time extension, or wastewater change petition?

If you answered yes to all the questions above, please proceed with completing the remainder of the NOI below.

IF YOU ANSWERED NO TO ANY OF THE QUESTIONS ABOVE, THE PROPOSED PROJECT MAY NOT BE ELIGIBLE FOR AUTHORIZATION UNDER THE STATEWIDE ORDER PERTAINING TO THE MMBN INITIATIVE. Please contact State Water Resources Control Board (State Water Board) staff by phone, call (916) 341-5900, or email SB-401Application@waterboards.ca.gov to verify eligibility of the proposed project before proceeding with the NOI.

II. Contact Information

Applicant Information:

1. Name of Legally Responsible Person
2. Title
3. Organization Name
4. Street Address

5. City
6. County
7. Zip Code
8. Telephone
9. Email

Duly Authorized Representative Information (if applicable):

1. Name of Duly Authorized Representative
2. Title
3. Organization Name
4. Street Address
5. City
6. County
7. Zip Code
8. Telephone
9. Email

III. Project Information

A. General Description

1. Project Name or Title
2. Project Activities (select all that apply)
 - a. Installation of Fiber Conduit via:
 - i. Bridge Mounting
 - ii. Culvert Mounting
 - iii. Horizontal Directional Drilling
 - iv. Installation on Existing Utility Poles
 - v. Installation of New Utility Poles
 - vi. Jack and Bore/Drill
 - vii. Plowing
 - viii. Trenching
 - b. Other Associated Activities:
 - i. Construction and Maintenance of Temporary Structures (e.g., scaffolding, pilings, docks, or piers)
 - ii. Construction, Maintenance, or Improvement of Permanent Vehicle Pullouts
 - iii. Construction, Maintenance, or Improvement of Temporary and Permanent Access Roads (to vaults and hubs)
 - iv. Dewatering
 - v. Geotechnical Borings and Survey Activities
 - vi. Installation of Cable Marker Post(s)
 - vii. Installation of Vaults and Associated Features
 - viii. Staging and Storage of Equipment Onsite

3. Describe Additional Project Activities (not included in the list above)
4. Total Project Size (in acres and/or feet, if linear only)
5. Anticipated Schedule
 - a. Start Date
 - b. End Date
 - c. Will there be ground disturbance during seasonally wet conditions?
6. Describe any other known projects in the vicinity scheduled to occur at the same time. Enter N/A if not applicable or unknown.

B. Location

1. Street Address, Mile Markers, or Cross-streets (as applicable)
2. City
3. County
4. Central Latitude and Longitude
5. Assessor's Parcel Number(s)
6. Regional Water Quality Control Board(s) Jurisdiction
7. Driving Directions to the Project Site

C. Receiving Waters Information¹

1. Provide the following information:
 - Site Identification
 - Waterbody Name (if available)
 - Type of Impacted Aquatic Resource (i.e., lake, ocean, vernal pool, etc.)
 - Water Board Hydrologic Units
 - Receiving Waters
 - Receiving Waters Beneficial Uses
 - 303(d) Listing Pollutants (if any)
2. Does the project involve the Walker, Carson, Lake Tahoe, Little Truckee, and Truckee River Hydrologic Basins? If yes, note that a prohibition exemption for discharge will be required from the Lahontan Regional Water Quality Control Board (see NOI instructions).
3. Include a copy of the Aquatic Resources Delineation Report with submittal of this NOI. Was the report verified by the U.S. Army Corps of Engineers?
4. Are there non-federal (state jurisdiction only) waters within the project site?

¹ For receiving waters information (e.g., beneficial uses, watershed identification, etc.), refer to the Regional Water Basin Plans on the applicable Regional Water Board website or the State Water Board's Plans and Policies website (www.waterboards.ca.gov/plans_policies/).

D. Impact Information

1. Riparian Tree Removal

Will the activity result in the removal of riparian trees? If yes, provide the species name (scientific and common), approximate size, and whether the tree is part of the overstory or understory.

2. Temporary and Permanent Impacts

Would the project result in temporary impacts? If yes, provide the total acres and/or linear feet of temporary impact.

Would the project result in permanent impacts? If yes, provide the total acres and/or linear feet of permanent impacts.

3. Provide impact information by individual location in the table below. Choose either 'permanent' or 'temporary' for impact type.

Table 1: Impacts by individual location at the project site

Impact Site Identification	Latitude	Longitude	Acres	Cubic Yards	Linear Feet	Impact Type	Dredge or Fill/Excavation

4. Provide a brief description of how project activities will impact water quality.

E. Special Status Species

Are there any indications or records of any rare, threatened, or endangered species at the project site? If yes, provide a list of those species, status, and habitat or include a Biological Resources Report and/or Biological Assessment (or similar report) with that information.

F. Avoidance and Minimization Measures

1. Alternative Analysis

- a. Can the project be located at an alternate location?
- b. If yes, provide an analysis of off-site and on-site alternatives. If no, provide an analysis of only on-site alternatives.

2. Select all that apply from the following list of Order conditions (section reference provided) that will be implemented during project activities to avoid and minimize impacts to water quality.

- a. Water Quality Monitoring – General (X.C.1.)
- b. In-Water Work or Diversions (X.C.2.)
- c. Water Quality Monitoring – Post-construction (X.C.3.)
- d. Construction Conditions – All materials and supplies (X.G.1.)
- e. Construction Conditions – Construction materials and spoils storage (X.G.2.)
- f. Construction Conditions – Clearly identify environmentally restricted areas (X.G.3.)
- g. Construction Conditions – Clearly identify access and staging areas onsite (X.G.4.)

- h. Construction Conditions – Install bridges, culverts, etc. so that water and in-stream sediment flow is not impeded (X.G.5.)
 - i. Construction Conditions – Removal of temporary materials and restoration of temporary roads (X.G.6.)
 - j. Construction Conditions – Containment below any bridge, trestle, boardwalk, and/or other stream crossing structure (X.G.7.)
 - k. Construction Conditions – Vegetation trimming and/or removal (X.G.8.)
 - l. Construction Conditions – Disposal of excavated material (X.G.9.)
 - m. Construction Conditions – Topsoil replacement (X.G.10.)
 - n. Construction Conditions – Movement of aquatic life (X.G.11.)
 - o. Construction Conditions – Dust abatement (X.G.12.)
 - p. Construction Conditions – Use of mechanized equipment (X.G.13.)
 - q. Construction Conditions – Piers or piles (X.G.14.)
 - r. Construction Conditions – Culvert construction or maintenance (X.G.15.)
 - s. Construction Conditions – Toxic and hazardous materials (X.G.16.)
 - t. Construction Conditions – Work in delineated waters of the state (X.G.17)
 - u. Construction Conditions – Directional drilling (X.G.18)
 - v. Restoration and Mitigation for Temporary Impact (X.H.1-3.)
3. List any additional best management practices to be implemented during project activities by designation and title as shown in Caltrans Construction Site Best Management Practices (BMP) Manual (May 2017). For example, “SC-5 Fiber Rolls.”
 4. Provide any additional site-specific avoidance and minimization measures or submit via an attachment, such as a Water Quality Monitoring Plan. Enter N/A if not applicable.

G. Compensatory Mitigation

Provide the plan information (#1) and then select (by indicating either ‘Yes’ or ‘No’) the appropriate category of compensatory mitigation to be implemented, either permittee responsible, mitigation bank, or in-lieu fee program. Provide site information for the categories selected; leave information blank for those not selected.

1. Plan Information
 - a. Provide a general description of the watershed where the project is located and where compensatory mitigation is located, if different.
 - b. What is the overall condition of the aquatic resources to be impacted?
 - c. Is the compensatory mitigation out-of-watershed, out-of-kind, or off-site? If yes, how does the compensatory mitigation achieve no net loss considering the watershed collectively?
2. Permittee Responsible Compensatory Mitigation Site Information – Yes or No
In addition to the summary information below, submit a draft Compensatory Mitigation Plan that includes the information listed in the NOI instructions.
 - a. Impact Site Identification

- b. Latitude
 - c. Longitude
 - d. Aquatic Resource Type
 - e. Acres
 - f. Linear Feet
3. Mitigation Bank – Yes or No
- a. Mitigation Bank Name
 - b. Website (if available)
 - c. Contact
 - d. Phone
 - e. Email
 - f. Mitigation Location – County
 - g. Latitude
 - h. Longitude
 - i. Aquatic Resource Credit Type
 - j. Acres
 - k. Linear Feet
 - l. Number of Credits Purchased or Proposed to be Purchased
4. In-lieu Fee Program – Yes or No
- a. In-lieu Fee Program Name
 - b. Website (if available)
 - c. Contact
 - d. Phone
 - e. Email
 - f. Program Location – County
 - g. Latitude
 - h. Longitude
 - i. Aquatic Resource Credit Type
 - j. Acres
 - k. Linear Feet
 - l. Number of Credits Purchased or Proposed to be Purchased

IV. Other Agency Permits, Licenses, Agreements, Plans, and Email Correspondence

Indicate the status (In Progress, Approved, Not Applicable) of each applicable document and attach available copies of relevant documents. If documents are pending, indicate the anticipated date of availability for review. Note also if the project is authorized under a programmatic approval for the MMBN initiative. Provide the agency contact when available.

1. U.S. Army Corps of Engineers and Contact – Note type of permit (i.e., Regional General Permit or other) and reporting or non-reporting category
2. U.S. Fish and Wildlife Service and Contact
3. National Marine Fisheries Service and Contact
4. California Department of Fish and Wildlife and Contact – Note Lake or Streambed Alteration Agreement and/or Incidental Take Permit
5. Coastal Development Permit or Consistency Determination
6. Construction Stormwater General Permit
7. Others (list below)

V. California Environmental Quality Act

Provide a copy of the Notice of Exemption submitted to the State Clearinghouse for the project.

VI. Fees

The fee calculator can be found online at:

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

Were fees submitted?

By check or online? Please include a copy of the check or online payment receipt with this NOI.

If fees have not been submitted, what is the anticipated date of submittal? Please note the NOI is considered incomplete until relevant fees are received by the State Water Board.

VII. Attachments

Indicate all attachments submitted with this NOI:

Required

1. Aquatic Resource Delineation Report
2. Fee Check or Online Payment Receipt
3. General Location Map
4. Notice of Exemption
5. Other Agency Correspondence, Permits, and/or Permit Applications
6. Site Map(s), including location of right-of-way, proposed disturbance, staging/storage areas, and any exclusion areas to protect natural resources

Optional (depending on proposed activity and impacts to waters of the state)

7. Additional Pages and/or Supplemental Information
8. Biological Resources Report or Biological Assessment
9. Compensatory Mitigation Agreement (for purchased credits)

10. Draft Compensatory Mitigation Plan
11. Drawings or Design Plans
12. Horizontal Directional Drill or Drilling Plan
13. Pre-project Site Photographs
14. Proposed Dewatering Plan
15. Temporary Impact Restoration Plan
16. Water Quality Monitoring Plan

Other Attachments (list below)

VIII. Signature/Certification

State Water Resources Control Board: Notice of Intent to Comply with the Terms of the Order for Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification pertaining to the Middle-mile Broadband Network Initiative “I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. I hereby certify that all information contained herein is, true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Legally Responsible Person Signature

Printed Name and Date

Duly Authorized Representative Signature

Printed Name and Date