

Proponent's Environmental Assessment



March 2009

Huntington Beach Project

**Application of NextG Networks of California, Inc (U-6745-C) for Authority to Engage in
Ground-Disturbing Outside Plant Construction**

Docket Number _____

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1 PROPONENT'S ENVIRONMENTAL ASSESSMENT SUMMARY

1.1 OVERVIEW

This Proponent's Environmental Assessment (PEA) evaluates the potential impacts of NextG Networks Inc.'s (NextG's) Huntington Beach Project (the Project). The Project will provide service to a particular customer of NextG and will improve the communications system in Orange County.

The entirety of the Project has previously been approved and found to be categorically exempt from CEQA by the California Public Utilities Commission (the CPUC or the Commission) through its Notice of Proposed Construction (NPC) process. In fact, a significant amount of the Project has been constructed. This PEA is being submitted by NextG pursuant to a stipulation with the City of Huntington Beach (City) to resolve a dispute with the City regarding the adequacy of the environmental review of NextG's NPC submissions. The entire Project which encompasses areas of Huntington Beach, Westminster and Fountain Valley, consists of the installation of 15 new distributed antenna nodes (nodes) and associated equipment, new utility poles, and overhead and underground conduit and fiber. Much of the Project has already been completed, including 8 of the 15 nodes, approximately 113,512 feet of aerial fiber, and 3,074 feet of underground fiber. Specifically, all construction in Westminster and Fountain Valley has been completed. The portions of the Project that remain to be constructed include 7 nodes, 3 new poles and portions of underground and aerial fiber in Huntington Beach.

Construction of the Project consists of the following components:

- Installation of aerial fiber optic strands
- Trenching for electrical and fiber runs
- Installation of new utility poles
- Installation of node equipment

This PEA includes the information required by the Commission's PEA Guidelines (State of California Public Utilities Commission Information and Criteria List, Appendix B, Section V, as well as the CPUC's requirements for a Permit to Construct (PTC) pursuant to General Order 131-D (D.94-06-014, Appendix A, as modified by D.95-08-038)). The CPUC requires applicants to

provide this information for review in compliance with the mandates of the California Environmental Quality Act (CEQA). This PEA is designed to meet the above-mentioned CPUC requirements.

1.2 SCOPE OF THE PEA

The PEA describes the affected environment and project-related environmental effects for the following resource areas, as outlined in the most recent CEQA Environmental Checklist Form (CEQA Guidelines, Appendix G):

- Aesthetics;
- Agriculture;
- Air Quality
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services/Utilities;
- Recreation;
- Transportation and Traffic;

- Cumulative and Growth Inducing Impacts; and
- Indirect Effects

The Project was planned and engineered to avoid or minimize environmental impacts. As part of NextG's standard construction practices, environmental commitments have been incorporated into the Project design and will be implemented to avoid or minimize impacts to area resources. NextG also has proposed resource-specific measures to ensure that potential impacts are less than significant. These applicant-proposed measures are identified in the respective resource section.

1.3 CONCLUSIONS

This PEA concludes that the Project will have less than significant or no impact on aesthetics, agricultural resources, air quality, biology, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services/utilities, recreation, and transportation/traffic.

No cumulative impacts, growth-inducing impacts, or indirect effects were identified for the Project.

While the CPUC has previously found the entire project to be consistent with activities which are categorically exempt from CEQA, due to the controversy engendered by the City of Huntington Beach's opposition to the Project, NextG has entered into a stipulation with the City to request additional environmental analysis of the Project by the CPUC. Therefore, NextG has commissioned this PEA. Accordingly, without relinquishing any prior approvals and without questioning the CPUC's prior assessment under CEQA or otherwise, NextG requests preparation of a Negative Declaration for the Project by way of supplement to, not displacement of, prior approvals granted through the Commission's NPC process.

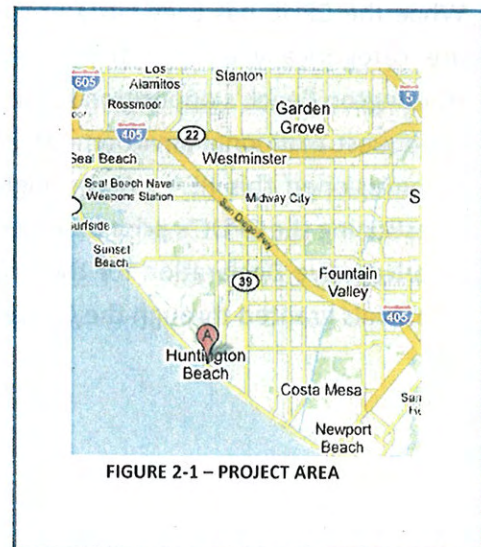
2 PROJECT PURPOSE AND NEED

2.1 OVERVIEW

NextG's Project consists of a fiber-fed Distributed Antenna System (DAS) network, located primarily within the City of Huntington Beach. The DAS network is intended to provide transport of communications (both voice and data) between various fixed points in the Huntington Beach area. NextG will be initially using this network to serve a customer that provides retail wireless telecommunications services, but the network is not limited to serving any one customer or specific type of wireless carrier customer. To this end, the Project will provide additional diversity within the existing telecommunications system, more robust and expanded wireless service, and greater bandwidth to the area.

The entire Project area is defined as the footprint of the proposed communication system components and construction areas. As shown on Figure 2-1, the Project area is located in Orange County, California and primarily within the City of Huntington Beach, although some portions of the network extend into the cities of Westminster and Fountain Valley. The cities of Huntington Beach, Fountain Valley, and Westminster, California are densely populated urban communities in southern California and a review of the locations where NextG has already constructed the Project to date, as well as those areas of the network that remain to be constructed, indicates that there are many considerable power and other telecommunications facilities already in place today.

The entirety of the Project has previously been approved by the Commission through its NPC¹ process, wherein the Commission determined the construction proposals to be consistent with activities which are categorically exempt from CEQA.² In fact, a significant amount of the Project has been



¹ NextG originally submitted its Notice of Proposed Construction (NPC) on November 12, 2007 and the Energy Division issued an Notice to Proceed on December 3, 2007. Subsequent amendments to the NPC were submitted and NTPs issued. As of July 22, 2008, the final NTP for the last amendment had been issued.

² Each of the NTPs included this "categorically exempt from CEQA" language.

constructed. This PEA is being submitted by NextG pursuant to a stipulation with the City of Huntington Beach to resolve a dispute with the City regarding City's allegation that the Commission's NPC process does not fulfill the requirements of CEQA. NextG proposes to finish installation of fiber optic cable and related facilities (antennae and nodes) across areas of the City of Huntington Beach and the described adjacent areas. The overall Project consists of 15 new DAS nodes and associated equipment, overhead and underground conduit and fiber, including three (3) new utility poles. This PEA consists of a review of the entire Project, including those portions already constructed pursuant to federal court injunction and encroachment permits from the City of Huntington Beach, with emphasis on those portions of the Project that remain to be constructed.

The Project is located in the City of Huntington Beach and parts of Westminster and Fountain Valley. The Project is composed of a fiber optic network that includes approximately 28.2 miles (148,676 feet) of aerial network and approximately 1.8 miles (9,848 feet) of underground network. The entirety of the network is located within the public right-of-way (PROW). Along this fiber optic network are fifteen DAS arrays. Where available, the nodes (commonly 6 by 6 by 38 inches) are positioned on existing Joint Pole Committee (JPC) distribution poles. Next G has proposed three new poles. Table 2-1 shows the type and location of each node in the network.

To date, approximately 21.5 miles (113,512 feet) of aerial fiber has been constructed, and 3,074 feet of underground fiber has been completed. Eight of the 15 nodes in the Project have been constructed and all of the portions of the Project in Westminster and Fountain Valley (fiber only) have been constructed. The portions of the Project that remain to be constructed include seven nodes, three of which require new poles, approximately 35,164 feet of aerial fiber and approximately 6,774 feet of underground fiber with the associated handholes as part of the Huntington Beach network.

2.2 PURPOSE AND NEED

The Project will expand and enhance telecommunications coverage and capacity in the Project area, provide added diversity within the existing telecommunications network, and enhance competition for telecommunications services. The Project will promote opportunities for economic growth as more and more consumers rely on wireless networks to meet their communications needs. The Project will also permit NextG's customers, the wireless carriers, to improve wireless coverage and expand capacity.

2.3 PROJECT OBJECTIVES

See Purpose and Need section, above.

Table 2-1 NextG Huntington Beach — Network Node Summary (February 2009)

Node Identification	Pole Type	Pole Identification	Street Address	City	Zoning Jurisdiction	Coordinates		Construction Complete?
						Latitude	Longitude	
HB_N01	Wood	1396407E	4531 1/2 Suite Dr	Huntington Beach	Huntington Beach	33.72767	-118.04952	Yes
HB_N02	wood	1303550E	5471 Meadowlark Dr.	Huntington Beach	Huntington Beach	33.7259	-118.0326	Yes
HB_N03	wood	1659615E	6100 1/2 Edinger	Huntington Beach	Huntington Beach	33.72984	-118.02131	Yes
HB_N04	wood	1439044E	6507 1/2 Bishop	Huntington Beach	Huntington Beach	33.721610	-118.015040	Yes
HB_N05	replacement wood	GT122059	7942 Stark Ave	Huntington Beach	Huntington Beach	33.72769	-117.98996	Yes
HB_N06	wood	1520672E	5972 1/2 Padua Dr.	Huntington Beach	Huntington Beach	33.703100	-118.024010	Yes
HB_N07	wood	1521267E	501 1/2 17th Street	Huntington Beach	Huntington Beach	33.668320	-118.008920	No
HB_N08	new concrete	None	18690 Edwards St.	Huntington Beach	Huntington Beach	33.686800	-118.014910	No
HB_N09	wood	1548680E	17321 LA Mesa Ln	Huntington Beach	Huntington Beach	33.710540	-118.022480	Yes
HB_N10	wood	4268696E	626 Palm Ave	Huntington Beach	Huntington Beach	33.673410	-118.011710	No
HB_N11	wood	881646E	501 Pecan Ave	Huntington Beach	Huntington Beach	33.661870	-118.000070	No
HB_N12	new steel	None	18475 Golden West	Huntington Beach	Huntington Beach	33.69684	-118.00681	No
HB_N13	wood	1425373E	1099 1/2 PCH	Huntington Beach	Cal Trans	33.66182	-118.00863	No
HB_N14	new steel	None	21500 PCH	Huntington Beach	Cal Trans	33.651900	-117.993200	No
HB_N15	wood	4489165E	21791 1/2 PCH	Huntington Beach	Cal Trans	33.6446	-117.9815	Yes

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3 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The Project location is depicted in detail on the Project map, which is attached as Appendix A. The Project generally follows along major thoroughfares in the cities of Westminster, Fountain Valley, and Huntington Beach. The aerial fiber portions of the Project is shown in blue (completed) and grey (to be constructed), underground fiber is in green (completed) and red (to be constructed), and nodes are marked as pushpins on Appendix A. The precise position of each node and pole that has been constructed and remains to be constructed in the Huntington Beach network is shown in Table 2-1.

3.2 PROJECT ALTERNATIVES

NextG considered a number of potential locations for the Project. Factors utilized to determine the appropriate site for installation of the Project include property ownership, engineering constraints, and environmental sensitivities. Based on the requirements of NextG's customers and the outcome of this evaluation of the sites, NextG moved forward in designing the configuration of the network. Although initially, NextG's network was not designed to enter the City of Fountain Valley, such changes were made to accommodate the City of Huntington Beach's request that fiber not be installed overhead in some portions of the City of Huntington Beach.

The Project site is located entirely within the PROW and therefore has very few environmental constraints. In addition, the nature of utilities already existing in the urban PROW and the topography of the Project area dictated very few engineering constraints for the Project. Therefore, the Project site became the preferred alternative for the location of the network.

The Project alternatives considered include the Project and no Project. The Project is the most feasible alternative for construction of the network fiber and nodes to ensure cellular coverage in desirable areas and use of the PROW for construction. Design was based on coverage, pole availability, leased duct availability, and the customer's coverage objective.

3.3 PROJECT OVERVIEW

The Project consists of a fiber-fed DAS network, located primarily within the City of Huntington Beach. The Project also extends into the surrounding cities of Westminster and Fountain Valley. The DAS network is intended to provide transport of communications (both voice and

data) between various fixed points in the Huntington Beach area. NextG will be initially using the DAS network to serve a customer that provides retail wireless telecommunications services, but the network is not limited to serving any one customer or specific type of wireless carrier customer. To this end, the Project will provide additional diversity within the existing telecommunications system, more robust and expanded wireless service, and greater bandwidth to the area. The Commission has already approved the Project through its NPC process, and in fact, a significant portion of the Project has been completed with only some construction remaining in Huntington Beach.

3.3.1 REGULATORY BACKGROUND

The Commission has already reviewed and approved the entirety of the Project through the NPC process,³ and has issued the proper authorization for NextG to construct the Project in the form of various NTPs.⁴ In fact, a significant portion of the Project has already been built under this previous authorization, and nearly half of the network is currently operating today. Construction in the cities of Westminster and Fountain Valley has been completed and only a portion of the network in Huntington Beach remains to be completed.

3.3.2 NOTICES OF PROPOSED CONSTRUCTION SUBMITTED TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION

All current construction was proposed to the Commission through the NPC process. The original NPC proposed to construct 14 nodes with two new poles (nodes HBN8, and HBN12) and one replacement pole (HBN5). The following paragraphs outline amendments to the original NPC.

Amendment 1

Amendment 1 proposed a modification to the plan to add new node (bringing the total to 15 nodes for the Project); new pole HBN14 was also required to accommodate the node.

³ This process is outlined at D.07-04-045.

⁴ NextG originally submitted its NPC November 12, 2007, and the Energy Division issued an NTP on December 3, 2007. Subsequent amendments were submitted and additional NTPs issued. As of July 22, 2008, the final NTP for the last amendment had been issued.

Amendment 2

Amendment 2 proposed minor corrections and corrected the original map that was submitted to the Energy Division based on inquiry from Huntington Beach.

Amendment 3

Amendment 3 proposed additional undergrounding because NextG was notified that the intended poles were "Rule 20 pending" and that no new facilities could be attached.

Amendment 4

Amendment 4 accommodated a one-time agreement in the nature of a settlement with the City of Huntington Beach that NextG would not attach overhead facilities where other communications were not already attached and to remove overhead lines on Garfield Avenue at the City's request. The Amendment proposed to reroute overhead facilities to Fountain Valley in order to complete the connection to those nodes near the Pacific Coast Highway (PCH) (at the southernmost portion of the network).

3.4 CURRENT PROJECT STATUS INFORMATION

The entire Project consists of approximately 28.2 miles (148,676 feet) of aerial network, approximately 1.8 miles (9,848 feet) of underground fiber, and 15 nodes. NextG is proposing to finish construction of the limited portions of the Project that remain to be built. Specifically, eight of the 15 nodes have been constructed, approximately 21.5 miles (113,512 feet) of aerial fiber have been constructed, and approximately 3,074 feet of underground fiber have been constructed. In addition to the remaining overhead construction, seven nodes, three of which require new poles, and approximately 6,774 feet of underground fiber with the associated handholes remain to be constructed.

The following sections outline the current status of the various nodes included within the scope of the Project.

3.4.1 PROJECT STATUS BY NODE

In Huntington Beach, nodes HBN1–6, HBN9, and HBN15 have already been constructed. Nodes HBN1–6 and HBN9 are currently operational. Node HBN15 has been constructed but remains to be connected to the network and switched on. A replacement pole was constructed for

node HBN5. The following nodes still need to be constructed: HBN7, HBN8, HBN10–14. Only three new poles have been proposed for this Project at nodes HBN8, HBN12, and HBN14. Nodes HBN7, HBN10, HBN11 and HBN13 will be placed on existing utility poles.

3.4.2 FIBER CONSTRUCTION PROJECT STATUS BY LOCATION

A total of approximately 21.5 miles (113,512) of the aerial fiber and 3,074 feet of underground fiber has been completed for the entire project. Additionally, the entirety of Construction in Westminster and Fountain Valley is already completed.

3.5 PROJECT COMPONENTS

The Project is composed of a fiber optic network distributed throughout the Project area. The primary components of the Project include aerial fiber, underground fiber (including access points), poles, and nodes. Specifically, the Project is comprised of approximately 28.2 miles (148,676 feet) of aerial network and approximately 1.8 miles (9,848 feet) of underground network, all of which are located within PROW. Along this fiber optic network are 15 nodes. Where available, the nodes are positioned on previously existing infrastructure (utility poles). In three (3) locations lacking available infrastructure, new poles will be installed on which the nodes will be constructed. Where necessary, buried handholes will also be installed to access underground fiber. Table 2-1 shows the type and location of each node in the network.

3.5.1 AERIAL NETWORK FIBER

Approximately 21.5 miles (113,512 feet) of the 28.2 miles of aerial fiber has been constructed. Sections remain to be constructed to connect to those nodes not already operational.

3.5.2 UNDERGROUND NETWORK FIBER AND ACCESS POINTS

Approximately 3,074 feet of the 6,774 feet of underground fiber has been constructed. Various and short segments of fiber remain to be constructed to connect nodes not yet built.

Where necessary to provide access to underground fiber, handholes will also be installed to provide access to the cable at splice points or as needed for future maintenance of the cable. Handhole lids will be visible at the surface. Handholes are sized to accommodate pulling fiber through conduits and will be approximately 2 feet by 3 feet. Generally, road shoulders or other easily accessible areas are the preferred locations for handholes. Handholes will be placed every 400 feet and within 10 feet of any pole that is used as a riser pole for fiber. Those handholes located near riser poles will be used to access a 1-inch ditch that will be used as a

riser path for the fiber. Each handhole will be equipped with a traffic-rated lid even if it is currently out of the path of traffic.

3.5.3 NEW UTILITY POLES

For the Project, a total of three new poles will need to be constructed at nodes HBN8, HBN 12, and HBN14. Node HBN8 will consist of a new concrete pole and node HBN12 and HBN14 will consist of new steel poles. Node HBN8 will be placed at the southern end of the "Edwards Street" underground segment. Disturbance will entail excavation of a hole of sufficient size to properly place and anchor the new concrete pole as well as undergrounding necessary to connect fiber to the new pole. Node HBN12 will be located on the west side of Goldenwest Street between Taylor Drive and Ellis Avenue. Disturbance will entail excavation of a hole of sufficient size in which to properly place and anchor the new steel pole as well as undergrounding as needed for the network segment to connect to the new pole. Node HBN14 will be located at the northeast corner of Twin Dolphin Road and PCH. Ground disturbances include excavation of a hole of sufficient size in which to properly place and anchor the new steel pole as well as undergrounding as needed to incorporate it into the network segment.

Proposed work on the existing poles (nodes HBN1, 2, 3, 4, 6, 7, 9, 10, 11, 13, and 15) involves aerial construction techniques typically used in connecting the new nodes to existing the existing network.

At node HBN5, the existing pole has already been replaced with a 40-foot, class 3 wood pole approximately 34 feet above ground in height. Depth below surface is to be 6 feet. The 40-foot wood pole was placed in the same hole of the existing pole, which was dismantled. No undergrounding is expected at this location as it is along a portion of the already-existing aerial network.

3.5.4 NODE EQUIPMENT

Standard node equipment includes (i) the antenna (typically either 1 to 2 inches in diameter and 24 inches long for omni-directional antennae or 6 by 24 by 10 inches for panel antennae); (ii) the node (commonly 6 by 6 by 38 inches); (iii) an RF disconnect switch, which allows powering down the equipment as necessary; and (iv) a Wireless Tariff Rate fuse box (buried underground at the foot of the pole) and typically is 12 by 12 by 6 inches.

Nodes HBN1-6, HBN9, and HBN15 have already been constructed. Node HBN15 remains to be connected to the network. Nodes HBN1-6 and HBN9 are currently operational. The following

nodes still need to be constructed: HBN7, HBN8, HBN10–14. Only a total of three new poles have been proposed for this Project at nodes HBN 8, HBN 12, and HBN 14 (such nodes will be installed on new poles). Nodes HBN7, 10, 11 and 13 will be placed on existing poles.

The methods and protocols used to construct the Project components are described below in Construction Methods and Protocols section.

3.5.5 CONSTRUCTION TIME FRAME AND SCHEDULE FOR PROJECT

A significant portion of the Project—approximately 74%—has already been constructed. Construction of the remaining components of the network is expected to take approximately three months to complete, pending the approval of permits and zoning requirements. NextG will construct the Project between 7:00 a.m. to 7:00 p.m. weekdays, between 8:00 a.m. to 5:00 p.m. during Saturdays and Sundays, and in compliance with any work restrictions that Huntington Beach may reasonably propose.

3.6 CONSTRUCTION METHODS AND PROTOCOLS

NextG incorporates construction protocols in the Project to avoid adverse effects on the environment and to fully mitigate any impacts that cannot be avoided. These measures, which are incorporated into the construction workplan, together with the limited nature of NextG's construction activities typically located within existing, disturbed PROWs, help to reduce environmental impacts. The construction protocols incorporated into the Project are summarized in charts attached to Appendix B and include use of preconstruction survey checklists for archaeological resources and biological resources. These protocols will be applied to the Project, as necessary and appropriate.

3.6.1 ATTACHMENT OF AERIAL FIBER AND EQUIPMENT ON EXISTING POLES

NextG primarily uses existing structures and poles for the installation of antennae and fiber, utilizing the following construction techniques.

At least one crew and one bucket truck travel down the pole line with all necessary lane closures arranged in advance. The truck carries spooled fiber that is unwound for installation on the existing poles. Standard aerial construction techniques are employed for the placement of the aerial fiber. The cable is overlashed to existing wires where possible, or to new supporting wires, using stainless steel lashers and wire clamps. The cable is grounded at the first, last and every fifth pole by driving a copper rod approximately six feet long and one inch in

diameter into the ground. Standard aerial construction techniques are used to attach related equipment to utility poles and similar support structures.

3.6.2 INSTALLATION OF NEW UNDERGROUND CONDUIT AND CABLE

3.6.2.1 TRENCHING

NextG will install all of its equipment on poles with the exception of an underground connection via trenching that is needed to interconnect an aerial portion of the network with underground conduit and fiber. Trenching is used for installation of underground fiber optic conduit and cable within existing PROWs.

A rubber-tired backhoe or rock saw excavator will be used to excavate a trench typically 1 to 2 feet in depth and approximately 12 inches wider than the width of the conduit to be installed (approximately 1 to 2 inches in diameter) but may vary depending on the



underground facilities that may be encountered. Trenching will occur mostly within the PROW between 3 and 6 feet from the edge of the pavement. The conduit used by NextG in traditional trenching averages 1 to 2 inches in diameter and the fiber optic cable somewhat less. No manholes will be necessary. The construction zone measures 20 to 40 feet wide where no sensitive environmental resources are present. The conduit will be placed in the excavated trench and backfilled.

NextG's construction protocols call for no more than 1,000 feet of trench to be exposed by a work crew at any time, and trenches are filled at the end of each day. If conditions do not allow for small isolated areas such as handholes or assist points to be backfilled at the end of each day, appropriate safety, erosion, and wildlife control features are installed. Conduit construction corridors will be confined within existing PROWs.

For these trench segments, all non-earth surfaces will be cut with a rock saw to facilitate removal. All curb and gutters will be tunneled or bored and all driveways and walkways are to be bored. Existing Portland Cement Concrete (PCC) is to be cut with a rock saw to provide a clean cut. Any damaged or cracked portions of PCC extending beyond trench excavation area may need to be removed as required by the Public Works Inspector. No damaged or cracked portions of PCC smaller than 9 square feet will remain along the excavation area. Curbs and

gutters are to be tunneled. All damaged or disturbed shrubs, trees, or plants will be replanted or replaced to restore the site to its original condition.

3.6.2.2 INSTALLATION OF CONDUIT AND CABLE

When the necessary trenching is completed, NextG will install conduit and fiber optic cable. Crews place the conduit on the native soil in the trench, which will then be backfilled and

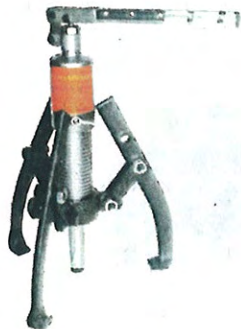


FIGURE 3-2 - HYDRAULIC PULLER

compacted. After the conduit is in place and tested, fiber optic cable will be installed in it. The installation is accomplished using a series of hydraulic pullers consisting of a main-line puller and sufficient intermediate assist pullers to ensure a smooth pulling operation within specified tension restrictions. The pull line will be attached to a plug that is pushed through the conduit by air pressure. When the plug emerges at the end of the conduit section or access point, the pull line will then be attached to the fiber optic cable through a swivel to prevent the cable from twisting during the pulling operation. Then, the pull line will be pulled back through the conduit section, threading the cable through the conduit as it

returns to the point of entry. Each main-line puller will be equipped with a tension limiter and a tension monitor to provide an accurate record of actual pulling tensions encountered for each conduit segment.

3.6.2.3 BACKFILLING AND COMPACTING

All trenches will be backfilled and compacted with either native soil or imported material. Proper compaction of subsurface soil serves as an erosion control measure. Uncompacted trench furrows are susceptible to trench settlement and to subsurface erosion through the migration of surface and subsurface water, both of which are prevented by proper compaction of the subsurface material and compliance with specifications provided to contractors by NextG, and will be inspected by contract compliance inspectors and spread supervisors.

Any excess excavated materials remaining after the trench is backfilled and compacted will be transported to an appropriate facility. A warning tape will be installed 12 inches below grade at all excavations, and a second tape will be placed 3 inches above all buried conduit.

3.6.2.4 SURFACE RESTORATION

NextG will perform site clean-up and surface restoration promptly following conduit and cable installation. Clean-up includes removing debris and restoring original surfacing and contours. Any disturbed areas will be returned to their original or better condition.

3.6.2.5 INSTALLATION OF ACCESS POINTS

Handholes, when necessary, will be installed to provide access to the cable at splice points or as needed for future maintenance of the cable. Handhole lids will be visible at the surface. Handholes are sized to accommodate pulling fiber through conduits and will be 2 feet by 3 feet in size. Generally, road shoulders or other easily accessible areas are the preferred locations for handholes. Handholes will be placed every 400 feet. Handholes also are placed within 10 feet of any pole that is used as a riser. Such a hole will be used to access a 1-inch ditch that will be used as a riser path for the fiber. Each handhole will be equipped with a traffic-rated lid, even if it is currently out of the path of traffic.

3.6.2.6 SPLICING OF CABLE ENDS AT ACCESS POINT

Splicing of sections of fiber optic cable at access points will be conducted consistent with NextG specifications regarding equipment, personnel training, procedures, and testing. Appropriate lengths of excess (slack loop) fiber optic cable, generally a minimum of 30 feet, will be left at all splice locations to allow for future splicing as may be necessary. The cable will be spliced in splice cases located in handholes or manholes with sufficient slack allowed. The splices will be made with a profile alignment fusion splicing machine and protected by heat shrink tubing.

3.6.3 POLE INSTALLATION AND REPLACEMENT

Three types of poles are used in the Project: wood, concrete, and steel.

Installation of new tapered steel poles (TSPs) and concrete poles involves the following steps: staking the pole location; flagging the work area; installing silt fencing (if required); preparing a crane pad (if required); excavating the hole (an opening approximately 2 feet wide and approximately 5–7 feet deep); installing forms, rebar, and anchor bolts; pouring concrete; removing forms; placing gravel around and grooming the base area; installing the new pole; removing the old pole; and transporting excess soil and materials off-site for disposal. Installation of a wood pole involves these steps: staking the pole location, flagging the work area, excavating, installing the pole, backfilling, transferring wire and equipment, removing the old pole and backfilling. The main distinction between TSP and concrete versus wooden pole

installation is that TSP and concrete poles require a foundation while wooden poles are directly buried in the ground.

An approximate 50-foot-radius work area around each pole is required. Some work areas may require the removal of vegetation and installation of silt fencing (e.g., during the wet season). Work areas around transmission poles generally will not require grading or surfacing. All TSPs will have concrete pier foundations approximately 5 to 7 feet wide and 15 to 30 feet deep. This design decreases the damage potential to the pole by eliminating the need for guy wires and thereby reducing the opportunity for contacts with the guy wires by birds.

Equipment used to drill and excavate holes for TSPs includes a hole auger, a boom truck, a concrete truck for pouring foundations, and a backhoe. This equipment will be transported to all the pole locations via existing public roads and highways.

The void resulting from removal of the existing pole will be backfilled and compacted and the surface area restored to its original conditions.

3.7 TRAFFIC CONTROL

Because the Project area is located within PROWs, traffic will need to be controlled and coordinated. Traffic control measures will conform to the specifications of the local jurisdiction and Caltrans (if applicable.)

Typically, traffic control will be set up for one day's work operation. One lane of traffic may need to be closed during work activities. During such periods, flagmen will be used to direct traffic in the construction zone. Delays typically average three to five minutes. Although it is not anticipated given the minimal trenching involved in the Project, if access to any residential or commercial driveway is obstructed by an open trench, steel plates will be placed over the excavation to provide temporary access.

3.8 PRE-CONSTRUCTION ENVIRONMENTAL TRAINING AND OTHER TRAINING

Pre-construction training will be conducted for all construction employees prior to the start of ground disturbing activities. The purpose of this training is to inform construction supervisors, workers, and inspectors of any potential sensitive resources that may occur along the Project route; explain the importance of these resources and their sensitivity to disturbance; review regulatory protections accorded to these resources; and describe controls and mitigation measures adopted for the Project. Training will identify individual responsibilities regarding

these resources and communication procedures. Pre-construction training will also cover construction practices, traffic controls, and health and safety practices.

3.9 NOISE AND DUST CONTROL

No increase in noise levels would occur from the operational phase of the Project because noise-producing equipment is not part of the Project. The Project will increase noise levels only during construction, and efforts will be made to keep these to a minimum. The noise impacts associated with the Project are expected to occur in the immediate vicinity of construction equipment. The increased noise levels will occur during daylight hours, when average noise levels from vehicular traffic are generally the highest. In addition, the noise increase will not affect any one location for an extended period of time. Noise impacts are discussed further in Chapter 4 of this document.

Construction traffic may result in increased dust, which will be controlled by use of water trucks to keep the dust to a minimum. Additional measures, such as covering stockpiles, will be implemented as appropriate. Due to the relatively fast pace of construction, dust impacts will be brief at any one location. Air impacts and mitigation are discussed further in Section 4.3 of this document.

3.10 EROSION CONTROLS

Erosion controls will be used where necessary along the Project route. Most likely, these controls will be implemented as necessary when construction activities occur near storm drains, streams, steep slopes, and other sensitive habitat areas. When appropriate, control measures that will be used include silt fence, certified weed-free straw wattles and straw bales, and other control measures.

3.11 HAZARDOUS MATERIALS SPILL PREVENTION AND CONTINGENCY PLAN

Construction activities have the potential to release hazardous materials, such as petroleum (e.g. fuels and lubricants used in construction vehicles and machinery) into storm drains, streams, and other sensitive habitats within the runoff of silt-laden water from the construction site. To reduce the potential for release of these materials and to minimize the impacts associated with an inadvertent spill, NextG will prepare and implement a Hazardous Materials Spill Prevention and Contingency Plan (SPCP). The SPCP will evaluate potential spill scenarios, identify avoidance and prevention measures, and identify response actions to such situations.

3.12 MITIGATION INCORPORATED INTO THE PROJECT

NextG has incorporated avoidance, mitigation, and restoration measures into the Project to reduce impacts on potential sensitive resources. Discussion of the impacts and measures can be found in Chapter 4 of this document.

3.13 KEY PERMITS AND APPROVALS

Key permits and approvals necessary for construction of the Project within Huntington Beach are presented below.⁵

PERMIT TYPE	AGENCY	APPLICATION NO.	NPC Submittal	Permit Received
Encroachment	City of Huntington Beach	MPC1026CA-HBN01 to 06 and 09 nodes including – replace exiting 40' wood pole at HB05	11-12-07 Original submittal for HB05 pole replacement	08-301
Encroachment	City of Huntington Beach	MPC1026CA-HBN08 – new 28' concrete pole	11-12-07 Original submittal	
Encroachment	City of Huntington Beach	MPC1026CA-HBN12 - new 18' steel pole	11-12-07 Original submittal	
Encroachment	Cal Trans – District 7	MPC1026CA-HBN13 –	N/A	1207-6UC-0961
Encroachment	Cal Trans – District 7	MPC1026CA-HBN14m1 – new 25' steel pole	12-21-07 1st Amendment	1208-6RW-0314 but denied on 5/21.
Encroachment	Cal Trans – District	MPC1026CA-HBN15 –	N/A	1207-6UC-

⁵ The need for an additional permit from the Coastal Development Commission (CDC) at HBN14 may also be necessary if the location is not exempt. NextG intends to seek verification by the CDC and obtain any additional permits necessary.

	7			0960
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL03 – 407'	11-12-07 Original submittal	Permit 08-447
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL04 – 2817'	11-12-07 Original submittal	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL05 – 179'	11-12-07 Original submittal	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL09 –	05-07-08 3 rd Amendment	08-303
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL10 – 566'	05-07-08 3 rd Amendment	
Encroachment	Cal Trans – District 7	MPC1026CA-HBUFL13 – 441, 715', 462', (1618')	05-07-08 3 rd Amendment	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL14 – 368', 517', 484' (1369')	05-07-08 3 rd Amendment	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL15 – 431'	05-07-08 3 rd Amendment	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL16 – 330'	05-07-08 3 rd Amendment	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL17 – 213', 415'	06-25-08 4 th Amendment	
Encroachment	Cal Trans – District 7	MPC1026CA-HBUFL18 – 415', 213' (628')	06-25-08 4 th Amendment	
Encroachment	City of Huntington Beach	MPC1026CA-HBUFL19 – 706', 603', (1309')	06-25-08 4 th Amendment	
Encroachment	Cal Trans – District	MPC1026CA-HBAFL01	N/A	1208-6UC-

	7			0032
Encroachment	Cal Trans – District 7	MPC1026CA-HBAFL02-	N/A	1208-6UC- 0033
Encroachment	UPRR	MPC1026CA-HBAFL12-	N/A	5/28/08 LTR

3.14 OPERATIONS AND MAINTENANCE

Operation and maintenance activities associated with a fiber-optic project are minimal. Future operation and maintenance of the facilities are carried out by NextG, whose personnel periodically patrol the Project route to look for any damage to the system. If maintenance or repair activities have the potential to affect sensitive resources, NextG will contact the appropriate resource agencies to ensure environmental compliance. Maintenance and repair activities are not discussed or analyzed further in this document.

4 ENVIRONMENTAL ASSESSMENT

This section describes existing environmental conditions within the study area for the Project. The purpose of this section is to characterize existing environmental conditions so that impacts associated with the construction and operation of the Project can be accurately identified.

4.1 AESTHETICS/VISUAL RESOURCES

This section provides a detailed assessment of the potential for adverse impacts to visual resources associated with the Project, including an overview of the environmental and regulatory settings, the potential for any environmental impacts, and a list of associated references. Potential impacts may result from the installation of new utility poles, DAS equipment placed on existing poles, and the extension of both above and underground fiber; however those impacts will be less than significant. This section also discusses some portions of the network that have already been constructed in Huntington Beach, Fountain Valley and Westminster, to give context and completeness to the aesthetics analysis.

4.1.1 ENVIRONMENTAL AND REGULATORY SETTING

The following sections outline both the environmental and regulatory setting information as it pertains to Aesthetics.

4.1.1.1 ENVIRONMENTAL SETTING

The Project will be located entirely within the PROW along roadways located in developed urban areas in the three cities. The associated poles and fiber wiring will be generally located alongside residential and commercial developments. In some areas, namely along the PCH and near the San Gabriel River, the Project will be placed aurally along existing utilities located within vacant, or open space areas.

The existing landscape character of the Project area is urban and is characterized by major roadways and smaller ancillary streets containing residences, commercial businesses, industry (such as active oil well farms) and parks or recreational areas. A portion of the northern area of the Project is located to the west of San Gabriel River, along a service road.

The current visual quality of the Project site is considered moderate. Views in the Project area consist mainly of urban development, scattered palm trees, the Pacific Ocean to the west, and mountainous slopes to the east.

4.1.1.2 REGULATORY SETTING

Pacific Coast Highway is considered a Primary Image Corridor by the City of Huntington Beach. PCH is not officially designated by Caltrans as a scenic highway; however, it is designated as state eligible.⁶ Within Orange County, PCH is considered a viewscape corridor.⁷ Additionally, The City of Huntington Beach designates Edwards Boulevard, between Slater and Garfield, and Newland Street, between Atlanta Ave and PCH, as Landscape Corridors.⁸ Furthermore, the City of Huntington Beach considers the Pacific Ocean and Huntington State Beach as visual assets to the city.⁹ None of the relevant roads in Fountain Valley or Westminster are designated as scenic.

4.1.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO VISUAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a	☐	☐	☒	☐

⁶ California Department of Transportation 2007.

⁷ County of Orange General Plan 2004. Transportation Element.

⁸ City of Huntington Beach 1996. General Plan-Circulation Element.

⁹ Huntington Beach General Plan. 1996. Urban Design Element.

scenic highway?

- c. Substantially degrade the existing visual character or quality of the site and its surroundings? ☐ ☐ ☒ ☐
- d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? ☐ ☐ ☒ ☐
-

Impacts to aesthetic resources could potentially occur if the Project were to result in any of the following:

- *Adverse impacts to a scenic vista or damage to a scenic resource*, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;
- *Substantial degradation of the existing visual character* or quality of the site and its surroundings; or
- *Creation of a new source of substantial light or glare* that adversely impacts day or nighttime views in the area.

4.1.3 ANALYSIS OF POTENTIAL IMPACTS TO VISUAL RESOURCES

Overall, construction and/or operation of the Project will not adversely affect scenic vistas or scenic resources, or substantially degrade the existing visual character or quality of the site and its surroundings. During construction, equipment will work in specific areas for a short time (24 - 48 hours at any one time). Once work is completed in an area, restoration activities will take place, and no permanent, long-term change to the existing environment will occur, except for the new equipment (poles, fiber, and DAS equipment). The installation of these features is compatible with the aesthetic environment of the current utility corridor, and will not create

significant changes to the existing environment. Measures to avoid and/or minimize impacts to aesthetic resources have been included as part of the Project design, including NextG's standard construction protocols measures, contained in Appendix B.

4.1.3.1 SUMMARY OF NEW CONSTRUCTION

As mentioned earlier, seven (7) nodes (HBN7, 8, 10-14) of the Project have yet to be constructed. Of the seven, two of the new nodes (HBN13 and 14) are located on PCH; however, only one of those two new nodes on PCH requires a new pole (HBN14). The remaining five (5) nodes (HBN7, 8, 10, 11, and 12) are inland, and are generally located along Acacia Ave, Edwards Street, and Goldenwest Street in the City of Huntington Beach. For these remaining five (5) inland nodes, two new poles will need to be installed at HBN8 and HBN12.

4.1.3.1.1 NODES TO BE PLACED ON NEW POLES

For the Project, a total of three new poles will need to be constructed at nodes HBN8, HBN12, and HBN14. Each node is described below.

Node HBN8 will consist of a new concrete pole along Edwards Street. This is located within the designated City landscape corridor, however is not directly adjacent to the coast. Due to the location of the new concrete pole and surrounding environs (residential, commercial, utilities), the installation of the new pole would not result in any significant visual impact and would blend in with the existing visual character.

Node HBN12 and HBN14 will consist of new steel poles.

Node HBN12 will be placed on the west side of Goldenwest Street between Taylor Drive and Ellis Avenue. Disturbance would involve excavation of a hole of sufficient size to properly place and anchor the new steel pole as well as undergrounding as needed for the network segment to connect to the new pole. Since this new pole will be located within an existing urban environment with other utility poles nearby, a significant visual impact is not anticipated. In addition, there are no sensitive views in close proximity to this location and the pole will not block any existing scenic vistas.

Node HBN14 is located along the PCH at the northeast corner of PCH and Twin Dolphin Road and is discussed below.

4.1.3.1.2 NODES TO BE PLACED ON EXISTING POLES

Proposed work on the existing poles to construct new Nodes at HBN07, HBN10, HBN11 and HBN13 will involve aerial construction to install new node equipment on the existing poles and to connect the nodes aerial fiber. Since the node equipment consists of a small metal box (6 by 6 by 38 inches) and connecting wires, it will blend in with the existing utilities, and no significant visual impact is anticipated. *See generally* Appendix G for photographs of already constructed facilities..

4.1.3.1.3 NEW FIBER ON EXISTING POLES

Above ground fiber will be strung along existing poles in many of the Project areas. Since the new fiber wire is very thin and will run in conjunction with many other wires, the incremental impact will be less than significant.

4.1.3.2 SUMMARY OF COMPLETED CONSTRUCTION

As noted in the Project Description, pursuant to the prior approvals to construct from the CPUC, the bulk (74%) of the overall Project has been constructed. See Network Map at Appendix A for depiction. Components of the Project network have been constructed in Huntington Beach, Westminster and Fountain Valley. In Huntington Beach, eight (8) nodes (HBN1, 2, 3, 4, 5, 6, 9 and 15) have already been constructed and one (HBN5) involved the replacement of an existing pole.

4.1.3.2.1 NODE PLACED ON REPLACEMENT POLE

At node HBN5, the existing pole has been replaced with a 40-foot, class 3 wood pole approximately 34 feet above ground. Depth below surface is 6 feet. The 40-foot wood pole was placed in the same hole of the existing pole, which was dismantled. The height of the new pole is comparable to the old wood pole. No significant visual change beyond the baseline condition was anticipated or observed; therefore the impact is less than significant.

4.1.3.2.2 NODES PLACED ON EXISTING POLES

Work on the existing poles (nodes HBN1, 2, 3, 4, 6, 9 and 15) involved construction to install new node equipment on the existing pole and to connect the new nodes via the new aerial or underground fiber DAS network. Since the node equipment consists of a small metal box (6 by 6 by 38 inches) and connecting wires, it blends in with the existing utilities, and no significant visual impact was anticipated or observed.

4.1.3.2.3 FIBER INSTALLATION

All Project construction in Fountain Valley and Westminster is complete. The components in these two cities involved installation of primarily only aerial fiber. In every instance where aerial fiber was installed there have been no observable impacts to aesthetics. This area is urban with existing aerial utility lines with commercial and residential settings.

4.1.3.3 ANALYSIS OF AREAS OF SIGNIFICANT VISUAL VALUE

As described in the environmental setting, some of the surrounding areas of the Project site do have significant visual value to the City of Huntington Beach. PCH is considered a Primary Image Corridor by the City, and, though not designated as such, is eligible to be listed as a State designated scenic highway. Additionally, Huntington State Beach and the Pacific Ocean are considered visual assets.

HBN13 is located at the intersection of 12th Street and PCH. This node does not require a new pole and will be attached to an existing pole. While HBN13 is near the Coastal Zone, as it will be located along the sidewalk on the west side of PCH, it is subject to the policies of the Local Coastal Program, which encourages the protection of scenic views. However, installation of the new node equipment box is not expected to create a major visual intrusion due to its size and since it is located on an existing pole. Therefore installation of HBN13 is not expected to result in any significant visual impact.

Node HBN14 is located at the northeast corner of Twin Dolphin Road and the PCH. A new steel pole will be installed. Ground disturbances include excavation of a hole of sufficient size in which to properly place and anchor the new steel pole as well as undergrounding as needed to incorporate it into the network segment. At the intersection of Twin Dolphin Lane, there are street lights and traffic signals, as well as a large, multi-story Hilton Hotel. Only views from the Hilton Hotel outdoor parking lot would potentially be affected by the new pole; however, this is classified as a minor impact. As such, the Project would not adversely affect scenic views from this site and would not be inconsistent with the goals of the City or state. As such, the views from Huntington State Beach or the PCH would not be significantly impacted by the placement of Nodes HBN13 and HBN14.

Therefore, the Project would not be inconsistent with Local Coastal Program policies, and the impact on scenic vistas, resources, and highways would be less than significant.

4.1.3.4 SCENIC VISTAS

Potential impacts to Scenic Vistas will be **Less Than Significant**. The Project will not be located within a scenic vista. While there are parks located near new fiber and pole sites potentially introducing sensitive viewers, they are located in areas already covered by above ground utilities therefore the Project would not result in a significant visual impact.

Although some of the street corridors of the Project site do have significant visual value to the City of Huntington Beach and PCH is considered a Primary Image Corridor, due to the baseline utility structures already existing in the locations of the Project poles, impacts would be considered less than significant.

4.1.3.5 SCENIC RESOURCES

Potential impacts to Scenic Resources will be **Less Than Significant**. The Project would not significantly affect scenic resources. Although the views of Huntington State Beach and the Pacific Ocean are considered visual assets to the City, due to the current visual quality of the area and the utility structures already existing in these locations, any potential impact would be considered less than significant.

With respect to the portions of the Project which have already been constructed, those portions have not resulted in any significant impacts to scenic vistas or resources. These areas previously constructed in Huntington Beach, Fountain Valley and Westminster, include nodes located along Edinger Avenue, Springdale Street, Heil Avenue, and Beach Boulevard. The specific areas were previously developed and urban in design and use; including residential, commercial, and public uses. Utility lines and associated wiring existed as part of the visual backdrop to these areas prior to node construction. As such, no new permanent aesthetic impacts were created as a result of their construction. The location of the nodes, fiber and poles did not occur in scenic vistas nor did they impact any scenic resources. To the extent there are any impacts to the visual character of the area, those impacts were minimal, generally temporary in nature, and are addressed in further detail below.

4.1.3.6 DEGRADATION OF VISUAL CHARACTER

Potential impacts to Visual Character will be **Less Than Significant**. There are existing utility poles and associated wiring along the Project path. Therefore, the Project is not expected to create additional degradation to the visual character of the area.

With respect to the portions of the Project which have already been constructed, there is no degradation of visual. These areas already have existing utility poles and ancillary equipment structures and the surrounding environs (commercial, utilities, residential) support the observation that there are no significant visual impacts caused by the addition of fiber between existing poles. They blend in with the existing visual character of the areas.

4.1.3.7 LIGHT AND GLARE

Potential sources of Light and Glare will constitute a **Less Than Significant** impact. For all segments of the Project alignment (both underground and aerial), the only potential source of light/glare would be *temporary* sources related to headlights and construction lighting associated with the installation/construction process itself. However, since daily work is scheduled to occur only during the hours of 7:00 a.m. to 7:00 p.m., the time period during which any said construction-related lighting would be used would be very short in duration. Construction is not expected to last more than 2 weeks at any one location, and for most locations, it will be considerably shorter. Furthermore, on many days, work may cease before the allotted 7:00 p.m. daily deadline. There will be no permanent impacts associated with light/glare for the Project.

4.1.4 REFERENCES

County of Orange. 2004. *County Of Orange General Plan*. Final. April 20th, 2004. Santa Ana, CA.

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*. Huntington Beach, CA.

California Department of Transportation. 2007. *California Scenic Highway Mapping System*. Last revised: December 07, 2007. Available at http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm Accessed: January 15, 2009.

4.2 AGRICULTURAL RESOURCES

The following sections outline the environmental setting and provide analysis for any potential impacts to Agricultural Resources.

4.2.1 ENVIRONMENTAL & REGULATORY SETTING

The Project, including the DAS itself and the associated poles and fiber wiring, would be located entirely within the PROW along roadways, generally located in developed urban areas. In some areas, namely along PCH and near the San Gabriel River, the DAS system would be near or cross through undeveloped, vacant, or open space areas.

The existing landscape character of the Project area is urban and is characterized by major roadways and smaller ancillary streets containing residences, commercial businesses, and parks or recreational areas. It is not considered to be located within any land used for agricultural purposes. A portion of the northern area of the Project is located on Westminster Ave along the roadside of the US Naval Weapons Station. This area is considered by the Department of Conservation FMMP as Prime Farmland; the remaining area of the Project is considered Urban Built-Up Land.¹⁰

4.2.1.1 PRIME FARMLAND AS MAPPED BY FMMP FARMLAND MAPPING AND MONITORING PROGRAM (FMMP)

In 1982, the State of California established the Farmland Mapping and Monitoring Program (FMMP) "...in response to a critical need for assessing the location, quality, and quantity of agricultural lands and conversion of these lands over time. FMMP is a nonregulatory [sic] program and provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. Creation of the FMMP was supported by the Legislature and a broad coalition of building, business, government, and conservation interests."¹¹

The FMMP creates and regularly updates maps "...of agricultural and urban land use on nearly 96% of the state's privately held land. The coverage area is 47.9 million acres in 49 counties. It is the only statewide land use inventory conducted on a two-year basis that identifies

¹⁰ Department of Conservation. 2006.

¹¹ FMMP – Program Background, CA Dept of Conservation at <http://www.conservation.ca.gov/dlrp/fmmp/overview/Pages/background.aspx>.

agricultural and urban land conversions.”¹² The FMMP then classifies the lands into a number of different categories to help gauge a parcel’s relative value for farming. The highest quality farming lands are known as “Prime Farmland” and “Farmlands of State Importance”.

According to the Department of Conservation, in order to be shown on FMMP's Important Farmland Maps as Prime Farmland and Farmland of Statewide Importance, land must meet both of the following criteria¹³:

First, with respect to land use, the land must have been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date. Irrigated land use is determined by FMMP staff by analyzing current aerial photos, local comment letters, and related GIS data, supplemented with field verification.

Secondly, with respect to the soil, the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the USDA Natural Resources Conservation Service (NRCS). NRCS compiles lists of which soils in each survey area meet the quality criteria.

Factors considered in qualification of a soil by NRCS include: (1) Water moisture regimes, available water capacity, and developed irrigation water supply, (2) Soil temperature range, (3) acid-alkali balance, (4) water table, (5) soil sodium content, (6) flooding (uncontrolled runoff from natural precipitation), (7) erodability, (8) the permeability rate, (9) the rock fragment content, and (10) the soil rooting depth.

4.2.1.2 FARMLANDS OF IMPORTANCE ALONG THE PROJECT ALIGNMENT

The Project does not adversely impact any lands within Orange County that have been officially designated as Prime Farmland or Farmlands of State Importance. As mentioned earlier, although a portion of the Project will be installed adjacent to such lands, they will not be directly impacted in any way.

¹² *Ibid.*

¹³ *Ibid* at http://www.conservation.ca.gov/dlrp/fmmp/overview/Pages/prime_farm_land_fmmp.aspx

4.2.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO AGRICULTURAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
AGRICULTURAL RESOURCES. In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	☐	☐	☐	☒
c. Involve other changes in the existing environment that, due to their location or nature, could result in	☐	☐	☐	☒

conversion of Farmland to non-agricultural use?

Impacts to agricultural resources could potentially occur if the Project were to result in any of the following:

- Conversion of prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use
- Conflicts with existing zoning for agricultural use, or a Williamson Act contract; or
- Other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural uses.

4.2.3 ANALYSIS OF POTENTIAL IMPACTS TO AGRICULTURAL RESOURCES

The following sections provide a detailed analysis of the Project with respect to agricultural resources.

4.2.3.1 CONVERSION OF FARMLAND

The Project does not include new construction that might convert farmland to non-agricultural uses. As such, there is **No Impact** with respect to Conversion of Farmland.

4.2.3.2 CONFLICT WITH AGRICULTURAL ZONING

Within the scope of the Project, there is no land subject to a Williamson Act contract. The Project will not conflict with existing agricultural zoning or any area subject to Williamson Act. As such, there is **No Impact** with respect to Agricultural Zoning.

4.2.3.3 LOSS OF FARMLAND

As mentioned earlier, the Project alignment does pass adjacent to an area designated as Prime Farmland along Westminster Street, within the US Naval Weapons Station located between Bolsa Chica Road and Seal Beach Boulevard. Figure 4.2-1 shows the pertinent area of the US Naval Weapons Station along Bolsa Chica Road:

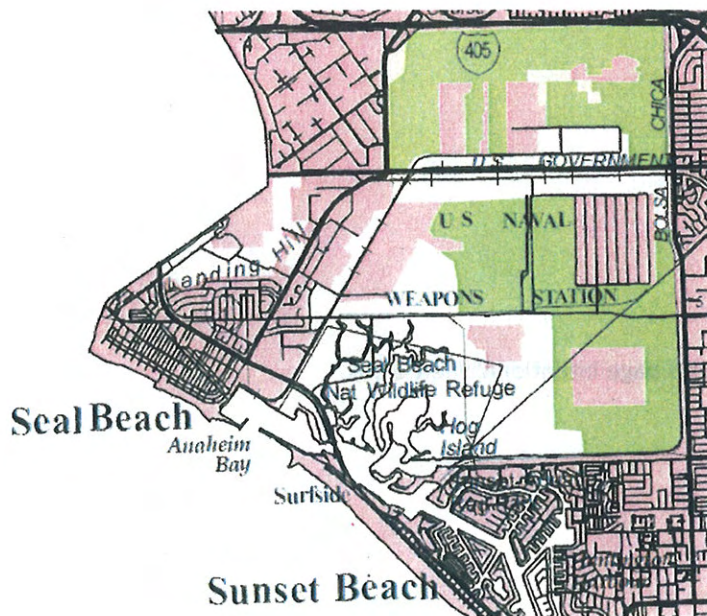


FIGURE 4.2-1 - HIGHLIGHTED PORTION OF ORANGE COUNTY FARMLAND MAP

The placement of wires will occur entirely within the curb and gutter of Westminster Street and will not adversely impact any of the designated Prime Farmland located within the US Naval Weapons Station, which is separated from the street on the south and north sides by a chain-link fence and barbed wiring. As such, the Project does not include any activity that might result in loss of farmland.

With respect to the portions of the Project which have already been constructed, those portions have not resulted in any significant impacts to agricultural resources.

4.2.4 REFERENCES

Department of Conservation. 2006. Division of Land Resource Protection. *Farmland Mapping and Monitoring Program. Orange County Important Farmland*. 2006. Sacramento, CA. Published August, 2007.

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4.3 AIR QUALITY

Air quality conditions in an area are determined by such natural factors as topography, meteorology, and climate, coupled with atmospheric stability conditions and the presence of inversions.

The California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA) currently focus on the following air pollutants as indicators of air quality: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, and lead. Because these are the most prevalent air pollutants known to be deleterious to human health and extensive health effects criteria documents are available, they are commonly referred to as "criteria air pollutants." Regional air quality management districts are tasked with monitoring and overseeing these pollutants within their geographical areas and implementing plans to keep these pollutants in check.

In addition to this regional approach to regulating criteria air pollutants, there is a developing global approach to analyzing and potentially regulating certain air pollutants referred to as Greenhouse Gases, the emission of which in excess of certain levels, are believed to contribute to the global warming of the planet.

4.3.1 ENVIRONMENTAL & REGULATORY SETTING

The following paragraphs detail the environmental and regulatory settings with respect to Air Quality for the Project alignment.

4.3.1.1 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)

Air quality in Orange County is regulated by various local, state, and federal government agencies. At the local level, the South Coast Air Quality Management District (SCAQMD) adopts and enforces regulations to control stationary source emissions. The SCAQMD is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties, the smoggiest region of the U.S. This area of 10,743 square miles is home to over 16 million people - about half the population of the whole state of California. It is the second most populated urban area in the United States and one of the smoggiest.¹⁴

¹⁴ SCAQMD Web site at http://www.aqmd.gov/aqmd/index.html#What_is_the_AQMD

Specifically, the Project is located within the South Coast Air Basin. The topography and climate of Southern California combine to make the Basin a high potential area for pollution.

Orange County is currently designated as a non-attainment area with respect to the state 1-hour ozone, PM_{2.5}, and PM₁₀ standards, and is either in attainment or unclassified for the remaining state standards. With respect to the national standards, the county is designated as a severe non-attainment area for the 1-hour ozone standard, extreme non-attainment for the 8-hour ozone standard, and non-attainment for PM_{2.5} and PM₁₀ standards. The county is either in attainment, unclassified, or unclassified/attainment for the remaining national standards. Based on current attainment status, lead, sulfates, hydrogen sulfide, and visibility-reducing particulate matter are not a primary concern in Orange County in comparison to ozone, PM₁₀, CO, and NO₂.

4.3.1.2 GREENHOUSE GASES AND CLIMATE CHANGE/GLOBAL WARMING

Global climate change is a problem caused by combined worldwide greenhouse gas (GHG) emissions. GHGs in the atmosphere trap infrared radiation emitted from the Earth's surface causing a "greenhouse effect." Emissions in excess of naturally occurring GHGs are thought to be responsible for the enhancement of the greenhouse effect and to contribute to what is termed "global warming," a trend of unnatural warming of natural Earth's climate.

Carbon dioxide, methane, and nitrous oxide are the GHGs released in the greatest quantities from mobile sources burning gasoline and diesel fuel. Because of the relatively long life of primary GHGs in the atmosphere, which results in the accumulation over time and well-mixing of these gases in the atmosphere, their impact on the atmosphere is mostly independent of the point of emission. Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors), which are pollutants of regional and local concern. Worldwide, California is the 12th to 16th largest emitter of CO₂ and is responsible for approximately 2% of the world's CO₂ emissions (California Energy Commission 2006).

The State of California implemented Executive Order S-03-05, issued by Governor Schwarzenegger, to reduce GHG emissions (e.g., carbon dioxide, methane), over various timeframes. This process led to the passage of Assembly Bill 32 (AB32), the Global Warming Solutions Act of 2006, which requires CO₂ emissions to be reduced from various sectors such as transportation (*i.e.*, motor vehicles), natural gas usage and electricity generation. Senate Bill 1368 (SB1368) is a companion bill of AB32, which requires the CPUC and California Energy

Commission to establish a GHG emission performance standard for baseload generation from investor-owned utilities and local public owned utilities.

The SCAQMD is in the process of defining significance thresholds or guidance for evaluating impacts associated with GHG emissions from stationary resources and their contribution to climate change.

4.3.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO AIR QUALITY

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
AIR QUALITY. When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality	☐	☐	☐	☒

standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

- d. Expose sensitive receptors to substantial pollutant concentrations? ☐ ☐ ☒ ☐
- e. Create objectionable odors affecting a substantial number of people? ☐ ☐ ☐ ☒
-

Air quality impacts could potentially occur if the Project were to result in any of the following:

- Conflicts with or obstruction of the implementation of the applicable Air Quality Attainment Plan or Congestion Management Plan;
- Violation of any stationary source air quality standards or contribution to an existing or projected air quality violation;
- A net increase of any criteria air pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Creation of or contribution to a non-stationary source "hot spot" (primarily carbon monoxide);
- Exposure of sensitive receptors to substantial pollutant concentration; or
- Creation of objectionable odors which impact a substantial number of people.

4.3.3 ANALYSIS OF POTENTIAL IMPACTS TO AIR QUALITY

Operation of the Project will generate no emissions. Construction of the Project would generate short-term emissions from the operation of construction equipment and support

vehicles. In addition, some dust could be generated during grading or scraping activities associated with site preparation.

Because disturbed soil would be subject to wind entrainment, exposure of sensitive receptors (*i.e.* local residences) to air borne particulates could occur. Fugitive dust would be generated during temporary node construction activities particularly during trenching activities. Dust emission can vary substantially depending on levels of activity, specific operations, and prevailing meteorological conditions. Disturbance will be caused by trenching operations, installation of fiber optic and electrical cabinets, and installation of pole nodes. As such, dust control measures will be implemented to minimize off-site deposition of fugitive dust.

The Project does not include operation of any emission-generating sources that would result in or contribute to any increases in emissions. However, construction activities associated with implementation of the Project are expected to contribute to a temporary increase in local levels of criteria pollutants including ozone related precursors (such as NO_x) and particulate matter (PM₁₀ and PM_{2.5}). Once construction activities have ceased, construction emissions will cease as well. Combustion emissions for all pollutants associated with Project construction equipment are projected to be below the required SCAQMD's significance thresholds. As described above in Section 3.6, construction of the Project will involve the periodic and temporary use of typical construction equipment, such as bucket trucks, backhoes, rock saws and some specialized equipment such as hydraulic pullers. Work at a particular location in the network is expected to last [24 hours/2 weeks]. Although the Project site is located in a region that is in non-attainment for ozone, PM_{2.5}, and PM₁₀ standards, the emissions associated with the Project would not be cumulatively considerable (empirically or cumulatively) because the emissions would fall below SCAQMD significance thresholds. As such, cumulative impacts from criteria pollutants would be less than significant.

Measures to avoid and/or minimize short-term construction impacts to air quality have been included as part of the Project design either per regulation or per NextG's standard construction and operation protocols as listed in the *Construction Protocol Measures For Work in Previously-Disturbed Public Rights-of-Way and Utilities Easements*. Specifically, the following BMPs will be adhered to for the Project.

NextG shall implement construction BMPs from the applicable air quality district to reduce dust and air emissions such as the following:

- *water all active construction areas at least twice daily;*
- *cover all trucks hauling soil, sand, and other loose materials;*
- *pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
- *sweep daily all paved access roads, parking areas and staging areas at construction sites;*
- *and sweep streets daily if visible soil material is carried onto adjacent public streets.*

NextG shall comply with the following requirements for project construction:

- *Use California on-road diesel fuel for all diesel-powered construction equipment;*
- *Use construction equipment that is properly tuned and maintained in accordance with manufacturer's specifications;*
- *Use best management construction practices to avoid unnecessary emissions (e.g., trucks and vehicles in loading and unloading queues shall be kept with their engines off, when not in use); and*
- *Suspend emissions-generating construction activities during "Stage 2" smog alerts. Stage 2 air pollution episodes occur under the California Air Pollution Emergency Episode.*

As a result, no significant impacts to air quality are anticipated to occur during the construction of the Project.

For the portion of the network which has been constructed previously, these protocol measures and BMPs were implemented. No significant impacts to air quality were observed.

4.3.3.1 CONFLICT WITH AIR QUALITY PLAN

As discussed above, the Project is not anticipated to conflict with an existing Air Quality Plan. As such, there is **no impact** to this area.

4.3.3.2 VIOLATION OF AIR QUALITY STANDARD

As discussed above, the Project is not anticipated to conflict with an existing Air Quality Standard. As such, there is **no impact** to this area.

4.3.3.3 RESULT IN A CUMULATIVELY CONSIDERABLY INCREASE IN NON-ATTAINMENT STATUS POLLUTANTS

As discussed above, the Project is not anticipated to considerably increase the non-attainment status of any of the examined pollutants. As such, there is **no impact** to this area.

4.3.3.4 EXPOSE SENSITIVE RECEPTORS TO POLLUTANTS

As discussed above, the Project will generate minimal amounts of dust and related pollutants associated with the construction phase of the Project. However, as mentioned previously, such impacts are temporary in nature, addressed in the construction protocol measures and will thus result in a **Less than Significant Impact** overall.

4.3.3.5 CREATE OBJECTIONABLE ODORS

As discussed above, the Project is not anticipated to create objectionable odors. As such, there is **no impact** to this area.

4.3.4 REFERENCES

County of Orange. 2004. *County Of Orange General Plan*. Final. April 20th, 2004. Santa Ana, CA.

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4.4 BIOLOGICAL RESOURCES

The following sections outline the environmental setting and provide analysis for potential impacts to Biological Resources.

4.4.1 ENVIRONMENTAL AND REGULATORY SETTING

Below is information relating to both the regulatory and environmental settings as they relate to Biological Resources.

4.4.1.1 ENVIRONMENTAL SETTING

This section discusses the existing conditions related to biological resources in the Project area (that area proposed to be impacted). The Project is located primarily within the City of Huntington Beach, but portions of the Project extend into the Cities of Fountain Valley and Westminster; however, as mentioned earlier in the Project Description, the portions of the Project in Fountain Valley and Westminster have been constructed. The Project consists of the installation of conduit in or adjacent to an existing roadway or on existing power lines in an urban environment. A biological reconnaissance survey was conducted by ICF Jones & Stokes biologists on January 12, and 13, 2009. The surveys were conducted by driving the Project routes and inspecting impact areas on foot that are adjacent to natural vegetation or jurisdictional waterways.

4.4.1.1.1 VEGETATION COMMUNITIES

There is no *native* vegetation within the Project area. Where there is vegetation, it consists of ornamental trees and/or landscaped vegetation. Native vegetation communities consisting of salt marsh were identified adjacent to the Project impact area. The salt marsh occurs on both sides of the San Gabriel River near its outlet into the Pacific Ocean in the western portion of the Project area. All other vegetation within or adjacent to the Project impact area consists of ornamental/landscaped vegetation. The remainder of the Project area is developed.

4.4.1.1.2 SPECIAL-STATUS SPECIES

For the purposes of this document, *special-status species* are plants and animals that are legally protected under ESA, CESA, or other such regulations, and species considered sufficiently rare by the scientific community to qualify for such listing. For the purposes of this report, special-status species include:

- Species listed or proposed for listing as threatened or endangered under ESA(50 CFR 17.12 [listed plants], 50 CFR 17.11 [listed animals], and various notices in the Federal Register [proposed species];
- Animal species of special concern to DFG;
- Animals fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], 5050 [amphibians and reptiles], and 5515 [fish]);
- Species listed or proposed for listing by the State of California as threatened or endangered under CESA (14 California Code of Regulations 670.5);
- Species that meet the definitions of rare or endangered under CEQA (State CEQA Guidelines, Section 15380);
- Plants listed as rare under the California Native Plant Protection Act (California Fish and Game Code, Section 1900 et seq.);
- Plants considered by CNPS to be "rare, threatened, or endangered in California" (Lists 1B and 2 in CNPS 2001); and
- Plants listed by CNPS as plants about which more information is needed to determine their status and plants of limited distribution (Lists 3 and 4 in CNPS 2001), (plants on these lists may be included as special-status species on the basis of local significance or recent biological information).

4.4.1.1.3 PLANTS

The Project area is entirely within existing roadways and/or bare dirt or gravel shoulders of existing roadways and thus no potential for habitat supporting special-status plant species exists. Therefore special-status plant species will be evaluated based on their potential to occur in habitats adjacent to the Project area.

Prior to the field surveys, a query of the California Natural Diversity Database (CNDDDB) was conducted to identify any special-status plant species that have been reported within a five-mile radius of the Project area. In addition, a list of federally listed plant species for Orange County was obtained from the Carlsbad U.S. Fish and Wildlife Service website (Appendix C). Table 4.4-1 includes all special-status plant species that have the potential to occur in the Project vicinity based on the database search and the USFWS County list. The table also

includes listing status, general habitat requirements and their potential to occur adjacent to the Project impact area. Plant species that were identified during the database and county list search that are limited to specific vegetation communities, elevation ranges, soils, etc. that do not occur within the vicinity of the Project were omitted from the table.

4.4.1.1.4 WILDLIFE

A query of the CNDDDB for wildlife was also conducted for the Project area and a five-mile radius (Appendix D). A list of federally listed wildlife species for Orange County was obtained from the Carlsbad U.S. Fish and Wildlife Service website (Appendix C). The results of the queries are presented in Table 4.4-2. Wildlife species identified during the database and county list search whose ranges do not occur within the vicinity of the Project area were omitted from the table.

4.4.1.1.5 WETLANDS

The Project area occurs between two major Southern California Rivers, the Santa Ana River to the southeast and the San Gabriel River to the northwest. The Santa Ana River occurs outside of the Project area while the San Gabriel River and its associated tidal marshland, cross the westernmost portion of the Project area. However, the Project area is confined to existing roadways and/or bare dirt or gravel shoulders of existing roadways and will not impact the San Gabriel River or the surrounding marshlands.

The area surrounding the Project area generally drains stormwater and other urban runoff through a network of concrete-lined channels and underground culverts to the west and south directly into the Pacific Ocean, or into the San Gabriel River, or into marshlands that occur next to the San Gabriel River, and Bolsa Chica Beach, and within the Seal Beach National Wildlife Refuge. Both Bolsa Chica Beach and the Seal Beach National Wildlife Refuge occur south and west of the Project area. All work will occur in existing roadways and/or bare dirt or gravel shoulders of existing roadways and will not impact any drainages, culverts, marshlands, or any other jurisdictional wetland or non-wetland waters.

4.4.1.2 SUMMARY OF FEDERAL REGULATIONS

The following sections outline the federal regulations that pertain to the Project.

4.4.1.2.1 ENDANGERED SPECIES ACT

Pursuant to the ESA, the USFWS has regulatory authority over federally listed species. Under the ESA, a permit to "take" a listed species is required for any federal action that may harm an individual of that species. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill,

trap, capture, or collect, or to attempt to engage in any such conduct.” Under federal regulation, take is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

4.4.1.2.2 MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) (*16 United States Code [USC] 703*) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the former Soviet Union (now Russia) and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (*16 USC 703, 50 CFR 21, 50 CFR 10*). Most actions that result in taking of or the permanent or temporary possession of a protected species constitute violations of the MBTA. The Migratory Bird Permit Memorandum, dated April 15, 2003, clarifies that destruction of most unoccupied bird nests is permissible under the MBTA; exceptions include nests of federally threatened or endangered migratory birds and bald eagles and golden eagles. USFWS is responsible for overseeing compliance with the MBTA. Most bird species and their occupied nests that could occur in the Project area would be protected under the MBTA.

4.4.1.2.3 CLEAN WATER ACT

Section 404 of the Clean Water Act (CWA) requires Project proponents to obtain a permit from the Corps before performing any activity that involves any discharge of dredged or fill material into “waters of the United States,” including wetlands. Waters of the United States include navigable waters of the United States, interstate waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

4.4.1.3 SUMMARY OF STATE REGULATIONS

The following sections outline the state regulations that pertain to the Project.

4.4.1.3.1 CALIFORNIA ENDANGERED SPECIES ACT

California implemented CESA in 1984. The act prohibits the take of endangered and threatened species and defines it as an activity that would directly or indirectly kill an individual of a species; habitat destruction is not included in the state’s definition of take. Section 2090 of CESA requires state agencies to comply with endangered species protection and recovery and

to promote conservation of these species. CDFG administers the act and authorizes take through Section 2081 agreements (except for species designated as fully protected). CDFG can adopt a federal biological opinion as a state biological opinion under California Fish and Game Code, Section 2095. In addition, CDFG can write a consistency determination for species that are both federally and state-listed if CDFG determines that the avoidance, minimization, and compensation measures will ensure no take of species. In the case of rare plant species, CESA defers to the California Native Plant Protection Act of 1977 (CNPPA; discussed below).

4.4.1.3.2 CALIFORNIA NATIVE PLANT PROTECTION ACT

The CNPPA prohibits importation of rare and endangered plants into California, take (killing) of rare and endangered plants, and sale of rare and endangered plants. CESA defers to the CNPPA, which ensures that state-listed plant species are protected when state agencies are involved in projects subject to CEQA. In those cases, plants listed as rare under the CNPPA are not protected under CESA but rather under CEQA.

4.4.1.3.3 CALIFORNIA FISH AND GAME CODE SECTION 1602—STREAMBED ALTERATION

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by CDFG under Section 1602 of the California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFG:

- ☐ Substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake.
- ☐ Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

A stream is defined as a body of water that flows at least periodically or intermittently through a bed or channel that has banks and supports fish or other aquatic life. This definition includes watercourses with a surface or subsurface flow that supports or has supported riparian vegetation. CDFG's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife. A CDFG streambed alteration agreement must be obtained for any Project that would result in an impact on a river, stream, or lake.

4.4.1.3.4 CALIFORNIA FISH AND GAME CODE SECTION 3503 AND 3503.5—PROTECTION OF BIRDS, NESTS, AND RAPTORS

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders Falconiformes and Strigiformes), including their nests or eggs. Typical violations of these codes include destruction of active nests resulting from removal of vegetation in which the nests are located. Violation of Section 3503.5 could also include failure of active raptor nests resulting from disturbance of nesting pairs by nearby Project construction. This statute does not provide for the issuance of any type of incidental take permit.

4.4.1.3.5 FULLY PROTECTED SPECIES UNDER THE CALIFORNIA FISH AND GAME CODE

Protection of fully protected species is described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species and do not provide for authorization of incidental take of fully protected species. CDFG has informed nonfederal agencies and private parties that their actions must avoid take of any fully protected species.

4.4.1.3.6 PORTER-COLOGNE WATER QUALITY CONTROL ACT—CALIFORNIA WATER CODE SECTION 13000 ET SEQ.

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), “waters of the state” fall under the jurisdiction of the appropriate RWQCB. The RWQCB must prepare and periodically update water quality control plans (basin plans). Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters of the state must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under Section 401 of the CWA.

4.4.1.4 SUMMARY OF LOCAL REGULATIONS

The City of Huntington Beach addresses biological resources in its General Plan, Environmental Resources/Conservation Element.¹⁵ According to the plan:

¹⁵ City of Huntington Beach General Plan, Environmental Resources/Conservation Element, 2006, City of Huntington Beach Official Web Site at http://surfcity-hb.org/files/users/planning/environmental_resources_conservation_element.pdf, Accessed 2/15/09.

Huntington Beach is located in Orange County's northern coastal area. This area is characterized by broad, sandy beaches backed by low bluffs and mesas, and lowland areas that once held extensive wetlands. There are two mesas within Huntington Beach: Bolsa Chica Mesa to the north, and Huntington Beach Mesa to the south. These mesas are separated by the Bolsa Chica Gap that includes the Bolsa Bay and the Bolsa Chica wetlands. North of the Bolsa Chica Mesa is the Sunset Gap with Anaheim Bay and Huntington Harbour...¹⁶

The element continues on to outline the marine waters, plant life, and wildlife for each of the ecological categories of Huntington Beach.

4.4.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Significant Impact	Less-than- Significant Impact	No Impact
BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local	☐	☐	☐	☒	

¹⁶ Ibid.

or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☒ | ☐ |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

Impacts to biological resources could potentially occur if the Project were to result in any of the following:

- Substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS;
- Substantial adverse effects on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS;
- Substantial adverse effects on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impeding of the use of native wildlife nursery sites;
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflicts with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP.

4.4.3 ANALYSIS OF POTENTIAL IMPACTS TO BIOLOGICAL RESOURCES

The following sections outline the potential impacts in each of the several specific areas of Biological Resources:

4.4.3.1 POTENTIAL ADVERSE IMPACTS ON PROTECTED SPECIES

The Project consists of the construction and placement of conduit in existing roadways and placement of wire on existing lines. Three new poles will be placed in existing sidewalks. No off-road clearing or grading is proposed as part of the Project, and therefore no direct impacts would occur to plant species or wetlands. Due to the developed and landscaped nature of the Project area, no sensitive plant and wildlife species are known to occur within the immediate Project area. No sensitive species or suitable habitat occurs in the immediate Project area either. Native wildlife habitat occurs directly *adjacent* to the north and south side of the

Project alignment along Westminster Ave. However, this portion of the Project will be aerial along the existing line and there will be no effects to the adjacent habitat.

Due to the highly developed nature of the Project site, the lack of appropriate habitat within the Project site, and the constant noise generated by traffic along the roads in the Project area, no further impacts to any sensitive wildlife, plant species, or sensitive habitats are anticipated. As such, there is **no impact**.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts to protected species were observed.

4.4.3.2 POTENTIAL ADVERSE IMPACTS ON RIPARIAN HABITATS

The Project will not have an adverse impact on any riparian or sensitive natural community. No riparian habitat or other sensitive natural habitat was observed in or near the Project. The Project does cross the San Gabriel River and the Garden Wintersburg Channel. However, both of these channels are concrete-lined and neither support riparian vegetation where the Project crosses. As such, there is **no impact**.

4.4.3.3 POTENTIAL ADVERSE IMPACTS ON FEDERALLY-PROTECTED WETLANDS

The Project will not have an adverse impact on federally protected wetlands. As such, there is **no impact**.

4.4.3.4 POTENTIAL ADVERSE IMPACTS ON MIGRATORY FISH OR WILDLIFE

The ornamental trees in the Project area can provide nesting habitat for birds, and the Project has the potential to impact nesting birds. Tree trimming activity (including removal of dead fronds from Mexican fan palms) in support of the installation of aerial lines could result in destruction of an active nest of bird species protected under the MBTA and California Fish and Game Code. As specified in *Construction Protocol Measures For Work in Previously-Disturbed Public Rights-of-Way And Utility Easements*, to avoid impacts to nesting bird species, trimming of trees should occur prior to the nesting season (early February through early August) to ensure take of nesting birds does not occur. If construction is necessary during this season, then a qualified biologist shall perform a preconstruction survey within the week prior to tree trimming activities to verify presence/absence of active nests. Construction may proceed if no active nests are identified; if active nests are present, construction shall be suspended until fledglings have vacated the nest, as verified by a qualified biologist.

In the event that birds and/or an active nest should be encountered during routine tree trimming, utilization of applicable Construction Protocol Measures will avoid potential adverse biological issues, and will reduce any potential impact to a level deemed to be **Less Than Significant**.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented. No significant impacts to migratory fish or wildlife were observed.

4.4.3.5 POTENTIAL CONFLICTS WITH LOCAL POLICIES PROTECTING BIOLOGICAL RESOURCES

As discussed above, the key local policy governing biological resources along the Project corridor is the City of Huntington Beach General Plan, Environmental Resources/Conservation Element (1996). Also as discussed *supra*, the Project will consist of construction in existing utility corridor PROW's that are largely devoid of sensitive biological resources as outlined in the Element. As such, no conflicts with the General Plan are anticipated, resulting in **no impact** in this area.

4.4.3.6 POTENTIAL CONFLICTS WITH CONSERVATION PLANS

There are no existing, adopted Habitat Conservation Plans, Natural Communities Conservation Plans or other approved conservation plans that would be adversely affected by the Project. As such, there is **no impact**.

4.4.4 REFERENCES

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Table 4.4-1 Special-Status Plant Species with Potential to Occur in the Project Area

Species	Status		Geographic Distribution	Habitat Requirements	Potential Occurrence in Project Area
	Federal/State/CNPS*				
Chaparral sand verbena <i>Abronia villosa</i> var <i>aurita</i>	-/-List 1B		Found in southern California deserts and in coastal counties from Ventura County to San Diego County. Reported near the Santa Ana River south of the project area.	Found in sandy soils in chaparral, coastal scrub and desert dunes	None. No suitable habitat present within project impact area.
San Diego ambrosia <i>Ambrosia pumila</i>	FE/-List 1B		Found in Riverside County, Orange County and San Diego County.	Chaparral, coastal scrub, valley and foothill grassland, vernal pool	None. No suitable habitat present within project impact area.
Aphanisma <i>Aphanisma blitoides</i>	-/-List 1B		Found in coastal counties from Santa Barbara County to San Diego County, and on all southern California islands.	Coastal bluff scrub, coastal dunes and coastal scrub	None. No suitable habitat present within project impact area.
Marsh sandwort <i>Arenaria paludicola</i>	FE/SE/List 1B		Found in San Francisco County, Santa Cruz County, Los Angeles County and San Bernardino County.	Sandy openings in freshwater or brackish marsh	None. No suitable habitat present within project impact area.
Ventura marsh milk-vetch <i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	FE/SE/List 1B		Found in Santa Barbara County, Ventura County, Los Angeles County and Orange County. Reported in marshlands near Bolsa Chica Creek south and west of the project area.	Edges of freshwater or brackish marsh, coastal scrub and coastal dunes	None. No suitable habitat present within project impact area.
Braunton's milk-vetch <i>Astragalus brauntonii</i>	FE/-List 1B		Found in Ventura County, Los Angeles County, Riverside County and Orange County below 650 meters.	Valley and foothill grasslands, chaparral, coastal scrub, especially recent burn or disturbed areas	None. No suitable habitat present within project impact area.
Davidson's saltscale <i>Atriplex serenana</i> var. <i>davidsonii</i>	-/-List 1B		Found along southern California coastal counties from Ventura County to San Diego County, and in San Bernardino County and Riverside County, and on all southern California islands. Reported near the outlet of the San Gabriel River.	Alkaline soils in coastal scrub or coastal bluff scrub	None. No suitable habitat present within project impact area.
Coastal dunes milk-vetch <i>Astragalus tener</i> var. <i>titi</i>	FE/SE/List 1B		Found in Monterey County, Los Angeles County and San Diego County.	Sandy soils in coastal bluff scrub, coastal dunes and coastal prairies	None. No suitable habitat present within project impact area.
Santa Barbara morning-glory <i>Calyxstegia sepium</i> ssp. <i>binghamiae</i>	-/-List 1A		Historically found in Santa Barbara County, Ventura county, Los Angeles County and Orange County. Reported in marshlands near Bolsa Chica Beach south and west of the project area.	Coastal marshes	None. No suitable habitat present within project impact area.

Table 4.4-1 Special-Status Plant Species with Potential to Occur in Study Area

Species	Status		Geographic Distribution	Habitat Requirements	Potential Occurrence in Project Area
	Federal/State/CNPS*				
Southern tarplant <i>Centromadia parryi</i> ssp. <i>australis</i>	-/-List 1B		Found in all southern California coastal counties from Santa Barbara County to San Diego County below 450 meters. Reported in several locations within the project area.	Periphery of salt marsh, alkaline areas, and valley and foothill grasslands	None. No suitable habitat present within project impact area.
Salt marsh bird's-beak <i>Corchylanthus maritimus</i> ssp. <i>maritimus</i>	FE/SE/List 1B		Found in all southern California coastal counties from San Luis Obispo County to San Diego County. Reported in marshlands within the Seal Beach National Wildlife Refuge and near Bolsa Chica Beach south and west of the project area.	Tidal salt marshes	None. No suitable habitat present within project impact area.
Slender-horned spineflower <i>Dodecaheia leptoceras</i>	FE/SE/List 1B		Los Angeles County, Riverside County and San Bernardino County from 200 to 760 meters.	Sandy coastal scrub, cismontane woodland and chaparral	None. No suitable habitat present within project impact area.
Mary-stemmed dudleya <i>Dudleya multicaulis</i>	-/-List 1B		Los Angeles County, Riverside County, Orange County and San Bernardino County below 800 meters.	Openings in coastal sage scrub, chaparral and grasslands	None. No suitable habitat present within project impact area.
Laguna Beach live- forever <i>Dudleya stolonifera</i>	FT/ST/List 1B		Found only in Orange County below 260 meters.	Chaparral, cismontane woodland, coastal scrub and grasslands	None. No suitable habitat present within project impact area.
Los Angeles sunflower <i>Helianthus nuttallii</i> ssp. <i>parishii</i>	-/-List 1A		Historically found in Alameda County, Los Angeles County, Orange County and San Bernardino County. Reported within the project area along a concrete-lined channel near Highway 39 and Warner Street.	Coastal salt marsh, freshwater marsh and other wetland communities	None. No suitable habitat present within project impact area.
Coulter's goldfields <i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	-/-List 1B		Throughout southern California, and on Santa Rosa Island. Reported in marshlands within the Seal Beach National Wildlife Refuge and near Bolsa Chica Beach south and west of the project area.	Coastal marshes, playas and vernal pools near the coast	None. No suitable habitat present within project impact area.
Mud nama <i>Nama stenocarpum</i>	-/-List 2		Throughout southern California coast, Imperial County, and southwestern United States. Reported within project area south of Westminster Boulevard within the US Naval Weapons Station.	Muddy embankments of ponds and lakes.	None. No suitable habitat present within project impact area.
Gambel's water cress <i>Nasturtium gambelii</i>	FE/SE/List 1B		Found from San Luis Obispo County south to San Diego County and in San Bernardino County. Reported near the coast in Huntington Beach.	Freshwater or brackish marshes	None. No suitable habitat present within project impact area.

Table 4.4-1 Special-Status Plant Species with Potential to Occur in Study Area

Species	Status		Geographic Distribution	Habitat Requirements	Potential Occurrence in Project Area
	Federal/State/CNPS*				
Prostrate vernal pool <i>Navarretia prostrata</i>	-/-/List 1B		Found in all coastal counties south of Santa Cruz County except Santa Barbara County and Ventura County. Also found inland in Alameda County, San Bernardino County, and Riverside County below 600 meters. Reported near the Santa Ana River south of the project site.	Vernal pools and moist places	None. No suitable habitat present within project impact area.
Coast woolly-heads <i>Nemaacaulis denudata</i> var. <i>denudata</i>	-/-/List 1B		Found in Los Angeles County, Orange County and San Diego County.	Well developed coastal sand dunes	None. No suitable habitat present within project impact area.
California Orcutt grass <i>Oreocaulis californica</i>	FE/SE/List 1B		Found in all coastal counties from Ventura County south to San Diego County.	Vernal pools	None. No suitable habitat present within project impact area.
Brand's phacelia <i>Phacelia stellaris</i>	-/-/List 1B		Found in Los Angeles County and San Diego County.	Coastal dunes and coastal scrub	None. No suitable habitat present within project impact area.
Sanford's arrowweed <i>Sagittaria sandfordii</i>	-/-/List 1B		Throughout central valley and in Orange County, Ventura County and Humboldt County below 650 meters. Reported within the project area along a concrete-lined channel near Sprindale Street and Warner Street.	Assorted shallow freshwater marshes	None. No suitable habitat present within project impact area.
Salt spring checkerbloom <i>Sidalcea neomexicana</i>	-/-/List 2		Found throughout California south of San Luis Obispo County below 1530 meters. Reported near the San Gabriel River north of the project area.	Chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub and alkaline playas	None. No suitable habitat present within project impact area.
Estuary seablite <i>Suaeda esteroa</i>	-/-/List 1B		Along southern California coast from Santa Barbara County to Baja Mexico.	Coastal salt marshes	None. No suitable habitat present within project impact area.
San Bernardino aster <i>Symphoricarpos defoliatum</i>	-/-/List 1B		Found in southern California from San Luis Obispo County to San Diego County except for Santa Barbara County, Ventura County and Imperial County below 2040 meters.	Grasslands and disturbed places in the San Gabriel and San Bernardino Mountains and the Peninsular Range	None. No suitable habitat present within project impact area.
Big-leaved crown beard <i>Verbesina dissita</i>	FT/ST/List 1B		Found only in Orange County.	Maritime chaparral and coastal scrub	None. No suitable habitat present within project impact area.

Table 4.4-1 Special-Status Plant Species with Potential to Occur in Study Area

Species	Status		Habitat Requirements	Potential Occurrence in Project Area
	Federal/State/CNPS*	Geographic Distribution		
^a Status explanations:				
— = no listing.				
Federal				
FE - listed as endangered under the federal Endangered Species Act.				
FT - listed as threatened under the federal Endangered Species Act.				
State				
SE - listed as endangered under the California Endangered Species Act.				
ST - listed as threatened under California Endangered Species Act.				
SR - listed as rare under California Endangered Species Act.				
CNPS List – California Native Plant Society				
1A – California endemic, presumed extinct				
1B – Rare, threatened or endangered in California and elsewhere				
2 – Rare, threatened or endangered in California but more common elsewhere				
3 – May be rare but more research needed to determine true status				
4 – Limited distribution and are uncommon but not presently rare or endangered				
References				
Special Status information from CDFG 2009 and CNPS 2009, Habitat and Geographic distribution from CNPS 2009 and Calflora 2009, Nomenclature from CNPS 2009, Rebman and Simpson 2006, and Hickman 1993.				

Table 4.4-2 Special-Status Wildlife Species with Potential to Occur in the Project Area

Species	Status		Geographic Distribution	Habitat Requirements	Potential Occurrence in Project Area
	Federal/State ^a				
Invertebrates					
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	E/--		Historically from Santa Barbara County south to northwest Baja California, within 40 miles of the Pacific Ocean. Currently known only from San Diego County and one location in Orange County.	Found in small, shallow vernal pools, which range in depth from 5 to 30 centimeters and in water temperature from 10 to 20 degrees Celsius	None. No suitable habitat present.
Riverside fairy shrimp <i>Streptocephalus wooltoni</i>	E/--		Vernal pools from southwestern Riverside County and western San Diego County, to northwestern Baja California, Mexico. One population known from Orange County.	Found only in deep lowland pools that retain water through the warmer weather of late spring	None. No suitable habitat present.
Amphibians					
Arroyo southwestern toad <i>Bufo californicus</i>	E/SSC		Along the coast and foothills from San Luis Obispo County to San Diego County and inland to San Bernardino County	Prefers sandy arroyos and river bottoms with open riparian vegetation in inland valleys and foothills.	None. No suitable habitat present.
California red-legged frog <i>Rana aurora draytoni</i>	T/SSC		Found along the coast and coastal mountain ranges of California from Marin County to San Diego County and in the Sierra Nevada from Tehama County to Fresno County	Permanent and semipermanent aquatic habitats, such as creeks and cold-water ponds, with emergent and submergent vegetation. May estivate in rodent burrows or cracks during dry periods.	None. No suitable habitat present.
Reptiles					
San Diego horned lizard <i>Phrynosoma coronatum blainvillii</i>	--/SSC		Transverse and Peninsular Ranges from Ventura County through San Diego County	Occurs in a variety of habitats, from brush-lands to coniferous forests; requires open areas for sunning	None. No suitable habitat present.
Western pond turtle <i>Actinemys marmorata</i>	--/SSC		Occurs throughout California west of the Sierra-Cascade crest. Found from sea level to 6,000 feet. Does not occur in desert regions except for along the Mojave River and its tributaries.	Occupies ponds, marshes, rivers, streams, and irrigation canals with muddy or rocky bottoms and with watercress, cattails, water lilies, or other aquatic vegetation in woodlands, grasslands, and open forests	None. No suitable habitat present.

Table 4.4-2 Special-Status Wildlife Species with Potential to Occur in Study Area

Species	Status		Geographic Distribution	Habitat Requirements	Potential Occurrence in Project Area
	Federal/State ^a				
Birds					
California brown pelican <i>Pelecanus occidentalis californicus</i> (nesting colony)	E/E, FP		Present along the entire coastline, but does not breed north of Monterey County; extremely rare inland	Typically in littoral ocean zones, just outside the surf line; nests on offshore islands	None. No suitable habitat present.
Light-footed clapper rail <i>Rallus longirostris levipes</i>	E/E, FP		Small populations along the coast in Santa Barbara, Ventura, Orange, and San Diego Counties	Restricted to salt marshes and tidal sloughs where pickleweed is abundant	None. No suitable habitat present.
California black rail <i>Laterallus jamaicensis coturniculus</i>	--/T, FP		Permanent resident in the San Francisco Bay and eastward through the Delta into Sacramento and San Joaquin Counties; small populations in Marin, Santa Cruz, San Luis Obispo, Orange, Riverside, and Imperial Counties	Tidal salt marshes associated with heavy growth of pickleweed; also occurs in brackish marshes or freshwater marshes at low elevations	None. No suitable habitat present.
Western snowy plover (coastal populations) <i>Charadrius alexandrinus nivosus</i> (nesting)	T/SSC		Population defined as those birds that nest adjacent to or near tidal waters, including all nests along the mainland coast, peninsulas, offshore islands, and adjacent bays and estuaries. Twenty breeding sites are known in California from Del Norte to Diego County	Coastal beaches above the normal high tide limit in flat, open areas with sandy or saline substrates; vegetation and driftwood are usually sparse or absent	None. No suitable habitat present.
California least tern <i>Sterna antillarum</i> (=albifrons) brownii (nesting colony)	E/E, FP		Nests on beaches along the San Francisco Bay and along the southern California coast from southern San Luis Obispo County south to San Diego County	Nests on sandy, upper ocean beaches, and occasionally uses mudflats; forages on adjacent surf line, estuaries, or the open ocean	None. No suitable habitat present.
Western burrowing owl <i>Athene cunicularia hypugae</i>	--/SSC		Lowlands throughout California, including the Central Valley, northeastern plateau, southeastern deserts, and coastal areas. Rare along south coast	Level, open, dry, heavily grazed or low stature grassland or desert vegetation with available burrows	None. No suitable habitat present.
Coastal California gnatcatcher <i>Polioptila californica californica</i>	T/SSC		Found only along the southern California coast from Los Angeles County to San Diego County	Permanent resident in coastal sage scrub, where it prefers relatively dense stands dominated by California sage (<i>Artemisia californica</i>)	None. No suitable habitat present.

Table 4.4-2 Special-Status Wildlife Species with Potential to Occur in Study Area

Species	Status		Geographic Distribution	Habitat Requirements	Potential Occurrence in Project Area
	Federal/State ^a				
Least Bell's vireo <i>Vireo bellii pusillus</i>	E/E		Small populations remain in southern Inyo, southern San Bernardino, Riverside, San Diego, Orange, Los Angeles, Ventura, and Santa Barbara Counties	Riparian thickets either near water or in dry portions of river bottoms; nests along margins of bushes and forages low to the ground; may also be found using mesquite and arrow weed in desert canyons	None. No suitable habitat present.
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	--/E		Small, fragmented populations remain along the coast from Santa Barbara County to San Diego County	Tidal areas supporting pickleweed; may also use alkali sloughs on the coastal plains	None. No suitable habitat present.
Mammals					
Salt marsh (southern California) ornate shrew <i>Sorex ornatus salicornicus</i>	--/SSC		Coastal marshes in Los Angeles, Orange, and Ventura Counties	Salt and brackish marshes	None. No suitable habitat present.
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>	E/SSC		Historically inhabited the coastal plains Los Angeles County south to San Diego County. Currently, only one extant population known from Dana Point Headlands, Orange County	Generally within 2 miles of the coast and below 600 feet elevation on fine-grained, sandy substrates within coastal strand, coastal dune, river alluvium, and coastal sage scrub habitats	None. No suitable habitat present.
Stephens' California vole (=meadow mouse) <i>Microtus californicus stephensi</i>	--/SSC		Found at Point Mugu, Orange County, and Playa del Rey and Sunset Beach, Los Angeles County	Tidal marshes	None. No suitable habitat present.
American badger <i>Taxidea taxus</i>	—/SSC		Throughout California, except for the humid coastal forests of northwestern California in Del Norte and the northwestern Humboldt Counties	Requires sufficient food, friable soils, and relatively open uncultivated ground; preferred habitat includes grasslands, savannas, and mountain meadows near timberline	None. No suitable habitat present.
Southern sea otter <i>Enhydra lutris nereis</i>	T/—, FP		Occurs approximately from the vicinity of Half Moon Bay south to Gaviota, California. Approximately 20 others, including pups, are at San Nicolas Island as a result of translocation efforts to establish an experimental population	Coastal waters, typically within 1 km of shoreline. Often associated with kelp beds	None. No suitable habitat present.

Table 4.4-2 Special-Status Wildlife Species with Potential to Occur in Study Area

Species	Status		Habitat Requirements	Potential Occurrence in Project Area
	Federal/State ^a	Geographic Distribution		
^a Status explanations:				
-	=	no listing.		
Federal				
E	=	listed as endangered under federal Endangered Species Act (ESA).		
T	=	listed as threatened under ESA.		
PT	=	proposed for federal listing as threatened under ESA.		
C	=	species for which U.S. Fish and Wildlife Service has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of proposed rule is precluded.		
State				
E	=	listed as endangered under California Endangered Species Act (CESA).		
T	=	listed as threatened under CESA.		
FP	=	fully protected under California Fish and Game Code.		
SSC	=	species of special concern in California.		

4.5 CULTURAL RESOURCES

As mentioned earlier in this document, the majority of the Project alignment will consist of aerial installations on existing telecommunications infrastructure. As such, for those segments, since no undergrounding/trenching will be required, there will be no potential of adverse impacts to cultural resources.

For the undergrounded portions, however, since the possibility of adverse impacts on buried cultural resources theoretically exists, a more detailed analysis is included herein. The following sections outline the environmental setting with respect to cultural resources, the CEQA Checklist Criteria for Potential Impacts to Cultural Resources, an analysis of the CEQA evaluation criteria, and the relevant conclusions.

4.5.1 ENVIRONMENTAL AND REGULATORY SETTING

For the purpose of this discussion, the term *cultural resources* is used to describe environmental elements labeled **ethnographic** (Native American) resources, **archaeological** (prehistoric) resources, **historic** (post-European contact) resources, and **paleontological** (fossil plant and animal) resources.

By way of review, the Project is located in the City of Huntington Beach, and consists of the installation of conduit and development of a distributed antenna system within existing roadways or on existing utility pole alignments in a developed, urban environment. As proposed, this network consists of approximately 30 miles of conduit (1.8 miles underground and 28.2 miles aerial) 15 antenna node locations, three new poles.

This section discusses the existing conditions related to cultural resources in the study area. For the purpose of this environmental assessment, a study area represented by a one-quarter mile radius surrounding all elements of the proposed network has been examined for recorded resources and previous cultural studies (see Figure 4.5-1).

4.5.1.1 SUMMARY OF THE CULTURAL HISTORY

The City of Huntington Beach generally lies within the area considered to have been historically occupied by the Gabrielino culture group; however, according to the September 15, 2008 Final EIR for the "Rip Curl" Project, "...the Santa Ana River drainage area appeared multi-ethnic and multi-linguistic, with extensive intermarriage between the Gabrielino and neighboring

Juaneño/Luiseño group, which shared many linguistic and cultural similarities.”¹⁷ The following paragraphs, obtained from the Rip Curl report, outline the territory and language, subsistence and technology, settlement patterns and social organization, and burial methods for the Gabrielino:

4.5.1.1.1 TERRITORY AND LANGUAGE

Gabrielino lands encompassed the greater Los Angeles Basin, including the inland valleys of San Fernando, San Gabriel, and Pomona; the Pacific Ocean coastal region from Topanga Canyon in the north to Newport Bay in the south; and three Channel Islands; San Clemente, San Nicolas, and Santa Catalina. Their lands encompassed the Los Angeles and San Gabriel Rivers; and end at the edge of the Santa Ana River, at the San Bernardino and San Jacinto Mountains far to the east and south. These rivers created numerous fresh water marshes across the flat plain in the past, though few currently remain. The southern boundary of Gabrielino territory had long been thought to lay at Los Alisos Creek based on anthropological fieldwork; however, the Juaneño currently dispute this defined northern boundary of their lands with the Gabrielino.

4.5.1.1.2 SUBSISTENCE AND TECHNOLOGY

The fundamental economy of the Gabrielino was one of subsistence gathering and hunting, and the tribe exploited a variety of ecological niches. Acorns were the staple food, supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora; fresh-water and salt-water fish, shellfish, birds, reptiles, insects, and large and small mammals were also consumed.

The Gabrielino used a wide variety of tools to gather and process food resources, including bows and arrows, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Many plant foods were collected with woven seed beaters, several forms of burden baskets, carrying nets, and sharpened digging sticks, sometimes with stone weights fitted onto them. Groups residing near the ocean used ocean-going plank canoes (known as a ti'at) and tule balsa canoes for fishing. All these foods were processed with a variety of tools, including portable and bedrock mortars, pestles, basket-hopper mortars, manos and metates, hammerstones and anvils, woven strainers and winnowers, leaching baskets and bowls, woven parching trays, knives, bone saws, and wooden drying racks. Food was consumed from a number of woven and carved wood vessels. The ground meal and unprocessed hard seeds were stored in large finely

¹⁷ City of Huntington Beach Official Web Site, Rip Curl project documentation, at http://www.surfcity-hb.org/files/users/planning/09_Sec4.4_CulturalResources.pdf, Sect. 4.4.1, pg 4.4-1 et seq.

woven baskets, and the unprocessed acorns were stored in large granaries woven of willow branches and raised off the ground on platforms. Santa Catalina Island steatite was used to make comals, ollas, and cooking vessels that would not crack like regular stone under repeated firings.

4.5.1.1.3 SETTLEMENT PATTERNS AND SOCIAL ORGANIZATION

The Gabrielino established large, permanent villages across their territory. Several Gabrielino villages appear to have served as trade centers, due in large part to their central location in relation to the Southern Channel Islands and to other tribes, but these villages along the south coast are not well understood. Puvunga lies northwest of the Project site, at Bixby Hill (south Long Beach), and a small, early historic settlement called El Piojo lies near Los Alamitos Bay. Another Contact Period village lies south of the Project site, on the south edge of the Huntington Mesa, overlooking the Santa Ana River. Villages contained houses and other structures that served as sweathouses, menstrual huts, ceremonial enclosures, and probably communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Gabrielino villages.

4.5.1.1.4 BURIAL

The Gabrielino and Luiseño each practiced both burial and cremation. Archaeological finds of adult burials often consists of a body accompanied by various grave goods. Some indication exists that island groups more frequently practiced burial, and inland groups more commonly cremated remains. Even cremated remains, however, were accompanied by grave goods, often consisting of useful belongings that were cremated along with their owner.

4.5.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO CULTURAL RESOURCES

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

CEQA recognizes cultural resources as a part of the environment. A historic resource is defined by CEQA as:

A resource listed on, or determined to be eligible by the State Historical Resources Commission for listing on the California Register of Historical Resources (Public Resources Code Section 5024.1, Title 14 California Code of Regulations [CCR], Section 4850 et seq.).

A resource included in a local register of historic resources, as defined in Section 5020.1(k) of the Public Resources Code, or identified as significant in a historic resource survey meeting the requirements of Section 024.1(g) of the Public Resources Code.

Impacts to cultural resources could potentially occur if the Project were to result in any of the following:

- Substantial adverse changes in the significance of a historical resource either listed or eligible for listing on the National Register of Historic Places, the California Register of Historic Resources, or a local register of historic resources; or
- Substantial changes in the significance of a unique archaeological resource, destruction of a unique paleontological resource or site or disturbance of human remains, including those interred outside of formal cemeteries.

Impacts to archaeological and historic resources are further defined as follows:

- Potentially significant impacts are those resulting from construction, operation, or maintenance activities that would adversely impact the integrity of significant or potentially significant prehistoric archaeological resources, and are unavoidable as the Project is planned. Examples of these resources are archaeological resources or historic districts that cover an extensive area, are materially dense, and provide little or no opportunity for avoidance or adequate mitigation.
- Less than significant impacts are those resulting from construction, operation, or maintenance activities that could adversely impact the integrity of significant or potentially significant prehistoric archaeological resources and for which there is sufficient opportunity for resource avoidance. Examples of these resources are archaeological resources or historic sites that have an uneven distribution

providing adequate opportunities for avoidance, or for which adequate mitigation is available.

- No impacts would occur where no known or previously unrecorded resources are present in the Project area or close enough to be impacted by the Project.

Paleontological resource sensitivity is further defined as follows:

- Paleontologic sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, past history of the rock unit in producing significant fossils, and fossil localities that are recorded from that unit. Paleontologic sensitivity is derived from the fossil data collected from the entire geologic unit, not just from a specific survey.

4.5.3 ANALYSIS OF POTENTIAL IMPACTS TO CULTURAL RESOURCES

A review of literature and recorded cultural resources in the California Historical Resources Information System, housed with the South Central Coastal Information Center (SCCIC), California State University Fullerton was initiated by ICF Jones & Stokes archaeologists on 12 January 2009. Also on 12 January, a request for review of the Sacred Lands File for the current study area was forwarded to the California Native American Heritage Commission. The Historic and Cultural Resources Element to the Huntington Beach General Plan (City of Huntington Beach 1996) was reviewed to identify applicable local ordinances and to take into consideration local historic sites and cultural resource interests as they pertain to this Project. Archaeological reconnaissance survey of the proposed network underground alignments was completed by ICF Jones & Stokes archaeologists on January 12 and 13, 2009.

The record search conducted at SCCIC identifies 40 previously recorded resources within the Project study area (see Table 4.5-1). Research reveals three historic resources within the study area that are listed in the National Register of Historic Places: two of these, the Huntington Beach Elementary School and the Helmes-Worthy Store and Residence, are located outside the Project Impact Area. As proposed, the Project alignment will transit the NRHP District US Naval Weapons Station, Seal Beach, consisting of an aerial installation to existing pole structures, located entirely within the Westminster Avenue right of way. No California Register, California Historic Landmarks, or California Points of Historical Interest are recorded within the Project study area. Ten of the recorded resource locations are mapped within the Project Impact Area:

five of these are mapped at locations within portions of the network where underground installation is proposed.

54 previous cultural resource studies are identified in the literature search conducted at SCCIC (see Table 4.5-2). Five of these studies have been conducted within the past 5 years: 38 percent of all previous studies (n=21) have been conducted since 1999. Smaller-scale archaeological surveys and impact assessments represent the majority of studies conducted since 1999. Studies of larger development projects (i.e., Hellman Ranch Bixby Ranch), and environmental studies of the Naval Weapons Station at Seal Beach were conducted between 1989 and 1999.

Request for a search of the Sacred Lands File maintained by the California Native American Heritage Commission (NAHC) revealed the presence of numerous Native American cultural resources, including burial sites within the Project study area (see Attachment E). NAHC correspondence also provides a list of tribal contacts, and knowledgeable individuals who may have information relating to sensitive cultural sites within the Huntington Beach region. Reviewing the NAHC finding, Project analysis shows 7 prehistoric sites consisting of shell midden and lithic scatter within the Project Impact Area: the single SCCIC-recorded burial site (CA-ORA-1078) is located within the study area, but lies outside the Project Impact Area (see Table 4-5.1).

Review of the Historic and Cultural Resources Element to the Huntington Beach General Plan (City of Huntington Beach 1996) failed to identify any local ordinances pertaining to archaeological sites and historic cultural resources. The element does contain some limited map information, but at insufficient level of resolution to evaluate potential Project impacts. Sites shown on the map are also provided in Table HCR-2. Resources recognized by the cultural element are principally historic structures: all of these are located outside the Project Impact Area. Four resources listed in Table HCR-2 are described as archaeological sites: none of these locations are found within the Project Impact Area.

With respect to the portions of the Project which have already been constructed, standard construction protocol measures and BMPs were implemented as necessary, and no significant impacts to archaeological, paleontological, or historical resources were observed.

4.5.3.1 RELEVANT CONSTRUCTION PROTOCOL MEASURES

Measures to avoid and/or minimize impacts to cultural resources have been included in NextG's standard construction protocols for cultural resources as listed in the *Construction Protocol Measures For Work in Previously-Disturbed Public Rights-of-Way And Utility Easements*.

Specifically, the following measures are included with Section 3.0 of the *Construction Protocol Measures* document:

If buried cultural resources, such as chipped or ground stone, historic debris, building foundation, or human bone, are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate measures in consultation with the CPUC, State Historic Preservation Officer, and other appropriate agencies.

If human remains are discovered or recognized in any location other than a dedicated cemetery, NextG will suspend further excavation or disturbance of the site and any nearby areas reasonably suspected to overlie adjacent human remains until the coroner of the county has been informed and has determined that no investigation of the cause of death is required.

If human remains of Native American origin are discovered on federal land during ground-disturbing activities, pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA), NextG will:

- *Notify the county coroner or the sheriff;*
- *Notify, in writing, the responsible federal agency; and*
- *Cease activity in the area of discovery and protect the human remains.*

In the event that fossil remains are encountered, either by the cultural resources monitor or by construction personnel, qualified paleontological specialists will be contacted. Construction within 100 feet of the find in non-urban areas and 50 feet in urban areas will be temporarily halted or diverted until a qualified vertebrate paleontologist examines the discovery.

4.5.3.2 CULTURAL RESOURCES CONCLUSIONS BY CEQA SUB-CATEGORY

The following sections outline each of the CEQA cultural resources sub-categories, and provide analysis of potential adverse impacts, if any.

4.5.3.2.1 WILL THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN SECTION 15064.5?

No Impact. The Project consists of the installation of conduit and development of a distributed antenna system within existing roadways or on existing utility pole alignments in a developed, urban environment. As proposed, the Project will have no impact to recorded architecture, landscape or other historical resources of the built environment. The Project alignment will cross the NRHP District US Naval Weapons Station, Seal Beach, but therein the proposed alignment is aerial installation to existing pole structures, and lies entirely within the Westminster Avenue right of way. Based on review of the cultural resource inventory, results of archaeological survey, and examination of the CEQA guidelines at Section 15064.5, no substantial adverse change in the significance of a historical resource is anticipated.

4.5.3.2.2 WILL THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO SECTION 15064.5?

Less than Significant Impact. Within the Project Impact Area, there are no archaeological resources listed on the National Register or California Register. Thirty-six archaeological resources are identified within the Project study area. Nine of these recorded locations are mapped within the Project Impact Area: five of these are mapped at locations within portions of the network where underground installation is proposed.

The Project will include approximately 1.8 miles of underground installation within existing roadways, and construction of three new utility poles to be placed in existing sidewalks. Construction trenching is described as standard trenching to depths of 30 inches. Pole placements will be bored in place to depths of 60-84 inches. No off-road clearing or grading is proposed.

Due to trenching activities associated with the Project, some risk of impact to archaeological resources may exist. However, given the levels of current impacts from existing built environment within the Project Impact Area, the intended underground installation within existing roadways and sidewalks, and the application of NextG construction protocols, this risk is assessed as representing less than significant impact.

Based on review of the cultural resource inventory, results of archaeological survey, and examination of the CEQA guidelines at Section 15064.5, no substantial adverse change in the significance of an archaeological resource is anticipated

4.5.3.2.3 WILL THE PROJECT DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?

No Impact. The Project includes portions of the City of Huntington Beach, located within the Los Angeles Basin, in the coastal plain of the Peninsular Ranges Geomorphic Province. The soils in this area consist of Quaternary deposits (Pleistocene and Holocene), and much of the area is covered by relatively recent and loose sedimentary deposits (City of Huntington Beach 1996).

The basin's central floor is buried beneath at least 20,000 feet of sedimentary deposits. The Los Angeles Basin was a deep marine trough at the beginning of the Pliocene, 10 million years ago; successively filled with sediments containing fossils characteristic of shallower waters, until the uppermost, largely continental Pleistocene strata were deposited (Ahlering 1973). The continental sediments are much less fossiliferous than the marine deposits, but they are not barren.

The modern basin has been deformed continuously up to very recent times, with its center sinking and at least part of its margin rising. Within the study area landforms are divided into two physiographic zones: a broad alluvial floodplain grading seaward into tidal marshland, and a series of structural hills or mesas.

Information regarding fossil locations for the study area is sparse. Marine vertebrates and invertebrates, as well as terrestrial vertebrates, may be encountered where the surface soil is disturbed to depths of greater than 5 feet.

The Project will include approximately 1.8 miles of underground installation within existing roadways, and construction of three new utility poles to be placed in existing sidewalks. Construction trenching is described as standard trenching to depths of 30 inches. Pole placements will be bored in place to depths of 60-84 inches. No off-road clearing or grading is proposed.

Based on review of the results of archaeological survey and analysis of proposed construction methods—particularly for areas of underground installation—no destruction of a unique paleontological resource or site or unique geologic feature is anticipated.

4.5.3.2.4 WILL THE PROJECT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED
OUTSIDE OF FORMAL CEMETERIES?

No Impact. The Project includes approximately 1.8 miles of underground installation within existing roadways, and construction of three new utility poles to be placed in existing sidewalks. Construction trenching is described as standard trenching to depths of 30 inches. Pole placements will be bored in place to depths of 60-84 inches. No off-road clearing or grading is proposed. There are no formal cemeteries adjacent or within these underground portions of the Project Impact Area.

Within the Project study area, there is one recorded archaeological resource reported to contain burials: site CA-ORA-1078. Review of site records for 36 archaeological resources identified in the record search reveal no other burials reported for this inventory. CA-ORA-1078 lies approximately 600 feet west of the nearest Project alignment, where aerial installation on existing poles is proposed.

Based on review of the cultural resource inventory, results of archaeological survey, and analysis of proposed construction methods—particularly for areas of underground installation—no disturbance of any human remains is anticipated.

In the unlikely event that previously-unearthed cultural resources are discovered during construction of the remaining portions of the Project, proactive use of the construction protocol measures listed above will ensure appropriate handling of the artifacts/remains.

4.5.4 REFERENCES

Ahlering, Michael L. 1973. Report of a Scientific resources Survey and Inventory: Conducted for the City of Huntington Beach, California. Archaeological Research, Inc.

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*. Huntington Beach, CA.



Figure 4.5-1
Cultural Resources Study Area

Table 4.5-1 Recorded Cultural Resources Identified Within a One-Quarter Mile Radius of the Project Area

Record Number	Period	Resource Description	Area Description	Relation to Project Impact Area
P-19-187657	Historic	Historic Bixby Ranch Field Office Building		Outside: No Impact
CA-LAN-1821 / P-19-001821	Prehistoric	Shell Midden		Outside: No Impact
P-19-186926	Historic	Flood Control Pump Station		Outside: No Impact
CA-LAN-0278	Prehistoric	Prehistoric Camp Area		Outside: No Impact
P-30-001473	Prehistoric	Shell Midden		Outside: No Impact
CA-ORA-0256	Prehistoric	Shell Midden		Outside: No Impact
CA-ORA-0257	Prehistoric	Artifact Scatter		Outside: No Impact
P-30-001544	Prehistoric	Artifact Scatter		Outside: No Impact
P-30-001542	Both	Shell & Trash Scatter	Urban residential/commercial; asphalt & dirt	Within: Aerial alignment to existing poles; No Impact
P-30-001543	Historic	Trash Scatter	Urban commercial; asphalt & dirt	Within: Aerial alignment to existing poles; No Impact
P-30-001541	Prehistoric	Shell Midden	Urban commercial; asphalt & dirt	Within: Aerial alignment to existing poles; No Impact
P-30-001540	Prehistoric	Shell Scatter		Outside: No Impact
P-30-001539	Prehistoric	Shell Scatter		Outside: No Impact
P-30-001644	Prehistoric	Shell Midden		Outside: No Impact
CA-ORA-0263	Prehistoric	Artifact Scatter		Outside: No Impact
CA-ORA-0265/-0143	Prehistoric	Artifact Scatter		Outside: No Impact
P-30-179859	Historic	NRHP District: US Naval Weapons Station, Seal Beach	Westminster Avenue right of way; asphalt & dirt	Within: Aerial alignment to existing poles; No Impact
P-30-176500-176504	Historic	Historic Buildings w/h USNWS		Outside: No Impact
CA-ORA-1078	Prehistoric	Burial		Outside: No Impact
CA-ORA-0142	Prehistoric	Shell Midden, Artifact Scatter		Outside: No Impact
P-30-150003	Historic	Oil Field	Industrial commercial; asphalt & dirt	Within: Underground trenching to 30in depth in street; No Impact
P-30-150067	Historic	Foundation		Outside: No Impact
P-30-150066	Historic	Foundation		Outside: No Impact
P-30-150069	Historic	Foundation		Outside: No Impact

Table 4.5-1 Recorded Cultural Resources Identified Within a One-Quarter Mile Radius of the Project Area

Record Number	Period	Resource Description	Area Description	Relation to Project Impact Area
CA-ORA-0082	Prehistoric	Shell Midden, Artifact Scatter	Industrial commercial; asphalt & dirt	Within: Underground trenching to 30in depth in street: Less than Significant Impact
CA-ORA-0088	Prehistoric	Shell Midden, Artifact Scatter		Outside: No Impact
CA-ORA-0365	Prehistoric	Shell Midden, Artifact Scatter	Urban residential; asphalt & dirt	Within: Underground trenching to 30in depth in street & one new pole: Less than Significant Impact
CA-ORA-0364	Prehistoric	Shell Midden, Artifact Scatter		Outside: No Impact
CA-ORA-1313	Prehistoric	Flake Scatter		Outside: No Impact
CA-ORA-1275	Prehistoric	Shell Midden		Outside: No Impact
CA-ORA-1192				Outside: No Impact
CA-ORA-1317	Prehistoric	Shell & Lithic Scatter		Outside: No Impact
CA-ORA-1315	Prehistoric	Shell & Lithic Scatter		Outside: No Impact
CA-ORA-1318	Prehistoric	Shell & Lithic Scatter		Outside: No Impact
			Industrial commercial; asphalt & dirt	Within: Underground trenching to 30in depth in street: Less than Significant Impact
CA-ORA-1214	Prehistoric	Shell Midden, Lithic Scatter	Urban residential/commercial; asphalt & dirt	Within: Underground trenching to 30in depth in street: Less than Significant Impact
CA-ORA-0276	Prehistoric	Artifact Scatter		Outside: No Impact
CA-ORA-0149	Prehistoric	Artifact Scatter	Urban residential/commercial; asphalt & dirt	Within: Aerial alignment to existing poles: No Impact
P-30-001654	Historic	Historic Dump		Outside: No Impact
N1896(94001499)	Historic	Huntington Beach Elementary School, Gymnasium, & Plunge	Listed on the National Register of Historic Places	Outside: No Impact
N1493(86003668)	Historic	Helme-Worthy Store & Residence	Listed on the National Register of Historic Places	Outside: No Impact

Table 4.5-2 Cultural Resources Studies Previously Conducted Within a One-Quarter Mile Radius of the Project Area

IC_Rpt #	Year	Authors	Title
OR3683	2007	Michael Brandman Associates	Cultural Resources Records Search and Site Visit Results for T-Mobile Candidate LA02915H (Magnolia Car Wash), 9002 Talbert Avenue, Fountain Valley, Orange County, California
OR3661	2007	Michael Brandman Associates	Cultural Resources Records Search and Site Visit Results for AT&T Candidate LSA3104 (Magnolia Center), 19171 Magnolia Street, Huntington Beach, Orange County, California
OR3446	2006	Michael Brandman Associates	Cultural Resources Records Search and Site Visit Results for Royal Street Communications, LLC Candidate LA2731B (SCE Lagenbeck Park), Del Amo-Ellis Lane, Hickory Lane, Huntington Beach, Orange County, California
OR3317	2006	DeBarros, Philip, et al.	Final Report on the Huntington Beach Dump Site, CA-ORA-1582h, Including the Results of Excavations at Newly Discovered Loci B and C, Pacific City Project, Huntington Beach, Orange County, California
OR3444	2006	Michael Brandman Associates	Cultural Resource Records Search and Site Visit Results for Royal Street Communications, LLC Candidate LA2737A (Magnolia & Indianapolis), 20444 Magnolia Street, Huntington Beach, Orange County, California
OR3072	2005	Michael Brandman Associates	Cultural Resources Records Search Results and Site Visit for T-Mobile Candidate LA02852A (Magnolia Center), 19171 Magnolia Street, Huntington Beach, Orange County, California
OR3316	2005	DeBarros, Philip, et al.	Data Recovery Excavation at CA-ORA-149 and CA-ORA-1582h, Pacific City Project, Pacific Coast Highway, Huntington Beach, California
OR3003	2005	Thal, Sean	Howlie/CA-8215a 20444 Magnolia Street, Huntington Beach, CA Orange County
LA8494	2004	Shepard, Richard S.	Archaeological Survey Report
OR2774	2003	Shepard, Richard S.	Phase I Cultural Resources Assessment: Los Alamitos Pump Station Project in Long Beach, Los Angeles County, and Seal Beach, Orange County, California
OR2684	2002	Duke, Curt and Nicole Wallock	Cultural Resource Assessment Cingular Wireless Facility No. Sc 101-01
OR2686	2002	Lee, Portia	Historical Resources Assessment Huntington Beach Block 104/105 Redevelopment Project
OR2585	2002	DeBarros, Philip, et al.	Evaluation of Prehistoric Archaeological Site CA-ORA-149 and Historical Archaeological Site CA-ORA-1528h Test Excavations and Archival Research Huntington Beach Urban Center Project, Pacific Coast Highway, Huntington Beach, Orange County, California
OR2677	2002	Duke, Curt	Cultural Resource Assessment: Cingular Wireless Facility No. SC076-01, Orange County, California
OR3068	2002	Duke, Curt	Cultural Resource Assessment: AT&T Wireless Services Facility No. 13216C, Orange County, California
OR2072	2000	Bissell, Ronald M.	Archaeological Services at Naval Weapons Station (NAVWPNSTA), Seal Beach, California
OR2456	2000	Hoover, Anna M.	Cultural Resources Literature and Records Review for the Southeast Coastal Industrial Area Redevelopment Project, Huntington Beach, California
OR2256	1999	Demcak, Carol R.	Cultural Resource Assessments for Orange County Sanitation Districts
OR2256	1999	Demcak, Carol R.	Cultural Resource Assessments for Orange County Sanitation Districts
OR2256	1999	Demcak, Carol R.	Cultural Resource Assessments for Orange County Sanitation Districts
OR2026	1999	Larson, William	Edwards Street Improvement Project from Ellis Ave to Inlet Dr. Archaeological Grading Monitoring

Table 4.5-2 Cultural Resources Studies Previously Conducted Within a One-Quarter Mile Radius of the Project Area

IC_Rpt #	Year	Authors	Title
OR1816	1996	Stickel, Gary E., et al	A Research Design and Investigation Program for Test Level Evaluations of Archaeological Sites Located on the Hellman Ranch, City of Seal Beach, California
LA5890	1996	Strudwick, Ivan H. et al	Cultural Resource Survey of the Bixby Ranch Parcel Near Alamitos Bay, Los Angeles County, California
LA4157	1997	McLean, Deborah et al	Cultural Resources Assessment for the Marketplace Restaurant and Retail Site, City of Long Beach, Los Angeles County, California
OR1643	1997	York, Andrew, et al	A Research Design for the Evaluation of Archaeological Sites within the Hellman Ranch Specific Plan Area
OR1644	1997	York, Andrew, et al	A Research Design for the Evaluation of Archaeological Sites within the Hellman Ranch Specific Plan Area
OR1858	1997	York, Andrew, et al	A Research Design for the Evaluation of Archaeological Sites within the Hellman Ranch Specific Plan Area
OR1931	1997	Davy, Douglas M.	Archaeological Resources Protection Plan, Decommissioning of the Research, Testing, and Evaluation Area, Naval Weapons Station, Seal Beach, Orange County, California
OR1581	1997	Whitney-Desautels, Nancy A.	Cultural Resource Assessment of the Hellman Ranch, Seal Beach, California
OR1629	1997	Dillon, Brian D.	Archaeological Survey, Impact Assessment, and Mitigation Plan: Shea/Vickers PCH & First Street Project, City of Huntington Beach, Orange County, CA
OR2367	1994	Dixon, Keith A.	No Title (Letter)
OR1272	1991	Stickel, Gary E.	A Baseline Archaeological Study for the City of Seal Beach California
LA2114	1990	McKenna, Jeanette A.	Archaeological Investigations of the Proposed California Shores Property, Long Beach, California
OR1415	1989	Bissell, Ronald M.	Cultural Resources Reconnaissance of Fill Area, Anaheim Bay Mitigation Project, HD-S1670, Seal Beach Naval Weapons Station, Orange County, California
OR0998	1989	STA Planning, Inc.	Draft Environmental Impact Report: City of Huntington Beach EIR 89-4
OR0998	1989	STA Planning, Inc.	Draft Environmental Impact Report: City of Huntington Beach EIR 89-4
OR0998	1989	STA Planning, Inc.	Draft Environmental Impact Report: City of Huntington Beach EIR 89-4
OR1541	1988	Bissell, Ronald M.	Archaeological Resources of the Seal Beach Naval Weapons Station, Orange County, California: The Corona Annex, Riverside County, California; and the Fallbrook Annex, San Diego County, California
OR1539	1988	Bissell, Ronald M.	Archaeological Resources of the Seal Beach Naval Weapons Station, Orange County, California; The Corona Annex, Riverside County, California; and the Fallbrook Annex, San Diego County, California
OR1540	1987	Bissell, Ronald M.	Archaeological Resources of the Seal Beach Naval Weapons Station, Orange County, California; The Corona Annex, Riverside County, California; and the Fallbrook Annex, San Diego County, California
OR0880	1987	Padon, Beth	A Cultural/Scientific Assessment: The Waterfront Project, City of Huntington Beach, County of Orange
OR0780	1985	Wlodarski, Robert J.	Archaeological Survey Report for a 25 Acre Parcel of Land (TPM No. 85-137) Located Near Beach Boulevard and Heil Avenue, City of Westminster, Orange County, California
OR0639	1981	Scientific Resource Surveys, Inc.	Archaeological Test Report on the Hellman Property Located in the City of Seal Beach, California (Tract 11302)

Table 4.5-2 Cultural Resources Studies Previously Conducted Within a One-Quarter Mile Radius of the Project Area Page 3 of 3

IC_Rpt #	Year	Authors	Title
OR0608	1981	Scientific Resource Surveys, Inc.	Archaeological Test Report on SCPM 438 Located in the Canyon View Area of the City of Orange, County of Orange, California
OR0609	1981	Scientific Resource Surveys, Inc.	Cultural Resources Report on 5 Proposed Hazardous Waste Storage Sites Located in Northern Orange County, California
OR0493	1980	Archaeological Associates, Ltd.	Archaeological Survey Report: The Hellman Property in Seal Beach, CA
OR0610	1980	Scientific Resource Surveys, Inc.	Archaeological Report on ORA-903 Located in Canyon Segunda Deschacha, San Clemente, California
LA3583	1974	Bucknam, Bonnie M.	The Los Angeles Basin and Vicinity: A Gazetteer and Compilation of Archaeological Site Information
LA4266	1960	Brooks, Sheilaigh T., et al	A Deeply-Buried Human Skull and Recent Stratigraphy at the Present Mouth of the San Gabriel River, Seal Beach, California
OR0001	1973	Ahlering, Michael L.	Report of a Scientific Resources Survey & Inventory, Conducted for the City of Huntington Beach, California
OR1049	N.D.	Redwine, Peter	Landing Hill: Preface
OR1049	N.D.	Redwine, Peter	Landing Hill: Preface
OR1049	N.D.	Redwine, Peter	Landing Hill: Preface
OR1049	N.D.	Redwine, Peter	Landing Hill: Preface

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4.6 GEOLOGY AND SOILS

The following paragraphs outline the general geologic conditions of the Project alignment, including the environmental setting, an analysis of any potential adverse environmental impacts to Geologic Conditions, and conclusions.

4.6.1 ENVIRONMENTAL AND REGULATORY SETTING

The following sections outline the environmental and regulatory settings as they pertain to Geology and Soils.

4.6.1.1 ENVIRONMENTAL SETTING

The City of Huntington Beach is located within the Los Angeles Basin, in the coastal plain of the Peninsular Ranges Geomorphic Province. The soils in this area consist of Quaternary deposits (Pleistocene and Holocene), and much of the area is covered by relatively recent and loose sedimentary deposits (City of Huntington Beach 1996).

Southern California, due to the nature of its geology, seismicity, and plate tectonics, is constantly susceptible to fault rupture and earthquakes. The fault zone that the Project would be located nearest to is the Newport-Inglewood fault zone. This fault zone extends from Newport Beach to Beverly Hills. The potential for fault rupture at the site is negligible, and no portion of the site is located within an Alquist-Priolo Special Studies Zone (City of Huntington Beach 1996).

4.6.1.2 REGULATORY SETTING

California's Alquist-Priolo Earthquake Fault Zoning Act (PRC, Section 2621 *et seq.*) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Alquist-Priolo Act prohibits the location of most types of structures intended for human occupancy across the traces of active faults and strictly regulates construction in the corridors along active faults (Earthquake Fault Zones). This state law was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. Surface rupture is the most easily avoided seismic hazard.¹⁸

¹⁸ State of California, Dept. of Conservation, California Geological Survey, California Geological Survey - Alquist-Priolo Earthquake Fault Zones at <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/index.aspx>

The Seismic Hazards Mapping Act of 1990 directs the State to identify and map areas subject to earthquake hazards *other* than surface fault rupture, such as liquefaction, earthquake-induced landslides, and amplified ground shaking. Pursuant to this Act, cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans. Seismic hazards mapping has been prioritized to address coastal urban areas first.

The California Building Code (Title 24, California Code of Regulations) is adopted and regularly updated by the California Building Standards Commission. The 2007 edition took effect on January 1, 2008. The Commission is established under the California Building Standards Law (Health and Safety Code Sections 18901 through 18949.6) to adopt and publish a standardized set of building codes. These building codes serve as the comprehensive standards for the design and construction of buildings in California and include (among other things) provisions for seismic safety, foundation stability, and energy conservation.

The California Building Code (CBC) is based on the UBC, a model code adopted by the International Conference of Building Officials (International Conference of Building Officials 1997). The UBC classifies seismic risk zones ranging from 0 to 4, with building standards increasing in stringency accordingly. The CBC includes additional requirements beyond the UBC due to the state's history of seismic activity. Section 1802A.6.1.1 of the CBC (effective January 1, 2008) provides that a geologic engineering report is required of all construction except for one-story wood frame or light steel frame buildings of 4,000 square feet or smaller that are located outside of seismic hazard zones.

4.6.1.2.1 EARTHQUAKE-RELATED ISSUES AND RISKS

Seismicity is defined as the geographic and historical distribution of earthquakes or earthquake activity. Seismic activity may result in geologic and seismic hazards including seismically induced fault displacement and rupture, ground shaking, liquefaction, lateral spreading, landslides and avalanches, and structural hazards.

Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake. The location of surface rupture generally can be assumed to be along active or potentially active major fault trace.

Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events.

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes transient loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is deep.

4.6.1.2.2 SLOPE STABILITY AND LAND SLIDING RISKS

Slope stability can be defined as an area's susceptibility of a slope to erosion and slides. As mentioned above, the Project site is located in areas with varying topography ranging from level to steep topography; as such, slope stability also varies at different points along the alignment.

Landsliding is commonly defined as the "downward and outward movement of slope-forming materials composed of natural rock, soils, artificial fills or combinations of these materials".¹⁹ Landslides are often classified according to the type of materials involved and the type of movement which occurs. On this basis, the principal types of landslides are: (1) falls, (2) slides, and (3). Combinations of these basic types are classified as "complex" landslides.²⁰

Landslides may also be classified according to age, which is suggestive of their level of activity. On this basis, landslides can be tentatively classified as: (1) ancient (static), (2) old (dormant), or (3) young (active or recently active). Dormant landslides are not presently active, but may reactivate under existing natural slope conditions. In contrast, static landslides require a gross disturbance of their slope environment before they will be reactivated. Examples of gross disturbances are: substantial ground shaking generated by an earthquake, inappropriate grading in a critical portion of the slide, and extensive, prolonged saturation of the slide mass.²¹

¹⁹ Digital Compilation of "Preliminary Map of Landslide Deposits in Santa Cruz County, California, By Cooper-Clark and Associates, 1975": A Digital Map Database, By Sebastian Roberts and Andrew D. Baron, US Geological Survey, Open-File Report 98-792, 1988, at <http://pubs.usgs.gov/of/1998/of98-792/>

²⁰ *Ibid.*

²¹ *Ibid.*

In an article published in the journal *Engineering Geology* in 2002, David K. Keefer of the USGS posits that landslide concentration (defined as the number of landslide sources per unit area) has a strong inverse correlation with distance from the earthquake source and a strong positive correlation with slope steepness.²² The landslide concentration differs substantially among the various geologic units in the area. The differences correlate to some degree with differences in lithology and degree of induration, but this correlation is less clear, suggesting a more complex relationship between landslide occurrence and rock properties. His article was authored following an extensive analysis of the detrimental impacts of the 1989 Loma Prieta, California earthquake (moment magnitude, M=6.9), which generated landslides throughout an area of about 15,000 km² in central California.

4.6.1.2.3 DIFFERENTIAL SETTLEMENT

Subsidence and differential settlement could occur if structures are built on low strength foundation materials (including imported fill). The variability of thickness and composition (including the possible presence of larger fragments and/or debris) within fill materials present the potential for variability in strength and differential settlement upon loading. Pilings are often used to anchor structures to firmer deposits below the surface in these situations.

4.6.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO GEOLOGIC CONDITIONS

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Significant Impact	Less-than- Significant Impact	No Impact
GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒	

²² "Statistical analysis of an earthquake-induced landslide distribution — the 1989 Loma Prieta, California event", by David K. Keefer, *Engineering Geology*, Volume 58, Issues 3-4, December 2000, Pages 231-249.

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ |
| 2. | Strong seismic groundshaking? | ☐ | ☐ | ☒ | ☐ |
| 3. | Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ |
| 4. | Landslides? | ☐ | ☐ | ☐ | ☒ |
| b. | Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c. | Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☐ | ☐ | ☒ |
| d. | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| e. | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are | ☐ | ☐ | ☐ | ☒ |

not available for the disposal of
wastewater?

Geologic impacts could potentially occur if the Project, or people associated therewith, were exposed to one or more of the following:

- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
- Seismic ground shaking, seismic-related ground failure, or liquefaction;
- Inundation by seiche, tsunami, or mudflow;
- Landslides and flooding;
- Substantial soil erosion or the loss of topsoil;
- Loss of unique geologic features;
- On or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse;
- Expansive soil that could create substantial risks to life or property; or
- Where sewers are not available for the disposal of wastewater, and the soil would not be capable of supporting septic systems or alternative wastewater disposal systems.

4.6.3 ANALYSIS OF POTENTIAL IMPACTS TO GEOLOGIC CONDITIONS

Due to the underlying geologic makeup of the area, there is potential for liquefaction and subsidence to occur. The Project alignment generally follows the existing transportation corridors within the city of Huntington Beach. Existing grade within the proposed alignment is generally flat to gentle-sloping, and is paved. The Project alignment is free of any significant slope stability problems. Therefore, landslide potential within the Project site is considered remote. The Project would not increase the chance of mudflows, landslides, or flooding. The

Project would not increase the potential for wildland fires, cause substantial soil erosion or the loss of topsoil, or the loss of any unique geologic features.

The terrestrial construction techniques that will be used include surface preparation, trenching, installation of poles with nodes, hand hole installation, and cable pulling. Where conduit will be placed underground, NextG proposes to bury facilities approximately 30 inches below the ground surface. Because slope gradients along the terrestrial route are flat, no slope cutting is anticipated.

Backfilling of trenches will begin immediately after facilities are installed. Backfilling will be accomplished with a rubber-tired backhoe/loader, road graders and vibratory compactors. Backfill material will be compacted to eliminate erosion and soil settlement in conformance with specifications of the California Department of Transportation (CalTrans) and the Orange County Department of Transportation.

Surface restoration activities are included in the Project design. The goal of the restoration is to return the Project site to its pre-construction condition or better. Restoration will include pavement repair; curb and gutter reconstruction; and pavement re-striping if necessary. In unpaved areas, restoration will include grading to restore original contours; installing erosion control devices at locations susceptible to erosion; and seeding, mulching, and fertilizing to return the site to pre-construction conditions. All construction will occur in road Rights of Way, where soils previously have been graded, compacted and paved.

During construction, erosion control measures would be used to avoid and/or minimize any soil erosion and the deposit of surface materials off-site. Measures to avoid and/or minimize impacts to geologic resources have been included as part of the Project design and/or included per regulation. As a result, no significant impacts related to geologic resources are anticipated for the Project.

With respect to the portions of the Project which have already been constructed, those portions have not resulted in any significant impacts to geological and soil resources.

The following sections outline each of the specific sub-categories:

4.6.3.1 FAULT RUPTURE

No Impact. No new impacts from fault rupture will occur as a result of the Project.

4.6.3.2 STRONG GROUND SHAKING

Less Than Significant. Due to trenching activities associated with the Project, possible temporary ground shaking would occur within residential areas. However, these impacts would be temporary in duration and would not have a substantial impact on routine activities. Additionally, no new impacts from ground shaking would occur as a result of the Project. As such, impacts would be less than significant.

4.6.3.3 GROUND FAILURE, INCLUDING LIQUEFACTION

No Impact. No new impacts from ground failure or liquefaction will result from the Project.

4.6.3.4 LANDSLIDES

No Impact. The Project will not result in new exposures to landslides.

4.6.3.5 EROSION OR LOSS OF TOPSOIL

Less Than Significant. Due to trenching activities associated with the Project, possible temporary accelerated erosion and sedimentation from soil disturbance and vegetation removal could occur. However, according to NextG's construction BMPs, excavated or disturbed soil shall be kept within a controlled area surrounded by a perimeter barrier that may entail silt fencing, hay bales, straw wattle, or a similarly effective erosion control technique that prevents the transport or sediment from a given stockpile. Additionally, upon completion of construction activities, excavated soil shall be replaced and graded so that post-construction topography and drainage matches pre-construction condition. As such, the Project will not result in any substantial soil erosion or loss of topsoil, and impacts would be less than significant.

4.6.3.6 GEOLOGICAL UNIT OR SOIL THAT IS UNSTABLE

No Impact. The Project will not result in Project activities on potentially unstable soils nor will it create potentially unstable soils.

4.6.3.7 EXPANSIVE SOIL

No Impact. The Project will not involve activities on expansive soil.

4.6.3.8 SOILS FOR SEPTIC TANK USE

No Impact. The Project facilities do not require waste disposal mechanisms and no wastes requiring septic soil use will be generated by the Project.

4.6.4 REFERENCES

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*.
Huntington Beach, CA.

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4.7 HAZARDS AND HAZARDOUS MATERIALS

The following sections outline the setting, evaluation criteria, and impact conclusions with respect to Hazards and Hazardous Materials.

4.7.1 REGULATORY AND ENVIRONMENTAL SETTING

The Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) address handling, disposal, and spill contingency measures for hazardous substances. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP 40 Code of Federal Regulations [CFR] Part 300) specifies the requirements for spill response activities. These laws and regulations apply to the Project installation activities conducted within the Project site.

Hazardous materials are chemical and non-chemical substances that, if released or misused, can pose a threat to the environment and human health. The nearest location of hazardous waste to the Project distribution is in the City of Westminster, at the US Naval Weapons Station (USNWS). Due to the nature of the NWS as a weapons holding area, lead contamination was detected in the early 1980s. Since this time, the USNWS has initiated in-situ bioremediation and is currently remediating the site (Department of Toxic Substances Control 2007). However, in this area, the Project would not be trenching or excavating, as the Project would only consist of aerial installations along Westminster Boulevard. Due to these circumstances, NextG determined that it was unnecessary to conduct a Phase I Site Assessment of the Project alignment.

4.7.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to	☐	☐	☐	☒

the public or the environment?

- e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒
- f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☒ ☐
- h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ☐ ☐ ☐ ☒

Impacts could occur if the Project were to result in any of the following:

- Creation of significant hazards to the public or environment through the routine transport, use, or disposal of hazardous wastes;
- Creation of a significant hazards to the public or environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment;

- Reasonable anticipation to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school;
- If the Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.05 and, as a result, create a significant hazard to the public or the environment;
- If the Project is located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the Project area;
- If the Project is within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the Project area;
- If the Project impairs implementation of or physically interferes with an adopted emergency response plan or emergency evacuation plan; or
- Exposure of people or structures to the risk of loss, injury, or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.3 ANALYSIS OF POTENTIAL IMPACTS TO HAZARDS AND HAZARDOUS MATERIALS

This section details the potential impacts associated with hazards and hazardous materials that are applicable to the Project. Each of the various sub-categories in this section are analyzed separately.

4.7.3.1 USE, TRANSPORT, OR DISPOSAL OF HAZARDOUS MATERIALS

No Impact. The Project will not result in the use, transport or disposal of hazardous materials.

4.7.3.2 POTENTIAL FOR ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

Less than Significant Impact. The potential impacts that could result from the Project include the risk of an oil or hazardous materials release from trenching, or improper handling; vehicle collisions; fires; damage to utility lines; and the general risks associated with the installation. Construction activities would involve the operation of construction equipment and support vehicles within the Project site. Terrestrial construction of the Project could result in spills from accidents or improper handling or disposal of fuels or hazardous materials. Vehicle accidents

may result in fuel or hazardous materials spills from rupturing of fuel tanks. Improper handling or containment of the hazardous materials stored on the site also may result in a spill. A spill, if not handled according to local, state and federal regulations, could expose workers and the public to levels of hazardous materials in excess of OSHA and other applicable regulations. In addition to spills, small quantities of hazardous wastes, such as waste oil, could be generated during maintenance activities. Hazardous wastes also must be handled according to applicable regulations. However, potential impacts from accidents involving the release of small quantities of hazardous materials would be minimal due to the implementation of an emergency response training program and procedures implemented by the Project construction contractors and employees. Spill clean-up kits will be provided and kept onsite during construction, and equipment would remain in good working order to prevent spills. Therefore, impacts would remain less than significant.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts resulting from potential release of hazardous materials were observed.

4.7.3.3 HAZARDOUS MATERIALS NEAR A SCHOOL

Less than Significant Impact. The City of Huntington Beach consists of urban developed landscape and its corresponding uses, which include school facilities. As such, the Project would be near areas where schools are located. However, within these areas the Project would be placing aerial fiber wiring to already existing poles, and would, therefore, not have any significant impact to the nearby schools.

4.7.3.4 LOCATED ON LISTED HAZARDOUS SITE

No Impact. The Project facilities are not located on known hazardous materials sites.

4.7.3.5 PROJECT NEAR PUBLIC AIRPORT

No Impact. The Project facilities are not located near an airport.

4.7.3.6 PROJECT NEAR PRIVATE AIRSTRIIP

No Impact. The Project facilities are located within the vicinity of the Los Alamitos Army Airfield. However, the Project would not place any persons or facilities near this airstrip; as such, no impact would occur.

4.7.3.7 INTERFERENCE WITH EMERGENCY RESPONSE PLAN

Less than significant Impact. Use of construction equipment and vehicles can involve direct health and safety risks to equipment operators, other construction personnel, and the public. Use of some construction equipment is inherently dangerous and must be performed only by trained professionals. For example, welding equipment uses acetylene, a flammable gas that can cause sparks that could result in inadvertent fires. In addition, the increased traffic due to the additional vehicles, and the obstructions of traffic, will increase the risk of vehicle collisions. This risk increases during severe storm weather. Spills of fuels or any other materials transported by the vehicles may occur during traffic collisions. As such, the Project would give notice to the Huntington Beach Fire Department and Police Department regarding trenching and construction activities taking place. Therefore, the Project would not significantly interfere with an Emergency Response Plan.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts to hazardous material plans were encountered.

4.7.3.8 EXPOSURE TO WILDLAND FIRES

No Impact. The Project facilities are located primarily in urban developed land, which lacks large amounts of wildland vegetation and growth. Therefore, the Project will not contribute to any risk of exposure to wildland fires.

4.7.4 REFERENCES

Department of Toxic Substances Control. 2007. *EnviroStor*. Last revised: Unknown. Available: <
http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=30970001&ou_id=&site_id=&schorderby=document_type_description,due_date&comporderby=document_type_description,received_date,due_date>. Accessed: January 16, 2009.

4.8 HYDROLOGY AND WATER QUALITY

The following sections detail the setting for hydrology and water quality, provide an analysis of potential issues, and outline potential impacts to Hydrology and Water Quality.

4.8.1 ENVIRONMENTAL AND REGULATORY SETTING

Section 404 of the Clean Water Act (CWA) provides the USACE within the authority to evaluate permit applications for the discharge of dredged or fill materials into the “water of the U.S.,” including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that the proponent obtain a permit from the OSACE for all construction or fill activities affecting the course, location, condition, or capacity of navigable waters.

The 1972 federal CWA and its 1977 amendment (Section 401) established national water quality goals and created the National Pollutant Discharge Elimination System (NPDES) for the quality of discharged waters. The State of California Regional Water Quality Control Boards (RWQCBs) are the lead agencies in authorizing these permits.

In the State of California, the Porter-Cologne Water Quality Control Act establishes the SWRCB and the RWQCB as the principal State agencies having primary responsibility in coordinating and controlling water quality in California. The Porter-Cologne Act establishes the responsibility of the RWQCBs for adopting, implementing, and enforcing water quality control plans (Basin Plans), which set forth the State’s water quality standards (e.g., beneficial uses of surface waters and groundwater) and the objectives or criteria necessary to protect those beneficial uses. The NPDES permits and Waste Discharge Requirements (WDRs) issued by the RWQCB must be consistent with the Basin Plans.

The Project site is located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (SARWQCB), and encompasses portions of 2 different watersheds: the Los Alamitos/East Garden Grove/Bolsa Chica watershed to the north, and the Talbert /Greenville Banning Channel along the southernmost portions of the alignment.²³

²³ Watersheds of Orange County (regional map), <http://www.ocwatersheds.com/brochures/ocwatersheds.pdf> accessed 2/16/09

4.8.1.1 THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD (SARWQCB)

The Santa Ana Region, which extends from the San Bernardino and San Gabriel mountains in the north and east to Newport Bay along the coast, continues to be one of the most rapidly growing areas of the state. Overall, the Board's jurisdiction encompasses 2,800 square miles of land, 460 miles of streams, 21,090 acres of lakes, and 24 miles of coastline.²⁴

While the region is geographically the smallest, it boasts one of the largest populations with almost five million people. This semi-arid Region is known for its temperate climate and relatively low rainfall – about 15 inches per year.²⁵

Extensive groundwater basins underlie much of the Region. Local efforts to recharge and inject reclaimed water back into the aquifer provide only a fraction of the area's water needs, which are primarily met by imported water. The Santa Ana River, the Region's main surface water body, transports more than 125 million gallons per day of reclaimed water from Riverside and San Bernardino Counties for recharge into the Orange county Groundwater Basin. This satisfies approximately 40 percent of the county's water demand. The Region also includes much of coastal Orange County, where water quality impairment in Newport Bay and bacterial contamination in Huntington Beach are key issues.²⁶

²⁴ Santa Ana Regional Water Quality Control Board web site, Key Issues in Region 8, at http://www.waterboards.ca.gov/santaana/resources/docs/reg8_factsheet.pdf, Accessed 2/16/09

²⁵ *Ibid.*

²⁶ *Ibid.*

4.8.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO HYDROLOGY

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY.				
Would the Project:				
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner	☐	☐	☐	☒

that would result in flooding onsite or offsite?

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e. | Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☒ | ☐ |
| f. | Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ |
| g. | Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ |
| h. | Place within a 100-year flood hazard area structures that would impede or redirect floodflows? | ☐ | ☐ | ☐ | ☒ |
| i. | Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ |
| j. | Contribute to inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

Potential hydrological and water quality impacts could occur if the Project were to cause one or more of the following:

- Violation of a RWQCB water quality standard or waste discharge requirement;

- Substantial depletion of groundwater supplies or substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level;
- Substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or offsite;
- Substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or a substantial increase in the rate of amount of surface amount in a manner which would result in flooding on or offsite;
- Creation or contribution to runoff water, which would exceed the capacity of existing or planned storm water drainage systems;
- Placement of housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or
- Placement of a structure that would impede or redirect flood flows within a 100-year floodplain.

4.8.3 ANALYSIS OF POTENTIAL IMPACTS TO HYDROLOGY

The Project would not discharge storm water or other contaminated liquids into any surface water feature during construction activities. No physical disturbance would occur within any streams or water bodies. Therefore, the Project is not subject to NPDES requirements.

- Installation of the Project would not constitute a violation of a RWQCB water quality standard or waste discharge requirement, nor would a substantial depletion of groundwater supplies or substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level occur in conjunction with the Project.
- Installation of the Project would not result in substantial alteration of the existing drainage pattern of the site. No plans for the alteration of the course of

a stream or river, in a manner which would result in substantial erosion or siltation on or offsite, are included. Furthermore, the Project would not result in the substantial alteration of the existing drainage pattern of the site, (including through the alteration of the course of a stream or river) or result in a substantial increase in the rate of amount of surface water in a manner which would result in flooding on or offsite.

- No placement of housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map is planned for the Project, nor is placement of a structure that would impede or redirect flood flows within a 100-year floodplain planned. Installation of the Project would not create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems.

4.8.3.1 INCLUSION OF CONSTRUCTION PROTOCOL MEASURES

Measures to avoid and/or minimize impacts to hydrology and water quality are included only as they relate to *underground* construction in previously-undisturbed areas (which are very unlikely to be encountered on the Project), are included under Section 11 of the *Additional Construction Protocol Measures for Work in Non-Disturbed and/or Biologically-Sensitive Areas* (see Appendix B).

Nevertheless, in the event that undergrounding in a previously-undisturbed area occurs, the following Construction Protocol Measures are warranted and will be incorporated:

NextG will manage construction-induced sediment and excavated spoils in accordance with the requirements of the State Water Resources Control Board (SWRCB) National Pollution Discharge Elimination System (NPDES) permit for storm water runoff associated with construction activities.

Prior to the onset of construction, NextG will complete a Storm Water Prevention Pollution Plan (SWPPP) that outlines Best Management Practices (BMPs) to control discharges from construction areas.

If the build requires directional boring activities near streams, NextG will provide the CPUC with a Frac-out Contingency Plan. The Plan will outline procedures NextG would

put in place for containment, as well as cleanup equipment that must be present for use at staging areas and construction sites.

As discussed *supra*, on the remote chance that undergrounding is required in an area that has *not* been previously disturbed, implementation of the aforementioned Construction Protocol Measures will ameliorate the potential for adverse impacts to Hydrology.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts to hydrology or water quality were observed.

4.8.3.1.1 VIOLATE WATER QUALITY OR WASTE DISCHARGE STANDARDS

No Impact. The Project will not violate any known water quality standard or waste discharge requirement.

4.8.3.1.2 DEplete GROUNDWATER OR INTERFERE WITH GROUNDWATER RECHARGE

No Impact. The Project site is not located on or in proximity to any known source of groundwater nor would groundwater resources be impacted during construction.

4.8.3.1.3 ALTERATION OF DRAINAGE RESULTING IN EROSION

No Impact. The Project will not result in any change in drainage patterns.

4.8.3.1.4 ALTER DRAINAGE RESULTING IN FLOODING

No Impact. The Project will not result in any change in drainage patterns or alteration of stream courses resulting in flooding.

4.8.3.1.5 CREATE RUNOFF EXCEEDING STORMWATER DRAINAGE SYSTEM CAPACITY

Less Than Significant Impact. The Project would be constructed during the dry season and runoff volumes are not forecasted to be substantial, and therefore, would not exceed the capacity of existing or planned storm water drainage systems. In addition all excavation activities would take place within existing roadways, sidewalks, and landscaped areas and would not lead to increased runoff after construction activities are complete.

4.8.3.1.6 DEGRADE WATER QUALITY

No Impact. The Project will not degrade water quality.

4.8.3.1.7 PLACE HOUSING IN FLOOD ZONE

No Impact. No housing is associated with this Project.

4.8.3.1.8 INSTALL STRUCTURES IMPEDING FLOOD FLOWS

No Impact. The Project will not impede or redirect flood flows

4.8.3.1.9 EXPOSE STRUCTURES TO FLOODING

No Impact. The Project would not directly expose people or structures to a significant risk of loss, injury, or death involving flooding.

4.8.3.1.10 INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW

No Impact. The Project would have no impact on the potential for inundation by Seiche, Tsunami, or mudflow.

4.8.4 REFERENCES

No references included for this category.

4.9 LAND USE AND PLANNING

The following sections provide details of the environmental and regulatory setting for Land Use and Planning, as well as an analysis and conclusion of potential impacts related thereto.

4.9.1 ENVIRONMENTAL AND REGULATORY SETTING

Under CEQA, the public agency with discretionary decision-making authority and the “greatest responsibility for supervising or approving the project as a whole” shall serve as the Lead Agency for purpose of compliance with environmental review requirements. CEQA Guidelines § 15051(b). The CPUC has held that it is the Lead Agency for DAS projects proposed to be undertaken by CPUC jurisdictional telephone corporations. NextG is a CPUC jurisdictional telephone corporation and under D.03-01-061 and D.07-04-045 must obtain additional discretionary approval from the CPUC for the installation of DAS network facilities that require “full facilities based” (“FFB”) authority rather than “limited facilities based (“LFB”) authority from the CPUC. NextG’s proposed project requires FFB authority from the CPUC. As a result, NextG must obtain additional discretionary approval for the project from the CPUC and the CPUC is the agency with the greatest responsibility for supervising or approving the proposed project and thus is the Lead Agency under CEQA.

Other public agencies with decision-making responsibility regarding a proposed project are Responsible Agencies. With certain limited exceptions, Responsible Agencies are required to use the environmental document prepared by the Lead Agency in determining whether a proposed project will have any potentially significant environmental impacts and, if so, whether any additional permit conditions should be imposed (which must be within the scope of the Responsible Agency’s lawful statutory authority). CEQA Guidelines §§ 15096(a) and (f).

Portions of the project are located in three cities: (1) Huntington Beach; (2) Westminster; and (3) Fountain Valley. Approvals from each of these local agencies are required for the project. All of the facilities to be located Westminster and Fountain Valley have, however, already been permitted and constructed pursuant to the CPUC’s prior approvals under the NPC process and local permits and approvals granted by the cities. Portions of the project to be located in Huntington Beach have also been permitted and constructed under prior approvals of the CPUC under the NPC process and permits granted by the City of Huntington Beach. Other portions to be located in Huntington Beach have not yet been permitted by the City of Huntington Beach or constructed. These portions of the Project remain pending subject to completion of additional environmental review of the Project by the CPUC and resolution of pending civil litigation

between NextG and the City regarding the validity of certain local ordinances enacted by the City which the City seeks to apply to the Project. As a result, the City of Huntington Beach is the principal Responsible Agency for the project.

Under Cal. Const., art. XII § 8, a city, county or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. As a result, an order of the CPUC controls over a local ordinance where the two conflict. *Rainbow Disposal Co. v. City of Escondido Mobile Home Rent Review Board* (1998) 64 Cal. App.4th 1159, 1170. Telephone companies that obtain CPCN authority from the CPUC, such as NextG, have the right to install facilities in public highways and rights of way under Pub. Util. Code § 7901. Local agencies retain certain limited rights, however, with respect to the installation of telecommunications facilities within their boundaries. Under Pub. Util. Code § 7901.1, subd. (a), they have the right to “exercise reasonable control as to the time, place, and manner in which roads and highways are accessed” for the installation of telecommunications facilities.

The City of Huntington Beach has enacted certain local ordinances, including a utility undergrounding ordinance and a wireless ordinance, which it claims are within its authority under both state and federal law. The City appears to have disregarded the PUC’s clear determination that NextG is a California telephone corporation for the purposes of § 7901, has classified NextG as a “wireless” carrier for the purposes of its ordinances, and on that basis has sought to apply these ordinances to NextG’s proposed project and pursuant to these ordinances has sought to compel NextG to underground portions of the Project that NextG has proposed to install aboveground.

NextG claims that the City of Huntington Beach’s undergrounding ordinance and wireless ordinance are unlawful and in violation of both state and federal law. On December 26, 2008, NextG and the City of Huntington Beach entered into a stipulation in CPUC docket C.08-04-037 pursuant to which the parties have agreed that NextG will file a Proponent’s Environmental Assessment (“PEA”) with the CPUC and request that the CPUC prepare a negative declaration or mitigated negative declaration for the Project by the Commission. The parties have further stipulated that the dispute regarding the validity of the City’s undergrounding ordinance and wireless ordinance will not be adjudicated by the CPUC, but rather may be challenged in federal or state court.

As a result of the stipulation between the parties, NextG has requested in its application that the CPUC address the City of Huntington Beach’s assertion that additional portions of the

Project should be undergrounded in compliance with its local ordinances by conditioning approval of the Project on compliance by NextG with any lawful local ordinances and regulations. In this manner, the CPUC may determine whether the Project will have any potentially significant impact on the project, condition approval on mitigation of any potentially significant impacts that can be reduced to insignificance through adoption of applicant proposed measures or additional mitigation measures and ensure compliance with any valid local ordinances, including if they are upheld by the courts, the City of Huntington Beach's undergrounding ordinance and wireless ordinance.

The Project proponent has described the ordinances because the City of Huntington Beach has asserted that some or all of the ordinances apply to the Project. The inclusion of such ordinances in this document or this CPUC process is not an admission by NextG that the ordinances do apply. To the contrary, the applicability and lawfulness of these ordinances to the subject Project is now at issue in pending litigation between the parties. The City of Huntington Beach and NextG have stipulated that in the CPUC proceeding in which this PEA and Project will be considered, the scope of the proceeding "will not adjudicate the validity of the City's Undergrounding Ordinance, Wireless ordinance, or other ordinances or regulations of the City." Therefore, this section of the PEA sets forth certain ordinances and analyzes the Project's consistency therewith, without taking a position as to whether the ordinance is valid, legal or applicable.

4.9.1.1 REGULATORY SETTING

The City of Huntington Beach has established specific ordinances and codes in relation to construction certain facilities.

4.9.1.1.1 DOWNTOWN SPECIFIC PLAN

The Huntington Beach Downtown Specific Plan (DTSP) covers the downtown area of the City, located near the pier, where much of the tourism, high-end residential, and retail uses are located. This plan correlates with the Project as it includes the areas of the Project along PCH, as well as the area located near the intersection of Palm and Main Street. In regards to utility lines placed within the Huntington Beach downtown area, standard 4.2.25 of the DTSP states that "all utility lines shall be undergrounded where possible" (HB DTSP, pg 19, Sept. 2007).

4.9.1.1.2 LOCAL COASTAL PLAN

Chapter 216 of the Huntington Beach Zoning Code contains policies and guidelines regarding the Coastal Conservation District (CC District). This Zoning Code Chapter, along with the Coastal

Element of the Huntington Beach General Plan, combines to make the Local Coastal Plan for the City. The purpose of the CC District is to implement the General Plan land use designation of Open Space: Conservation. The CC District provides for the protection, maintenance, and restoration of environmentally sensitive habitats located within the Coastal Zone. Permitted uses within the CC District include:

1. Incidental Public service Project such as, but not limited to, burying cables and pipes; and
2. Maintenance of existing streets and utility structures.

As noted above, the Proponent disputes that this Zoning Code Chapter applies to any part of the Project.

4.9.1.1.3 HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE; CHAPTER 230.96

According to Chapter 230.96 of the Huntington Beach Zoning and Subdivision Ordinance, as amended by Ordinance No. 3779, the City's proposed goal is to encourage and facilitate wireless communications throughout the City, while preventing visual clutter by locating wireless communication facilities outside of residential zone and where they are invisible to pedestrians, and co-located with other facilities (City of Huntington Beach Zoning Code, 2007). Compliance with and the legality of this ordinance is currently the subject of a legal action between NextG and the City of Huntington Beach.

4.9.1.1.4 MUNICIPAL CODE CHAPTER 17.64

Chapter 17.64 of the Huntington Beach Municipal Code describes the rules and regulations of the City pertaining to the undergrounding of utilities. It purports to require that all new public and private utility lines and distribution facilities shall be installed underground. However, on its face and as it has been applied by the City, Chapter 17.64 contains various exceptions allowing the incumbent telecommunications provider to install new facilities aerially. In addition, pursuant to a franchise or other agreement, cable television lines may be installed on existing utility poles within subdivisions developed with overhead utility lines (Huntington Beach Municipal Code, Chapter 17.64, pg. 3). Additional exceptions include, but are not limited to, overhead structures used for the transmission of electric energy at nominal voltages, municipal facilities installed to the satisfaction of the City Engineer, and antennas used by a utility for furnished communication services (Huntington Beach Municipal Code, Chapter 17.64, pg. 4).

4.9.1.2 ENVIRONMENTAL SETTING

The Project lies entirely within the right of way of the current utility system in each of the three cities. The Project site is urban and previously disturbed, and the alignment is within roads or sidewalks.

The majority of the Project area contains existing aboveground utility lines, antennas, and associated wood or steel poles. However, in those areas where there are only a minimal amount of power and telecommunication lines and poles (*i.e.*, PCH between Twin Dolphin Lane and Huntington Ave, and near the Great Park along Edwards Ave. at Garfield), the Project primarily relies on underground fiber, so the Project is not creating a new impact.

The Project is consistent with the current use of the Project area. While there are parks, landscaped areas, and the PCH within the general vicinity, a number of other above ground utilities already exist and the Project's contribution is minimal and insignificant.

4.9.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO LAND USE AND PLANNING

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental	☐	☐	☒	☐

effect?

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan? ☐ ☐ ☐ ☒
-

Land use and planning impacts could occur if the Project were to result in any of the following:

- Physical division of an established community;
- Conflicts with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project; or
- Conflicts with an applicable HCP or NCCP.

4.9.3 ANALYSIS OF POTENTIAL IMPACTS TO LAND USE AND PLANNING

The Project will be constructed in an existing utility corridor within the public right of way. It will be built within this existing utility corridor. Although much of the Project will be located above ground, it is not expected to be inconsistent with any policies or guidelines that regulate the Project area.

One City ordinance mentioned above purports to require the undergrounding of all new utility lines with the objective of reducing the aesthetic impact of overhead wires and "visual clutter". Compliance with and the legality of this ordinance is currently the subject of a legal action between the applicant and City.

From a CEQA perspective, since the Project involves the installation of a small, fiber-optic cable attached to the existing above ground system and the associated system antennas would be attached along the existing poles, this portion of the Project conflicts with this City ordinance. However, given the already existing above ground systems and equipment, the Project does not affect the visual character of the area; it does not add to the "visual clutter". It is therefore not inconsistent with the objective of the ordinance. Therefore, on this issue, there is no significant impact.

Undergrounding all of the areas proposed for overhead would have little effect on the existing visual condition in most areas; this Project does not add to that nature. Therefore, the Project would be consistent with the intent of the City's Plans – visual impact – any impact would be less than significant.

The Project includes the installation of one new steel pole (HBN14), located at the intersection of PCH and Twin Dolphin Lane. The proposed pole would be at the northeast corner of this intersection. The pole would be located in front of a developed parcel of land containing the parking lot of a large, corporate, multi story hotel.

Currently, the area is illuminated with street lights. As such, the addition of one new steel pole amongst many others in an alignment will not be inconsistent with the current uses of the area, and will not create an additional significant impact.

In conclusion, construction and operation of the Project would not cause the physical division of an established community but it would conflict with a particular ordinance which, for aesthetics purposes, attempts to require undergrounding of facilities. Any impact from the Project being constructed above ground is not significant and the Project does not jeopardize the underlying topic (visual clutter) of the ordinance. So, while the Project is in conflict with a particular ordinance, the physical appearance and vision of the area is not substantially impacted. There are no significant land use impacts are anticipated for the Project.

This conclusion is supported by a review of portions of the network that have already been constructed. Those sections have not resulted in significant impacts to the visual or aesthetic nature of the area and are therefore consistent with any land use plans or policies that attempt to regulate actions based on the visual or aesthetic value of this developed, commercial area. No significant impacts were expected or encountered. See, e.g., Appendix G for photographic references.

4.9.3.1 SUMMARY OF IMPACTS

The following summarizes the potential impact to Land Use:

- a. Physically Divide an Established Community: **No Impact**
- b. Conflict with Adopted Land Use Plan or Policy: **Less than significant impact.**
- c. Conflict with Habitat Conservation Plan: **No Impact**

4.9.4 REFERENCES

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*. Huntington Beach, CA:

City of Huntington Beach. 2007. *Downtown Specific Plan*. Huntington Beach, CA.

City of Huntington Beach. 1990. *Municipal Code*. Huntington Beach, CA.

City of Huntington Beach Zoning Code. 2007. Ordinance No. 3779. Approved for Introduction September, 19, 2007.

4.10 MINERAL RESOURCES/ENERGY

The following sections outline the regulatory and environmental settings as they relate to Mineral Resources/Energy, and provide an analysis and impact conclusion related thereto.

4.10.1 REGULATORY AND ENVIRONMENTAL SETTING

The USGS and CGS have evaluated the potential locations and production capacity of various types of extractive resources throughout California. Metallic mineral deposits, and gold in particular, are considered the most significant extractive mineral and resource. Other metallic minerals found throughout the state include silver, copper, nickel, chromite, zinc, tungsten, mercury, titanium, platinum, and iron. Nonmetallic mineral resources include building stone, limestone, slate, clay, marble, soapstone, sand, and gravel.

Pursuant to the California Surface Mining and Reclamation Act of 1975 (SMARA), the California State Mining and Geology Board oversees the Mineral Resource Zone (MRZ) classification system, which characterizes both the location and known/presumed economic value of underlying mineral resources. The process is based solely on the underlying geology without regard to existing land use or land ownership. The primary goal of the mineral land classification is to ensure that the mineral potential of the land is recognized by local government decision-makers and considered before making land use decisions that could preclude mining.²⁷

The City of Huntington Beach's General Plan addresses the issue of Mineral Rights in Section "B" of its Natural Resources Chapter, Environmental Resources/Conservation Element.²⁸ The Plan notes that the City "...has been the site of the extraction of oil and gas, sand and gravel, and peat products over many years. Large scale oil and gas production has occurred since the 1920's and continues to the present time."²⁹

²⁷ UCSC Marine Science Campus CLRD, Draft EIR, Jan 2004, at http://ppc.ucsc.edu/cp/projects/11407/planning/eir-deaft/clrdp_eir_ch4-10.pdf

²⁸ City of Huntington Beach General Plan, Natural Resources Chapter, Environmental Resources/Conservation Element, Section "B" (Mineral Resources), pp. IV-ERC-17 *et seq.* at http://www.surfcity-hb.org/files/users/planning/environmental_resources_conservation_element.pdf.

²⁹ *Ibid.*

4.10.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO MINERAL RESOURCES

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

The Project would cause a significant impact if any of the following were to occur as a result of the Project:

- Loss of availability of a known mineral resource classified MRZ-2 by the State Geologist that would be of value to the region and residents of the state; or
- Loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

4.10.3 ANALYSIS OF POTENTIAL IMPACTS TO MINERAL RESOURCES

As discussed at various points throughout this document, the Project alignment is all located within the PROW, and the vast majority of the Project is planned as an aerial installation. Aerial installations, by their very nature, do not affect the underlying land. Therefore, for all such segments, no further analysis of Mineral Resource issues is necessary.

With respect to the underground segments of the Project, installations are planned for areas of previously-disturbed ground in utility PROW's. Trenching, where required, is very minimal in depth and scope. No adverse impacts to buried mineral resources will result. There are no active mining operations within or near the Project site. The Project alignment is currently developed and is located primarily within the existing transportation system. Nearest the Project alignment, at the intersection of Garfield and Edwards Street, significant mineral resources do occur (California Department of Conservation 1994). However, there are no known mineral resource extraction facilities on the Project site.

Because no mineral resources occur in the Project area, **no impacts** would occur and no additional protocol measures are needed. Although the proposed alignment is located within an area designated as a place where significant mineral deposits are present, the Project involves the construction of telecommunications infrastructure within existing PROWs, and no loss of a known mineral resource will occur.

With respect to the portions of the Project which have already been constructed, those portions have not resulted in any significant impacts to mineral resources.

4.10.4 REFERENCES

California Department of Conservation. 1994. Division of Mines and Geology. *Generalized Mineral Land Classification of Orange County, California*.

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4.11 NOISE

The following sections outline the regulatory and environmental settings as they relate to Noise, and provide an analysis and impact conclusion related thereto.

4.11.1 ENVIRONMENTAL AND REGULATORY SETTING

The City of Huntington Beach provides criteria for regulation of noise in its General Plan, Hazard Chapter, Noise Element (1996). Overall, the plan's goal with respect to noise is to "...ensure that all necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors, and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources."³⁰

The Project site is located within the right of way of the existing transportation corridor. Noise in the Project area is normally caused by vehicular traffic within these areas along with associated commercial and residential uses. Noise levels along the roadways of Edwards Street between Garfield and Talbert are minimal due to the residential and park uses surrounding this area. The southern portion of the alignment experiences moderate levels of noise due to the residential and commercial mixture of the surrounding area. Furthermore, due to the proximity to high traffic and recreational areas such as PCH, the Pacific Ocean, and Main Street, the southern portion of the alignment may experience higher noise levels than normally found in residential areas.

³⁰ City of Huntington Beach General Plan, Noise Element, pg. V-N-6 et seq., 1996. at http://www.surfcity-hb.org/files/users/planning/noise_element.pdf.

4.11.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO NOISE

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
NOISE. Would the project:				
a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	☐	☐	☒	☐
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or	☐	☐	☐	☒

working in the project area to excessive noise levels?

- f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels? ☐ ☐ ☐ ☒
-

Significant impacts could occur if the Project were to result in any of the following:

- Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies;
- Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels;
- A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project;
- For a Project located in an airport land use plan area, or where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the Project area to excessive noise levels; or
- For a Project within the vicinity of a private airstrip, exposure of people residing or working in the Project area to excessive noise levels.

4.11.3 ANALYSIS OF POTENTIAL IMPACTS TO NOISE

The Project alignment is located adjacent to roadways in public rights of way. Noise along the Project corridor is normally caused by vehicular traffic along the roadways and/or noise emanating from adjacent commercial and/or institutional land uses.

The Project would increase noise levels only during construction, and efforts would be made to keep these to a minimum. No increase in noise levels would occur from the operational phase of the Project because noise-producing equipment would not be part of the Project. The noise impacts associated with the Project are expected to occur only in the immediate vicinity of construction equipment. The increased noise levels would occur during daylight hours, when average noise levels from vehicular traffic are also generally the highest. In addition, the noise increase would not affect any one location for an extended period of time.

Equipment operation is the primary noise source associated with construction activities. Noise levels are dependent on several factors, including the number of machines operating within an area at a given time and the distance between the source(s) and receiving properties. Typically, noise generated from construction activities ranges between 80 and 90 dBA 50 feet from an active construction area. Noise levels generated by Project construction would comply with local noise ordinances and general plan restrictions, as appropriate. NextG would construct the Project between 7:00 a.m. to 7:00 p.m. weekdays, and between 9:00 a.m. to 5:00 p.m. during Saturdays and Sundays (if needed), in compliance with any work timeframe restrictions that CalTrans or local jurisdictions may impose.

California counties and cities generally have not placed specific restrictions on the noise levels temporarily created by construction activities, as long as measures are taken to reduce noise levels. NextG will take all measures where feasible as outlined in the Construction Protocol Measures (see Appendix B) to reduce the noise levels generated by construction of the Project.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts to noise conditions were observed.

4.11.3.1 SUMMARY OF IMPACTS

The following information provides the summary of impacts to Noise:

4.11.3.1.1 EXPOSURE OF PERSONS TO NOISE LEVELS IN EXCESS OF LOCAL STANDARDS: **LESS THAN SIGNIFICANT IMPACT**

The Project activities are located with the existing street system and do not expose people to noise levels in excess of local standards.

4.11.3.1.2 EXPOSE SENSITIVE RECEPTORS TO EXCESSIVE GROUND BORNE VIBRATION: **LESS THAN SIGNIFICANT IMPACT**

The Project will not result in exposure to or generation of excessive vibration or noise levels.

4.11.3.1.3 SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE: **NO IMPACT**

No permanent increase in ambient noise levels will occur from the Project. Construction-related noise associated with the Project is temporary in nature.

4.11.3.1.4 SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE: **LESS THAN SIGNIFICANT IMPACT**

Although there will be an increase in temporary ambient noise levels associated with construction of the Project, it will not be a substantial increase, and will therefore be less than significant.

4.11.3.1.5 WITHIN TWO MILES OF A PUBLIC AIRPORT: **NO IMPACT**

The northern portion of the proposed alignment is located a little less than two miles from the Los Alamitos Army Airport. However, as the Project does not include building structures for habitation, no impacts from noise would occur.

4.11.3.1.6 WITHIN THE VICINITY OF A PRIVATE AIRSTRIP: **NO IMPACT**

The northern portion of the proposed alignment is located a little less than two miles from the Los Alamitos Army Airport. However, as the Project does not include building structures for habitation, no impacts from noise would occur.

4.11.4 REFERENCES

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*.
Huntington Beach, CA

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4.12 POPULATION AND HOUSING

The following sections outline the regulatory and environmental settings as they relate to Population and Housing, and provide an analysis and impact conclusion related thereto.

4.12.1 ENVIRONMENTAL AND REGULATORY SETTING

The Project alignment is located within an urban area consisting of residential, commercial, industrial, and recreational uses. The construction of the Project is intended to provide improved telecommunications services to these residences and the area in general.

4.12.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO POPULATION AND HOUSING

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Significant impacts could occur if the Project were to result in any of the following:

- Substantial population growth in the area, either directly or indirectly; or
- Displacement of existing housing and/or people, resulting relocation and/or construction of replacement housing elsewhere.

4.12.3 ANALYSIS OF POTENTIAL IMPACTS TO POPULATION AND HOUSING

The Project would not induce population growth but would instead provide a service to existing residents. The Project would not displace existing housing and/or people necessitating relocation and/or construction of replacement housing elsewhere.

The Project involves the construction of a communications system, rather than any activity that will displace people.

For the portion of the network which has been constructed previously, no impacts to population and housing resulted.

4.12.3.1 INDUCE SUBSTANTIAL POPULATION GROWTH: **NO IMPACT**

4.12.3.2 DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING: **NO IMPACT**

4.12.3.3 DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE: **NO IMPACT**

4.12.4 REFERENCES

There are no references for this section.

4.13 PUBLIC SERVICES/UTILITIES

The following sections outline the regulatory and environmental settings as they relate to Public Services/Utilities, and provide an analysis and impact conclusion related thereto.

4.13.1 ENVIRONMENTAL AND REGULATORY SETTING

The Project alignment is located within areas which are currently developed and urban in nature. Utilities present in these areas include water, electricity, telephone, natural gas, and a number of other utilities. Fire, police and emergency medical services are provided to the Project site by the City of Huntington. Police services are provided by the Huntington Beach Police Department. Fire services to the Project area are provided by the City of Huntington Beach through the Huntington Beach Fire Department. Utilities are provided by the local jurisdictions along the Project alignment.

4.13.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO PUBLIC SERVICES/UTILITIES

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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PUBLIC SERVICES. Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the

following public services:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Fire protection? | ☐ | ☐ | ☐ | ☒ |
| Police protection? | ☐ | ☐ | ☐ | ☒ |
| Schools? | ☐ | ☐ | ☐ | ☒ |
| Parks? | ☐ | ☐ | ☐ | ☒ |
| Other public facilities? | ☐ | ☐ | ☒ | ☐ |
| b. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ |
| c. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| d. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| e. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed? | ☐ | ☐ | ☐ | ☒ |

- f. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ☐ ☐ ☐ ☒
- g. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☐ ☒
- h. Comply with federal, state, and local statutes and regulations related to solid waste?? ☐ ☐ ☐ ☒

4.13.3 ANALYSIS OF POTENTIAL ENVIRONMENTAL IMPACTS TO PUBLIC SERVICES/UTILITIES

The Project would improve the capacity and reliability of the telecommunications system within Orange County. The Project would not require wastewater disposal, and thus would not exceed wastewater treatment requirements of the SAWQCB. The project would not require nor result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Underground storm drains are in place along the proposed alignment. Potable water would only be used on site for fire suppression. Thus, there would be no increase in demand for new or expanded entitlements to provide sufficient water supplies. Public services such as police, fire, and emergency medical services would continue to be provided by the City of Huntington Beach.

NextG will determine the location of subsurface utilities and endeavor to avoid them during construction activities. Construction activities could, however, inadvertently contact underground utilities during construction, possibly leading to short-term service interruptions. The likelihood of such occurrences is remote, and the implementation of standard practices, such as contacting Underground Service Alert (USA) before excavation, will reduce potential impacts. Implementation of NextG's Standard Construction Protocol Measures will further

ameliorate any risk associated with such an occurrence. The Project will have a less-than-significant impact on public services or utilities.

NextG will recycle and dispose of construction materials to minimize generation of solid waste resulting from construction activities. As such, no new landfill capacity is required.

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts to public services/utilities were observed.

4.13.3.1 SUMMARY OF IMPACTS TO PUBLIC SERVICES/UTILITIES

The following information summarizes the potential impacts to Public Services/Utilities:

4.13.3.1.1 ADVERSELY AFFECT THE FOLLOWING PUBLIC SERVICES:

Fire protection: **No Impact**

Police Protection: **No Impact**

Schools: **No Impact**

Parks: **No Impact**

Other Public Facilities: **Less Than Significant Impact**

4.13.3.1.2 EXCEED WASTEWATER TREATMENT REQUIREMENTS: **NO IMPACT.**

4.13.3.1.3 REQUIRE CONSTRUCTION OF NEW WASTEWATER TREATMENT FACILITIES: **NO IMPACT.**

4.13.3.1.4 REQUIRE CONSTRUCTION OF NEW STORM WATER DRAINAGE FACILITIES: **NO IMPACT.**

4.13.3.1.5 SUFFICIENT WATER SUPPLIES AVAILABLE: **NO IMPACT.**

4.13.3.1.6 ADEQUATE WASTEWATER TREATMENT CAPACITY: **NO IMPACT.**

4.13.3.1.7 SUFFICIENT LANDFILL CAPACITY: **NO IMPACT.**

4.13.3.1.8 COMPLY WITH STATUTES AND REGULATIONS RELATED TO SOLID WASTE: **NO IMPACT.**

4.13.4 REFERENCES

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*. Huntington Beach, CA.

City of Westminster. 1996. Westminster Consolidated General Plan/EIR. Volume II – Technical Document/EIR. SCH#: 92071051. Westminster, CA.

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4.14 RECREATION

The following sections discuss the setting, evaluation criteria, and potential impacts to Recreation associated with the Project.

4.14.1 ENVIRONMENTAL AND REGULATORY SETTING

Due to the nature and length of the Project alignment, availability of parks and recreational areas varies along the corridor. As mentioned earlier, the Project alignment runs throughout the City of Huntington Beach. Parks and recreational uses are located throughout the city; however, the Project alignment would be entirely located within the existing street system.

The recreational uses that the alignment would come into close contact with include:

- Huntington State Beach Park

Located to the west of PCH on the Pacific Ocean Coastline, between Beach Boulevard and Brookhurst, Huntington State Beach Park is approximately 100 acres in size. This park is owned by the State, but operated by the City of Huntington Beach. It includes barbeque and camping sites, as well as bike and pedestrian paths (City of Huntington Beach 1996).

- Huntington Beach Central Park

Located on the east side of Edwards Street between Talbert Ave and Slater, this park is 370 acres in total, of which 220 acres are developed. This park includes tot lots, bicycle and pedestrian trails, equestrian trails, barbeque areas, camping, fishing, and a gymnasium (City of Huntington Beach 1996).

- Harriet Wiedner Regional Park

Located on west side of Edwards Street between Talbert and Garfield Avenue, this park links the Huntington Beach Central Park with the Bolsa Chica State Beach. Including an approximate total of 106 acres of passive park land, this park includes tot lots, bicycle and pedestrian trails, equestrian trails, and a wetlands interpretive center (City of Huntington Beach 1996).

- Chris Carr Park

Located at the intersection of Heil Avenue and Springdale Street, this park is approximately 11 acres. This is a neighborhood park that includes a lake, a tot lot, and picnic areas (City of Huntington Beach 1996).

- Marina Park

Located at the intersection of Edinger Avenue and Graham Street, this park is approximately 11 acres. This is a neighborhood park that includes barbeque pits, activity courts, a tot lot, and picnic areas (City of Huntington Beach 1996).

4.14.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO RECREATION

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
RECREATION. Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Significant impacts to recreational resources could occur if the Project were to result in the following:

- Increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated; or
- Construction or expansion of recreational facilities, which may have an adverse physical impact on the environment.

4.14.3 ANALYSIS OF POTENTIAL ENVIRONMENTAL IMPACTS TO RECREATION

During construction, full access to parks may temporarily and sporadically be reduced. However, additional areas of entrance to the affected park(s) would be accessible, and impacts would only be temporary in nature. Furthermore, the Project would not increase the use of any neighborhood or regional parks, or any other recreational resources. The Project will not lead to any increases in population, and therefore, will not require the construction or expansion of recreational facilities.

With respect to the portions of the Project which have already been constructed, those portions have not resulted in any significant impacts to recreational resources.

4.14.3.1 SUMMARY OF IMPACTS

The following list provides the Summary of Impacts to Recreation:

4.14.3.1.1 INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES: **NO IMPACT**

4.14.3.1.2 REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES: **NO IMPACT**

4.14.4 REFERENCES

City of Huntington Beach. 1996. *City of Huntington Beach General Plan*.
Huntington Beach, CA

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4.15 TRANSPORTATION AND CIRCULATION

Because the Project area is primarily located within public road PROWs, traffic would need to be controlled and coordinated. Traffic control measures would conform to the specifications of CalTrans.

Typically, traffic control would be set up for the day's work operation. One lane of traffic may need to be closed during work activities. During such periods, flagmen would be used to direct traffic in the construction zone. Delays would typically average 3 to 5 minutes. Although it is not anticipated given the minimal trenching involved in the Project, if access to any residential or commercial driveway is obstructed by an open trench, steel plates would be placed over the excavation to provide temporary access.

4.15.1 EXISTING SETTING

The Project will be constructed within the Right of Way of the existing transportation corridor within the City of Huntington Beach. Therefore, existing paved roadways would provide access to all components of the Project site.

4.15.2 CEQA CHECKLIST CRITERIA FOR POTENTIAL IMPACTS TO TRANSPORTATION AND CIRCULATION

	Potentially Significant Impact	Less Significant with Mitigation Incorporated	than Less-than- Significant Impact	No Impact
TRANSPORTATION/TRAFFIC. Would the project:				
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b. | Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☒ | ☐ |
| c. | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d. | Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e. | Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |
| f. | Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ |
| g. | Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ |
-

Significant impacts could occur if the Project were to result in any of the following:

- An increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system or conflicts with adopted policies supporting alternative transportation;
- Individually or cumulative exceeding an established level of service standard for roads or highways;
- Substantially increase design hazards or create incompatible uses; or
- Inadequate parking capacity and emergency access.

4.15.3 ANALYSIS OF POTENTIAL ENVIRONMENTAL IMPACTS TO TRANSPORTATION/CIRCULATION

During construction of the Project, construction crews would work to complete installation activities. A typical work crew would consist of 1 bore machine, 1 backhoe, 1 dump truck, 1 crane, and 3 vehicles (standard pickup). The dump truck and 3 vehicles would typically commute to the Project site at the beginning of the workday, and leave the Project site at the end of the work on a daily basis. The bore machine and backhoe would remain at each work location until construction of that portion of the Project would be complete. Additional trips would be required initially to bring materials and equipment to the site.

Construction traffic would be similar in scope to ongoing activities occurring within the Project area. There is a possibility that vehicular traffic on adjacent arterials may be temporarily slowed due to construction vehicle ingress and egress. Because a road network to and from the proposed site exists, no significant impact to traffic circulation is anticipated. Construction work areas would take place within the shoulder (curb and gutter) of public roadways on a regular basis. Project activities would take place outside of the travel lanes of the roadway whenever possible. When the construction zone must take over a travel lane, NextG will close a lane of traffic, and provide traffic control for the work zone in compliance with CalTrans requirements. Furthermore, NextG will obtain all necessary local and State road encroachment permits, prior to construction, and will comply with all applicable conditions of approval. Roadway closures would be short-term (usually less than 2 days at any one location – and only during construction hours).

The Project would not generate a substantial increase in traffic or conflict with adopted policies supporting alternative transportation. The Project would not increase hazards to a design feature or incompatible uses. The Project would not result in inadequate parking capacity emergency access.

Measures to avoid and/or minimize impacts to traffic and circulation have been included in NextG's standard construction protocols for traffic in the *Construction Protocol Measures For Work in Previously-Disturbed Public Rights-of-Way And Utility Easements* document (see Appendix B).

For the portion of the network which has been constructed previously, standard construction protocol measures and BMPs were implemented as necessary. No significant impacts to transportation and traffic resources were observed.

4.15.3.1 SUMMARY OF POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS TO TRANSPORTATION AND CIRCULATION

The following outlines the potential impacts to Transportation and Circulation:

- 4.15.3.1.1 INCREASE IN TRAFFIC/CONGESTION: **LESS THAN SIGNIFICANT IMPACT**
- 4.15.3.1.2 EXCEED LEVEL OF SERVICE STANDARDS: **LESS THAN SIGNIFICANT IMPACT**
- 4.15.3.1.3 RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS: **NO IMPACT**
- 4.15.3.1.4 DESIGN FEATURE HAZARDS: **NO IMPACT**
- 4.15.3.1.5 RESULT IN INADEQUATE EMERGENCY ACCESS: **LESS THAN SIGNIFICANT IMPACT**
- 4.15.3.1.6 RESULT IN INADEQUATE PARKING CAPACITY: **NO IMPACT**
- 4.15.3.1.7 CONFLICT WITH ALTERNATIVE TRANSPORTATION POLICIES: **NO IMPACT**

4.15.4 REFERENCES

No references are applicable to this section.

5 CUMULATIVE AND GROWTH-INDUCING IMPACTS

CEQA Guidelines, Section 15130, defines a cumulative impact as an impact “created as a result of the combination of the Project together with other projects causing related impacts.” In accordance with CEQA, incremental and combined effects that are not significant are identified but not discussed in detail. Cumulative impacts can potentially result from past, current, and reasonably foreseeable future projects, whose impacts may be related to the construction, operation, and retirement of the Project. While there are other projects in the region which are similar to the Project, it is not anticipated that significant environmental impacts will result from any of these projects. The Project will not contribute any to any cumulative impacts, as defined by CEQA, since there are no significant impacts for the Project. Effects such as the disruption of traffic during Project installation, which could theoretically create a cumulative impact if there were similar projects ongoing at the same time, will be minimized through the implementation of the NextG Protocol Measures (Appendix B).

Growth-inducing impacts could occur if a project would induce growth either directly or indirectly in the surrounding environment. Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a population concentration above it is assumed or planned for in local and regional land use plans or in projections made by regional planning groups. Significant growth-inducing impacts could also occur if the Project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local plans and/or policies. Growth and development within Orange County, Huntington Beach and the adjacent communities is managed at the local and county level and is anticipated to occur consistent with general and specific plans prepared and approved by each jurisdiction.

The Project is not expected to induce growth. Rather, it would allow NextG networks to provide wireless service to existing underserved areas. The Project could be considered growth inducing if growth results from the direct and indirect employment needed to construct, operate and maintain the Project. As documented throughout this PEA, construction and operation of the Project would not affect employment in the Project area. The Project would not require full-time personnel onsite, and construction work would be temporary. Inspection and maintenance activities would occur only periodically.

6 INDIRECT EFFECTS

Indirect impacts, also referred to as secondary impacts, are impacts caused by a project that occur later in time or are farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing impacts and the impacts that result from this growth related to a change in the pattern of land use, population density or growth rate and the resulting effects on air and water and other natural systems.

As noted in Chapter 5, the Project is not anticipated to induce growth. Rather, it would allow NextG to provide telecommunications service to current and future customers in the Project area. Growth and development within the Project area is managed at the local and county level and is anticipated to occur consistent with general and specific plans prepared and approved by each jurisdiction. Thus, to ensure adequate telecommunications services are available to serve existing and planned development, the Project would be considered an essential utility.

Future development in the areas of the Project must occur consistent with applicable general plans, specific plans and related environmental documentation. This Project would not influence planned or future developments. Development of the Project is not anticipated to have any indirect impacts to land use, population density or growth rate or related natural systems. No long-term indirect changes or growth of any kind can be reasonably attributed solely to the Project.

7 APPLICANT PROPOSED MEASURES

As part of NextG's standard construction practices, environmental commitments have been incorporated into the Project design and will be implemented to avoid or minimize impacts. A complete list of these commitments can be found in Attachment B (NextG Construction Protocol Measures) of this document and additional BMPs are included in each applicable resource section in Chapter 4.

Specific measures anticipated for this Project include those discussed in sections 4.3 Air Quality, 4.11 Noise, and 4.15 Transportation and Circulation, and are recapped below as examples.

Implementation of the environmental commitments will ensure that all potential project-related impacts will be avoided or reduced to a Less than significant level. No additional mitigation is required.

Construction Protocol Measure – Air Quality

NextG shall implement construction BMPs from the applicable air quality district to reduce dust and air emissions such as the following:

- *water all active construction areas at least twice daily;*
- *cover all trucks hauling soil, sand, and other loose materials;*
- *pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
- *sweep daily all paved access roads, parking areas and staging areas at construction sites;*
- *and sweep streets daily if visible soil material is carried onto adjacent public streets.*

NextG shall comply with the following requirements for project construction:

- *Use California on-road diesel fuel for all diesel-powered construction equipment;*
- *Use construction equipment that is properly tuned and maintained in accordance with manufacturer's specifications;*

- *Use best management construction practices to avoid unnecessary emissions (e.g., trucks and vehicles in loading and unloading queues shall be kept with their engines off, when not in use); and*
- *Suspend emissions-generating construction activities during "Stage 2" smog alerts. Stage 2 air pollution episodes occur under the California Air Pollution Emergency Episode.*

Construction Protocol Measure – Noise

- *For construction in those jurisdictions where there are no specific construction-related standards, NextG will require its contractors to limit any noise producing construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday;*
- *All equipment will have sound-control devices no less effective than those provided on original equipment;*
- *No equipment will have an unmuffled exhaust;*
- *Construction equipment will be located as far from sensitive receptors (e.g., residences, schools, places of worship, and hospitals) as possible;*
- *If traffic control devices requiring electrical power are employed within 500 feet of sensitive receptors, the devices will be battery/solar powered instead of powered by electrical generators; and*
- *NextG will implement all reasonable and customary noise reduction measures as part of the proposed Project. NextG will also post the name and telephone number of a person for the public to contact to resolve noise-related problems.*

Construction Protocol Measure – Transportation and Traffic

- *NextG will schedule truck trips outside of peak morning and evening commute hours;*
- *NextG will use haul routes minimizing truck traffic on local roadways to the extent possible;*

- *NextG will include detours for bicycles and pedestrians in all areas potentially affected by project construction; and*
- *NextG will install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.*

To avoid impeding emergency vehicle traffic around the construction activities, NextG will develop an Emergency Vehicle Access Plan that includes the following:

- *Evidence of advanced coordination with emergency service providers, including but not necessarily limited to police departments, fire departments, ambulance services, and paramedic services; and*
- *Project construction schedules and routes designed to avoid restricting movement of emergency vehicles to the best extent possible.*

8 LIST OF PREPARERS

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