

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



# FINAL

## Mitigated Negative Declaration

### Siskiyou Telephone Company's Happy Camp to Somes Bar Fiber Connectivity Project

#### Resolution No. T-17539

## 1. Mitigated Negative Declaration

**Lead Agency:** California Public Utilities Commission  
Energy Division  
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### 1.1 Project Information

**Project:** Happy Camp to Somes Bar Fiber Connectivity Project  
Siskiyou County, California

**Project Sponsor:** Siskiyou Telephone Company  
30 Telco Way  
Etna, California 96027  
(530) 467-6000

### 1.2 Introduction

Pursuant to CEQA, the CPUC must prepare an Initial Study (IS) for the Proposed Project to determine if any significant adverse effects on the environment would result from project implementation. The IS utilizes the significance criteria outlined in Appendix G of the CEQA *Guidelines*. If the IS for the project indicates that a significant adverse impact could occur, the CPUC would be required to prepare an Environmental Impact Report. According to Article 6 (Negative Declaration Process) and Section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration) of the CEQA *Guidelines*, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) *The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or*
- (b) *The initial study identifies potentially significant effects, but:*
- (1) *Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
  - (2) *There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

Based on the analysis in the Initial Study, it has been determined that all project-related environmental impacts could be reduced to a less than significant level with the incorporation of feasible mitigation measures. Therefore, adoption of a Mitigated Negative Declaration (MND) will satisfy the requirements of CEQA. The mitigation measures included in this MND are designed to reduce or eliminate the potentially significant environmental impacts described in the Initial Study. Where a measure described in this document has been previously incorporated into the project, either as a specific project design feature or as an Applicant-Proposed Measure, this is noted in the discussion. Mitigation measures are structured in accordance with the criteria in Section 15370 of the CEQA *Guidelines*.

**NOTE:** This document is the Final MND and Supporting Initial Study. Where revisions were made to the Draft MND/Initial Study based on comments received (see Chapter 7), they are indicated with **strikeout** for deletions of text, and in **underline** for new text.

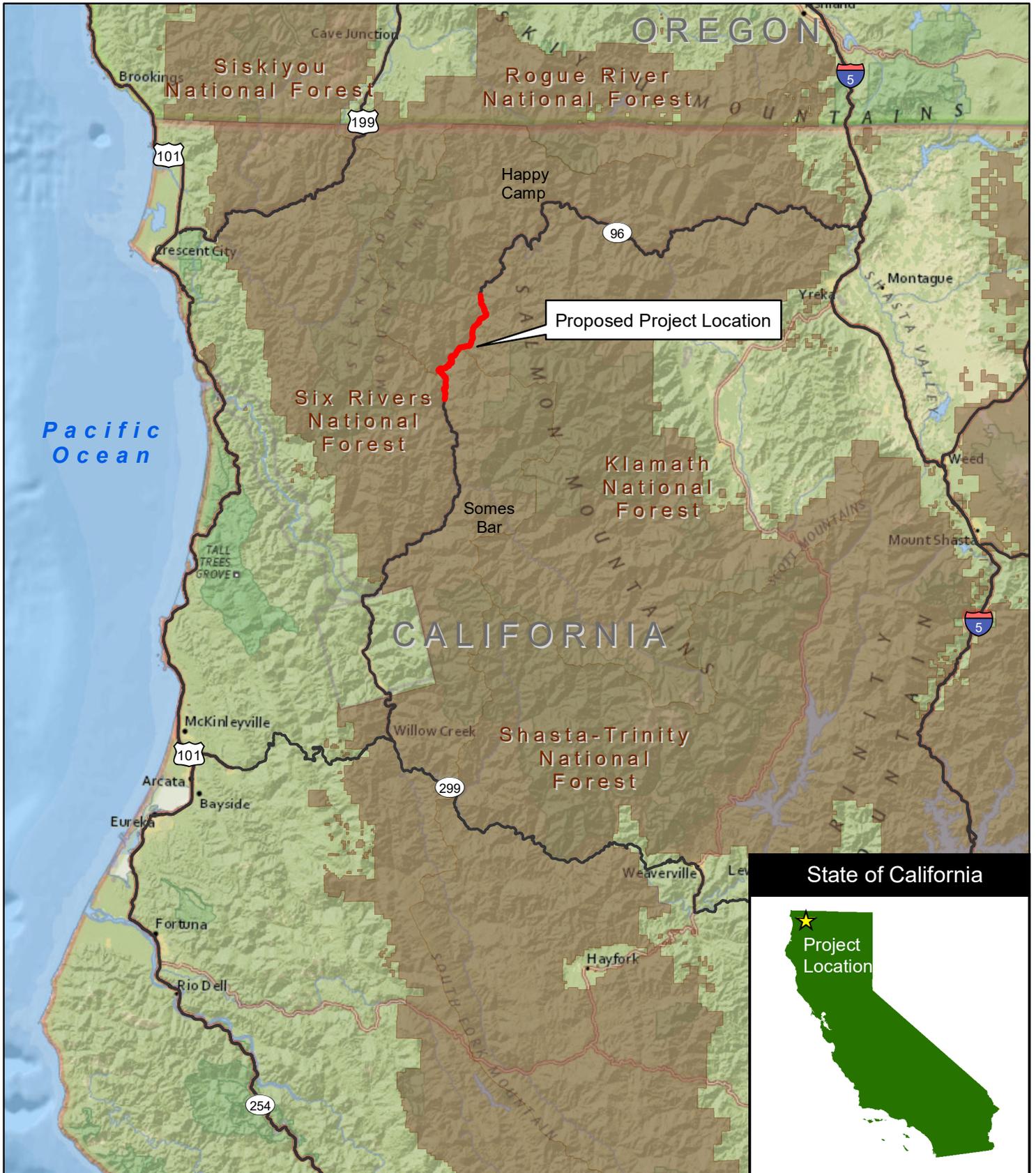
### 1.3 Project Description

Siskiyou Telephone Company (Siskiyou Telephone) proposes to construct the Siskiyou Telephone Happy Camp to Somes Bar Fiber Connectivity Project (Proposed Project), which would provide telephone and broadband service capability to residences in the area between Clear Creek and Ti Bar in Siskiyou County, California. Fiber optic broadband facility cable would be constructed within a conduit for approximately 17 miles within or adjacent to State Highway 96 (see Figure 1-1). The project would be constructed under a grant from the California Advanced Service Grant Program, as funded by the California Public Utilities Commission (CPUC) to Siskiyou Telephone.

### 1.4 Environmental Determination

The Initial Study was prepared to identify the potential environmental effects resulting from Proposed Project implementation, and to evaluate the level of significance of these effects. The Initial Study relies on information in Siskiyou Telephone's PEA, dated January 2016, project site reconnaissance by the CPUC environmental team in January 2018, and other environmental analyses.

Siskiyou Telephone's PEA identified measures to address potentially significant impacts — the Applicant-Proposed Measures (APMs) — and these APMs are considered to be part of the description of the Proposed Project. Based on the Initial Study analysis, additional mitigation measures are identified for adoption to ensure that impacts of the Proposed Project would be less than significant. The additional mitigation measures either supplement, or supersede the APMs. Siskiyou Telephone has agreed to implement all of the additional recommended mitigation measures as part of the Proposed Project.



Source: CalTrans 2014,  
 US Forest Service 2017

- Proposed Project Alignment
- National Forest Area

- Interstate Highway
- U.S. Highway
- State Route

0 10 20  
 Miles

**Figure 1**

**Project Vicinity**

Implementation of the following mitigation measures would avoid potentially significant impacts identified in the Initial Study or reduce them to less than significant levels.

### ***Mitigation Measures for Reducing Air Pollutant Concentrations***

**MM AQ-1 Control Construction-Related Dust.** The Applicant shall implement the following dust control strategies and any other dust control measure that may be specified by the APCD through the review of a dust control plan for naturally-occurring asbestos:

- Visible track-out on any paved public road shall be removed at the end of the work day or at least one time per day, with removal being accomplished by using wet sweeping or a HEPA filter equipped vacuum device.
- Storage piles shall be treated by either keeping the surface adequately wetted, stabilizing the surface with chemical dust suppressants, or covering with tarps or vegetative cover; where potential accidental contamination of wetlands, streams, or rivers could occur, water shall be used instead of chemical dust suppressants.
- Unpaved staging and work areas shall be watered every two hours of active operation or more frequently as needed or stabilized with chemical dust suppressants; where potential accidental contamination of wetlands, streams, or rivers could occur, water shall be used instead of chemical dust suppressants.
- Earthmoving areas and excavated materials shall be pre-wetted to the depth of the anticipated cuts.
- Trucks transporting excavated material off-site shall be: maintained such that no spillage can occur from holes or other openings in cargo compartments, loads shall be adequately wetted and covered with tarps or loaded such that the material does not touch the front, back or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above the top of the cargo compartment.

### ***Mitigation Measures for Special-Status Plant and Wildlife Species***

**MM B-1 Conduct Environmental Training, Pre-Construction Surveys, and Biological Resources Monitoring.** Siskiyou Telephone will develop and implement a Worker Environmental Awareness Program (WEAP) for construction crews and all Project personnel. The WEAP will be conducted by a qualified biologist (approved by CPUC) prior to the commencement of the Project and during construction activities. Sessions will include discussion of the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), California Species of Special Concern, other special-status species and listed species, identification and values of habitat, the consequences of noncompliance with these acts, and the importance of keeping all Project activities and sediments within the designated work area. Brochures summarizing special-status and listed species with potential to occur within the Project area, as well as Project requirements shall be provided to all crew members (in multiple languages if appropriate). A log shall be maintained of all trained personnel with names and dates of training, and shall be submitted to the CPUC on a monthly basis and made available for review by CDFW, USFWS, USFS, or other agencies upon request.

Pre-construction sweeps of active work areas for special-status species shall be conducted prior to the start of construction each morning by a qualified biologist (approved by CPUC). If non-listed special-status species are found, they shall be relocated outside of

the work area into adjacent appropriate habitat by the qualified biologist. If listed or candidate species are found, no work will occur in the vicinity until it has left the work area on its own, or unless otherwise authorized by USFWS and/or CDFW (as applicable). The CPUC Environmental Monitor shall be notified immediately of any special-status species or listed species observed in the Project area.

Biological monitoring shall be conducted by a qualified biologist (approved by CPUC) during all construction activities near sensitive resources, including active bird nests and creeks. If work is being conducted during light rain, full time biological monitoring shall occur. The monitor will complete daily reports summarizing construction activities and environmental compliance and weekly reports shall be submitted to the CPUC. If appropriate (based on the phase and location of construction activities), Siskiyou Telephone may request that the CPUC allow less frequent monitoring.

**MM B-2** **Preserve Special-Status Plants, Wetlands, and Riparian Zones.** The following avoidance and minimization measures shall be implemented to protect both listed special-status plants, and to avoid impacts to wetlands and riparian zones:

- Design Project and construction activities to avoid impacts to wetlands and water features to the extent feasible.
- Prior to the onset of construction activities, a qualified biologist (approved by the CPUC) shall delineate any wetland or water features within the right-of-way as environmentally sensitive areas using clear markers. Construction crews shall be provided with maps of environmentally sensitive areas. No equipment, materials, or spoils shall encroach into the environmentally sensitive areas except for spill remediation purposes.
- A qualified biologist (approved by the CPUC) shall be present during construction activities within the vicinity of wetlands, creek crossings, and associated riparian zones. The biologist shall ensure that fencing and/or flagging remains intact and that construction activities do not affect the delineated areas.

**MM B-3** **Minimize Horizontal Directional Drilling (HDD) Potential Impacts.** The following avoidance and minimization measures shall be implemented to protect listed and other special-status plants and animals, and to avoid impacts to wetlands and riparian zones:

- Boring activities and set-up activities for boring operations shall be situated outside of wetlands and riparian areas. An earthen or sandbag berm shall be installed around all drilling fluid mixing and pumping areas to contain any inadvertently spilled material. Sediment control devices shall be installed between the drilling staging areas and any waterways. This includes any culverts or drainage ditches that lead to a waterway.
- HDD operations at the creek crossings shall be limited to daylight hours because of the difficulty in identifying the loss of bentonite or machine pressure without daylight. This shall be defined by the termination of drilling 30 minutes before dusk, and resumption of drilling at dawn. The contractor will make every effort to schedule drilling activities to be completed between dawn and 30 minutes to dusk. Should the drilling activities be within one hour of completion, 30 minutes before dusk, drilling activities may be allowed to continue until completion if the Project environmental monitor and/or the CDFW or its agents determine that completing the drilling activities will result in less risk to the stream.

- Visual inspection along the bore alignment for frac-outs shall take place at all times while the drill is in operation. The monitor shall be in radio contact with the boring machine operator at all times. A biologist/monitor's presence shall be required during all boring activities (i.e., boring, back reaming, etc.) within CDFW jurisdiction unless the drainage is dry.
- The HDD Operator shall design, pre-plan, and direct the HDD operation in such a way as to minimize the risk of spills of all types. The HDD Operator shall prepare and implement a Frac-Out Contingency Plan and submit it to the CPUC and CDFW for review and approval 30 days prior to construction, which includes the boring plans and frac-out and clean-up plans, in the event of the accidental release of drilling lubricants through fractures in the streambed or bank ("frac-outs"). In substrates where frac-outs are likely to occur, the HDD Operator shall operate in a manner that will reduce risk, such as using lower pressure and greater boring depths. The Contingency Plan shall be kept on site at all times.
- A non-toxic fluorescent water-soluble dye shall be added to the drilling muds to allow for frac-outs to be seen in muddy waters. The dye shall be used in a concentration which allows the monitors to easily determine the source of the frac-out, and shall be a type of dye approved for use by the local Regional Water Quality Control Board.
- All equipment required to contain and clean up a frac-out release shall be available at the work site.
- Boring plans should include:
  - A sketch of the construction site, including equipment staging areas, approximate location of drill entry and exit points and the approximate location of access roads in relation to the surrounding area,
  - Proposed depth of bore and statement of streambed condition (subsurface strata and percent of gravel and cobble) that support the depth of the bore,
  - Approximate length of bores (50-foot increments),
  - Type and size of boring equipment to be used (categorized as mini, mid or maxi),
  - Estimated time to complete bore,
  - List of lubricants and HDD additives to be used including Material Safety Data Sheets (MSDS), and
  - Name of Operator's agents and cell phone numbers.
- Frac-out prevention and clean-up plans should include:
  - Name(s) and phone numbers of biological monitor(s) and crew supervisor(s),
  - Site specific resources of concern (if applicable, include factors such as possible presence of sensitive species),
  - Monitoring protocols (include biological monitoring and frac-out monitoring), and
  - Containment and clean-up plan (include staging location of vacuum trucks and equipment, equipment list, necessary hose lengths, special measures needed for steep topography, etc. at each location).

- If a frac-out or spill occurs in a sensitive resource, the Operator shall immediately notify the CPUC Environmental Monitor.
- If a frac-out occurs, the CPUC Environmental Monitor, in coordination with Siskiyou Telephone's biological monitor, shall determine whether clean-up actions are warranted. If containment and clean-up is needed to prevent additional impacts, the Contractor shall begin the following containment and clean up measures immediately. Where water flows allow, the Contractor shall immediately construct a sandbag well around the frac-out or place a standing pipe (such as a 55-gallon drum with the top and bottom removed, heavy PVC pipe or CMP or culvert type material) around the frac-out to contain the drilling mud. A trailer-mounted vacuum or vacuum truck shall be deployed to vacuum out spilled drilling fluids that continue to leak. Removed drilling fluids shall not be placed where they are likely to re-enter the stream. All cleanup and containment efforts shall adhere to the Frac-out Contingency Plan approved by the CPUC for spill response.

#### ***Mitigation Measure for Special-Status Wildlife Species***

- MM B-4**      **Pre-Construction Surveys and Impact Avoidance Measures for Migratory and Nesting Birds.** Siskiyou Telephone shall retain a CPUC-approved, qualified avian biologist to conduct pre-construction surveys and monitor active nests during construction (hereafter referred to as the "authorized biologist"). Surveys for nesting birds shall be conducted prior to any initial ground disturbance that will occur during the breeding period (from January 31 through August 31). The authorized biologist(s) conducting the surveys shall be experienced bird surveyors and familiar with standard nest-locating techniques. Qualifications of the biologist(s) shall be submitted to the CPUC for approval. Surveys shall be conducted in accordance with the following guidelines:
- a. Surveys shall cover all potential nesting habitat within disturbance areas and within a 500-foot buffer of these areas.
  - b. Surveys shall be conducted no more than 3 days prior to the start of ground-disturbing activity.
  - c. If active nests are detected during the survey, the authorized biologist shall map each nest and establish a disturbance-free buffer within which no Project activities may occur until the nest fledges or fails, as documented and confirmed by the authorized biologist. The size of the disturbance-free buffer shall be determined by the authorized biologist, and shall depend on the species' tolerance to human activity, location of the nest relative to the work area, any vegetation or other materials that may screen the nest from noise and view of work, the nature of the work (e.g., heavy equipment use vs. hand tools), and any other pertinent information. Buffer sizes shall be a minimum of 100 feet for non-raptor species and 500 feet for raptors.
  - d. If active nests are observed and the recommended nest avoidance buffer zones are not feasible, non-disturbance buffer zones shall be established by the authorized biologist based on but not limited to consideration of the line of sight from the nest to the worksite, the nesting bird's behavior, existing and Project-related background disturbance levels, or other biological or physical attributes. Continuous monitoring of the nest site by an authorized biologist shall occur during disturbance activities, and a nest observation log shall be updated once per hour during construction activities.

If the monitoring biologist determines nesting may fail as a result of work activities, all work shall cease (except access along existing roadways) within the recommended avoidance area until the biologist determines the adults and young are no longer reliant on the nest site. A site-specific nest protection plan shall be submitted to the CPUC for review and approval if additional nest protection measures are determined necessary by the monitoring biologist.

- e. Prior to the start of any new Project-related ground disturbance activities, the authorized biologist shall provide the CPUC a report or memorandum describing the findings of the nest surveys, including the time, date, and duration of the survey; identity and qualifications of the surveyor(s); and a list of species observed. If active nests are detected during the surveys, the report shall include descriptions of avoidance zones and methods used to determine avoidance zones and maps or aerial photos identifying nest locations and the boundaries of no-disturbance buffer zones.
- f. The authorized biologist shall monitor active nests no less than twice per week until nestlings have fledged and dispersed. Activities that might, in the opinion of the authorized biologist, disturb nesting activities shall be prohibited within the buffer zone until such a determination is made.
- g. Throughout Project construction, nest locations, Project activities in the vicinity of nests, and any adjustments to buffer areas shall be described and reported in monthly monitoring reports to the CPUC.
- h. If active nests for listed birds are found, a 500-foot buffer will be established around each nest/territory. This buffer may be adjusted in coordination with USFWS, CDFW, and the CPUC.

**MM B-5**      **Avoid Wildlife Entrapment.** To prevent the accidental entrapment of wildlife during construction, all excavated holes or trenches deeper than six (6) inches will be covered at the end of each work day with plywood or similar materials. Larger excavations that cannot easily be covered will be ramped at the end of the work day to allow trapped animals an escape method. Ramps for open excavations will be soil and/or rough plank ramps with a maximum 45-degree angle, and will be installed at intervals prescribed by a qualified biologist. Trenches will be backfilled as soon as possible. Construction personnel will inspect open holes and trenches in the morning and evening for trapped wildlife. In the event that an excavation would be left unattended for a period of more than 24 hours, metal or wooden covering shall be placed over the excavation prior to the departure of the biological monitor in order to completely seal the excavation and prevent longer-term wildlife entrapment, except for larger excavations that cannot easily be covered. Prior to the filling of such excavations, these areas will be thoroughly inspected for special-status species by the qualified biologist. If a trapped animal is observed, construction will cease until the animal has been relocated to an appropriate location.

***Mitigation Measure for Landslide Impacts***

**MM GS-1**      **Conduct geotechnical/geologic surveys for landslides and unstable slopes.** The Applicant shall conduct slope stability surveys in areas where Proposed Project components are located on or adjacent to slopes exceeding 20 percent or in areas with previously mapped landslides. These surveys will acquire data that will allow identification of specific areas

with the potential for unstable slopes, landslides, rock fall, and debris flows where earthquakes or project excavation could trigger slope failure. The investigations shall include an evaluation of slope conditions, identification of potential landslide hazards, and provide potential modifications to the Project design to avoid areas of unstable slopes and landslide hazards, such as modification of component locations. Where the surveys determine that landslide hazard areas cannot be avoided, best engineering design and construction measures, such as slope protection or controls along the road to divert or catch falling rocks or slides, shall be incorporated into the Project designs and excavation plans to prevent potential damage to project components.

### ***Mitigation Measure for Potential Water Contamination***

**MM H-1 Prepare and Implement Worker Environmental Awareness Program (WEAP).** A project specific WEAP shall be prepared and submitted to the CPUC for approval prior to construction. The WEAP shall include, at a minimum, the following provisions related to hazards and hazardous materials:

- A presentation shall be prepared by the Applicant and used to train all site personnel prior to the commencement of work. A record of all trained personnel shall be kept.
- Instruction on compliance with Proposed Project mitigation measures.
- A list of phone numbers of Siskiyou Telephone environmental specialist personnel associated with the Proposed Project (archaeologist, biologist, environmental coordinator, and regional spill response coordinator).
- Instruction on the individual responsibilities under the Clean Water Act, the project SWPPP, site-specific BMPs, and the location of Material Safety Data Sheets for the project.
- Worker Training on Emergency Release Response Procedures to include hazardous materials handling procedures for reducing the potential for a spill during construction, and hazardous material clean up procedures and training to ensure quick and safe cleanup of accidental spills.
- Instructions to notify the foreman and regional spill response coordinator in case of a hazardous materials spill or leak from equipment, or upon the discovery of soil, groundwater, or surface water contamination. The foreman or regional spill response coordinator shall have authority to stop work at that location and to contact the CUPA (Siskiyou County Environmental Health Division, Hazardous Materials Management; see Section 5.8.1 – Regulatory Background, above) immediately if unanticipated visual evidence of potential contamination or chemical odors are detected. Work will be resumed at this location after any necessary consultation and approval by the CUPA or other entities as specified by the CUPA.
- Instruction that noncompliance with any laws, rules, regulations, or mitigation measures could result in being barred from participating in any remaining construction activities associated with the Proposed Project.

**MM H-2 Prepare and Implement a Hazardous Materials and Waste Management Plan.** Prior to approval of the final construction plans for the Proposed Project, a project-specific Hazardous Materials and Waste Management Plan for the construction phase of the Pro-

posed Project will be prepared and submitted to the CPUC for approval prior to construction. The Plan will be prepared to ensure compliance with all applicable federal, state, and local regulations. The Hazardous Materials and Waste Management Plan will reduce or avoid the use of potentially hazardous materials for the purposes of worker safety, protection from soil, groundwater, and surface water contamination, and proper disposal of hazardous materials. The plan will include the following information related to hazardous materials and waste, as applicable:

- A list of the hazardous materials that will be present on site and in the local construction yard during construction, including information regarding their storage, use, and transportation;
- Any secondary containment and countermeasures that will be required for onsite and construction yard hazardous materials, as well as the required responses for different quantities of potential spills;
- A list of spill response materials and the locations of such materials at the Proposed Project site and in the local construction yard during construction. Additionally, the Plan shall designate that spill response materials be kept onsite for all activities performed near to or adjacent to a stream or the river;
- Procedure for Fueling and Maintenance of Construction Vehicles and Equipment: Written procedures for fueling and maintenance of construction equipment would be prepared prior to construction. The Plan shall include the following procedures:
  - Construction vehicles shall be fueled and maintained offsite at the construction yard or at local fuel stations. Construction vehicles operated near to or adjacent to the stream/river channel shall be inspected and maintained daily to prevent leaks.
  - Construction equipment such a drill rigs and excavators shall be fueled offsite when feasible. When refueling offsite is not feasible for drilling equipment and other construction equipment onsite refueling of the equipment by refueling vehicles or fuel trucks shall follow specified procedures to prevent leaks or spills. Procedures will require refueling be located a minimum of 150 feet from a stream channel and the use of spill mats, drop cloths made of plastic, drip pans, or trays to be placed under refueling areas to ensure that fuels do not come into contact with the ground. Spill cleanup materials shall be kept readily available on the refueling vehicles.
  - Drip pans or other collection devices would be placed under equipment, such as motors, pumps, generators, and welders, during operation and at night to capture drips or spills. Equipment would be inspected and maintained daily for potential leakage or failures.
- A list of the adequate safety and fire suppression devices for construction activities involving toxic, flammable, or exposure materials;
- A description of the waste-specific management and disposal procedures that will be conducted for any hazardous materials that will be used or are discovered during construction of the Proposed Project; and
- A description of the waste minimization procedures to be implemented during construction of the Proposed Project.

***Mitigation Measure for Potential Soil Contamination***

**MM H-3**      **Conduct Sampling and Testing for ADL.** Soil along the shoulder of State Highway 96 where project related ground disturbance is to occur, should be sampled and tested prior to construction to determine the proper handling and disposal methods. Caltrans has three Standard Special Provisions with guidelines for handling, reuse, storage, and disposal of ADL contaminated soils that could apply to the Proposed Project (Caltrans, 2014). The appropriate Standard Special Provision (SSP) would be applied for Proposed Project dependent on the ADL concentrations in the soil and planned soil disturbance parameters. The three Caltrans ADL SSPs are: SSP 7-1.02K(6)(j)(iii) (01/18/2013) Earth Material Containing Lead – Requires a lead compliance plan for soil disturbance when lead concentrations are non-hazardous; SSP 14-11.03 (04/19/2013) Material Containing Hazardous Waste Concentrations of Aerially Deposited Lead – ADL management specifications when hazardous waste concentrations exist; and SSP 14-11.04 (01/18/2013) – Minimal Disturbance of Material Containing Hazardous Waste Concentrations of Aerially Deposited Lead – ADL minimal disturbance specifications for use when hazardous waste concentrations exist but material is not being excavated.

A Mitigation Monitoring Plan has been prepared to ensure that the APMs and mitigation measures presented above are properly implemented. The plan describes specific actions required to implement each measure, including information on timing of implementation and monitoring requirements.

Based on the analysis and conclusions of the Initial Study, the impacts of the project as proposed by Siskiyou Telephone would be mitigated to less than significant levels with the implementation of the mitigation measures presented herein, which have been incorporated into the Proposed Project.