

7. Comments and Responses to Comments

This section presents responses to the comments received during the public review period for the Mitigated Negative Declaration (March 16 to April 16, 2018). The CPUC received five public comments from the various State agencies, tribes, and the public that were notified of the intent to adopt the Mitigated Negative Declaration.

Table 7-1 lists the persons and agencies that submitted comments on the Proposed MND. The individual comments are numbered, and responses immediately follow the comments. If revisions were made to the MND and supporting Initial Study based on the comments, the revisions are provided with the response to the specific comment and are indicated in the text of this Final MND with ~~strikeout~~ for deletions of text, and in underline for new text.

Table 7-1. Comments Received on the Proposed Mitigated Negative Declaration

Commenter	Date of Comment	Comment Set
California Department of Fish and Wildlife	4/10/18	A1
Siskiyou County Air Potential Control District	4/16/18	A2
California Department of Transportation	4/16/18	A3
Karuk Tribe	3/9/18	C1
Eric Olson	4/16/18	E1

This page intentionally blank.

Comment Set A1 – California Department of Fish and Wildlife



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Region 1 – Northern
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



April 10, 2018

Jensen Uchida
 California Public Utilities Commission
 C/O Aspen Environmental Group
 235 Montgomery Street, Suite 935
 San Francisco, CA 94104

**Subject: Mitigated Negative Declaration for Siskiyou Telephone Company
 Happy Camp to Somes Bar Fiber Connectivity Project, Siskiyou
 County, State Clearinghouse Number 2018032045**

Dear Mr. Uchida:

The California Department of Fish and Wildlife (Department) has reviewed the mitigated negative declaration (MND) for the above-referenced project (Project). Pursuant to Fish and Game Code section 1802, and as a Trustee Agency, the Department has jurisdiction over the conservation, protection, and management of California's fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Responsible Agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources and as a Responsible Agency under the California Environmental Quality Act, California Public Resources Code section 21000 et seq.

Project Description

The Project is a proposal to construct the Siskiyou Telephone Happy Camp to Somes Bar Fiber Connectivity Project, which would provide telephone and broadband service capability to residences in the area between Clear Creek and Ti Bar in Siskiyou County. Fiber optic broadband facility cable would be constructed within a conduit for approximately 17 miles within or adjacent to State Highway 96.

Comments and Recommendations

The Department provided conditions regarding stream protection and horizontal directional drilling activities and appreciates the inclusion of these conditions in the MND.

Conserving California's Wildlife Since 1870

A1-1

Comment Set A1 – California Department of Fish and Wildlife (cont.)

Jensen Uchida
 April 10, 2018
 Page 2

Dust suppression

Mitigation Measure (MM) AQ-1, Control Construction-Related Dust, discusses dust control strategies including stabilizing the surface of storage piles and unpaved staging and work areas with chemical dust suppressants. Instead of utilizing chemical dust suppressants, the Department recommends utilizing the other methods proposed in MM AQ-1. If the use of chemical dust suppressants are necessary, any use of chemicals shall be kept a suitable distance from wetlands, streams, or rivers in order to preclude accidental discharge into or the contamination of adjacent water resources.

A1-1
 cont.

Candidate Amphibian Species - Foothill Yellow-legged Frog and Cascades Frog

Foothill yellow-legged frog (*Rana boylei*) habitat occurs adjacent to the Project area, and this species was observed in Wyman Gulch, a stream with a required crossing, during reconnaissance surveys for this Project. The MND identifies this species as a Species of Special Concern; however, on June 21, 2017, the California Fish and Game Commission (Commission) accepted the petition to list the foothill yellow-legged frog as a threatened species and will be preparing a Status Review to determine whether listing as threatened is warranted. Based on the findings published July 7, 2017, the foothill yellow-legged frog is considered a candidate species as defined by FGC section 2068.

A1-2

Cascades frog (*R. cascadae*) is discussed as likely to occur in adjacent off-site habitat in the MND, and is also identified as a Species of Special Concern. On October 11, 2017, the Commission accepted the petition to list Cascades frog as a threatened or endangered species and will be preparing a Status Review to determine whether listing as a threatened or endangered species is warranted. Based on findings published October 17, 2017, the Cascades frog is considered a candidate species as defined by FGC section 2068.

During the Status Review period, FGC section 2085 confers full legal protection of an endangered or threatened species on a candidate species. This includes the general prohibition on "take" of the species, as defined in FGC section 86 as to "hunt, pursue, catch, capture or kill" or to attempt to engage in any of these activities.

The Department recommends the completion of focused surveys for these species in all areas of the Project in which direct or indirect impacts could occur. If take of foothill-yellow legged frog or Cascades frog may be potential due to direct or indirect impacts related to Project construction, such as through direct removal, hydrological interruption, sedimentation, impaired water quality, or other means, the applicant will need to apply for an Incidental Take Permit (ITP) in order to comply with CESA. The Department may issue an ITP authorizing the take of a candidate species when it is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the applicant ensures there is adequate funding to implement any required measures, and take is not likely to jeopardize the continued existence of the species. If, at the time of Project implementation, the foothill yellow-legged frog or

Comment Set A1 – California Department of Fish and Wildlife (cont.)

Jensen Uchida
April 10, 2018
Page 3

Cascades frog are not listed under CESA or are no longer a candidate, CESA authorization will not be required. However, both species are Species of Special Concern and impacts to either one may still be considered significant under CEQA.

The Department appreciates the opportunity to provide comments on the MND. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



Michael R. Harris
Interior Conservation Planning Supervisor

ec: Jensen Uchida
California Public Utilities Commission
c/o Aspen Environmental Group
SiskiyouTelCo@aspeneq.com

Kristin Hubbard and Michael R. Harris
California Department of Fish and Wildlife
Kristin.Hubbard@wildlife.ca.gov; Michael.R.Harris@wildlife.ca.gov

State Clearinghouse
state.clearinghouse@opr.ca.gov

A1-2
cont.

Comment Set A2 – Siskiyou County Air Pollution Control District



COUNTY OF SISKIYOU

AIR POLLUTION CONTROL DISTRICT

James E. Smith
Air Pollution Control Officer

525 SOUTH FOOTHILL DRIVE
YREKA, CALIFORNIA 96097-3090
PHONE: (530) 841-4029
FAX: (530) 842-6690

April 16, 2018

California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104-3002

RE: Siskiyou Telephone Co. Somes Bar Fiber Optic Project MND IS Comments

Ms. Jensen Uchida,

The following are Siskiyou County Air Pollution Control District comments to the Siskiyou Telephone Company Somes Bar Fiber Optic Project MND IS.

Page 4-1, Section 4.4 Project Location,

- lists legal descriptions of sections outside of project area while omitting sections that are presumably within project area, e.g. Missing T13NR6E Section 5, Off Highway 96 - T14NR6E Sections 2, 5, & 9. The legal descriptions of Proposed Project area need corrections.

A2-1

Page 5-9, Toxic Air Contaminants (TAC):

- This section mentions that the Proposed Project would not be considered a stationary source then goes on to refer to District Rule 6.1 on Pages 5-11 and 5-12. Rationale for further references to Rule 6.1 applicability, a stationary source rule, and its thresholds of significance needs to be clarified.
- Diesel Particulate Matter (DPM) is mentioned here as being managed by California Air Resource Board (CARB) "and local programs" addressing fuels, engines, and tailpipe standards however that authority rests solely with US EPA and CARB. The District regulates through its permitting process stationary sources of DPM that utilize diesel engines greater than 50HP as per State law.
- This section fails to mention Naturally Occurring Asbestos (NOA). NOA is a TAC that exists in the project area, and should be included in Section 5.3.1 Setting, Toxic Air Contaminants.

A2-2

A2-3

A2-4

Page 5-11:

- APCD Rule 6.1, Construction Permit Standards for Criteria Pollutants, applies to stationary sources of air pollutants and is not applicable to the project.

A2-5

James E Smith, APCO
Siskiyou County Air Pollution Control District

Comment Set A3 – California Department of Transportation

DEPARTMENT OF TRANSPORTATION
 OFFICE OF COMMUNITY AND REGIONAL PLANNING
 1657 RIVERSIDE DRIVE
 REDDING, CA 96001
 PHONE (530) 229-0517
 FAX (530) 225-3020
 TTY 711
www.dot.ca.gov/dist2/



*Making Conservation
 a California Way of Life.*

April 16, 2018

IGR/CEQA Review
 Sis -96 12.15/32.31
 Siskiyou Telephone
 Mitigated Negative Declaration
 SCH# 2018032045

Mr. Jensen Uchida
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102

Dear Mr. Uchida:

Thank you for the opportunity to review the Mitigated Negative Declaration prepared for the Siskiyou Telephone Company Happy Camp to Somes Bar Fiber Connectivity Project. The project is located along State Route 96 between the communities of Happy Camp and Somes Bar in Siskiyou County. The project will install fiber optic broadband cable within the highway right of way for approximately 17 miles.

The document adequately identifies that a Caltrans encroachment permit will be required. The proponents are advised that there is a potential to encounter Naturally Occurring Asbestos (NOA) during the construction operations. The environmental document should address how the materials will be handled, if encountered. Contact with NOA, although minimal, should be addressed along with mitigation/control measures to be implemented.

If you have any questions, please call me at (530) 225-3369 or our Encroachment Permits office at (530)225-3400 for the permit requirements.

Sincerely,

MARCELINO GONZALEZ
 Local Development Review
 Office of Community Planning
 District 2

A3-1

*"Provide a safe, sustainable, integrated and efficient transportation system
 to enhance California's economy and livability"*

Comment Set C1 – Karuk Tribe

Email: Siskiyou Telephone Happy Camp to Somes Bar Fiber Connectivity Project

From: Alex Watts-Tobin [<mailto:atobin@karuk.us>]

March 9, 2018

Jensen Uchida
California Public Utilities Commission
Energy Division
505 Van Ness Avenue, Fourth Floor
San Francisco, CA 94102

Dear Jensen Uchida,

This letter is in reference to the Siskiyou Telephone Happy Camp to Somes Bar Fiber Connectivity Project. The THPO Office acknowledges receipt of the letter to Chairman Attebery on this project, and it was discussed at the March 6th Karuk Resources Advisory Board Meeting. At that meeting, Carl Eastlick of Siskiyou Telephone attended to present various Siskiyou Telephone initiatives including the one referenced here.

The Karuk Resources Advisory Board (KRAB) expressed support for this project, while acknowledging that the project is located in a very sensitive area along the course of Hwy 96 from Happy Camp to Orleans. The KRAB has already recommended monitoring on a number of such projects in the past. This particularly applies to trenching work and pits for bore work. Activities with significant ground disturbance should be monitored.

Alex Watts-Tobin
Karuk THPO
atobin@karuk.us
530-643-9823

C1-1

Comment Set E1 – Eric Olson

Email: Siskiyou Telephone Happy Camp to Somes Bar Fiber Connectivity Project

From: Eric Olson <mr.e.b.olson@gmail.com>
Sent: Monday, April 16, 2018 4:48 PM
To: Siskiyou Telco Project
Subject: Siskiyou Telephone Fiber Optic Project MND/IS Comments

Ms. Uchida,

Please accept the following comments regarding the CPUC Happy Camp to Somes Bar Fiber Optic Connectivity Project MND/IS:

E1-1

Pg 5-11 state to reduce fugitive emissions that the project shall be completed during the dry season. How does dry season construction reduce fugitive dust?

The project area includes ultramafic rock areas where California Air Resources Board Air Toxic Control Measure (ATCM) 93105 and possibly ATCM 93106 shall need to be complied with in all ultramafic rock areas including those ultramafic rock areas where naturally occurring asbestos (NOA) was not identified.

Appendix E emissions calculations appears to show no difference between mitigated vs non-mitigated PM emissions. Do the PM calculations include dust from ultramafic rock areas? As per the NOA ATCM there shouldn't be any PM or dust emissions from the project area in ultramafic rock areas. What are the sources of PM/fugitive dust in App E?

The default hours listed in App E calculations/modeling is 35, however the text in the MND/IS states 195 project hours. Are the calculations default values or actually for the project?

Thank you,
Eric Olson

Responses to Comment Set A1 – California Department of Fish and Wildlife

A1-1 The comment reviews the analysis from the perspective of a Trustee Agency, with a focus on stream protection and oversight of the proposed horizontal directional drilling activities. The comment recommends using dust control methods other than “chemical dust suppressants” when possible, in order to avoid the possibility of accidental contamination of wetlands, streams, or rivers. The Siskiyou County Air Pollution Control District (APCD) requires that the proposed activities “comply with the APCD rules regarding dust control” (Draft IS/MND, pp. 5-13), and the IS/MND identifies a range of feasible control strategies to minimize the dust emissions (Mitigation Measure MM AQ-1).

The range of acceptable dust control strategies in the Final IS/MND has been revised as follows in response to this comment so that Mitigation Measure (MM) AQ-1 indicates a preference to use water instead of chemical dust suppressants when near water resources:

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.*

A1-2 The commenter indicates that foothill yellow-legged frog and Cascade frog were both recently considered candidates for state listing as defined by Fish and Game Code 2068. During the Status Review period, Fish and Game Code section 2085 confers full legal protection of an endangered or threatened species on a candidate species. This includes the general prohibition on “take” of the species, as defined by Fish and Game Code section 86 as to “hunt, pursue, catch, capture or kill” or to attempt to engage in any of these activities. Section 5.4.1 and Table 5.4-1 of the Draft IS/MND identified these amphibians as species of special concern, which was their previous status.

Section 5.4.1 and Table 5.4-1 of the Final IS/MND have been edited to reflect the recent change in status of these two species to candidate species.

In Section 5.4.2 of the Draft IS/MND, Mitigation Measure (MM) B-1 requires preconstruction sweeps of work areas for special-status species, and the Final IS/MND has been edited to include candidate species. Mitigation Measure MM B-1 would be implemented to prevent “take” by requiring preconstruction sweeps and full-time monitoring during light rain when frogs would most likely be encountered. Also, Mitigation Measure MM B-3 requires full-time monitoring within California Department of Fish and Wildlife jurisdictional habitats (areas most likely to have frogs) during Horizontal Directional Drilling (HDD) activities, and a variety of measures to prevent frac-outs. Additionally, Mitigation Measure MM B-5 requires avoiding any entrapment hazards for wildlife.

Responses to Comment Set A2 – Siskiyou County Air Pollution Control District

- A2-1 The commenter notes that the legal descriptions in Section 4.4 (Project Location) of the Draft IS/MND should be corrected. The legal descriptions in Section 4.4 of the Final IS/MND have been revised, as follows:
- T13N; R6E; Sections [5](#), and [8](#)
 - T14N; R6E; Sections [1](#), [2](#), [5](#), [9](#), and [11](#), and [12](#) and continues into Sections 14, 15, 21, 22, 28, and 33
 - [T14N; R7E, Section 6](#)
 - T15N; R7E; Section 18 and follows State Highway 96 into Sections 17, 20, 29, 30, and 31
 - T15N; R6E; Section 36
- A2-2 The comment suggests clarification within part of the Air Quality regulatory background where APCD Rule 6.1 is identified (Draft IS/MND, p. 5-11), because the Proposed Project is not subject to this rule. Section 5.3 (Air Quality) of the Final IS/MND has been revised to clarify that the rule is not applicable, although the IS/MND continues to refer to the rule as a basis for mass-based thresholds of significance.
- A2-3 The comment suggests clarifications in the Air Quality setting to delineate the APCD jurisdiction on sources of diesel particulate matter, and Section 5.3.1 (Air Quality, Setting) of the Final IS/MND has been revised accordingly.
- A2-4 The comment suggests clarifications in the Air Quality setting to identify naturally occurring asbestos as a relevant toxic air contaminant, and Section 5.3.1 (Air Quality, Setting, Toxic Air Contaminants) of the Final IS/MND has been revised accordingly.
- A2-5 The Final IS/MND includes revisions to clarify that APCD Rule 6.1 is not applicable to the Proposed Project, although the IS/MND continues to refer to the rule as a basis for mass-based thresholds of significance (see also Response to Comment A2-2).

Responses to Comment Set A3 – California Department of Transportation

- A3-1 The commenter acknowledges that a Caltrans encroachment would be required and indicates there is a potential to encounter naturally-occurring asbestos (NOA) during construction. The IS/MND identifies the need to obtain approval of a dust mitigation plan for naturally occurring asbestos from the APCD (Draft IS/MND, Table 4-2), and Siskiyou Telephone would need to demonstrate compliance with the NOA dust control plan and the requirements of the asbestos Airborne Toxic Control

Measures (ATCM) during all construction activities (Draft IS/MND, p. 5-13). The IS/MND identifies a range of feasible control strategies to minimize the dust emissions and avoid potentially adverse exposure of persons to airborne NOA (see Mitigation Measure MM AQ-1).

Responses to Comment Set C1 – Karuk Tribe

C1-1 The Karuk Resources Advisory Board’s support for the Project is noted.

The commenter also states that the proposed Project is located in a sensitive area, and recommends monitoring for activities with significant ground disturbance, such as trenching work and pits for bore work. Applicant Proposed Measures (APMs) CUL-1 through CUL-5 have been incorporated into Project design and would be implemented prior to and during construction to protect the cultural and paleontological resources in the Project area. Specifically, APM CUL-5 in the IS/MND states that “Siskiyou Telephone and/or USFS would work with the Karuk Tribe to provide a tribal monitor to observe conditions during construction in specified areas of interest.”

Responses to Comment Set E1 – Eric Olson

E1-1 The commenter details some concerns about the air quality analysis and the potential to encounter ultramafic rock containing naturally occurring asbestos (NOA) during construction.

The comment identifies one misplaced phrase in Applicant Proposed Measures (APM) for Air Quality, APM AQ-1 (Draft IS/MND, Table 5.3-3), which has been revised accordingly in response to this comment, as follows.

To reduce fugitive emissions, ~~c~~Construction of the proposed project would occur during the dry season (April through October). To reduce fugitive emissions, ~~w~~Water trucks would be present onsite to wet down the work area, including materials such as backfill and other construction components.

Regarding applicability of Air Resources Board (ARB) rules, the MND describes, as part of the Air Quality regulatory background (Draft IS/MND, pp. 5-10 and 5-11), the asbestos Airborne Toxic Control Measures (ATCM) that would apply during all construction activities (Draft IS/MND, p. 5-13). Within the ATCM, the regulation defines the areas of applicability [17 CCR 93105, subsection (b)] and how an exemption may be provided by the APCD on the basis of a site geologic evaluation [17 CCR 93105, subsection (c)]. Dust control requirements for road construction, as overseen by the APCD, are also delineated in the ATCM [17 CCR 93105, subsection (d)].

The emission calculations in Appendix E reflect no specialized dust controls, although the applicable requirements include the asbestos ATCM (Draft IS/MND, p.5-13). The comment incorrectly indicates that dust would be eliminated through ATCM compliance. Even with controls, some levels of residual dust emissions would continue to occur; emissions from sources like the handling of excavated materials or tire-wear from the travel on paved surfaces can be feasibly avoided, but not totally eliminated.

The report in Appendix E reflects how the “default” setting of 35 days per phase was replaced by a project-specific breakout of four phases total 195 days (e.g., see Appendix E, p. 7 of 22 and p. 8 of 27), consistent with the total duration of construction shown in the Project Description (Draft IS/MND, p. 4-12).