

APPENDIX A

Notice of Preparation and Scoping Comments

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



To: State Clearinghouse, Responsible and Trustee Agencies, Property Owners, & Interested Parties

From: Connie Chen, CPUC Project Manager

Subject: NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR) AND NOTICE OF AN ENVIRONMENTAL WORKSHOP AND SCOPING MEETING FOR THE PRINEVILLE TO RENO FIBER OPTIC PROJECT PROPOSED BY ZAYO GROUP, LLC

Date: March 8, 2021

Description of the Project

Pursuant to the California Environmental Quality Act (CEQA), the State of California Public Utilities Commission (CPUC) is preparing an EIR for the Project identified below and is requesting comments on the scope and content of the EIR. Zayo Group, LLC, a California telephone corporation, in its CPUC application (A.20-10-008), filed on October 1, 2020, seeks to modify its Certificate of Public Convenience and Necessity (CPCN) in connection with its proposed construction and operation of an underground fiber optic network from Prineville, Oregon, to Reno, Nevada, spanning 433.8 miles. The portion of the project that crosses California would extend 193.9 miles across portions of Modoc, Lassen, and Sierra counties. Along the majority of the route, conduit to house the new fiber optic cable would be buried using a combination of plowing or trenching construction techniques. Alternatively, horizontal directional drilling would be used to cross water bodies and roads, and where necessary to avoid existing infrastructure or biological or cultural resources. For some water- or road-crossing locations, the conduit may be affixed to the side or underside of bridges. Ancillary equipment would be installed at three small buildings that would serve as amplifier sites (ILAs). Fiberglass vaults would be installed flush to the ground along the running line to provide maintenance access and at splice locations.

According to the applicant, the purpose of this Project is to improve the quality of rural broadband in south-central Oregon, northeastern California, and northwestern Nevada, and to make affordable broadband internet services available to currently underserved communities in these areas.

The CPUC is the lead agency under CEQA and the Bureau of Land Management (BLM) is the federal lead agency for the National Environmental Policy Act (NEPA) process, which will be conducted separately from the CEQA process.

Location of the Project

The Project would be located along US 395 within the right-of-way managed by Caltrans in Modoc, Lassen, and Sierra counties. The running line generally follows United States Highway 395 (US 395) but also county roads between the communities of Standish and Buntingville in Lassen County, where it follows Standish Buntingville Road (Lassen County Road A3) for 7.35 miles and Cummings Road for 1.15 miles before returning to the right-of-way parallel to US 395. See the attached figure.

Issues to be Addressed in the EIR

It has been determined that an EIR is required because the Project could result in potentially significant impacts to environmental resources. The EIR will identify the potentially significant environmental effects of the Project, including those resulting from construction, operation, and maintenance of the Project. The EIR will also discuss and analyze a reasonable range of alternatives to the Project, including a No Project alternative scenario, and alternatives to the Project that could attain most of its basic objectives while avoiding or reducing any of its significant environmental effects.

In its PEA, Zayo Group, LLC, identified a number of alternatives that will be considered by the CPUC's EIR team and potentially carried forward for full analysis in the EIR. Other alternatives may be added to the analysis based on input received during the 30-day scoping period following issuance of this NOP, or by the EIR team in response to potentially significant environmental impacts identified during the EIR process.

Specific areas of analysis to be addressed in the EIR include: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and energy conservation. Where feasible, mitigation measures will be recommended to avoid or reduce potentially significant impacts. The EIR will also address potential cumulative impacts of the Project, considered together with past, other current, and reasonably foreseeable future projects in the area.

Information to be included in the EIR will be based, in part, on input and comments received during the scoping period. Decision-makers, responsible and trustee agencies under CEQA, property owners, and members of the public will also have an opportunity to comment on the Draft EIR once it is issued. Additional information about the environmental review process for the Project as well as electronic copies of Zayo Group, LLC's CPCN Application and Proponent's Environmental Assessment can be found on the CPUC's website for the Project at: <https://www.cpuc.ca.gov/environment/info/ecorp/prineville/index.html>

Public Scoping Period for this Notice of Preparation

State law mandates a 30-day time limit after the date of the NOP for the scoping period. The scoping period for this Project begins on March 8, 2021 and closes at 5:00 p.m. on April 8, 2021. Please include a name, organization (if applicable), mailing address, and e-mail address of a contact person for all future notification related to this process. Public comments will become part of the public record and will be published in a Scoping Report.

Please send your comments to:

Anne Surdzial, AICP
ECORP Consulting, Inc.
215 N. 5th Street
Redlands, CA 92374
ZayoFiberOptic@ca-advantage.com
(909) 307-0056 fax

Scoping Meeting

For the public and regulatory agencies to have an opportunity to obtain information and submit comments on the scope of the EIR for the Project, a meeting will be held during the EIR scoping period. Due to the COVID-19 pandemic, the meeting will be held virtually. The meeting will be held on:

March 24, 2021 from 6:00 pm to 8:00 pm

Via Zoom at

Webinar ID: 984 3295 1453

Passcode: 940151

Or direct link at

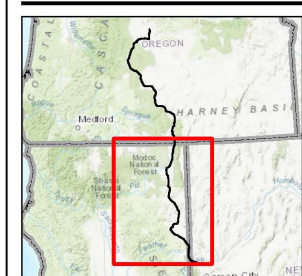
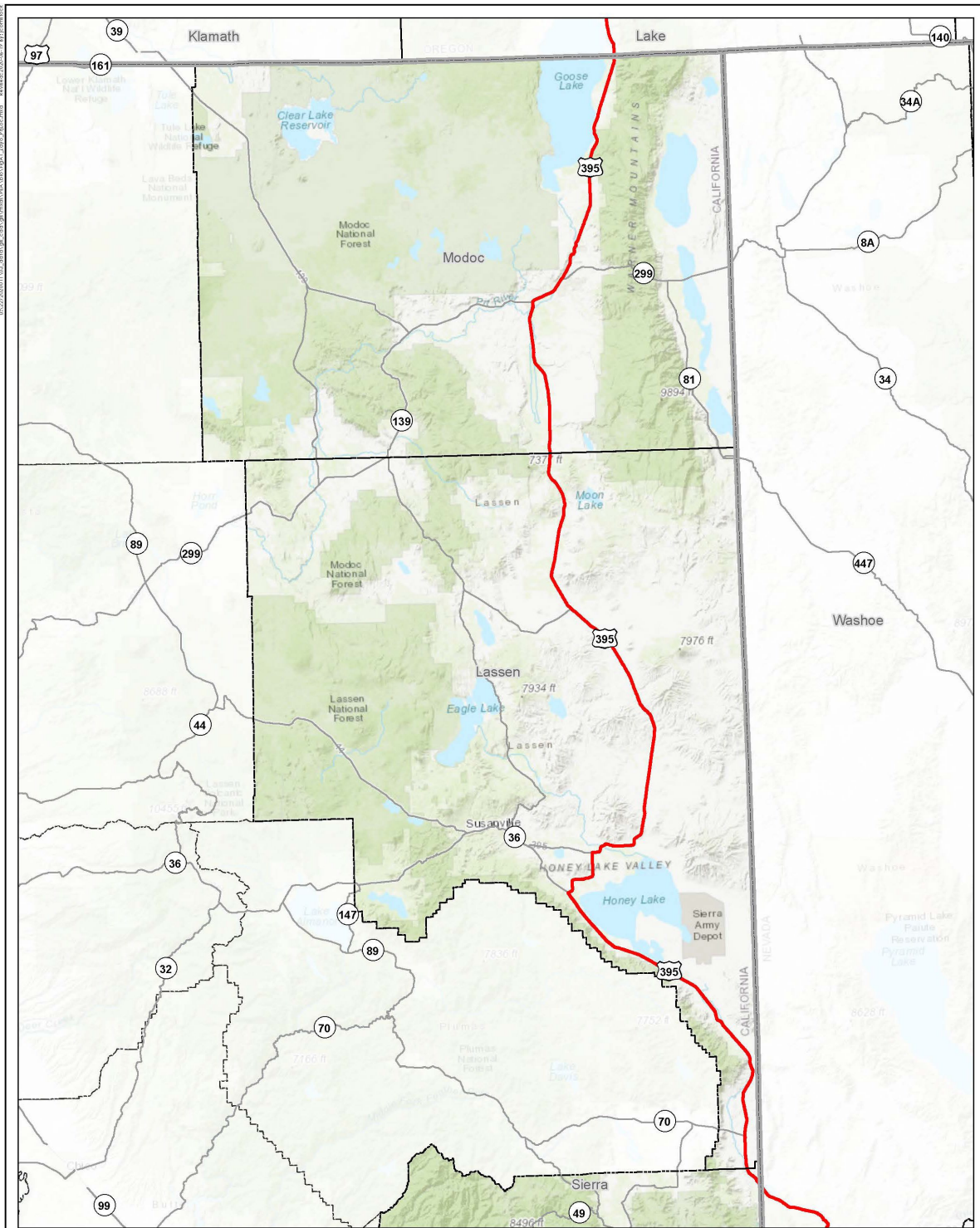
<https://zoom.us/j/98432951453?pwd=VUdPOTBROW93Y0YxaDBkQkp3VTdDdz09>

or phone at

(669)900-9128

The scoping meeting will start with a brief presentation providing a summary of CPUC's process for reviewing the Project application and environmental review process, an overview of the Project, and information on how members of the public can comment on the scope of the EIR. Following the presentation, interested parties will be provided an opportunity to provide comments about the Project. Written comments also may be submitted anytime during the NOP scoping period to the address, e-mail, or facsimile number provided above.

REMINDER: All comments will be accepted by postmark, e-mail, or facsimile through April 8, 2021. Please be sure to include your name, organization (if applicable), mailing address, and e-mail address.



- Alignment
- Highway
- County Boundary
- State Boundary



Project Location: 2272020011
 Prineville, OR to Reno, NV
 Prepared by JC on 2020-06-19
 Technical Review by SV on 2020-06-19
 Independent Review by DW on 2020-06-19

Client/Project:
 Zayo
 Fiber Optic Line—Prineville to Reno

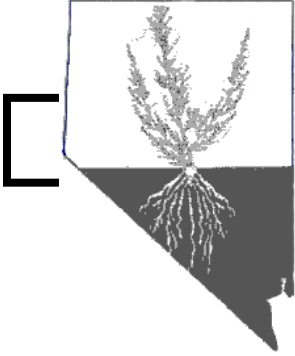
Figure No.
3-1

Title
**Project Location
 Proposed Prineville to Reno
 Fiber Optic Line**

Notes
 1. Coordinate System: NAD 1983 UTM Zone 10N
 2. Data sources: Esri 2020; CPAD 2019
 3. Service Layer Credits/sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swire, (C) OpenStreetMap contributors, and the GIS User Community

Disclaimer: stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases stantec, its offices, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

•
•
•



COMSTOCK SEED

917 HIGHWAY 88 GARDNERVILLE, NV 89460

ECORP Consulting Inc
Anne Surdzial
215 N 5th Street
Redlands, CA 92374

RE: Zayo Group Fiber optic EIR announcement

Hello Ms Surdzial;

My company has been supplying regional seed sources for reclamation work along the eastern Sierra front for 30 years. We reviewed an announcement for an EIR coming up for the Zayo Group fiber optic line. We have provided the reclamation seed for the Tuscarora Power Line as well as the Natural gas pipeline that were installed years ago. Both projects came out of Oregon and passed through the Modoc uplands and into Nevada. The reclamation specifications had called for locally sourced seed when possible and we were able to provide the shrubs, grasses, and flowers that occurred along the corridor. We were required to create several blends to reflect the various ecotypes that the corridor passed through as well as satisfying the different specifications that were provided by California and Nevada. These blends included common species of the Shrub/Steppe, the Salt desert shrubs of the Honey Lake Valley, as well as seed blends for private property, pastures, riparian corridors, etc...

From these projects, we have a good working relationship with the BLM offices in Susanville and Reno.

If we can be of any assistance during this review process or later on, feel free to contact us at any time.

Regards;

Ed Kleiner GM Comstock Seed LLC
ed@comstockseed.com

Anne Surdzial

Subject: FW: EIR Scoping Comment

From: Sam Thorne <downstryke@gmail.com>
Date: March 20, 2021 at 11:23:01 AM PDT
To: Zayo Fiber-Optic <zayofiber optic@ca-advantage.com>
Subject: EIR Scoping Comment

Help!!!

I'm being held captive in an internet connection that sometimes goes down hundreds of times per day, from a company that sent me a past due notice on the same day they sent me my first monthly bill!

Sam Thorne

Anne Surdzial

Subject: FW: Fiber optics through Modoc County

From: Tom Krauel <crowderflat@gmail.com>

Sent: Tuesday, March 23, 2021 11:40 AM

To: Zayo Fiber-Optic

Subject: Fiber optics through Modoc County

I received recent notification from the PUC that Zayo plans a fiber optic line from Prineville, OR to Reno, NV along Hwy 395.

The purpose of this buried line is reportedly to serve rural communities, yet I do not see where access by these rural areas is guaranteed. Please make sure that the people have access anywhere along this line with no significant fees for hookup.

Can you please reassure me of this? It would be extremely important to rural communities to make sure that they have easy access to this line.

Also, please let me know what the three ILA's look like and where they would be located. The PUC only describes them as three small buildings. I would be opposed to any of these buildings in certain areas of visual significance for obvious reasons.

Finally, please reassure me that the line, buildings or vaults would produce no light or sound. All appendages should match the surrounding environment and not contribute to light or sound pollution.

Thank you

Tom Krauel
380 County Road 73
Alturas, CA 96101

From: [Matt Ross](#)
To: [Anne Surdzial](#)
Subject: Fwd: Prineville to Reno Fiber Optic Project Proposed by Zayo Group, LLC
Date: Monday, April 5, 2021 7:11:48 PM

Sent from my iPhone

Begin forwarded message:

From: camadison camadison <camadison@frontier.com>
Date: April 5, 2021 at 7:07:45 PM PDT
To: Zayo Fiber-Optic <zayofiberoptic@ca-advantage.com>
Cc: Bill Madison <bmadison@modocins.com>
Subject: Prineville to Reno Fiber Optic Project Proposed by Zayo Group, LLC

Ms. Surdzial,

I am writing to comment on the underground project referenced above. Having served for several years on the Modoc County Planning Commission, during which time we required new utility service projects to be underground such as this project, I support this project. However, I have been notified that the lateral lines, installed by Frontier Communications, connecting to your project, are proposed to be above ground from the intersection of County Roads 57 and 56, extending for approximately 2.5 miles to the east on County Road 56, of which 2 miles fronts the property that my home is located on. (3581 County Rd. 56) This will be replacing the current lines, which are buried. In addition to potentially having a negative impact on protected wildlife, I don't want an above ground telephone line along my property. I don't understand why this is even being considered, given that the current lines are buried.

Thank you for your consideration. I can be reached at 530-233-8460 should you have any questions.

Sincerely,

Bill Madison
326 N. Main
Alturas, CA 96101

From: John Gravier <gravierjohn7@gmail.com>
Date: April 5, 2021 at 3:16:43 PM PDT
To: Zayo Fiber-Optic <zayofiberoptic@ca-advantage.com>
Subject: **Zayo fiber optic proposal**

Ms. Surdzial:

I believe this project and others like it are a great idea.

I am not sure this is the correct forum for these comments.

1. Consideration should be given to seeing if the President's infrastructure bill could contribute to the funding.
2. I noticed that another company is planning a line from Susanville to Reno (Plumas Sierra, I believe). Competition or cooperation?
3. We have property near the road to Herlong/Sierra Army Depot (the one closest to Reno that may be a good place for an ILA (amplifier site).

Thank you for this project.

John Gravier
711-900 Sunnyside Rd
Janesville, CA 96114
(530) 249-9634

DEPARTMENT OF TRANSPORTATION

1657 RIVERSIDE DRIVE, MS 30
REDDING, CA 96001
PHONE (530) 945-4323
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

April 7, 2021

Anne Surdzial, AICP
ECORP Consulting Inc.
215 N. 5th Street
Redlands, CA 92374

Dear Ms. Anne Surdzial:

The California Department of Transportation (Caltrans), as a California Environmental Quality Act (CEQA) Responsible Agency, appreciates the opportunity to comment on the Notice of Preparation of an Environmental Impact Report (EIR) for the Prineville to Reno Fiber Optic Project proposed by Zayo Group, LLC. It is Caltrans' understanding that an encroachment permit to construct a large portion of the proposed improvements within State right-of-way would be required to complete the project as currently proposed. Caltrans' comments are recommendations regarding the analysis of potential impacts associated with the subject project and should be addressed in the Draft EIR. Please send a copy of the Draft EIR to Caltrans, District 2 upon its completion. In addition, please send with the Draft EIR all appendices or technical documents that support the findings within.

Cultural Resources/Tribal Cultural Resources

The project setting is considered of high sensitivity for cultural and tribal cultural resources. Caltrans recommends that all efforts are exhausted to identify/document the presence of all known and previously undocumented cultural and tribal cultural resources that have the potential to be impacted by the proposed project. It is also recommended that avoidance of cultural and tribal cultural resources is prioritized to the maximum extent possible and that, when applicable, the Draft EIR provide sufficient information to clearly support effect findings. The Lead Agency should identify all potential adverse impacts that could occur from all phases of the project, including construction, operation, and maintenance of the proposed improvements.

The Lead Agency shall also carry out consultation and coordination with all Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project or that have requested to be

included in such consultation and/or coordination. Native American consultation and coordination shall be implemented in accordance with all applicable laws, rules, and regulations and in a manner that is early, often, and ongoing to provide a meaningful opportunity for Native American participation, especially as it relates to the development of the Draft EIR.

As discussed above, the project would require an encroachment permit to complete work within State right-of-way. To this end, the Lead Agency shall complete studies in a manner that satisfy the Caltrans Public Resources Code 5024 Memorandum of Understanding.

Special Status Plant and Animal Species

Caltrans recommends that the Lead Agency properly identify and document the presence of special status species, including the implementation of applicable protocol level surveys. The Lead Agency shall prioritize the avoidance of adverse impacts to special status species and when avoidance is not feasible include adequate documentation in the Draft EIR to support impact findings.

Mitigation Measures

If the proposed project is expected to result in significant adverse impacts, all feasible mitigation measures shall be discussed in the Draft EIR and utilized during project construction, operation, and maintenance to avoid and/or minimize such impacts. Pursuant to CEQA Guidelines, any impacts resulting from mitigation measures shall also be discussed in the Draft EIR.

Alternatives

The Draft EIR shall include an analysis of all feasible alternatives to the project or its location that would avoid or substantially reduce significant impacts. The Draft EIR shall include a reasonable range of potentially feasible alternatives, including a "no project" alternative. Pursuant to CEQA Guidelines, the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

Ms. Anne Surdzial
4/7/2021
Page 3

Cumulative Impact Analysis

Pursuant to CEQA Guidelines, the DRAFT EIR shall include a cumulative impact analysis of a project when the project's incremental effect is cumulatively considerable. As defined in the CEQA Guidelines, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The cumulative analysis shall include discussion of past, present, and probable future projects.

Caltrans staff is available to work with the Lead Agency throughout the development of the EIR to ensure impacts associated with the proposed project are accurately evaluated and mitigated when applicable. If you have any questions regarding comments included in this letter please contact me via email at emiliano.pro@dot.ca.gov or by phone at (530) 945-4323.

Sincerely,

Emiliano Pro

EMILIANO PRO
Senior Environmental Planner
California Department of Transportation
North Region Environmental



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 8, 2021

Connie Chen, Project Manager
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Subject: Review of the Notice of Preparation for the Zayo Prineville to Reno Fiber Optic Project, State Clearinghouse Number 2019090702, Modoc, Lassen and Sierra Counties

Dear Connie Chen:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) and the Proponent's Environmental Assessment (PEA) and attached appendices for the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) dated September 2020. The Department also reviewed, although less thoroughly due to time constraints, the pertinent sections under the Zayo Response Letter dated February 26, 2021. The Department appreciates this opportunity to comment on the Project, relative to impacts to biological resources.

The Department is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA). As the Trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat necessary for biologically sustainable populations of those species (Fish and Game Code (FGC), sections 1801 and 1802). As the Trustee Agency for fish and wildlife resources, the Department provides requisite biological expertise to review and comment upon CEQA documents and makes recommendations regarding those resources held in trust for the people of California.

The Department may also assume the role of Responsible Agency. A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document and uses that document when making a decision on a project. The Responsible Agency must rely on the Lead Agency's CEQA document to prepare and issue its own findings regarding a project (CEQA Guidelines sections 15096 and 15381). The Department most often becomes a Responsible Agency when a Lake or Streambed Alteration Agreement (LSA) (FGC section 1600 et seq.) or a California Endangered Species Act (CESA) Incidental Take Permit (FGC section 2081(b)) is needed for a project. The Department relies on the CEQA document prepared by the Lead Agency to make a

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 2

finding and decide whether to issue the permit or agreement. It is important that the Lead Agency's Environmental Impact Report (DEIR) considers the Department's Responsible Agency requirements. For example, CEQA requires the Department to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines section 15096(g)(2)).

The Department offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency:

Project Description and Location

The Project is described in the PEA as follows:

Zayo Group, LLC (applicant), a California telephone corporation, proposes the construction and operation of an underground fiber optic network from Prineville, Oregon, to Reno, Nevada (project), spanning 433.8 miles. The purpose is to improve the quality of rural broadband in south-central Oregon, northeastern California, and northwestern Nevada, and to make affordable broadband internet services available to currently underserved communities in these areas.

The portion of the project that crosses California would extend 193.9 miles across portions of Modoc, Lassen, and Sierra Counties. The running line generally follows United States Highway 395 (US 395) but also county roads between the communities of Standish and Buntingville in Lassen County, California, where it follows Standish Buntingville Road (Lassen County Road A3) for 7.35 miles and Cummings Road for 1.15 miles before returning to the right-of-way parallel to US 395.

Conduit to house the new fiber optic cable would be buried using a combination of plowing or trenching construction techniques. Alternatively, horizontal directional drilling would be used to cross water bodies and roads, and where necessary to avoid existing infrastructure or biological or cultural resources. For some water- or road-crossing locations, the conduit may be affixed to the side or underside of bridges. Ancillary equipment would be installed at three small buildings that would serve as amplifier sites (In-Line Amplifiers [ILAs]). Fiberglass vaults would be installed flush to the ground along the running line to provide maintenance access and at splice locations. All construction activities would be conducted in compliance with California Department of Transportation (Caltrans) requirements and county longitudinal utility encroachment permit procedures.

Comments and Recommendations

The Department appreciates the inclusion of the PEA and the Biological Resources Technical Report (BRTR) dated September 28, 2020 and prepared by Stantec.

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 3

1. General comments on the PEA:

- a. Section 5.4.3 discusses Impact Questions as shown in Appendix G of the CEQA Guidelines. The boxes for a, b, c, and d should be checked under the “Less than Significant Impact with Mitigation Incorporated” column, not “Less than Significant Impact.”
- b. The term “long-term temporary impact.” Temporary impacts are typically those that last from 6 months to a year. Impacts to sagebrush habitat, for instance, that can take decades to restore, should be considered permanent. The Department recommends the PEA be revised to reflect this information.
- c. A Scientific Collecting Permit may be needed to relocated sensitive wildlife species out of harm’s way if the species is not part of an Incidental Take Permit or 1602 Agreement. This should be stated in BIO-1 and BIO 7.
- d. All mitigation measures proposed in the PEA need to be reviewed for consistency. For instance, in APM AIR-1, “*Vegetative ground cover shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.*” Whereas in APM BIO-5 it states After completion of project activities, all temporarily disturbed work areas will be restored to their pre-construction contours, and areas of exposed soils in natural habitats will either be re-seeded with native seed mixes or stabilized.” Both measures are discussing revegetation of disturbed areas and should say the same information.
- e. In APM-BIO-5 it states, “*Non-natural habitats, such as agricultural, urban, and barren areas, are maintained by landowners and will not be revegetated.*” In the February 26, 2021 response letter, it added a sentence about not revegetating “except as described in lease or access agreements.” The Department recommends leaving in this “exception,” if possible. Additionally, please clarify when site restoration duties will fall on the lead agency vs private landowners. Restoration plans should include performance standards such as the types of vegetation to be used, the timing of implementation, and contingency plans if the replanting is not successful. Restoration of disturbed areas should utilize native vegetation. All temporarily disturbed areas should be revegetated.
- f. Section 3.5.1.2 Watercourse Crossings. Please clarify which minor water crossing would be trenched.
- g. Section 3.5.2.2. The Department does not believe the construction contractor should be marking the sensitive resources, but instead, that job should go to the biological monitor. The Department suggests the sentence read as such (with new suggested wording in **bold**): For staging areas near sensitive resources, the construction contractor will have the staging area boundaries marked prior to use **by the biological monitor**. Further, for sensitive plant species, marking with water with washable spray paint may not be adequate. The Department suggests using flagging or fencing to

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 4

prevent the species from being impacted.

- h. Section 3.5.4.3. This section discusses vegetation that could be mown or grubbed that could potentially be a fire hazard. The Department suggests the first sentence could be clarified to read, "After the biological monitor marks sensitive resources within the right-of-way, vegetation that may cause a fire hazard for parked vehicles or equipment will be mowed or grubbed prior to conduit installation." Mowing could be okay if it is done after sensitive plant species have set their seed; however, this would need to be determined by the biological monitor.
- i. Section 3.9 discusses decommissioning of the infrastructure but does not discuss revegetating these areas. The Department recommends revegetation with native seeds be included in this section.
- j. Section 3.5.11 Waste Generation and Management section includes references to APM HAZ-3 Accidental Release Prevention Plan or a "frac-out" plan as well as measures that would be included in the plan. The Department would like to review and approve this plan.
- k. Section 3.6.3. This section pertains to construction traffic, parking and staging alongside access roads. The Department strongly encourages the biological monitor surveys these areas for special status species prior to their use.
- l. Section 3.7.1 discussing what will happen immediately following cable installation. It states, "*Each work area would be restored to pre-project topography immediately following cable installation. No changes to existing drainage patterns are anticipated, and no permanent erosion control measures would be used. Revegetation would occur naturally, and no seeding is anticipated to be required.*" The Department strongly encourages native seed mixes for each habitat type be used over these recently disturbed areas to prevent weedy non-native weeds from increasing.
- m. APM BIO-5. The Department would like to review and approve the Revegetation and Restoration Plan prior to the start of Project construction.
- n. APM BIO-9. There is no regional conservation bank for the Modoc or Lassen area for plants. The Department recommends removing this language.
- o. APM BIO-15. The minimum mitigation ratio for impacts to wetlands should begin at 2:1, not 1:1. A 1:1 ratio creates a loss of habitat. Also, within this measure, a sentence should be added explaining that a geologic investigation/survey of the wetland and riparian areas will occur when horizontal directional drilling is to be used under a wetland and/or drainage. This is to prevent wetlands from being inadvertently drained and to prevent a frac-out from occurring.
- p. APM BIO-16. The bat discussion is vague. If removal or disturbance of trees identified to have roost structure will occur during the bat maternity season,

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 5

when young are non-volant (March 1 – Aug 31), or during the bat hibernacula (November 1 – March 1), when bats have limited ability to safely relocate roosts, it could cause a significant impact to bats through direct mortality during the roost removal. Impacts to roosts are usually accompanied by high mortality of bats and it is a significant impact because a single colony could consist of the entire local population of a species. The availability of suitable roosting habitat is considered a limiting factor in almost all bat species. Roost site suitability is often based on a narrow range of suitable temperatures, relative humidity, physical dimensions, etc., and many species exhibit high roost site fidelity. Depending on the impact, if any, to the roosting habitat, additional mitigation may be necessary and could include providing replacement or alternate roost habitat. If necessary, humane evictions should be conducted during seasonal periods of bat activity, which may vary by year, location, or species and must be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day. This two-step process changes the microhabitat of the area causing the bats to vacate the area under their own volition, therefore minimizing mortality and other impacts to bat species. If roosting habitat is impacted, mitigation may be necessary.

- q. Section 5.5.4.2, fourth paragraph. The sentence reads, “*If tree-roosting bats are documented, the applicant would not remove the tree and would contact agencies for further guidance (APM BIO-16).*” This sentence is not mentioned in APM BIO-16.
 - r. Section 5.5.4.2, under Sensory Disturbance, third paragraph. It states, “*In wetlands and waterways where directional boring would occur, the bore rigs would be set back 15 ft beyond the top of waterway banks or a minimum of 75 ft from the edge of wetland vegetation (APM HAZ-3). Therefore, the potential for noise and vibration impacts as a result of boring on species inhabiting those aquatic habitats would be substantially reduced or avoided altogether.*” The Department recommends the statement about impacts be discussed in a bit more detail as it is probably species specific. Further, the Department recommends that setbacks be adjusted for each site based on species presence. Having too big of a setback can cause impacts just as having too little of an impact. A biological monitor should be able to determine the appropriate setback for each area.
2. A complete assessment of rare, threatened, and endangered invertebrate, fish, wildlife, reptile, and amphibian species should be presented in the DEIR. Rare, threatened, and endangered species to be addressed shall include all those that meet the CEQA definition (see CEQA Guidelines section 15380). Seasonal

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 6

variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the species are active or otherwise identifiable, are recommended. Acceptable species-specific survey procedures should be developed in consultation with the Department and the USFWS. Links to some survey procedures are provided on the Department's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).

- a. Listed species mentioned in the BRTR but missing from the PEA Include: greater sandhill crane (*Antigone canadensis tabida*), bank swallow (*Riparia riparia*), tricolored blackbird (*Agelaius tricolor*), fiddleleaf hawksbeard (*Crepis runcinate*), Nevada daisy (*Erigeron eatonii* var. *nevadincola*), and golden violet (*Viola purpurea* ssp. *aurea*). Please analyze project impacts to these species within the DEIR document. Records kept on file at the California Natural Diversity Database (CNDDDB) indicate the presence of Nevada daisy and golden violet within or adjacent to the project site. The Department recommends an analysis of this project's impact to these species and the NOP be revised to contain a mechanism of either avoiding impacts to sensitive species or reducing the impacts below a level of significance.
 - b. The Department previously requested a protocol-level survey for Swainson's hawk (*Buteo swainsoni*) be conducted if work is scheduled during the nesting season. APM-BIO-11 states "*work will be scheduled during the non-breeding season or in construction spreads that lack active nests.*" The Department requests the following sentences be added to the end of APM-BIO11: If work is scheduled during the breeding season for the Swainson's hawk, protocol-level surveys will be conducted. If present, all construction will stop within 0.5 miles until the young have fledged or it has been determined that the nest failed.
3. Species of Special Concern (SSC) status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist (see CEQA Guidelines section 15380 and CEQA Guidelines Appendix G (IV)(a)). SSC should be considered during the environmental review process. CEQA (California Public Resources Code sections 21000-21177) requires State agencies, local governments, and special districts to evaluate and disclose impacts from "projects" in the State. Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein.

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 7

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species) species are generally considered significant thus requiring lead agencies to prepare an EIR to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

- a. California Rare Plant Rank 1B and 2 generally meet the definition of rare, threatened or endangered under CEQA Guidelines section 15380. Table 3-4 in the BRTR lists species present or have a high potential to be present. Not all these species are listed in Table 5.4-2 of the PEA. The Department recommends using Table 3-4 from the BRTR and adding an impact column to that table. It is not clear if the species not listed in Table 5.4-2 will be impacted and were inadvertently left off the list or that they will not be impacted. It should clearly state what the impacts will be to each sensitive plant species.
4. Fully Protected animals may not be taken or possessed at any time and the Department is not authorized to issue permits or licenses for their incidental take¹. Fully Protected animals should be considered during the environmental review process and all Project-related take must be avoided.
- a. Fully protected species mentioned in the BRTR but not in the PEA include: Peregrine falcon (*Falco peregrinus anatum*) and greater sandhill crane.
 - b. The DEIR should include survey methods, dates, and results, and should list all plant and animal species (with scientific names) detected within the Project study area. Special emphasis should be directed toward describing the status of rare, threatened, and endangered species in all areas potentially affected by the Project. All necessary biological surveys should be conducted in advance of the DEIR circulation and should not be deferred until after Project approval. Both plant and wildlife species observed within the Project should be included in the DEIR.

¹ Scientific research, take authorized under an approved NCCP, and certain recovery actions may be allowed under some circumstances; contact the Department for more information.

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 8

5. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, should be included.
 - a. The DEIR should present clear thresholds of significance to be used by the Lead Agency in its determination of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. (CEQA Guidelines section 15064.7)
 - b. Additional information on biodiversity, wildlife linkages, and significant habitats can be found on the Department's Areas of Conservation Emphasis: <https://wildlife.ca.gov/Data/Analysis/ACE#523731770-species-biodiversity>.
 - c. In evaluating the significance of the environmental effect of the Project, the Lead Agency should consider direct physical changes in the environment, which may be caused by the Project and reasonably foreseeable indirect physical changes in the environment, which may be caused by the Project. Expected impacts should be quantified (e.g., acres, linear feet, number of individuals taken, volume or rate of water extracted, etc.).
 - d. Impacts to, and maintenance of wildlife corridor/movement areas and other key seasonal use areas should be fully evaluated and provided (CEQA Guidelines Appendix G (IV), FGC section 1930, and <https://www.wildlife.ca.gov/Conservation/Planning/Connectivity>).
6. Mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition, and preservation in perpetuity should be addressed.
 - a. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for most impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful. If considered, these types of mitigation measures must be discussed with the Department prior to release of the DEIR.

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 9

- b. Areas reserved as mitigation for Project impacts must be legally protected from future direct and indirect development impacts. Potential issues to be considered include public access, conservation easements, species monitoring and management programs, water pollution, and fire management.
 - c. Plans for restoration and revegetation should be prepared by persons with expertise in northern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and/or seeding rates; (c) a schematic depicting the mitigation area; (d) planting/seeding schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for long-term conservation of the mitigation site.
7. Take of species of plants or animals listed as endangered or threatened under CESA is unlawful unless authorized by the Department. However, a CESA 2081(b) Incidental Take Permit (ITP) may authorize incidental take during Project construction or over the life of the Project. The DEIR must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or mitigation measures may be required in order to obtain a CESA Permit. Information on how to obtain an ITP is available through the Department's website at: <https://www.wildlife.ca.gov/Conservation/CESA/Incidental-Take-Permits>.

The Department's issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's EIR for the Project. The Department may require additional mitigation measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit.

To expedite the CESA permitting process, the Department recommends that the DEIR addresses the following CESA Permit requirements:

- a. The impacts of the authorized take are minimized and fully mitigated;

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 10

- b. The measures required to minimize and fully mitigate the impacts of the authorized take and: (1) are roughly proportional in extent to the impact of the taking on the species; (2) maintain the applicant's objectives to the greatest extent possible, and (3) are capable of successful implementation;
 - c. Adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures; and
 - d. Issuance of the permit will not jeopardize the continued existence of a State-listed species.
7. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion, which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The DEIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage. All wetland delineations conducted for this Project should be attached to the DEIR.
- a. The Project location has the potential to support aquatic, riparian, or wetland habitat. A delineation of lakes, streams, and associated riparian habitats potentially affected by the Project should be provided for agency and public review. This report should include a preliminary jurisdictional delineation including wetlands identification pursuant to the USFWS wetland definition² as adopted by the Department³. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. The jurisdictional delineation should also include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project. The Department considers impacts to any wetlands (as defined by the Department) as potentially significant.

² Cowardin, Lewis M., et al. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, U.S. Fish and Wildlife Service.

³California Fish and Game Policies: Wetlands and Resource Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology; Amended 1994.

Connie Chen, Project Manager
California Public Utilities Commission
April 8, 2021
Page 11

8. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code section 21003(e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 598-7194, or by e-mail at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Donna L. Cobb
1AFB1E1AEF314DD...

Curt Babcock

Habitat Conservation Program Manager

cc: Connie Chen, Project Manager
California Public Utilities Commission
Connie.chen@cpuc.ca.gov

Anne Surdzial, AICP
ECORP Consulting, Inc.
ZayoFiberOptic@ca-advantage.com

State Clearinghouse
state.clearinghouse@opr.ca.gov

Adam McKannay, Billie Wilson, Amy Henderson, Caitlyn Oswald, and Mario Klip
California Department of Fish and Wildlife
Adam.McKannay@wildlife.ca.gov, Billie.Wilson@wildlife.ca.gov,
Amy.Henderson@wildlife.ca.gov, Caitlyn.Oswalt@wildlife.ca.gov, and
Mario.Klip@wildlife.ca.gov

Habitat Conservation Planning Branch
CEQACommentLetters@wildlife.ca.gov

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

916.574.1800

TTY CA Relay Service: 711 or Phone **800.735.2922**

from Voice Phone **800.735.2929**

or for Spanish **800.855.3000**

Contact Phone: 916/574-0900

April 8, 2021

File Ref.: Prineville to Reno Fiber Optic Cable

Anne Surdzial
ECORP Consulting, Inc,
215 N. 5th Street
Redlands, CA 92374

Subject: Notice of Preparation of an Environmental Impact Report for
the Prineville to Reno Fiber Optic Project Proposed by Zayo
Group, LLC, Modoc, Lassen, and Sierra County

Dear: Ms. Surdzial:

The California State Lands Commission (Commission) staff has reviewed the subject NOP for the Prineville to Reno Fiber Optic Project Proposed by Zayo Group, LLC (Project), which is being prepared by the California Public Utilities Commission (CPUC). The CPUC, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq). The Commission has authority over all sovereign lands in the state and is the trustee of all state-owned school lands. Therefore, the Commission monitors all projects that could directly or indirectly impact these lands. The Commission will be acting as a responsible agency under CEQA and Commission staff requests that the CPUC consult with us on the preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present-day site inspections.

Commission Jurisdiction and School Lands

In 1853, the U.S. Congress granted to California nearly 5.5 million acres of land for the specific purpose of supporting public schools. (Ch. 145, 10 Stat. 244.) In 1984, the State Legislature passed the School Land Bank Act (Act), which established the School Land Bank Fund (SLBF) and appointed the Commission as its trustee (Pub. Resources Code, § 8700 et seq.). The Act directed the Commission to develop school lands into a permanent and productive resource base for revenue-generating purposes. The Commission manages approximately 458,843± acres of school lands still held in fee ownership by the state and the reserved mineral interests on an additional 790,000± acres where the surface estates have been sold. Revenue from school lands is deposited in the State Treasury for the benefit of the Teachers' Retirement Fund (Pub. Resources Code, § 6217.5).

Furthermore, the school lands held in the SLBF include approximately 56,000 acres of forested lands that are particularly vulnerable to fire danger. Many of these lands are remote and isolated parcels that could benefit greatly

from improved fuel reduction programs. Commission staff invites the Board and the Department of Forestry and Fire Protection (CalFire) to explore opportunities for a Memorandum of Agreement with the Commission that would facilitate these types of fire protection programs on school lands. Links to further information and an interactive map and GIS shapefiles of school lands can be found on the Commission's website at <https://www.slc.ca.gov/land-types/school-lands/> and <https://www.slc.ca.gov/gis/>.

Project Description

The Project would construct and operate an underground fiber-optic network from Prineville, Oregon, to Reno, Nevada. The portion of the project that crosses California would extend 193.9 miles across portions of Modoc, Lassen, and Sierra Counties. Along the majority of the route, conduit to house the new fiber optic cable would be buried using a combination of plowing or trenching construction techniques. Alternatively, horizontal directional drilling would be used to cross water bodies and roads, and where necessary to avoid existing infrastructure or biological or cultural resources. For some water or road crossing locations, the conduit may be affixed to the side or underside of bridges. Ancillary equipment would be installed at three small buildings that would serve as amplifier sites. Fiberglass vaults would be installed flush to the ground along the running line to provide maintenance access and at splice locations.

Based upon the information provided and review of in-house records, Commission staff has determined that the Project will impact school lands under the jurisdiction of the Commission and will require a General Lease – Right-of-Way Use for construction, maintenance, and operation. The proposed project will extend across the following State-owned School Lands:

- SLC Parcel 088-004 containing 400 acres more or less (Por. Sec. 36, T44N, R13E, MDM),
- SLC Parcel 075-008 containing 37.08 acres more or less (Por. Sec. 22, T31N, R15E, MDM),
- SLC Parcel 068-002 containing 428.70 acres more or less (Por. Sec. 36, T24N, R17E, MDM).

Commission staff has determined that it is unknown whether Project activities would occur on sovereign land. Therefore, it is possible that the Commission will have jurisdiction and that a lease or other approval for use of sovereign land may be required.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, the Commission requests that you consult with us on this Project and keep us advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff as the DEIR is being prepared.

For questions concerning Commission leasing jurisdiction, please contact If you have any questions or wish to discuss this matter with me, you may call me at (916) 574-0900, e-mail me at Randy.Collins@slc.ca.gov , or write me at the above address.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Collins", with a long horizontal flourish extending to the right.

Randy Collins
Public Land Management Specialist

cc: Eric Gillies, DEPM



Central Valley Regional Water Quality Control Board

12 March 2021

Anne Surdzial, AICP
ECORP Consulting, Inc.
215 N. 5th Street
Redlands, CA 92374

COMMENTS ON THE NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PRINEVILLE TO RENO FIBER OPTIC PROJECT, MODOC, LASSEN, AND SIERRA COUNTIES

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 8 March 2021, we received your request for comments on the Notice of Preparation of an EIR for the Prineville to Reno Fiber Optic Project (Project).

Zayo Group, LLC, a California telephone corporation, proposes to construct and operate an underground fiber optic network from Prineville, Oregon to Reno, Nevada, spanning 433.8 miles. Along the majority of the route, conduit to house the new fiber optic cable would be buried using a combination of plowing or trenching construction techniques. Alternatively, horizontal directional drilling would be used to cross water bodies and roads, and where necessary to avoid existing infrastructure or biological or cultural resources. For some water or road-crossing locations, the conduit may be affixed to the side or underside of bridges. Ancillary equipment would be installed at three small buildings that would serve as amplifier sites. Fiberglass vaults would be installed flush to the ground along the running line to provide maintenance access and at splice locations.

The Project site is located along United States Highway 395 (US 395) within the right-of-way managed by Caltrans in Modoc, Lassen, and Sierra counties. The running line generally follows US 395) but also county roads between the communities of Standish and Buntingville in Lassen County, where it follows Standish Buntingville Road (Lassen County Road A3) for 7.35 miles and Cummings Road for 1.15 miles before returning to the right-of-way parallel to US 395.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

Based on our review of the information submitted for the proposed project, we have the following comments:

Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) (https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted

to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at Jerred.Ferguson@waterboards.ca.gov.

Jerred Ferguson for

Jerred Ferguson
Environmental Scientist
Storm Water & Water Quality Certification Unit

JTF: mp



April 8, 2021

VIA EMAIL (ZayoFiberOptic@ca-advantage.com)

Anne Surdzial, AICP
ECORP Consulting, Inc.
215 N. 5th Street
Redlands, CA 92374

Re: CPUC Notice on Environmental Impact Report for Fiber Optic Project Proposed by Zayo Group, LLC

To Whom It May Concern:

I write to you to provide comments on behalf of the Pit River Tribe, a federally recognized Indian tribe ("Pit River" or "Tribe") in response to the letter dated March 8, 2021 from Connie Chen, Project Manager at the California Public Utilities Commission ("CPUC"). The letter provides notice that the CPUC is preparing an Environmental Impact Report ("EIR") on the proposed fiber optic project ("Project") by Zayo Group, LLC ("Zayo"). The Project, which extends from Oregon to Nevada, would cross 193.9 miles in California and would require the burial of conduit and other equipment.

The Pit River Tribe did not receive the above referenced letter from the CPUC. In fact, the Tribe did not receive the letter until April 6, 2021 when it was forwarded to the Tribe by a third-party. As such, the Tribe has not had adequate time to prepare and provide comments in response to the letter, and requests separate consultation with the CPCU on this Project.

The Project cuts directly through ancestral Pit River lands and without adequate consultation, the Tribe will be severely disadvantaged in lacking the ability to release site specific information. To be sure, there are Tribal cultural sites directly in the path of the easement area that is located off of the Tribe's trust lands but within Tribal territory. The Tribe needs the opportunity to provide this information to the CPUC to ensure that it is taken into consideration for the EIR.

While the Tribe has been in contact with Zayo regarding a right of way for the Project over its trust lands, this communication falls short of consultation on the entire Project. The communication for

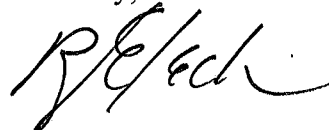
the right of way is limited strictly to the portion of the Project that is located on trust lands, and the Tribe still needs the opportunity to consult on its entire Tribal territory. As you may be aware, the Tribe's ancestral lands stretch far beyond the limits of its trust land, and sacred sites and cultural resources are spread throughout the entirety of its lands.

As discussed in the CPUC's March 8th letter, an EIR is required "because the Project could result in potentially significant impacts to environmental resources." Pursuant to AB52, public agencies, such as the CPUC, are required to consult with tribes that are traditionally and culturally affiliated with the geographic area of a proposed project that is subject to the California Environmental Quality Act ("CEQA"), such as this Project. As noted in Appendix E to the Proponent's Environmental Assessment and Application, the Tribe expressed the desire to engage in consultation regarding the Project back in 2020, and therefore should have been notified of this opportunity to provide comments for the scoping report. As further noted in Section 5-18 of Zayo's Response letter dated February 26, 2021, it was expected that the CPUC would consult with tribes in order to identify cultural resources once the Project application is complete. The CPUC deemed the Project application complete on February 3, 2021, yet the Tribe has not been contacted by the CPUC for this consultation.

Due to the failure to notify the Tribe of the public scoping period or the March 24, 2021 scoping meeting, the Pit River Tribe requests separate consultation so that it may provide details of cultural resources and sacred sites falling within the Project area. Further consultation will help safeguard against the intrusion into these sites, in line with the intent of AB52.

Thank you for your time and attention on this matter. I am available to discuss further at your request.

Sincerely,

A handwritten signature in black ink, appearing to read "R/Eleck", with a stylized flourish at the end.

Russell Eleck
Vice Chairman

STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION

Zayo Group LLC Prineville to Reno Fiber Optic Project

Application No. A.20-10-008

Last Update:



Files linked on this page are in Portable Document Format (PDF). To view them, you will need to download the free [Adobe Acrobat Reader](#) if it is not already installed on your computer.

Welcome to the California Public Utilities Commission (CPUC) website for the California Environmental Quality Act (CEQA) review of the Prineville to Reno Fiber Optic Project (project) proposed by Zayo Group, LLC (applicant). An application (A.20-10-008) for the project was submitted to the CPUC on October 1, 2020 and includes the Proponent's Environmental Assessment (PEA) prepared pursuant to Rule 2.4 of the CPUC's Rules of Practice and Procedure. Click [here](#) to access the Formal Proceeding website. The site provides access to public documents and information relevant to the CEQA review process.

In accordance with CEQA, the CPUC, as the Lead Agency, is required to conduct a review of the environmental impacts of the proposed project and has prepared an Environmental Impact Report (EIR). This site provides access to public documents and information relevant to the CEQA review process. Additional project information and documentation will be posted as it becomes available.

Zayo Group, LLC, a California telephone corporation, proposes the construction and operation of an underground fiber optic network from Prineville, Oregon, to Reno, Nevada, spanning 433.8 miles. The applicant intends to construct fiber optics infrastructure and associated facilities (such as conduits, fiber optics cable, handholes and manholes) in connection with the transport and transmission of communications. The three state project includes a 193.9 mile route through California. The project primary travels along U.S. Route 395 from the Oregon border

through Modoc, Lassen and Sierra counties and into Nevada. [Figure 1: \(Project Overview Map PDF\)](#) shows the route in California.

According to the applicant, the purpose of the project is to improve the quality of rural broadband in south-central Oregon, northeastern California, and northwestern Nevada, and to make affordable broadband internet services available to currently undeserved communities in these areas.

The portion of the project that crosses California would extend 193.9 miles across portions of Modoc, Lassen, and Sierra counties. The project generally follows U.S. Route 395 but also county roads between the communities of Standish and Buntingville in Lassen County, where it follows Lassen County Road A3 for 7.35 miles and Cummings Road for 1.15 miles before returning to the right-of-way parallel to U.S. Highway 395. Conduit to house the new fiber optic cable would be buried using a combination of plowing or trenching construction techniques.

The lands underlying the Caltrans right-of-way are owned or administered by various state, federal, and private entities, including (BLM); U.S. Forest Service; U.S. Fish and Wildlife Service; California State Lands Commission; unincorporated Modoc, Lassen, and Sierra counties; the City of Alturas; and several tribal entities. The CPUC is the CEQA lead agency. BLM ?This website provides access to public documents and information relevant to the CEQA review processes and mitigation monitoring. For information on the NEPA process, please refer to the BLM's eplanning website for the project at <https://eplanning.blm.gov/eplanning-ui/project/1503554/510>

Quick Links

- Proponent's Environmental Assessment (PEA) and Application
 - [Application](#)
 - [PEA](#)
 - [Appendix A: Maps & Drawings of Project](#)
 - [Appendix B: Air Quality, Greenhouse Gases & Energy Calculation](#)
 - [Appendix C: Biological Resources Technical Report](#)
 - Appendix D: Cultural Resources Study
 - [Appendix E: Detailed Tribal Consultation Report](#)
 - [Appendix F: Environmental Data Resources Report](#)
 - [Appendix G: Agency Consultation and Public Outreach Report](#)
 - [Appendix H: Water Body Crossings](#)
 - [Appendix I: Paleontological Resources Constraints Analysis](#)

- [Appendix J Soils Mapbook](#)
- [CPUC Deficiency Letter, dated October 30, 2020](#)
- [Zayo Response Letter, dated December 7, 2020](#)
 - [Attachment A: November 13, 2020 Initial Comment Response Matrix](#)
 - [Attachment B: Personal communication with Caltrans](#)
 - [Attachment C: Revised PEA Biological Resources Section](#)
 - [Attachment D: Revised PEA Figures](#)
 - Attachment E: Paleontological Resources Report GIS
 - [Attachment F: Revised PEA Noise Section](#)
 - [Attachment G: USACE Aquatic Resources Spreadsheets](#)
 - [Attachment H: BRTR Revised Figure 3](#)
 - [Attachment I: Paleontological Resources Report Revised Table 3](#)
- Zayo Response Letter December 31, 2020
 - [Attachment A: Revised PEA Project Description](#)
 - [Attachment B: Revised PEA Wildfire Section](#)
 - [Appendix A to the Wildfire Section: Fire Incidents in Counties Intersecting the Running Line](#)
 - [Appendix B to the Wildfire Section: Weather Station Data: wind direction and speed, relative humidity, temperature \(2010-2020 provided hourly\)](#)
 - [Attachment C: Revised PEA Figure 3-2](#)
 - [Attachment D: Oregon Wetland Memorandum](#)
 - [Attachment E: Nevada Wetland Delineation](#)
 - [Attachment F: Botanical Resources Field Survey Report for the Toiyabe National Forest](#)
 - [Attachment G: Invasive Plant Survey and TES Plant Habitat Assessment on Fremont-Winema Forest Lands](#)
 - [Attachment H: Botanical Resources Field Survey - Nevada](#)
 - [Attachment I: Botanical Resources Report - Prineville to Oregon Border](#)
- Zayo Response Letter February 2, 2021
 - [Attachment A: Safety Data Sheets](#)
 - [Attachment B: FEMA Floodplain Tables](#)
 - [Attachment C: Revised Cumulative Table](#)
 - Attachment D: Cumulative Administrative Record
 - [Attachment E: Revised Air Quality, Greenhouse Gas, Energy Emission Tables](#)

- Attachment F: PEA GIS
- Zayo Response Letter, dated February 18, 2021
 - [Section 4 - Description of Alternatives](#)
 - [Section 6 - Comparison of Alternatives](#)
- Zayo Response Letter, dated February 26, 2021
 - [Section 1 - Executive Summary](#)
 - [Section 2 - Introduction](#)
 - [Section 3 - Proposed Project Description](#)
 - [Section 4 - Description of Alternatives](#)
 - [Section 5.1 - Environmental Analysis](#)
 - [Section 5.2 - Agriculture and Forestry Resources](#)
 - [Section 5.3 - Air Quality](#)
 - [Section 5.3,5.6, 5.8 Tables](#)
 - [Section 5.4 - Biological Resources](#)
 - [Section 5.5 - Cultural Resources](#)
 - [Section 5.6 - Energy](#)
 - [Section 5.7 - Geology, Soils and Paleontological Resources](#)
 - [Section 5.8 - Greenhouse Gas Emissions](#)
 - [Section 5.9 - Hazards, Hazardous Materials and Public Safety](#)
 - [Section 5.10 - Hydrology and Water Quality](#)
 - [Section 5.11 - Land Use and Planning](#)
 - [Section 5.12 - Mineral Resources](#)
 - [Section 5.13 - Noise](#)
 - [Section 5.14 - Population and Housing](#)
 - [Section 5.15 - Public Services](#)
 - [Section 5.17 - Transportation](#)
 - [Section 5.18 - Tribal Cultural Resources](#)
 - [Section 5.19 - Utilities and Services Systems](#)
 - [Section 5.20 - Wildfire](#)
 - [Section 5.21 - Mandatory Findings of Significance](#)
 - [Section 6 - Comparison of Alternatives](#)
 - [Section 7 - Cumulative and Other CEQA Considerations](#)
 - [Revised Cumulative Table](#)
 - [Section 9 - References](#)
- [CPUC Completeness Letter February 3, 2021](#)
- [Notice of Preparation \(NOP\) March 8, 2021](#)

Data Response

- [Data Response #1](#)

Schedule

Milestone	
Applicant files Application and PEA	Oct
Application deemed completed by CPUC	Feb
Publish Notice of Preparation (NOP)	Mar
Scoping Meeting	Mar
Post Scoping Report	
Publication of Draft Environmental Impact Report (Draft EIR)	
Draft EIR Public Comment Meeting	
Close of Draft EIR comment period (45 days)	
Publication of Final EIR	
CPUC Issues Decision	
CPUC Issue notice to proceed and start construction	
Finish construction (6 months)	

For Additional Information

The CPUC, through its Environmental Review Team, is conducting an environmental review of the project. To request additional information or to be added to the mailing list, please contact the CPUC's Project Manager.

Connie Chen, CPUC Project Manager
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102
 Email: connie.chen@cpuc.ca.gov
 Tel: (415) 703-2124
 Fax: (909) 307-0056

WEBSITE INFO

This page contains tables and is best viewed with Firefox or Internet Explorer. Please report any problems to the [Energy Division web coordinator](#).