

To: Connie Chen  
 California Public Utilities Commission

From: Stantec Environmental Consulting, Inc.

Date: November 17, 2021

**Reference: Zayo Group, LLC’s Prineville to Reno Fiber Optic Line Project (Application A.20-10-008) – Data Request No.4**

**PROJECT DESCRIPTION DATA REQUEST RESPONSES**

**Data Request PD-1 Response**

As is typical for this type of linear project and consistent with the information provided to date, the project is not yet designed at an engineering specification level of 100 percent. Accordingly, the PEA considered a preliminary running line and an ADI with approximate vertical and horizontal dimensions. To ensure that all potential impacts can be adequately assessed, the baseline environmental and survey data provided to the CPUC covers the entire roadway right-of-way. The intention of establishing the study area beyond the ADI was to provide adequate flexibility should the project design be modified during later design phases.

As previously discussed with CPUC, while the ADI was placed to minimize potential impacts to known environmental resources within the roadway right-of-way, Zayo will refine the design once cultural resource site testing is complete to further reduce potential impacts. Design refinements will consist of lateral shifts of the running line within the roadway right-of-way or additional boring locations. These design refinements are not anticipated to result in impacts beyond those contemplated in the PEA, nor are they anticipated to change CEQA impact conclusions. However, we recognize that providing a range of anticipated project changes now could further the CPUC’s efforts to finalize the draft CEQA document. Table 1 describes assumptions that can be used to finalize the CEQA document without the final design refinements as requested in Data Request PD-1. Of particular note, please refer to Table 1 for recommended assumptions to continue the CEQA biological resources and cultural resources analysis.

In addition, Table 2 includes a summary of construction footprints assumed in the PEA. Please see response to PD-6 for more information regarding Caltrans coordination.

**Table 1: Anticipated Environmental Approach for Design Refinements within the Roadway Right-of-Way**

<b>Resource</b>	<b>Anticipated Environmental Approach for Design Refinements within the Roadway Right-of-Way</b>
Aesthetics	No change in significance. Design refinements within the roadway right-of-way would not relocate construction or operation activities closer to sensitive receptors or more populated areas. APMs AES-1 and AES-2 would continue to apply.
Agriculture and Forestry Resources	No change in significance. Design refinements within the roadway right-of-way would not convert farmland to non-farmland land uses.

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Resource	Anticipated Environmental Approach for Design Refinements within the Roadway Right-of-Way
Air Quality	<p>No change in significance. Design refinements within the roadway right-of-way would not alter the construction schedule or proposed construction equipment that would result in increased emissions, fugitive dust, or odors beyond what was assumed in the PEA. APMs AIR-1 and AIR-2 would continue to apply.</p>
Biological Resources	<p>No change in significance. Depending on the result of cultural site testing, the ADI may be shifted within the roadway right-of-way to avoid a cultural resource. Based on additional review of the remaining cultural site testing efforts, impact acreages to biological resources such as special-status plant species and rare plant species included in the PEA continue to be the most conservative. CPUC can assume the impact acreage calculations in the PEA are the upper limit of impact as part of the CEQA analysis and that can be made a condition. Moreover, the APMs would continue to apply and the CEQA conclusions would not change as further described in the biological resources data request responses.</p> <p>As further described in response to Data Request BR-7, design refinements within the roadway right-of-way would not increase wetland impacts beyond what was assumed in the PEA. It is Zayo's intention that all jurisdictional waters are avoided and based on the data available to date, this looks to be achievable. After reviewing the project design data, the GIS files do show temporary impacts to water features as described in the PEA and as asserted in Data Request BR-7. These impacts are from: 1) the running line traversing several water crossings by trenching, and 2) there are several hundred slivers of the ADI that touch wetland polygons. Zayo is refining this information to provide bridge attachment locations and revising the ADI GIS data so these sliver areas are clarified but such information is not needed in order to complete the draft CEQA document as the numbers provided represent an upper limit. Further and out of an abundance of caution, Zayo is proposing to revise APM BIO-14 to address the situation wherein such impacts cannot be completely avoided as shown below (changes in strikethrough/underline in response to Data Request BR-7 below). APM BIO-16 was also added to separate measures related to avoidance and restoration. The potential level of wetland impacts that could occur even under the worst-case scenario would be less than significant with implementation of these APMs.</p>

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<b>Resource</b>	<b>Anticipated Environmental Approach for Design Refinements within the Roadway Right-of-Way</b>
Cultural Resources	Site testing is approximately 45 percent complete. As previously agreed with CPUC, the cultural EIR section impact analysis will remain pending until site testing is complete.
Energy	No change in significance. Design refinements within the roadway right-of-way would not alter the construction schedule or proposed construction equipment that would result in increased fuel consumption beyond what was assumed in the PEA.
Geology, Soils, and Paleontological Resources	No change in significance. Geologic and paleontological setting would continue to be the same. APMs PALEO-1, PALEO-2, and HYDRO-1 would continue to apply.
Greenhouse Gas Emissions	No change in significance. Design refinements within the roadway right-of-way would not alter the construction schedule or proposed construction equipment that would result in increased greenhouse gas emissions beyond what was assumed in the PEA.
Hazards, Hazardous Materials, and Public Safety	No change in significance. Design refinements within the roadway right-of-way would not encroach into new hazardous materials site. APMs HAZ-1, HAZ-2, HAZ-3, and FIRE-1 would continue to apply.
Hydrology and Water Quality	No change in significance. Design refinements within the roadway right-of-way would not result in increased impacts beyond what was assumed in the PEA. Construction activities such as directional boring would continue to occur in accordance with permitting requirements and follow the requirements outlined in APM HAZ-1, HAZ-2, HAZ-3, and HYDRO-1. The project would not alter the course of a stream or river, substantially alter the drainage pattern of the project area, nor increase number of water crossings.
Land Use and Planning	No change in significance. Design refinements within the roadway right-of-way would not convert or conflict with existing land uses.
Mineral Resources	No change in significance. No mineral resources are located within the roadway right-of-way. Design refinements within the roadway right-of-way would not change this conclusion.

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<b>Resource</b>	<b>Anticipated Environmental Approach for Design Refinements within the Roadway Right-of-Way</b>
Noise	No change in significance. Design refinements within the roadway right-of-way would not alter the construction schedule, proposed construction equipment, nor place the running line closer to sensitive receptors that would increase noise impacts beyond what was assumed in the PEA.
Population and Housing	No change in significance. No growth-inducing effects would occur and no displacement of people or housing would be required. Design refinements within the roadway right-of-way would not change this conclusion.
Public Services	No change in significance. No growth-inducing effects would occur and would not result in the need to construct additional public service facilities. Design refinements within the roadway right-of-way would not change this conclusion.
Recreation	No change in significance. No growth-inducing effects would occur and would not result in the need to construct additional recreational facilities. Design refinements within the roadway right-of-way would not change this conclusion.
Transportation	No change in significance. Design refinements within the roadway right-of-way would not change conclusions of the PEA. The project does not propose new housing, businesses, or other land use changes that would induce population growth in the area or result in a permanent increase of VMT. Construction-related activities would be managed with APM TRA-1.
Utilities and Service Systems	No change in significance. No growth-inducing effects would occur and would not result in the need to construct additional utility infrastructure.
Wildfire	No change in significance. Wildfire severity setting would continue to be the same. Design refinements within the roadway right-of-way would continue to comply with APM FIRE-1.

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**Table 2: Summary of Construction Footprints Assumed in the PEA**

Construction Area	Footprint Assumptions
Set-up Areas (all would occur within the ADI)	<ul style="list-style-type: none"> <li>• Standard setup area (up to 20-feet long by 20-feet wide): The standard setup area, representing temporary disturbance, would be 20-feet long by up to 20-feet wide and would be entirely contained within the ADI.</li> <li>• Longer setup area (up to 60-feet long by 20-feet wide): The longer setup areas for longer bores, representing temporary disturbance, would be up to 60-feet long by 20-feet wide and would be entirely contained within the ADI.</li> </ul>
Entry/Exit Pits (all would occur within the ADI)	<ul style="list-style-type: none"> <li>• Within the setup areas as described above, the temporary impact footprint of the entry and exit pits would be 4-feet long by 1-foot wide by 1-foot deep. Following the installation of the conduits, the bore pits would be filled and compacted or converted to vaults.</li> <li>• If the bore pits are converted to vaults, the permanent impact footprint of each would be 30-inches long by 48-inches wide. The dimensions of each three-vault excavation area would be 15 feet long by 3 feet wide by 3 feet deep.</li> </ul>
Bores (all would occur within the ADI)	<ul style="list-style-type: none"> <li>• Depth: Bores would be approximately 42-inches deep where no environmental resources are present. However, bores have the design capability to placed up to 30-feet deep as needed to avoid potential impacts to environmental resources, but the exact depth would vary based on the type of resource being avoided.</li> <li>• Length: Bores would be approximately 750-feet long where no environmental resources are present. However, bores have the design capability to extend up to 2,500-feet long to avoid potential environmental resources without needing to be split into two bores. Bores greater than 2,500 feet would be split into two bores.</li> </ul>

**Data Request PD-2 Response**

Bores are comprised of entry pits, exit pits, and setup areas differ based on the approximate length of the bore. However, all entry pits, exit pits, and setup areas would be located within the ADI analyzed in the PEA. Please refer to information provided in Response to Data Request PD-1.

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### **Data Request PD-3 Response**

Bores have the design capability to extend up to 2,500-feet long to avoid potential environmental resources without needing to be split into two bores. Bores greater than 2,500 feet would be split into two bores. In such cases, splicing would be required where the first bore ends and second bore begins. The area of disturbance associated with the splice would be identical to the set-up areas and entry/exit pit dimensions described in Response to Data Request PD-1.

### **Data Request PD-4 Response**

The ADI for the running line analyzed in the PEA is 20-feet wide. The ADI was determined by adding a ten-foot buffer on either side of the proposed running line. In areas where ILAs would be installed, the ADI expanded to encompass the disturbance footprint for those components. Accordingly, activities within the ADI would include all ground-disturbing activities, including conduit, ILA, and vault installation and driving along the alignment, which is broader than the ADI. The intention of establishing the study area beyond the ADI was to provide adequate flexibility should the project design be modified during later design phases. The project would not require any new access roads to be constructed. Access to the ADI would occur using existing roads (i.e., US 395).

### **Data Request PD-5 Response**

It is not possible to provide final CAD drawings for the entire project nor is it necessary to allow for an analysis of all potential impacts as required under CEQA. As described in Data Request PD-1 Response, the PEA considered an ADI with approximate vertical and horizontal dimensions that covers the extent of potential temporary and permanent impacts of the project. To ensure that there is an adequate evaluation of impacts as well as the required flexibility to allow for finalization and refinement of the precise specifications following approval, the baseline environmental and survey data provided to the CPUC covers the entire roadway right-of-way. Using this data, Stantec has also provided the CPUC with the upper limits of impacts that could happen to each resource even if refinements are necessary. CPUC should continue to use the GIS provided July 15, 2021 for the proposed ADI. Preliminary boring location were provided to CPUC on September 22, 2021. As described in Data Request PD-1 Response, Zayo will provide design refinements with bridge hang data once cultural resource site testing is complete to further minimize potential impacts. CPUC should use the assumptions outlined in Table 1.

### **Data Request PD-6 Response**

Zayo has designed the project to reduce impacts to maximum extent feasible and to provide mitigation to offset any unavoidable impacts. These efforts have included siting the project within the roadway right-of-way and would include location within the paved travel way where possible. However, Zayo is not able to ensure that the project can be located within the paved travel way without approval from Caltrans which will not be available until after the CEQA process is completed. Therefore, out of an abundance of caution, Zayo has assumed that it cannot locate the project within the paved areas and has analyzed impacts accordingly.

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## **BIOLOGICAL RESOURCES DATA REQUEST RESPONSES**

### **Data Request BR-1 Response**

Data Request BR-1 correctly notes that a total of 37 special status plant species were observed in the right-of-way and that a total of 20 special status plant species are located within the project ADI. The PEA states that impacts to some individual special status plants may be unavoidable (Section 5.4.4.1), and includes a table of special status plant populations that directly intersect the ADI, thereby possessing high potential to be directly impacted by project construction. The PEA calculates, and the data request reiterates, that total potential direct impacts on special status plant populations would be 5.3 acres. The PEA goes on to state that many of these populations can be avoided by boring.

Data Request BR-1 commented that it would take 144 borings, or 288 entry and exit pits, to fully avoid these populations. Furthermore, given the 2,500-foot length limitation for boring, the data request concludes that it would not be possible to achieve full avoidance via boring for five populations of special status plants. Upon review of the data, these five special status species would be impacted, which is consistent with Table 5.4-2 of the PEA. However, design refinements as described in Data Request PD-1 Response are still being finalized. While the design is finalized, CPUC should continue the CEQA process assuming a potential impact. As stated in the PEA, if impacts cannot be avoided through project design, implementation of APM BIO-8 would require preparation of a conservation plan and compensation/restoration for direct impacts these special status plant populations. In addition, no population-level declines would result from project construction, and with implementation of APM BIO-8, impacts to special status plants would remain less than significant.

### **Data Request BR-2 Response**

To better respond to this data request, it is important to distinguish activities that occurred prior to protocol-level surveys and during protocol-level surveys. Data Request BR-2 notes that "An additional 40 special-status plant species have historically been observed in the Caltrans right-of-way according to CNDDDB records, and therefore, have a high potential to occur in the Project area." A variety of factors influence a plant species' presence and/or seasonal floristic expression, which is why the Botanical Resources Report (PEA Appendix C (Attachment D)) did not rely solely on CNDDDB to inform the list of special status plants for this project. It is important to note that CNDDDB occurrence data can be relatively old and not necessarily reflective of current conditions. Some CNDDDB occurrences are likely extirpated because of disturbances: increased noxious weeds, right-of-way maintenance, and changes in hydrology.

#### *Summary of Activities Prior to Protocol-Level Surveys*

The Botanical Resources Report (PEA Appendix C (Attachment D)) outlines botanical survey methods Stantec undertook. Prior to field surveys, in addition to querying the CNDDDB, Stantec queried the CNPS Online Inventory of Rare and Endangered Plants of California and the Official Species List generated from USFWS, overlaid soil types and reviewed vegetation classifications within the study area to determine habitat suitability, consulted with several taxon experts, and visited reference populations for 40 special status plant species to determine location-specific bloom periods and refine search images (Table 1 of PEA Appendix C (Attachment D)).

While 19 of the 40 reference populations were not located by the surveyors during the reference population visits, the result did not eliminate those plant species from consideration during the protocol-level surveys

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described below. As such, this result has no impact on the accuracy or quality of botanical survey results and does not constitute a “lack of presence/absence surveys for these species”.

#### *Summary of Protocol-Level Surveys*

Data Request BR-2 asserts that “Given the lack of presence/absence surveys for these species (i.e., wandering transects rather than parallel transects and lack of positive reference population confirmation), these species are assumed to occur in the Project area and could be directly or indirectly affected by Project construction.” As outlined in the Botanical Resources Report (Section 3.2.2.2, PEA Appendix C (Attachment D)), Stantec conducted botanical surveys according to two industry-standard survey methods: CDFW’s *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* on non-federal lands, and *Survey Protocols Required for NEPA/ESA Compliance for BLM Special-Status Species* on BLM lands which states:

“Botanical field surveys should be comprehensive over the entire project area, including areas that will be directly or indirectly impacted by the project. Conduct botanical field surveys by traversing the entire project area to ensure thorough coverage, documenting all plant taxa observed.”

Data Request BR-2 asserts that two listed species have the potential to be impacted by project construction, Webber’s ivesia and Boggs Lake hedge-hyssop. The surveyors visited the historical CNDDDB occurrence locations of these species during protocol-level surveys, and the species were not observed. It should be noted that the CNDDDB occurrence for *Gratiola heteroespala* was from August 1975 and thus not likely reflective of current conditions. While the Botanical Resources Report notes that potential habitat for both species occurs within the study area, the occurrence of potential habitat does not equate to an assumption of presence. Therefore, the ADI would not impact these species as shown in Table 5.4.2 of the PEA. If any special status plant species not observed during protocol-level surveys are present during preconstruction surveys, biological monitors would identify its presence and flag it for avoidance (APM BIO-7: Biological Monitors). In addition, habitat for Boggs Lake hedge-hyssop (freshwater meadows and wetland riparian habitat) would be avoided to the maximum extent feasible through boring (APM BIO-14: Wetland Impacts). Therefore, even if these species, or other special status plant species undetected during surveys, are present in the project area, impacts would be less than significant.

#### **Data Request BR-3 Response**

Data Request BR-3 states that “37 special-status plant species have a moderate potential to occur in the Project area given the presence of suitable habitat.” While we agree with the statement, we note that occurrence of potential habitat does not equate to an assumption of presence (moderate or otherwise) as further explained in Data Request BR-2 Response. Data Request BR-3 states that “The current proposed alignment and project description would result in direct impacts to 377.11 acres of natural vegetation communities (non-barren, urban, or agricultural areas).” While this statement is accurate, not all natural vegetation communities support special status plants, which is why botanical surveys are needed to further qualify habitat suitability and potential special status plant presence. Data Request DR-3 also states: “These species cannot be confirmed absent from the Project area and therefore, must be presumed to be potentially present and could be directly or indirectly affected by Project construction.” It is not necessary or even truly possible to prove “absence”; no properly performed biological survey or informed survey report can attempt to ‘conclude absence’ for any resource. Under CEQA the threshold of significance is tied to a finding of a substantial adverse effect on special status species. Therefore, impacts to a broadly defined resource category like “natural vegetation communities” does not equate to a potentially significant impact. Further,



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even if there is a potentially significant impact, it can be reduced to a less-than-significant level through the imposition of mitigation measures.

As provided in PEA Section 5.4.4.1, “the project would avoid impacts on the majority of the special status plant species through siting and directional boring efforts, and the project would not result in a population-level decline of any special status plant species; however, impacts to some individual special status plants may be unavoidable.” If any special status plant species not observed during surveys is present during preconstruction surveys, (APM BIO-7: Biological Monitors) would identify its presence and it would be flagged for avoidance. Therefore, even if these species, or other special status plant species undetected during surveys, are present in the project area, impacts would be less than significant.

### **Data Request BR-4 Response**

Data Request BR-4 states that “The current proposed alignment and project description would result in direct impacts to 377.11 acres of natural vegetation communities (non-barren, urban, or agricultural areas).” While this statement is accurate, not all natural vegetation communities support special status wildlife, which is why wildlife surveys are needed to further qualify habitat suitability and potential special status wildlife presence.

Data Request BR-4 lists American badger and nesting greater sandhill crane as “listed species or species with limited mobility occurring in the ADI and that could be directly impacted by construction”. Signs of American badger, a CDFW Species of Special Concern, were observed during surveys and accordingly, this species is considered to be “present” in the Biological Resources Technical Report (BRTR; PEA Appendix C, Table 3-5). There is a potential for American badger to be directly impacted by project construction. Accordingly, APM BIO-7: Biological Monitors would require biological monitors to be onsite daily during project activities to minimize incidental impacts to sensitive biological resources by conducting pre-construction surveys and sweeps. If American badger is present, the biological monitors would consult with CDFW and/or USFWS to ensure species is not impacted.

Greater sandhill crane is listed as state threatened when nesting or wintering and is considered a fully protected species by CDFW. One active nest was observed “very near the BRSA,” but not within it or the ADI, during surveys. Given that the nest is not within the ADI, it is not expected that any greater sandhill cranes will be directly impacted by project construction. However, it could be disturbed by construction noise and activities. We propose to revise APM BIO-10 to further reduce potential impacts (as shown with underline below).

#### **APM BIO-10: Nesting Birds**

Biological monitors will conduct pre-construction nesting bird surveys during the nesting season (February 1 to August 31) within 100 feet of the construction workspaces for non-raptors, within 500 feet for greater sandhill cranes, and within 0.5 mile for raptors. Pre-construction surveys for non-raptors would be valid for 1 week, and surveys for raptors would be valid for the full season if conducted after May 1. Biological monitors will establish exclusionary buffers, in which no activity would be permitted, around active nests, which would be 100 feet for non-raptors, 500 feet for greater sandhill cranes, and 0.25 mile for raptors, increasing to 0.5 mile for bald eagles, golden eagles, ferruginous hawks (*Buteo regalis*), Swainson's hawks (*Buteo swainsoni*), and prairie falcons (*Falco mexicanus*) when nests are in line-of-sight. In addition, no vegetation clearing would be permitted within 300 feet of an active non-raptor nest. Project activities will be prohibited within the exclusionary buffer until the nest fledged or failed. To the extent possible, work will be scheduled during the non-breeding season or in construction spreads that lack active nests. APMs shall be implemented during construction by the applicant or the applicant's designee.

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Data Request BR-4 lists tricolored blackbird and Swainson's hawk as "listed species...known to occur very close to the ADI where they may be significantly indirectly affected by construction noise and activities". Swainson's hawks and tricolored blackbirds are listed as state threatened when nesting; tricolored blackbirds are also considered to be a year-round Species of Special Concern by CDFW. The BRTR reports that two active Swainson's hawk nests were observed during surveys (BRTR Table 3-5). However, neither are mapped in Figure A2 to protect the confidentiality of their location, and both nests are located outside the BRSA. Records of Swainson's hawks mapped within or closely adjacent to the ADI on Figure A2 are "adult birds not associated with a nesting activity" (BRTR Table 3-5). The BRTR reports that suitable nesting habitat for tricolored blackbird occurs within and adjacent to the biological resources survey area. Two flocks and a single singing male were observed in one location, but no nesting colonies were confirmed to be "very close to the ADI", as Data Request BR-4 asserts.

If greater sandhill crane nests, Swainson's hawk nests, or tricolored blackbird nesting colonies are located within or adjacent to the ADI, there is potential for them to be indirectly impacted by project construction noise and activities. The PEA states that the project applicant would be required to perform preconstruction surveys to demarcate and avoid nests, dens, and individuals of special status species (APM BIO-7: Biological Monitors). APM BIO-10: Nesting Birds, as described above, would require the creation of exclusionary buffers around active nests during construction to reduce the potential for impacts to nesting pairs or colonies. Therefore, even if these species, or other special status wildlife species, are present in the project area, impacts would be less than significant with implementation of these APMs.

#### **Data Request BR-5 and BR-6 Response**

Data Request BR-5 states that "An additional 19 special-status fish and wildlife species have historically been observed in the Caltrans right-of-way according to CNDDDB, and therefore, have a high potential to occur in the Project area." Data Request BR-6 states that "An additional 25 special-status fish and wildlife species have a moderate potential to occur in the Project area given the presence of suitable habitat."

Zayo disagrees with the assertion that all species historically observed in the roadway right-of-way according to CNDDDB have a high potential to occur in the project area. A variety of factors influence a species' presence and detectability during surveys, which is why Stantec did not rely solely on CNDDDB to inform the list of special status fish and wildlife species for this project. Section 2.1.5 and 2.2.3 of the BRTR (PEA Appendix C) describes the desktop and field methods used to compile the list of special status species for this project. The PEA states that Stantec "identified 212 special status species known to or potentially occurring in at least part of the BRSA, including 127 plants, 19 mammals, 47 birds, five amphibians, one reptile, ten fish, and three invertebrates. Stantec biologists observed 55 special status species within the BRSA, including 38 plants, one mammal, and 16 birds." It is unclear to which "19 special status fish and wildlife species..." with a "high potential to occur" Data Request BR-5 is referring. Table 3-5 in the BRTR assigns each special status species a potential to occur (low, moderate, high, or present) and concludes that 24 wildlife species have moderate potential to occur. As summarized in Section 2.1.5 of the BRTR, high potential was considered suitable habitat and records within the last 25 years within 5 miles of the BRSA; moderate potential was considered suitable habitat but records either don't exist or are more than 25 years old.

Data Request BR-5 and BR-6 state that "The current proposed alignment and project description would result in direct impacts to 377.11 acres of natural vegetation communities (non-barren, urban, or agricultural areas)." While this statement is accurate, not all natural vegetation communities support special status wildlife, which is why wildlife surveys are needed, and were performed, to further qualify habitat suitability and potential special status wildlife presence.

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The Data Request BR-5 further asserts, "Given the lack of presence/absence surveys for these species, these species are also assumed to occur in the Project area." Data Request BR-5 describes Carson wandering skipper, bank swallow, burrowing owl, and greater sage-grouse as "listed species or species with limited mobility that could be directly or indirectly impacted by construction." The following response assumes that the Data Request is asserting that the lack of presence/absence surveys applies to these four species.

- Suitable habitat for Carson wandering skipper was identified and delineated during botanical surveys (BRTR Figure A2) and this species is listed as having "high" potential to occur in the BRTR. Through consultation with BLM, species-specific protocol surveys were ruled out as being necessary because, through consultation with BLM, the agency concluded that the project is outside of the designated habitat and there will be no impacts to the species or its habitat. As a result, "the project would likely result in a "No Effect" determination for all potential federal ESA-listed species in California, including Carson wandering skipper," and half the project alignment is "outside of the range of Carson wandering skipper, and no seasonal restrictions or mitigation measures were recommended" (BRTR Section 1.3.4).
- Surveys for bank swallow were conducted along with surveys for other birds and raptors. While no nesting activity was observed, suitable habitat was observed in four locations along Long Valley Creek, and the BRTR concludes the potential for occurrence for this species is "high" (BRTR Table 3-5). Accordingly, APM BIO-7: Biological Monitors would require biological monitors to be onsite daily during project activities to minimize incidental impacts to sensitive biological resources by conducting pre-construction surveys and sweeps. If the bird nests are present, the biological monitors would ensure necessary protection is in place to avoid potential impacts.
- Informal burrowing owl surveys were undertaken during surveys for pygmy rabbits. Species-specific protocol surveys were ruled unnecessary because BLM indicated that there were "no known burrowing owls...where the project overlaps the [Eagle Lake Field Office's] lands," and that "construction activities located close to the road would not likely impact individual [burrowing owls]." No burrowing owls or their sign were detected during surveys, but the BRTR concluded that the species has "high" potential to occur and "may occur in any non-aquatic treeless areas with sparse vegetation" (BRTR Table 3-5).
- Stantec coordinated extensively with BLM concerning greater sage-grouse, which is not state or federally listed. Species-specific protocol surveys were ruled unnecessary because the BLM Sierra Front Field Office confirmed that "there are no known leks in proximity to the project, and seasonal restrictions do not apply", and the BLM Applegate Field Office concluded that "the project would not significantly impact greater sage-grouse and no seasonal restrictions or mitigation measures were recommended" (BRTR Section 1.3.4). The BRTR notes that suitable habitat for this species is present throughout much of the BRSA, but that no individuals or leks were incidentally observed during surveys. The BRTR concludes that the potential for this species to occur is "high."

Data Request BR-6 states that "These species cannot be confirmed absent from the Project area and therefore, must be presumed to be potentially present and could be directly or indirectly affected by Project construction." As noted in the response to Data Request BR-3, "absence" is not a criteria that must be proven in order to avoid impacts to a resource under CEQA. In addition, given that there were no observations of Carson wandering skipper, bank swallow, burrowing owl, or greater sage-grouse during surveys even within suitable habitat that the project would not adversely affect these species, there is low potential for the project to have direct or indirect impacts on these species. In addition, BLM concluded, based on their own knowledge of resource presence and distribution within lands under their responsibility that Carson wandering skipper and its habitat wouldn't be affected by the project. However, if these species are present within or adjacent to the project ADI, there could be potential for them to be directly or indirectly impacted by construction. The PEA states that the project applicant would be required to perform preconstruction surveys

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to demarcate and avoid special status species (APM BIO-7: Biological Monitors). APM BIO-10: Nesting Birds would require the creation of exclusionary buffers around active nests during construction to reduce the potential for indirect impacts to nesting pairs or colonies. And APM BIO-11: Greater Sage-grouse Leaks would require the applicant to avoid construction activities within 4 miles of active sage-grouse leks during the breeding season. Therefore, even if these species, or other special status wildlife species, are indeed present in the project area, implementation of APMs would ensure impacts remain less than significant.

### **Data Request BR-7 Response**

After reviewing the project design data, the GIS files do show temporary impacts to water features as described in the PEA and as asserted in Data Request BR-7. These impacts are from: 1) the running line traversing several water crossings by trenching, and 2) there are slivers of the ADI that touch wetland polygons. As described in Data Request PD-1 Response, Zayo is refining this information to provide bridge attachment locations and revising the ADI GIS data so these sliver areas are clarified. It is Zayo's intention that all jurisdictional waters are avoided and based on the data available to date, this appears achievable. Out of an abundance of caution, Zayo is proposing to revise APM BIO-14 to address the mitigation necessary if such impacts cannot be completely avoided as shown below (changes in strikethrough/underline). APM BIO-16 was added to separate measures related to avoidance and restoration. Impacts would be less than significant with implementation of these APMs.

#### **APM BIO-14: Wetland Impacts**

The applicant will avoid directly impacting wetlands to the maximum extent practicable. If wetlands cannot be fully avoided, the following measures will be implemented to minimize impact:

- Construction activities within wetlands and other waters will be performed during the dry season (e.g., generally May 1 through ~~September~~ October 15) to the extent feasible. ~~while the features are dry.~~
- Where construction in seasonal wetlands or other waters is necessary, it will occur during dry conditions, when feasible, to avoid soil compaction or mixing. If construction is required during wet or moist conditions, temporary matting or other protection measure (e.g., rig mats, timber roads, plating, or tracked vehicles [preferably rubber tracked]) will be used to avoid soil compaction or mixing. No construction will occur within a flowing stream or waterbody.
- Implement a Stormwater Pollution Prevention Plan (SWPPP) to minimize construction related erosion and sediments from entering nearby waterways (see APM HYD-1).
- ~~If construction activities are required in perennially wet features or if features do not fully dry due to local weather conditions, the applicant will prepare a Dewatering Plan prior to construction to outline dewatering procedures. This plan will be prepared as part of the Stormwater Pollution Prevention Plan (SWPPP) and its contents will be dictated by the State Water Resources Control Board (SWRCB) Construction General Permit. For example, the Dewatering Plan shall include provisions for screening pump intake pipes to exclude fish; relocating fish from areas proposed for dewatering; and measures to control and monitor water quality during dewatering activities.~~
- ~~As currently designed, only temporary impacts on wetlands are anticipated, and the applicant will restore temporarily disturbed areas to pre-construction conditions and according to applicable permit requirements. If changes during final design could result in permanent impacts that cannot be avoided, the applicant will compensate for the permanent loss of wetlands at a ratio of at least 1:1; however, final compensation ratios will be based on site-specific information and will be determined through coordination with the applicable resource agencies as part of the permitting processes for the project.~~

**Reference:** Zayo Group, LLC's Prineville to Reno Fiber Optic Line Project (Application A.20-10-008) – Data Request No.4

**APM BIO-16: Restore Impacts on Wetlands and Other Waters in Accordance with Project Permits**

Wetlands and other waters subject to USACE, CDFW, and RWQCB jurisdiction will be avoided to the extent practicable. For wetlands and waters that cannot be avoided, the applicant will obtain permits from the appropriate regulatory agency. As currently designed, only temporary impacts on wetlands or waters are anticipated and the applicant will restore temporarily disturbed wetlands and other waters. A qualified wetland restoration ecologist will prepare and implement a restoration plan with detailed specifications for restoring all temporarily disturbed wetlands and waters in accordance with project permits. Restoration requirements will be determined through coordination with the USACE, CDFW, and RWQCB as part of the permitting processes for the project. APMs shall be implemented during construction by the applicant or the applicant's designee. The measures will ensure that there is no loss of functions or values of the wetlands or waters impacted.

Should changes during final design result in unavoidable permanent impacts, the applicant will compensate for the permanent loss of wetlands and other aquatic resources subject to USACE, CDFW and/or RWQCB jurisdiction at a minimum ratio of 1:1 ensuring that there is no net loss of aquatic resources. Final compensation ratios will be based on site-specific information and determined through coordination with the USACE, CDFW, and/or RWQCB as part of the permitting process for the project.

**Data Request BR-8 Response**

The BRTR notes that the following fully protected species have the potential to occur within the biological resources survey area: greater sandhill crane, golden eagle, American peregrine falcon, and bald eagle. Golden eagle, American peregrine, and bald eagle were determined to be unlikely to nest within the study area due to lack of potential large trees. While there may be suitable foraging areas for these species, the project would not substantially impact foraging habitat. APM BIO-10: Nesting Birds would require the creation of exclusionary buffers around active nests during construction to reduce the potential for both direct and indirect impacts to nesting birds.

Based on surveys and characterization of habitat, only greater sandhill crane has the potential to be directly impacted to the point where impacts could be construed as "take" under CDF Code §3511. To avoid impacts to greater sandhill crane, the project applicant would be required to perform preconstruction surveys to demarcate and avoid special status species (APM BIO-7: Biological Monitors). To further reduce potential impacts to greater sandhill crane, APM BIO-10 was revised to include further protections for greater sandhill crane (as shown in Data Request BR-4 Response). Biological monitors (APM BIO-7) would be present during all construction activities to observe the behavioral responses of the species to the work occurring in proximity to them. The biological monitors would halt work if a wildlife species exhibits an adverse response to nearby project work activities. With implementation of these APMs, all direct and indirect impacts to greater sandhill crane with potential to lead to "take" as defined in CFG Code §3511 would be eliminated.

**Data Request BR-9 Response**

Please refer to Data Request PD-1 Response.

Reference: Zayo Group, LLC's Prineville to Reno Fiber Optic Line Project (Application A.20-10-008) – Data Request No.4

## CULTURAL RESOURCES DATA REQUESTS

Stantec has sent all deliverables to CPUC as they are deemed final by the respective reviewing agencies. Documents are sent as required field work and/or reviews are complete. Delays have been incurred due to slow review times by reviewing agencies due to fire duties and other constraints and approvals of permits to complete fieldwork.

### Data Request CR-1 Response

Please refer to table below for a status update of each of the reports.

Report	Appendix	What ECORP Currently Has	Current Status
Inventory Report, Volume II, California	Main Body Report	Draft report previously sent to ECORP November 2020	Not finalized, awaiting finalization of ASR. Once finalized, copy will be sent to ECORP
	Appendix A – Applegate BLM	Draft dated September 18, 2020 and Final dated May 10, 2021.	No further versions expected. Appendix is FINAL.
	Appendix B – Eagle Lake BLM	Final dated August 24, 2021.	No further versions expected. Appendix is FINAL.
	Appendix C – Sierra Field Front BLM	Draft dated September 18, 2020 and Final dated September 2, 2021.	No further versions expected. Appendix is FINAL.
	Appendix D – XL Ranch BIA	Draft dated September 18, 2020 and Final dated May 31, 2021.	No further versions expected. Appendix is FINAL.
	Appendix E – Ethnographic Overview	Updated draft and Final dated January 29, 2021.	No further versions expected. Appendix is FINAL.
	Appendix F – Caltrans Archaeological Survey Report and HRCR	Nothing received to date.	Awaiting Caltrans review to finalize. Once finalized will be sent to ECORP.
	Appendix G – USFS	Final dated June 15, 2020.	No further versions expected. Appendix is FINAL.
Inventory Report Addendum 1 Memorandum	-	Nothing received to date.	Submitted to BLM for review. Currently under review. Once finalized will be sent to ECORP.
Applegate BLM Testing Report	-	Nothing received to date.	In preparation. Once finalized will be sent to ECORP.

Reference: Zayo Group, LLC's Prineville to Reno Fiber Optic Line Project (Application A.20-10-008) – Data Request No.4

Report	Appendix	What ECORP Currently Has	Current Status
Eagle Lake BLM Testing Report	-	Nothing received to date.	In preparation. Once finalized will be sent to ECORP.
XL Ranch BIA Testing Report	-	Final dated March 5, 2021	No further versions expected. Appendix is FINAL.
Extended Phase I (XPI) Report	-	Nothing received to date.	In preparation. Once finalized will be sent to ECORP.

### **Data Request CR-2 Response**

The cultural reports prepared to-date include an inventory of previously identified and newly recorded cultural resources within the APE. As previously discussed with CPUC, site testing for subsurface presence/absence and evaluation (where applicable) are complete for federal agencies (e.g., BIA, BLM Applegate, BLM Eagle Lake) and currently underway for non-federal lands (e.g., Caltrans) and will include statements of eligibility for resources evaluated with potential to be impacted, per agency request. As summarized in Data Request CR-1, the site testing results will be provided to CPUC.

### **Data Request CR-3 Response**

Design information and cultural resources have been previously provided to the CPUC in GIS as part of the PEA delivery and follow-up data requests. Appendix A of the PEA included a mapbook of the project design at a scale of 1:3,000 as required in the CPUC *Guidelines for Energy Project Applications Requiring CEQA Compliance*. The forthcoming site testing results will include additional information regarding evaluated cultural resources within the APE and avoidance areas. Providing maps at a scale of 1:100 for a project of this size would result in approximately 19,539 new 11x17 map exhibits, which would be extremely onerous to prepare and is not a required element of Attachment 3: Cultural Resource Technical Report Standards of the CPUC *Guidelines for Energy Project Applications Requiring CEQA Compliance*. Furthermore, CPUC has access to the GIS data and can prepare exhibits for any location at any scale needed to better evaluate a potential impact of a specific resource.

### **Data Request CR-4 Response**

Please refer to the Addendum 1 Inventory Report for more information regarding potential impacts at staging and laydown locations. Please note the Addendum 1 Inventory Report is currently under BLM review and will be sent to CPUC once approved as final. The Cultural Report states that one cultural resource was identified at one of the staging locations. However, this resource was previously determined to be not eligible. Therefore, no impacts are anticipated at staging locations. APM CR-7 will require the applicant to prepare a Construction Monitoring and Unanticipated Cultural Resources Discovery Plan to be implemented if an unanticipated discovery is made

### **Data Request CR-5 Response**

The requested information will be provided in the testing report.