

# PROPONENT'S ENVIRONMENTAL ASSESSMENT – ZAYO PRINEVILLE-TO-RENO FIBER OPTIC PROJECT

## Land Use and Planning

### 5.11 LAND USE AND PLANNING

This section describes the existing land uses in the vicinity of the project and analyzes potential land use and planning impacts associated with the construction, operation, and maintenance of the project. This section also describes environmental and regulatory settings. The project would not result in significant impacts to existing or proposed land uses, conflict with applicable land use plans and policies, or physically divide an established community.

#### 5.11.1 Environmental Setting

The project within California spans approximately 193.9 miles from the northern edge of Modoc County, through Lassen County, and into the eastern edge of Sierra County. The topography and landscape along the running line ranges between 4,000 and 6,000 feet amsl with a combination of foothill, plain, and mountainous landscapes. An 8-mile segment of the running line would deviate from US 395 and run along Standish Buntingville Road (Lassen County Road A3) and Cummings Road between the communities of Standish and Buntingville in Lassen County, California. In this location, the underlying land is owned by Lassen County. Land uses, zoning, and land ownerships of the various areas within and adjacent to the running line are discussed in further detail below. Generalized land use designations across multiple jurisdictions were used in this analysis as a reflection of land use patterns and trends located adjacent to the project area (Figure 5.11-1).

##### 5.11.1.1 Land Use and Zoning

The project traverses Modoc, Lassen, and Sierra Counties, mostly within existing roadway right-of-way. The project crosses through unincorporated communities in Modoc County, including New Pine Creek, Davis Creek, Ramsey, and Likely, as well as the City of Alturas. Within Lassen County, the project traverses the communities of Sage Hen, Pinnio, Madeline, Brockman, Moran, Termo, Viewland, Litchfield, Standish, Buntingville, Milford, and Doyle. In Sierra County, the project does not pass through any cities or census-designated communities. The land uses within each county are described in further detail below.

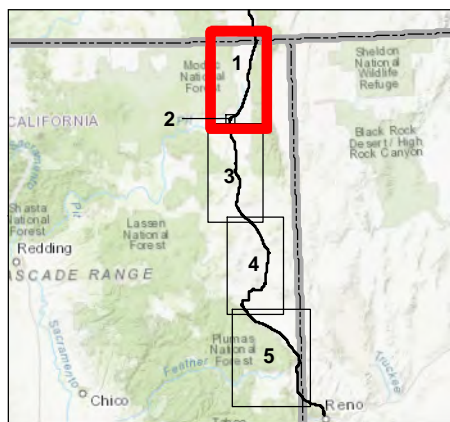
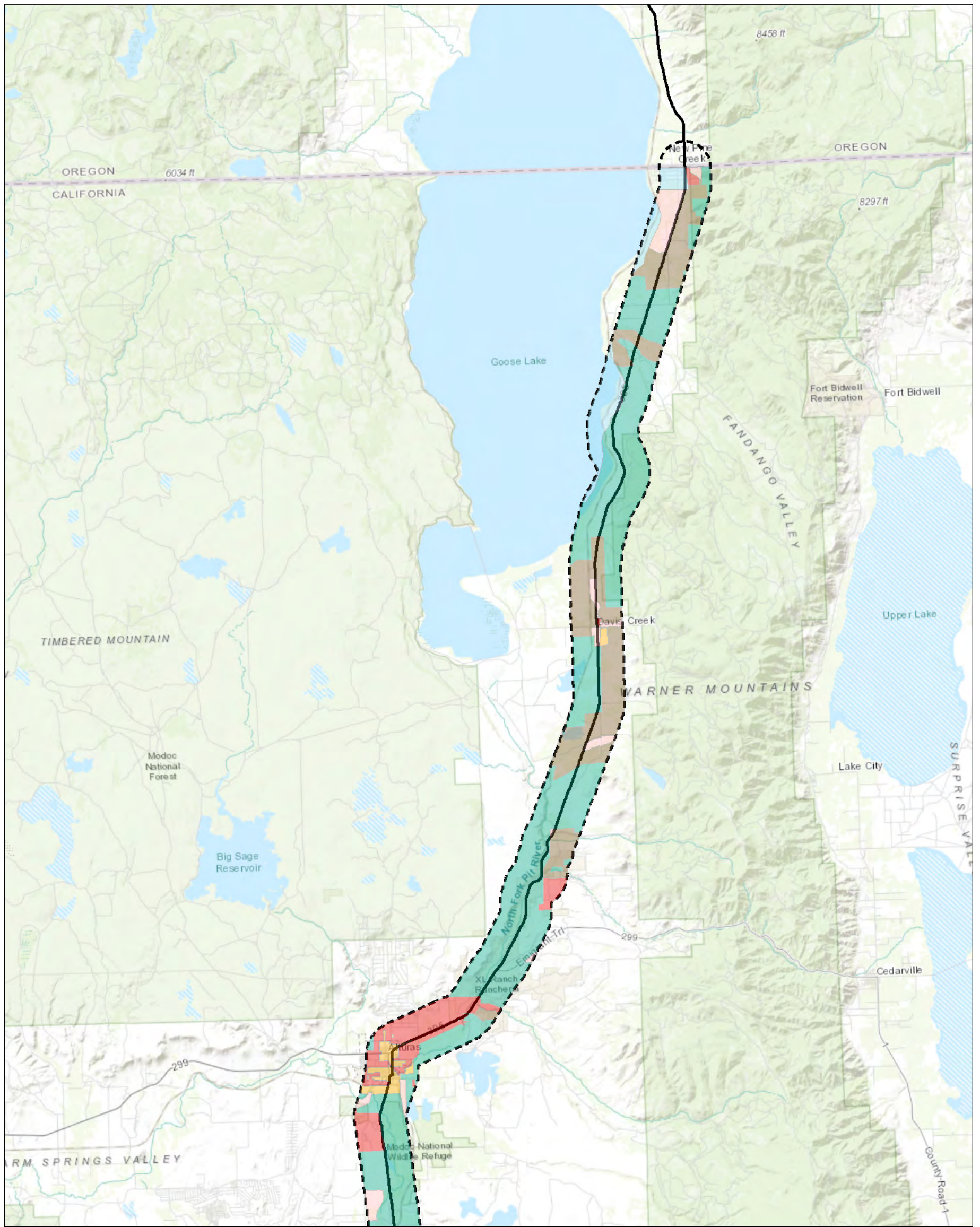


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Land Use and Planning

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- Alignment
- 1-mile Buffer
- General Plan Land Use (CA 2008)**
- Agricultural
- Low Density Residential
- Open Space And Public Lands
- Other - Not Determined
- Urban Reserve
- Very Low Density Residential
- Water

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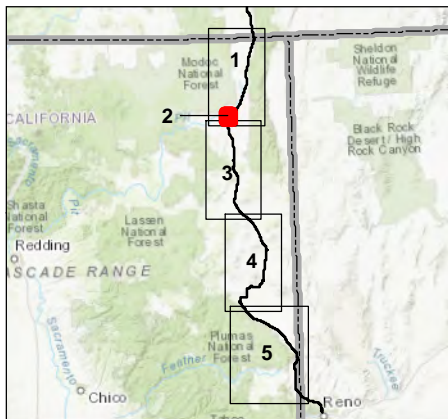
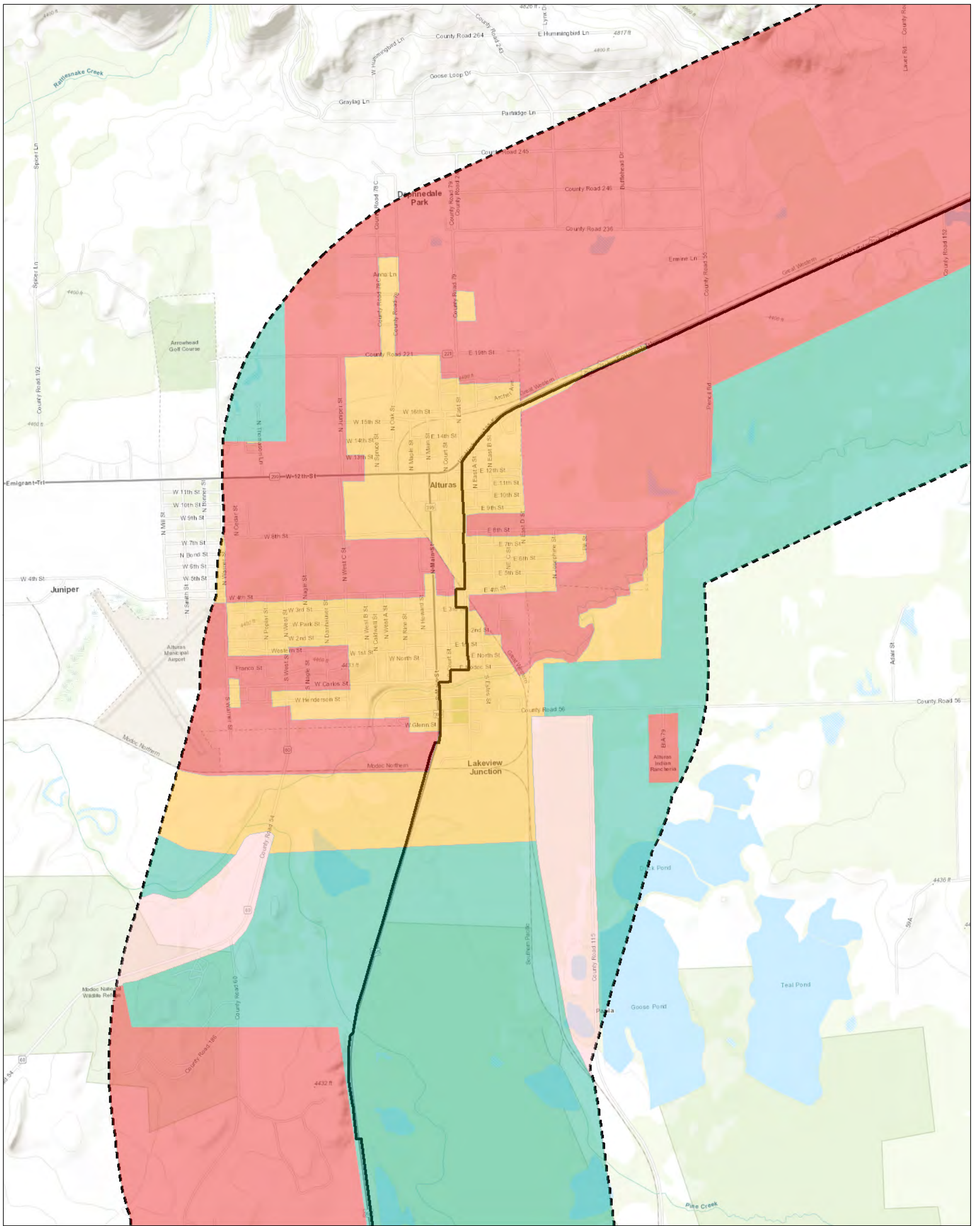
Project Location: Prineville, OR to Reno, NV  
 2272020011  
 Prepared by CP on 2020-06-17  
 Technical Review by JC on 2020-06-17  
 Independent Review by CS on 2020-06-17







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

Figure No.  
 5.11-1

Title  
 Generalized Land Uses within One Mile of Proposed Prineville to Reno Fiber Optic Line

Notes  
 1. Coordinate System: NAD 1983 UTM Zone 10N  
 2. Data source: Esri 2020; USGS 2020; BLM 2020  
 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), (c) OpenStreetMap contributors, and the GIS User Community



-  Alignment
-  1-mile Buffer
- Generalized Land Use**
-  Low Density Residential
-  Open Space And Public Lands
-  Urban Reserve
-  Very Low Density Residential

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Miles  
1:26,940 (At Original document size of 11x17)



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Prineville, OR to Reno, NV  
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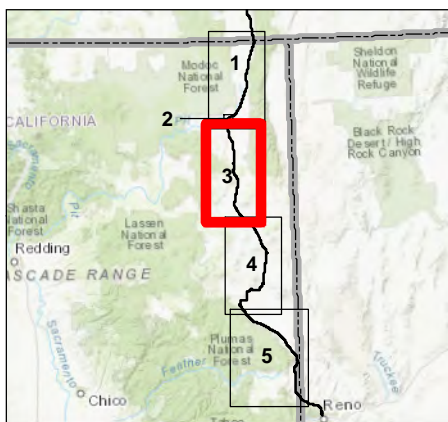
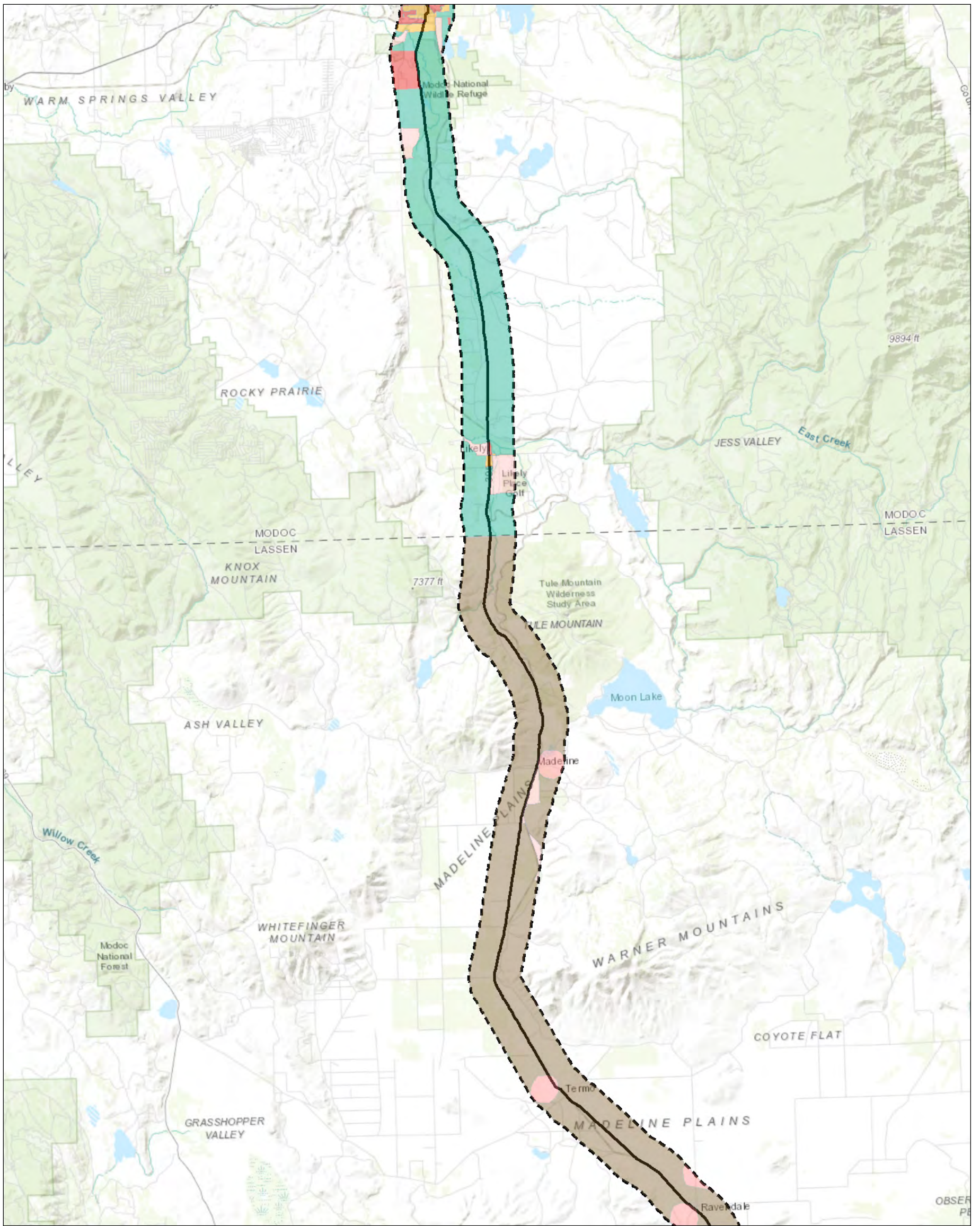
Client/Project  
Zayo  
Fiber Optic Line--Prineville to Reno

Figure No.

**5.11-1**

Title  
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1. Coordinate System: NAD 1983 UTM Zone 10N  
2. Data source: Esri 2020; USGS 2020; BLM 2020  
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- Alignment
- 1-mile Buffer
- Generalized Land Use**
- Agricultural
- Low Density Residential
- Medium Density Residential
- Open Space And Public Lands
- Urban Reserve
- Very Low Density Residential

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 Fiber Optic Line--Prineville to Reno

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Generalized Land Uses within One Mile of Proposed Prineville to Reno Fiber Optic Line

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## PROPONENT'S ENVIRONMENTAL ASSESSMENT – ZAYO PRINEVILLE-TO-RENO FIBER OPTIC PROJECT

### Land Use and Planning

#### Modoc County

The Modoc County General Plan characterizes the the county to include natural beauty, abundant wildfire, open space, clean air, and plentiful water (Modoc County 1988, as amended). These values are reflected in the large stretches of open space, public space, and agricultural lands that dominate much of the area rather than development and the built environment. The project spans the length of the county, and traverses through much of the developed and undeveloped areas within the county.

Starting at the Oregon and California state line, the project traverses through adjacent lands designated as very-low- and low-density residential, agricultural, open space and public lands, and urban reserve (in the City of Alturas and the community of Likely). The Modoc National Forest borders the project area on both the east and west and covers the majority of Modoc County. Additionally, the project passes adjacent to Goose Lake near the northern portion of the county and the California Historic Trail that passes through Goose Lake, across US 395, and through Surprise Valley. US 395 passes directly through the center of the City of Alturas, which is includes smaller rural and farming residences as well as businesses and commercial structures closer to downtown.

The running line would be located entirely within existing roadway right-of-way within Modoc County, with the exception of one ILA, one staging area, and one material lay down yard location. The ILA is located in the City of Alturas and has a zoning designation of light industrial; the staging area has a generalized land use designation of low density residential. The material lay down yard location is also located in the City of Alturas and has a generalized land use designation of urban reserve.

#### Lassen County

The majority of Lassen County is characterized by forest-covered mountains and plateaus roughly covering the western one-third of the county and rangeland and foothill environments covering the eastern two-thirds of the county. When the running line reaches Lassen County, it crosses adjacent to agricultural lands with smaller very-low-residential and medium-residential land until just before reaching the community of Standish, which includes larger portions of lands designed as planned development, very-low-residential, and low-residential. This continues until reaching the community of Milford, which contains some medium-residential land, but then turns back into agricultural lands. The northern portion of Lassen County also contains some of the Modoc National Forest lands, which borders US 395 on both the east and the west, and the Plumas National Forest borders Lassen County in the south, starting near the community of Janesville. The community of Doyle also contains some medium-residential, very-low-residential and low-residential designated lands. Land uses near the southern border of Lassen County mostly consist of agricultural lands. Additionally, there are several recreational trails that adjacent to US 395, including the Shaffer Mountain and Belfast Petroglyphs off-highway vehicle trail near Litchfield and the California Trail, which passes through Susanville through to Nevada.

The running line would be located entirely within existing roadway right-of-way within Lassen County, with the exception of two ILAs (Spanish Springs ILA and Herlong ILA), nine staging areas, and two material lay down yard locations. The Herlong ILA has a zoning designation of general agriculture district and highway commercial district. The Spanish Springs ILA is within the road-right-of-way and therefore is within the highway commercial district. Additionally, there are nine staging areas in Lassen County that



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have planned development, low-density residential/planned development, and agricultural land uses. The two material lay down yard locations are considered to be agriculture and very low-density residential land uses.

## Sierra County

In general, Sierra County spans a wide variety of environments, including foothill areas in the west and high sierra and mountainous environments in the east (i.e., near the project area). Few developed areas occur within the county, with the nearest city to the project, the City of Loyalton, occurring more than 11 miles west of the project. Similarly, the land uses adjacent to the project within Sierra County are mostly open space and public lands. There are no communities along the Sierra County portion of the project. Additionally, the Humboldt-Toiyabe National Forest occurs south and west of US 395, before the project enters into Nevada.

### 5.11.1.2 Special Land Uses

As summarized in Section 3.0, Proposed Project Description, and in Figure 3-2, the project area traverses lands managed by BLM, the United States Forest Service (Modoc National Forest, Humboldt-Toiyabe National Forest, and Plumas National Forest), the State of California (California State Lands Commission [CSLC] and California Department of Fish and Wildlife), BIA, USFWS (Modoc National Wildlife Refuge), and NRCS (Wetlands Reserve Program [WRP]). There are no National State Wild and Scenic Rivers or coastal zones within the study area nor does the project traverse any area subject to an approved habitat conservation plans. There are no national landmarks within 1 mile of the project.

### 5.11.2 Regulatory Setting

#### 5.11.2.1 Federal

##### Wetlands Reserve Program

The WRP is managed by the USDA NRCS, which offers landowners the opportunity to protect, restore, and enhance wetlands on their properties. The NRCS provides financial assistance to these property owners with the goal of achieving the greatest wetland support functions and values, along with optimum wildlife habitat. Lands within this program are enrolled in a permanent conservation easement, 30-year easement, restoration cost-share agreement, or 30-year contract (for tribal lands) (NRCS 2020). There are several portions of US 395 that pass near WRP lands; however, the project would not directly pass through or conflict with any of these lands.

##### U.S. Forest Service Land and Resource Management Plans

Land and Resource Management Plans (LRMPs) serve as a guide for management of all activities within a National Forest for which the USFS has jurisdiction and authority to manage. The National Forest Management Act (NFMA) of 1976 requires that the USFS conduct an assessment of the nation's renewable resources to develop a program of use and subsequently develop LRMPs for each National



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Forest. The project area traverses three National Forests, and the goals and plans of each of the respective LRMPs are discussed below.

#### *Modoc National Forest Land and Resource Management Plan*

The Modoc National Forest LRMP was adopted by the USFS in 1999. This LRMP includes general goals and missions as well as standards and guidelines for the Modoc National Forest. The relevant standard to the project is included below (USFS 1999):

- **Facilities – 5a.** Limit allocations of single-purpose transmission and transportation corridors. Place new transportation and utility facilities within or contiguous to existing corridors. Encourage the use of private lands, where appropriate, for new corridors. Appropriateness is determined at the site-specific project level.

#### *Plumas National Forest Land and Resource Management Plan*

The Plumas National Forest LRMP was adopted by the USFS in 1988. This LRMP includes general goals and missions as well as standards and guidelines for the Plumas National Forest. The relevant standard to the project is included below (USFS 1988):

- The management direction of this plan is to evolve the Plumas National Forest to a mosaic of:
  - intensively-managed, regulated, sustained-yield, and generally even-aged timberland on the most productive sites;
  - increasingly-productive and utilized rangeland;
  - special interest, semi-primitive, and wild areas; and
  - developed recreation centers;

While:

- managing soil productivity and improving water quality,
- encouraging mineral and energy production,
- conserving significant cultural resources, and
- maintaining viability of all wildlife species.

#### *Humboldt-Toiyabe National Forest Land Resource Management Plan*

The Humboldt-Toiyabe National Forest LRMP was adopted by the USFS in 1986. This LRMP includes general goals and missions as well as standards and guidelines for the Humboldt-Toiyabe National Forest. The relevant standard to the project is included below (USFS 1986):



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- **Management Direction:** Utility Corridors. Minimize potential adverse impacts associated with utility corridors.
  - **Standards and Guidelines:** Place all new utility facilities within designated corridors when practicable.

### 5.11.2.2 State

#### California Public Utilities Commission General Order 131-D

Pursuant to CPUC G.O. 131-D, the CPUC has sole and exclusive jurisdiction over the siting and design of electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities in the State of California. Under CEQA, the CPUC is the Lead Agency with respect to such project elements within the State of California.

### 5.11.2.3 Local

Because CPUC has exclusive jurisdiction over project siting, design, and construction, the project is not subject to local land use and zoning regulations or discretionary permits. This section identifies local land use plans and regulations for informational purposes and to assist with CEQA review.

#### Modoc County General Plan

The Modoc County General Plan was adopted in September 1988 and includes the following policies related to land use that are relevant to the project (Modoc County 1988, as amended):

**Agricultural Land Use Policy 12:** Power transmission line corridors should not be located in any productive agricultural area, including exclusive and general agricultural lands or near airports.

#### Lassen County General Plan

The Lassen County General Plan was adopted in September of 1999 and includes the following goals related to land use that are relevant to the project (Lassen County 1999, as amended):

**Goal L-1:** To maintain a system of land use designations which sets forth the County's policies pertaining to the general distribution and intensity of land uses, and which strives to ensure compatibility between land use types by providing for efficient and complimentary patterns and mixtures of land uses.

**Goal L-4:** Compatibility between land use types by providing for complementary mixtures and patterns of land uses.

#### Sierra County General Plan

The Sierra County General Plan was first adopted in 1996 and includes the following goals and policies related to land use that are relevant to the project (Sierra County 1996, as amended):



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**Land Use Goal 5.** It is the goal of the County to implement development standards which streamline procedures, maximize public involvement, and which protect environmentally sensitive and natural resource industry areas.

City of Alturas General Plan

The City of Alturas General Plan was first adopted in June 1987 (City of Alturas 1987, as amended). There are no land use goals or policies in the City of Alturas General Plan that are relevant to the project.

Lassen County Zoning

Title 18, Chapters 18.16 and 18.28 describes the zoning designations within the county and the allowed land uses within the zoning designations. Utility uses are allowed by permit in both the general agricultural district (A-1) and highway commercial district (C-H) designations (Chapter 18.16.050 and Chapter 18.28.040).

City of Alturas Zoning

Section 28.21 of the City of Alturas Zoning Ordinance describes the zoning designations within the City and the allowed land uses within the zoning designations. The light industrial zone (M1) is described in Section 28.21.030 of the City’s Zoning Ordinance as follows:

*The “M1”, Light Industrial, Zone is intended to accommodate low-intensity industrial uses close to commercial and residential areas with minimum environmental conflicts, and be applied as a buffer zone to protect residential and commercial zones from more impactful Heavy Industrial, M2, uses. Although some commercial uses related to product sales and service activities are allowed by right or permit, they are intended to be incidental to the primary use of light manufacturing and/or storage, or to provide needed buffering between low-intensity and high intensity uses.*

**5.11.3 Impact Questions**

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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## 5.11.4 Impact Analysis

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### a) Physically divide an established community?

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**No Impact.** The project would consist of an underground fiber optic cable that would not result in any division of communities. The fiber optic cable would largely be constructed within the roadway right-of-way, which include corridors that are already in place. Additionally, the staging areas, material lay down yard locations, and ILA locations would be constructed within or adjacent to the right-of-way. The majority of the project would be constructed within US 395 right-of-way, which traverse adjacent to rural areas where development is sparse. The running line crosses through more developed areas near the City of Alturas and along Lassen County Road A3 and Cummings Road. Construction activities could result in minor disruptions to these communities; however, these disruptions would be temporary and would not result in any permanent divisions to established communities. Further, because the project consists of a linear installation, construction activities within any established communities would only occur for a very short period and would not result in a physical division of any established communities.

Once constructed, the project would be located entirely underground, with the exception of some of the ancillary equipment (e.g., ILAs and vaults/line markers), and would not result in any permanent divisions of any established communities. Therefore, there would be no impact related to physically dividing established communities.

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### b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

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#### **Less Than Significant Impact.**

Land Use and Zoning Consistency

The majority of the project would not result in any permanent land use conversion or conflict with existing land uses or zoning designations because the project would largely be located within the roadway right-of-way. Additionally, the portions of the running line that would pass through county roads, including Lassen County Road A3 and Cummings Road, and any staging areas or laydown areas along the running line would not result in any permanent conversions of land. For areas adjacent to the project that are more densely populated, such as within the City of Alturas or small unincorporated communities along the running line, construction may result in temporary impacts from air quality emissions, dust, noise, etc. However, construction activities would not stay in any one location for extended periods of time, with the average rate of cable installation occurring at 500 feet per day. Therefore, construction related impacts from the project would be less than significant.

Once constructed, the project would be located underground, with the exception of three aboveground ILA ancillary facilities that would provide tie-ins to regional wireless service providers. As described, the ILAs are planned to occupy properties in Herlong (0.78 acre), Spanish Springs (0.12 acre), and Alturas (0.25 acre), California. Each ILA would consist of a prefabricated concrete or steel regeneration hut



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erected on a concrete pad with a surrounding perimeter fence around the hut. The regeneration hut structure would be setback from the fence line, would be approximately 420 square feet (0.01 acre), and would be approximately 11 feet in height.

The zoning designations for each site include light industrial for the Alturas ILA, general agriculture district and highway commercial district for the Herlong ILA, and highway commercial district for the Spanish Springs ILA. Utilities are considered a compatible use under the City of Alturas light industrial zoning designation and a compatible use with a permit for the general agriculture and highway commercial district zoning designations under Lassen County’s municipal code. The three ILA locations would be permanently occupied, but would be located within vacant and previously disturbed sites. Accordingly, the project would not conflict with the allowable uses for these sites and would be consistent with the relevant zoning codes. In addition, the CPUC has exclusive jurisdiction over the siting and design of regulated telecommunication facilities in the State of California, including the project. Therefore, the project would have a less than significant impact related to conflicts with existing land use designations and zoning designations.

## General Plan Consistency

The project would be consistent with each county’s General Plan (i.e., Modoc County, Lassen County, and Sierra County). The Governor’s Office of Planning and Research (OPR) states that, “ an action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment” (OPR 2005). As discussed in Section 5.11.2, Regulatory Setting, there are no relevant land use policies in the City of Alturas General Plan so the project is considered consistent with this General Plan. For the remainder of the General Plans, Tables 5.11-2 through 5.11-4 show that the project would be consistent with all applicable goals and policies of these respective General Plans.

**Table 5.11-1 Modoc County General Plan Consistency**

Policies or Goals	Consistency
<p><b>Agricultural Land Use Policy 12:</b> Power transmission line corridors should not be located in any productive agricultural area, including exclusive and general agricultural lands or near airports.</p>	<p><b>Consistent.</b> The project would be largely located within existing roadway right-of-way and would not result in any conversion of land, including agricultural lands. One staging area in Modoc County would be located within land mapped by the Farmland Mapping and Monitoring Program (FMMP) as prime farmland. As discussed in Section 5.2, Agriculture and Forestry Resources, APM AG-1 would be implemented for this staging area which would ensure that all temporarily impacted prime, unique, or farmland of local or statewide importance is returned to its former uses and minimize long-term impacts to these farmlands. Therefore, this temporary interference would be considered a less than significant impact. Once constructed, the project would be largely located underground and within existing roadway right-of-way and would result in no impacts to land uses.</p>



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**Table 5.11-2 Lassen County General Plan Consistency**

Policies or Goals	Consistency
<p><b>Goal L-1:</b> To maintain a system of land use designations which sets forth the County’s policies pertaining to the general distribution and intensity of land uses, and which strives to ensure compatibility between land use types by providing for efficient and complimentary patterns and mixtures of land uses.</p>	<p><b>Consistent.</b> The majority of the project would not result in any changes in land use or conflict with any adjacent land uses in the area. As discussed above, the three ILA locations would result in permanent above ground structures that could potentially convert existing land to operation of the new fiber optic line. These new ILA structures would be within previously disturbed areas, and would not result in any substantial conversions or conflicts with adjacent land uses. Once constructed, the majority of the project would be located underground within existing roadway right-of-way and county roads and would not have any potential to conflict with and uses in the study area.</p>
<p><b>Goal L-4:</b> Compatibility between land use types by providing for complementary mixtures and patterns of land uses.</p>	<p><b>Consistent.</b> As discussed above, the project would not result in any changes to land use within the study area except for the three ILA locations which would include permanent above ground structures. These new ILA structures would not result in any substantial conflict existing land uses. Once constructed, the majority of the project would be located underground, within existing roadway right-of-way and county roads and would not conflict with any adjacent land uses.</p>

**Table 5.11-3 Sierra County General Plan Consistency**

Policies or Goals	Consistency
<p><b>Land Use Goal 5.</b> It is the goal of the County to implement development standards which streamline procedures, maximize public involvement, and which protect environmentally sensitive and natural resource industry areas.</p>	<p><b>Consistent.</b> The project would not conflict with any development standards or impact environmentally sensitive and natural resource industry areas. The project would be constructed within existing roadway right-of-way and would not result in any land use changes.</p>

Wetlands Reserve Program Consistency

As discussed in Section 5.11.2, Regulatory Setting, there are several portions of US 395 that pass near WRP lands; however, the project would not directly pass through or conflict with any of these lands. Therefore, the project would result in no impacts related conflict with WRP lands near the project area.

Land and Resource Management Plans Consistency

As discussed in Section 5.11.2, Regulatory Setting, the project area passes near three National Forests: Modoc National Forest, Plumas National Forest, and Humboldt-Toiyabe National Forest, all of which are managed by the USFS. The LRMPs for these National Forests include several goals, standards, and guidelines, particularly for placement of utility lines or infrastructure, such as transmission and electrical lines, and roads within their boundaries. Any new utility lines or intrastate should be limited to areas within previously designated corridors, where possible. The project would be placed within the right-of-way of





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US 395, a previously defined corridor, and would not result in any new corridors within these National Forests. Once constructed, the new fiber optic line would be located underground and would not be visible within the corridor. Therefore, the project would generally be consistent with these LRMPs, and the impact would be less than significant.

### Conclusion

As discussed in the analysis above, the project would be consistent with all plans, policies, and goals that are relevant to the project. Although the project would cross through multiple jurisdictions, CPUC has exclusive jurisdiction over project siting, design, and construction. The project would be constructed within existing roadway right-of-way and would not result in any permanent conversions of land uses or zoning designations and once constructed, the project would be located underground. Therefore, the project would have a less than significant impact related to conflict with plans, policies, and goals.

### **5.11.5 Draft Environmental Measures**

#### **Applicant Proposed Measures**

##### **APM AG-1      Coordination with Agricultural Landowners.**

See Section 5.2, Agriculture and Forestry Resources.



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