

FINAL
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

for the

**Broadwing Communications Services, Inc.
Fiber Optic Expansion Project**

Application No. A00-11-016

Volume III

Lead Agency:

State of California
Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

contact:

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nbp@cpuc.ca.gov

Project Applicant:

Broadwing Communications Services, Inc.
1835B Kramer Lane
Austin, Texas 78758

contact:

Jimmy Smith (512) 742-1399
jimmy.smith@broadwing.com

Environmental Consultant:

EDAW, Inc.
2022 J Street
Sacramento, California 95814

contact:

Francine Demos (916) 414-5800
demosf@edaw.com



January 2002

Section 1

Introduction

The California Public Utilities Commission (CPUC) completed a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Broadwing Communications Services, Inc. California Fiber Optic Cable Projects. CPUC Notices of Availability were mailed to property owners whose properties were crossed or adjacent to properties (including roads, railroads, and highways) crossed by a project route. A Public Notice was published in general circulation newspapers also announcing the availability of the documents for public review in compliance with the California Environmental Quality Act (CEQA). Copies of the document were submitted to the State Clearinghouse, main local libraries and county and city planning departments in project counties, and other appropriate state, county and city agencies. The 30-day review period began on October 9, 2001 and closed on November 9, 2001.

As lead CEQA agency, the CPUC prepared a response to all written comments received during the public review period on the Draft IS/MND. Each comment letter was provided a tracking number and was classified into one of five categories: General Public; Federal, State or Local Agency; or Organization/Special District. Each comment was assigned a number placed along the right edge margin of the letter. This document contains facsimiles of all comment submittals in Section 2, with responses immediately following each submittal.

Summary

The General Public (GP) provided one comment letter to the CPUC addressing the Draft IS/MND. Specific responses to comments are contained in this document following the comment letter.

The Federal Agencies (F) submitted two comment letters, all addressing the Draft IS/MND. Specific responses to these comments are contained in this document, following each comment letter.

The State Agencies (S) submitted two comment letters, all addressing the Draft IS/MND. Specific responses to these comments are contained in this document, following each comment letter.

The Local Agencies (L) submitted three comment letters, all addressing the Draft IS/MND. Specific responses to these comments are contained in this document following each comment letter.

Organizations/Special Districts (O) submitted three comment letters, all addressing the Draft IS/MND. Specific responses to these comments are contained in this document following each comment letter.

Section 2

Comments and Responses

This section contains Table A, which lists each GP, F, S, L, and O tracking number, name of commenter, agency or organization, and number of comments addressed. This section also contains facsimiles of all comment submittals, with responses immediately following each comment submittal.

Table A. General Public, Federal, State, Local Agencies, and Organizations/Special Districts

Letter Number	Commenter	No. of Comments
General Public (GP)		
GP 1	Sandy Starr	1
Federal Agencies (F)		
F 1	U.S. Department of the Interior, Fish and Wildlife Service – Carlsbad Fish and Wildlife Office	12
F 2	U.S. Department of the Interior, Fish and Wildlife Service – Carlsbad Fish and Wildlife Office	4
State Agencies (S)		
S 1	CA Department of Transportation - Planning	1
S 2	CA Department of Fish & Game – South Coast Region	34
Local Agencies (L)		
L 1	City of Ontario	1
L 2	City of Corona, Planning	4
L 3	City of Temecula	5
Organizations/Special Districts (O)		
O 1	Rainbow Planning Group	5
O 2	Metropolitan Water District of Southern California	7
O 3	Riverside County Flood Control and Water Conservation District	1

**GENERAL PUBLIC (GP)
COMMENT LETTERS**

GP 1

GP 1

GroupWise WebAccess Message Item

Page 1 of 1

Mail Message



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From: "Procos, Nicolas" <nbp@cpuc.ca.gov>
To: Francine Demos
Date: Monday - October 15, 2001 4:52 PM
Subject: FW: Broadwing Comm. Serv.
 Mime.822 (3734 bytes) [View](#) [Save As](#)

Hi Francine,

We received this today. Can you address her concerns. Thanx

N

-----Original Message-----

From: GTE/starrs [<mailto:5starrs@gte.net>]
Sent: Tuesday, October 09, 2001 4:14 PM
To: wsm@cpuc.ca.gov
Subject: Broadwing Comm. Serv.

To Whom it May Concern,

Regarding this project in Lake Elsinore/Grand Ave. I have looked at the map provided on your website pertaining to this project, and it seems to cut off the portion of Grand Ave. that my home runs along. I am interested to know just how my property will be affected as I do live on Grand Ave. My address is 30300 Grand Ave. Lake Elsinore, if you could provide more details I would appreciate it.

Sandy Starr

GP 1-1

<http://207.110.38.134/servlet/webacc?action=Item.Read&User.context=pjpxTfqtpiKu&It...> 10/16/2001

RESPONSE TO COMMENTS FROM SANDY STARR (GP 1)

GP 1-1 Prior to construction, Broadwing would be required to obtain local permits from the City of Lake Elsinore which will regulate construction activity. The likely construction method would be to cut a trench in the street, lay the conduit, and restore the street. This is typical of “utility” construction. Where local agencies prohibit asphalt cutting, directional drilling would be employed. This type of utility construction is temporary and is completed quickly, within 1-3 days.

**FEDERAL AGENCY (F)
COMMENT LETTERS**

F 1 – F 2

F 1



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



RECEIVED

JAN - 4 2002

In Reply Refer To:
FWS-LA/SB/WRIV/SD-1074.2

DEC 21 2001

Nico Procos, CPUC Project Manager
c/o EDAW, Inc.
601 University Avenue, Suite 185
Sacramento, California 95825

Re: Broadwing California Fiber Optic Expansion Project (Application 00-11-026)
Los Angeles, San Bernardino, Riverside, and San Diego Counties, California

Dear Mr. Procos:

We received the Initial Study/Mitigated Negative Declaration for the above-referenced project on October 9, 2001. The proposed action is to install fiber optic cables and two regenerator/optical amplification stations along several linear routes across California. Portions of the Los Angeles to Ontario and Ontario to San Diego longhaul routes are within the jurisdiction of our office. We are concerned that the implementation of the proposed action along these routes may adversely affect the federally endangered, threatened, and candidate species listed in Table 1 (enclosed).

We provide the following comments in keeping with our mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. Moreover, we provide comments on public notices issued for a Federal permit or license affecting the Nation's waters pursuant to the Clean Water Act. We also administer the Endangered Species Act (Act) of 1973, as amended. Section 9 of the Act prohibits the "take" (e.g., harm, harass, pursue, injure, kill) of federally listed wildlife. "Harm" is further defined to include habitat modification or degradation where it kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Take incidental to otherwise lawful activities can be exempted under sections 7 (Federal consultations) and 10 (habitat conservation plans) of the Act, or through a special rule under section 4(d) of the Act for federally threatened species.

The Initial Study indicates that the project may require Federal approvals. For example, permits may be required from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act. Also, a California Department of Transportation (Caltrans) encroachment permit may trigger an action by the Federal Highway Administration where the project alignment crosses the interstate highway system. If the proposed project may affect a federally listed species or designated critical habitat, and is authorized, funded, or carried out by a Federal agency, then that agency must consult with us pursuant to section 7 of the Act to ensure that the continued

F 1 (cont.)

existence of the species will not be jeopardized and/or that critical habitat will not be adversely modified. During consultation, measures to avoid or minimize effects to listed species and their habitat will be identified and incorporated into a biological opinion and associated incidental take statement that exempts the Federal agency and applicant(s) from incidental take that may occur during the proposed action. Alternatively, the consultation may be resolved informally if we concur in writing that the project is not likely to adversely affect federally listed species or designated critical habitat. The Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to us under 50 CFR 402.08.

If it is determined that the proposed project does not involve a Federal agency, but is likely to result in the take of a federally listed animal species, then the project proponent should apply for an incidental take permit pursuant to section 10 of the Act. When the application is made, measures to avoid, minimize, and/or mitigate adverse effects to federally listed species and their habitats must be identified and incorporated into a habitat conservation plan. If the habitat conservation plan and the permit application meet the issuance criteria, then the applicant(s) can be exempted from incidental take during the proposed action.

We offer the following recommendations and comments to assist you in avoiding or minimizing potential adverse effects to federally listed species and other sensitive biological resources:

- 1. Every effort should be made to use existing conduits/interducts or partner/cost-share with other telecommunication companies. We understand that Time Warner Telecom is also installing a conduit from Ontario to San Diego and recommend that Broadwing explore a partner/cost-share alternative. F 1-1

- 2. According to the Initial Study, the applicant has committed to avoiding impacts to sensitive biological resources. We support this approach but caution that the California Natural Diversity Database should not be used as a substitute for ground-level biological surveys and habitat assessments because it is not comprehensive and the data often lacks adequate precision for project-specific analyses. If habitat for federally listed species occurs along the proposed routes, then we recommend that protocol surveys be conducted to assess if these areas are occupied. If any federally listed species are detected during these surveys, then the project proponent(s) and/or lead Federal agency should contact our office prior to any vegetation- or ground-disturbing activities to discuss procedures for complying with the Act. F 1-2

- 3. Efforts should be made to attach the fiber optic cable to bridges wherever possible, especially when crossing major drainages such as the San Luis Rey and Santa Ana Rivers. Where this is not possible, fiber optic cable should be installed by boring under drainages with sensitive biological resources. Boring activities should take place between October 1st and January 15th to avoid effects to native nesting birds. Also, the proposed project should implement boring activities in such a manner that no impacts to federally listed species will result from either a frac-out or the resulting clean up of the disturbed area. We recommend that an emergency response plan be developed that addresses each F 1-3

F 1 (cont.)

- directional bore and includes the following information: 1) identification of bore sites that would be cleaned using vacuum trucks and sensitive areas that would be cleaned by hand; 2) identification of equipment that would be kept on site; 3) identification of bore site staging areas; 4) identification of containment equipment and procedures for placement; 5) phone numbers for specific resource agency personnel such as the Regional Water Quality Control Board, California Department of Fish and Game, and our office; and 6) a schedule of actions to be taken in the event of a frac-out. While drilling under- or up-stream from sensitive habitats, no toxic substances should be added to the bentonite mixture. The response plan should include conservation measures that will be implemented (e.g., compensation for habitat disturbance) if frac-outs occur. ↑
F 1-3
4. We request specific data regarding habitats along the project alignment, including an estimate of the total amount of various habitat types likely to be disturbed and proposed conservation measures to minimize the potential adverse effects of these disturbances. F 1-4
5. The project proponent should propose conservation measures to avoid or minimize adverse effects to federally listed and other sensitive species and vegetation communities. For example, the following conservation measures have been used on other similar projects to avoid or minimize adverse effects to arroyo toads: 1) preconstruction sweeps of the construction area within 24 hours prior to construction; 2) setbacks from all riparian areas of no less than 150 feet from riparian habitat; 3) no construction or transportation to or from the construction site after dark; 4) a qualified biologist will be on hand to remove toads from harms way; 5) access to construction-sites will use existing routes; 6) a water pollution/erosion control plan will be developed; 7) equipment storage and fueling will be located away from any suitable habitat; and 8) pollution control measures will be always in place during construction. F 1-5
6. The proposed project alignment along Milliken Avenue in Ontario is adjacent to mapped Delhi Sands known to be occupied by the federally endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*). The fiber optic cable should be installed within the paved street surface along this portion of the route to avoid any disturbances to Delhi Sands. Also, no sand areas should be used for staging, parking, equipment lay-down, or piling soils. Proposed mitigation measure B-5 appears adequate to identify, mark, and avoid areas of sensitive Delhi Sands habitat. F 1-6
7. The project is within the historic range of the San Bernardino kangaroo rat (*Dipodomys merriami parvus*). The species is known to occur east of the I-15 freeway in the Ontario area and has persisted in disturbed and fragmented portions of this area where they were not previously known or expected. Thus, we recommend that protocol live-trapping surveys be conducted where the proposed cable alignment encroaches into habitat for this species to assess if these areas are occupied. F 1-7
8. The proposed Tranquil Lane OP-AMP station on the northwest corner of Tranquil Lane and Grand Avenue near Lake Elsinore is within one mile of a population of spreading navarretia (*Navarretia fossalis*). If habitat for spreading navarretia occurs in the proposed ↓
F 1-8

F 1 (cont.)

Nico Procos, CPUC Project Manager (FWS-LA/SB/WRIV/SD-1074.2)

4

project impact area, then we recommend that focused surveys be conducted for this species.

↑ F 1-8

9. Noise and vibration associated with construction and maintenance may harass southwestern willow flycatchers (*Empidonax traillii extimus*), least Bell's vireos (*Vireo belli pusillus*), or other federally listed species within the project action area by significantly disrupting their essential behavior patterns. Flycatchers and vireos use their hearing to locate their young and mates, establish and defend territories, and locate and evade predators. As a result, we recommend that construction and maintenance activities be conducted outside the breeding season in areas adjacent to habitat for flycatchers and vireos. If construction or maintenance activities must occur during the breeding season in these areas, then noise abatement measures should be implemented and biological monitors should be employed to ensure noise levels do not exceed 60 decibels in or near habitat. Based on the best available scientific information, 60 decibels (averaged hourly) appears to be a practical threshold above which significant adverse impacts to the vireo might occur.

F 1-9

10. The Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C. F. R. Sec. 10.13) prohibits impacts to native nesting birds. Also, the Bald and Golden Eagle Protection Act of 1940, as amended, prohibits the take of any bald or golden eagle, including any part, nest, or egg. Please contact our law enforcement office at (310) 328-1516 if any such impacts cannot be avoided.

F 1-10

11. If seeding is used as an erosion and sediment control measure, then a native seed mix should be used rather than fast growing annual grass seed to prevent introduction of invasive non-native grasses. This seed mix should consist of native seed collected from the region where seeding is proposed to prevent hybridization of native plants with closely related individuals from distinct populations.

F 1-11

12. Hand holes should be located more than 200 feet from sensitive habitats or edges of riparian areas.

F 1-12

We appreciate the opportunity to provide comments on the proposed action and are available to work with you to avoid or minimize adverse impacts to federally listed and other sensitive species. If you have any questions or comments regarding this letter, then please contact Sally Parry or Doug McPherson of my staff at (760) 431-9440.

Sincerely,



Karen A. Evans
Assistant Field Supervisor

Enclosure

F 1 (cont.)

Nico Procos, CPUC Project Manager (FWS-LA/SB/WRIV/SD-1074.2)

5

cc: Jeff Drongeson (CDFG, Chino Hills)
Bill Tippetts (CDFG, San Diego)
Antal Szijj (ACOE, Seven Oaks)

F 1 (cont.)

Table 1. Listed Endangered, Threatened, and Proposed Species that May Occur on the Proposed Broadwing California Fiber Optic Expansion Project.

Common Name	Scientific Name	Status
<u>BIRDS</u>		
coastal California gnatcatcher	<i>Polioptila californica californica</i>	T
least Bell's vireo	<i>Vireo belli pussillus</i>	E
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	C
<u>MAMMALS</u>		
San Bernardino kangaroo rat	<i>Dipodomys merriami parvus</i>	E
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	E
<u>PLANTS</u>		
slender-horned spineflower	<i>Dodecahema leptoceras</i>	E
Munz's onion	<i>Allium munzii</i>	E
Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. crassifolia</i>	E
marsh sandwort	<i>Arenaria paludicola</i>	E
Braunton's milk-vetch	<i>Astragalus brauntonii</i>	E
Encinitas baccharis	<i>Baccharis vanessae</i>	E
Nevin's barberry	<i>Berberis nevinii</i>	E
Santa Ana River wooly-star	<i>Eriastrum densifolium ssp. sanctorum</i>	E
Mexican flannelbush	<i>Fremontodendron mexicanum</i>	E
Willowy Monardella	<i>Monardella linoides ssp. viminea</i>	E
Gambel's water cress	<i>Rorippa gambelii</i>	E
Otay tarplant	<i>Deinandra conjugens</i>	T
spreading navarretia	<i>Navarretia fossalis</i>	T
Parish's Checkerbloom	<i>Sidalcea pedata</i>	C
<u>AMPHIBIANS</u>		
arroyo toad	<i>Bufo microscaphus californicus</i>	E, DCH
California red-legged frog	<i>Rana aurora draytoni</i>	T
<u>INSECTS</u>		
Delhi Sands flower-loving fly	<i>Rhaphiomidas terminatus abdominalis</i>	E
Quino checkerspot butterfly	<i>Euphydryas editha quino</i>	E, PCH
<u>FISH</u>		
Santa Ana sucker	<i>Catostomus santaanae</i>	T

T = Threatened PT = Proposed Threatened DCH = Designated Critical Habitat C=Candidate
 E = Endangered PE = Proposed Endangered
 PCH= Proposed Critical Habitat

**RESPONSES TO COMMENTS FROM THE U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE – CARLSBAD FISH AND WILDLIFE OFFICE (F 1)**

- F 1-1 Comment is noted. Please see responses to comments S 2-15 and O 1-1.
- F 1-2 Comment is acknowledged. Pre-construction surveys are included in various mitigation measures in the IS/MND (e.g., Mitigation Measure B-6: **Avoid Occupied Least Bell’s Vireo Habitat during the Nesting Season, and Implement Protection Measures, if Necessary**).
- F 1-3 Comment is noted. Please see the second paragraph of the response to comment S 2-15 to California Department of Fish & Game (DFG), which addresses the USFWS’ concerns regarding boring and the potential for frac-outs.

Additionally, Table 3.3-1 in the draft Mitigation Monitoring Plan (MMP) (Appendix D of Volume II of the IS/MND) lists exclusion periods for sensitive species. The exclusion periods were modified as follows between the Draft and Final IS/MNDs in response to comments received from the DFG:

Species	From	To
Raptors (in general including Swainson’s Hawk)	March 1 February 1	August 31 July 31
Swainson’s Hawk	April 1	August 30
Delhi Sand Flower-Loving Fly	August 1	September 30
Least Bell’s Vireo	April 10	July 31 September 15
Willow Flycatcher	May 15	July 17 August 31
Riparian bird species (in general)	April 1 March 1	July 31
California Gnatcatcher	February 1	August 30
Quino Checkerspot Butterfly	Mid. January	Late April

- F 1-4 USFWS’ concern regarding specific habitat data is noted and is addressed in the response to comment S 2-5.
- F 1-5 The IS/MND includes mitigation measures (i.e. conservation measures) for all sensitive species that might be affected by the proposed project (Mitigation Measure B-2 addresses burrowing owl; Mitigation Measure B-5 addresses Delhi sands flower-loving fly, Mitigation Measure B-6 addresses least Bell’s vireo, etc.). Regarding specific conservation measures for the arroyo toad, most of the recommendations suggested by USFWS are already included in Mitigation Measure B-11: Avoid Arroyo Toad Habitat and Implement Protection Measures, or elsewhere in the document. For example, in response to the commenters suggested conservation measures 1) and 5); Mitigation Measure B-11 states “In addition, qualified biologists shall evaluate the construction zones each morning to determine if toads have entered the area. If toads

are discovered in construction areas, the USFWS shall be contacted and toads removed before restarting construction.” Mitigation Measure B-11 was written, in part, based on technical assistance from USFWS (Patrice Ashfield, pers. comm.; see IS/MND for full reference). Implementation of this mitigation measure, as well as others in the IS/MND, is considered sufficient to prevent take of arroyo toad and other listed species.

- F 1-6 Comment noted. We appreciate USFWS’ concurrence that Mitigation Measure B-5 is adequate to avoid Delhi sands flower-loving fly habitat.
- F 1-7 Comment is acknowledged. Please see response to comment S 2-13, which addresses USFWS’ concerns.
- F 1-8 The spreading navarretia is found in vernal pool, marsh, and playa habitats. The Tranquil Lane OP-AMP site does not contain any aquatic habitats. Also, all OP-AMP sites will be sited to avoid wetlands. Therefore, no suitable habitat for the spreading navarretia, or populations of the plant, would be affected by project OP-AMP installation.
- F 1-9 Concerns expressed by the USFWS regarding least Bell’s vireo and southwestern willow flycatcher are addressed in Mitigation Measures B-6: **Avoid Occupied Least Bell’s Vireo Habitat during the Nesting Season, and Implement Protection Measures if Necessary** and B-7: **Avoid Occupied Southwestern Willow Flycatcher Habitat during the Nesting Season and Implement Protection Measures if Necessary**. These mitigation measures incorporate the suggestions made by USFWS.
- F 1-10 Comment is noted. Actions violating the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act, as they apply to special-status bird species and raptors, will be avoided through implementation of various mitigation measures included in the IS/MND developed for these species. The IS/MND does not specifically address circumstances where nests of common migratory birds may be affected by project activities (e.g., disturbing an American robin nest during installation). However, affects on common migratory bird species are often not addressed in CEQA documents, or are not considered significant. The USFWS enforcement office also seldom takes an interest in impacts to common species. Mitigation measures for migratory birds and raptors for which the USFWS enforcement office has typically shown a concern are included in the IS/MND. However, if any circumstances occur in the field where a potential violation of the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act cannot be avoided, USFWS (and typically DFG) will be contacted.
- F 1-11 Please see response to comment S 2-28, which addresses the commenter’s concern regarding seed mixes.
- F 1-12 Comment noted. Although there is a certain amount of flexibility available in placement of most handholes, in some instances a handhole is required in a particular

location. For example, where there is a distinct turn in the route, two cable segments must be spliced, requiring a handhole. Handholes are often also required at the entry and exit points of directional bores. Placement of handholes in the vicinity of sensitive areas will be minimized. However, a 200-foot setback from sensitive areas will not always be possible. The IS/MND does require a minimum 25-foot buffer between ground disturbing activities and streams, riparian habitat, and vernal pools. This minimum setback, coupled with implementation of other mitigation measures in the IS/MND, is considered sufficient to prevent significant impacts to sensitive biological resources.

F 2

Following are additional comments from the USFWS Carlsbad Office to Nicolas Procos, CPUC, transmitted by e-mail:

>>> "Procos, Nicolas" <nbp@cpuc.ca.gov> 01/10/02 12:14PM >>>

- | | |
|--|-------|
| 1) Have exclusion times and avoidance been established for breeding periods for:

-Gnatcatcher
-LBV
-Southwest Willow Flycatcher | F 2-1 |
| 2) Boring and trenching in drainages with riparian habitat need to be excluded as they may host various sensitive species (ie: Red-legged frog) | F 2-2 |
| 3) If drainages are going to be trenched and/or bored this would trigger an ACOE permit and Federal consultation (Section 404, I believe). Has this been contemplated? | F 2-3 |
| 4) Has there been an impact analysis to Coastal Sage Scrub loss? (ie acreage) | F 2-4 |

Let me know the answers or where these have been addressed in the document, especially the exclusion times (1-above).

If you have questions please feel free to call Sally Parry at USFWS (760 431 9440)

RESPONSES TO COMMENTS FROM THE U.S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE (F 2)

F 2-1 The exclusion periods for the California gnatcatcher, least Bell's vireo (LBV), and the southwestern willow flycatcher are identified in various mitigation measures contained in the IS/MND:

- For the California gnatcatcher, they are provided in Mitigation Measure B-9.
- For least Bell's vireo, see Mitigation Measure B-6.
- For the southwestern willow flycatcher, see Mitigation Measure B-7.

Additionally, Table 3.3-1 in the draft MMP (Appendix D of Volume II of the IS/MND) also summarizes these exclusion periods. The exclusion periods were modified as follows between the Draft and Final IS/MNDs in response to comments received from the DFG. Please see response to comment F 1-3 for the revised table.

F 2-2 Mitigation Measure B-12 addresses potential impacts to special-status aquatic species (fish and amphibians). Trenching will not occur where these species may be present. However, if boring were also excluded it might not be possible to cross many drainages along the project route. Mitigation Measure B-12 includes actions to minimize to less-than-significant levels/avoid potential impacts associated with boring (e.g a frac-out) so that special-status aquatic species will not be affected. These actions are considered sufficient to allow boring to be used as a construction method for stream crossings.

F 2-3 The need for a Section 404 of the Clean Water Act permit from the U.S. Army Corps of Engineers (USACE) for trenching activities is considered in the IS/MND (see mitigation B-16). However, no USACE permit is needed for directional boring. The USACE has stated that they do not take jurisdiction over directional boring activities since there is no planned dredge or fill associated with this activity. Although a frac-out could be considered release of fill into a wetland, this is not a planned activity, and Section 404 does not provide opportunities to permit unintended actions that may or may not happen (i.e. Section 404 does not provide permits for potential accidents). However, the USACE will be contacted if a frac-out occurs in a jurisdictional area.

F 2-4 On page 4-25 of the Draft IS/MND (Volume I), 2nd paragraph of the Diegan Coastal Sage Scrub section, it is stated that "Diegan coastal sage scrub occurs at various locations along the southern portion of the route (Ontario to San Diego) in San Diego County. However, the proposed cable route is within the existing right-of-way or paved roadway in areas supporting this vegetative community, and direct impacts on this association are not anticipated." No losses of coastal sage scrub habitat are expected as part of the proposed project.

**STATE AGENCY (S)
COMMENT LETTERS**

S 1 – S 2

DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING – MS 32
1120 N STREET
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
Telephone (916) 653-9689
Fax (916) 653-1447



November 7, 2001

Mr. Nicolas Procos
c/o California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Subject: California Department of Transportation Review of State Clearinghouse (SCH) #2001102054
for the Broadwing Communications Services, Inc., California Fiber Optic Expansion Project

Dear Mr. Procos:

Thank you for the opportunity to review this State Clearinghouse document. The California Department of Transportation (CDOT) has reviewed this document with the CDOT headquarters Division of Structures Hydraulics, and the intergovernmental review branches in District 4 (Oakland), District 7 (Los Angeles), District 8 (San Bernardino), and District 11 (San Diego). Any encroachment in CDOT right of way will require a CDOT encroachment permit. Timely application for encroachment permits must be made to the District Encroachment Permit Engineer having jurisdiction. District jurisdictions are shown on the attached map. Sufficient time must be allowed for the Permit Engineer and permit reviewing branches to review the project and its impacts to CDOT right of way. These reviews might indicate the need for additional studies and clearances. The permit applicant must submit the project's California Environmental Quality Act (CEQA) documentation with their permit application. The applicant is responsible for quantifying impacts and for completing appropriate mitigation measures. The applicant is also responsible for procuring any necessary permits and/or improvements within CDOT right of way. Additionally, any transport of oversized vehicles or operation of over weight vehicles on CDOT right of way will require a CDOT transportation permit. The Department recommends that large truck trips be limited to off-peak commute hours. If you have questions concerning these comments, please call me at (916) 653-9689.

S 1-1

Sincerely,

William J. Costa, Manager
CDOT Intergovernmental
Review Program

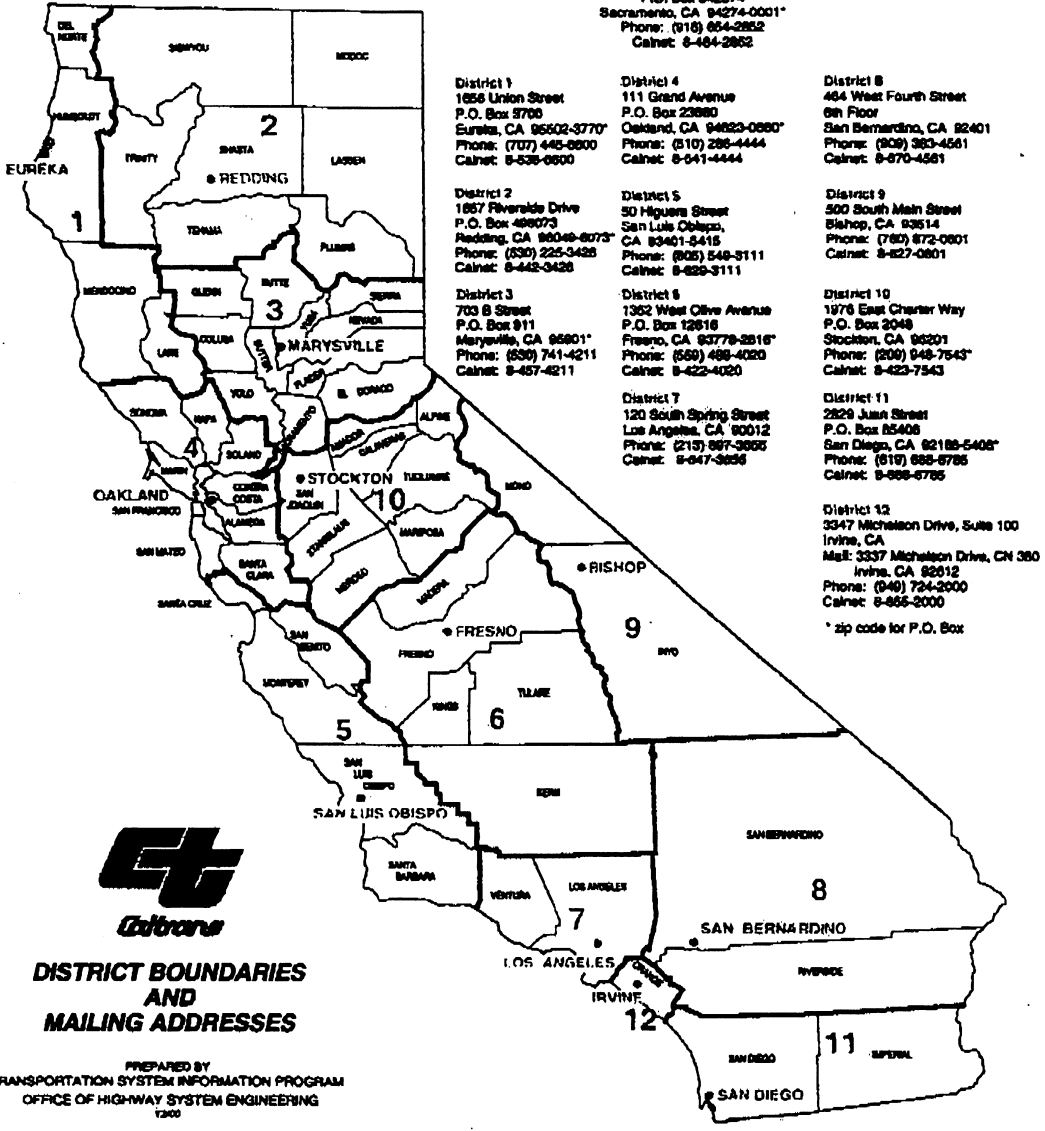
Attachment

cc: Katie Shulte Juong, SCH# 2001102054
Lu Salazar, D-11, Plng. Studies, IGR
Steve Buzwell, D-7, Adv. Plng., IGR/CEQA 1-10G
Romeo Balanza, D-8, IGR/MS 726
Jean Finney, D-4, IGR/CEQA, MS 8E
Nick Burmas, HQ Structures Hyd.

S 1 (cont.)

STATE OF CALIFORNIA
Business, Transportation and Housing Agency
 Department of Transportation

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 OFFICE OF HIGHWAY SYSTEM ENGINEERING
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**RESPONSE TO COMENTS FROM THE DEPARTMENT OF TRANSPORTATION –
TRANSPORTATION PLANNING (S 1)**

S 1-1 Mitigation Measure T-1 on page 4-93 of the Draft IS/MND states that Broadwing will prepare and implement a Traffic Management Plan in accordance with Caltrans. Broadwing will ensure compliance with the conditions of all encroachment permits and shall provide copies of all required traffic plans and permits to the CPUC before construction begins.

In response to the comment, Mitigation Measure T-1 has been modified as follows:

Mitigation Measure T-1: Prepare and Implement a Traffic Management Plan in Accordance with Caltrans and Local Agency Encroachment Permit Criteria. Broadwing shall prepare and implement a Traffic Management Plan that shall include operational and demand management strategies designed to maintain acceptable levels of traffic flow during periods of construction activities, in accordance with Caltrans or other applicable local regulatory agency directives. The Traffic Management Plan shall be approved by the CPUC and submitted for approval by each local jurisdiction requiring an encroachment permit. Applications for encroachment permits shall be prepared in accordance with each applicable jurisdiction's criteria and shall be submitted with sufficient lead time for the applicable regulatory agency Permit Engineer and/or permit review branches to review the project and its impacts to the applicable right-of-way. If these reviews require additional studies and clearances, Broadwing will conduct the studies and obtained the necessary clearances through close coordination with the CPUC. At a minimum, the Traffic Management Plan and encroachment permit applications shall address the following elements associated with the proposed construction activities:

- maintenance of adequate emergency access, public transit services, and parking availability;
- maintenance of adopted traffic service standards;
- measures to ensure no substantial deterioration of the roadway surface; ~~and~~
- creation of potential traffic obstructions or public and worker safety hazards; and
- measures to ensure traffic and bicycle safety.

Encroachment permits shall also deal with issues such as lane closures, access, staging areas, and vehicular parking. Traffic control measures, such as the placement of warning signs, the use of traffic control personnel when appropriate, and coordination with local emergency response providers, shall be implemented. Broadwing shall comply with all applicable conditions of approval outlined in the state and local road encroachment permits and shall provide copies of all required traffic plans and permits to the CPUC before construction begins.

Caltrans will require that the project's CEQA documentation be submitted with the permit application. Additionally, any transport of oversized vehicles or operation of over weight vehicles on Caltrans right-of-way will require a Caltrans transportation

permit. Large truck trips will be limited to off-peak hours. Additionally, traffic control and hours of operations will be subject to the review and approval of each applicable local regulatory agency. Nighttime and/or weekend work may be required on the congested portions of master planned streets.

DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
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November 19, 2001

Mr. Nicolas Procos
California Public Utilities Communications
5050 Van Ness Avenue
San Francisco, CA 94192

RE: Mitigated Negative Declaration Proposed Broadwing Communications Services, Inc., California
Optic Expansion Project (SCH# 2001102054)

Dear Mr. Procos:

The California Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced draft Mitigated Negative Declaration and supporting Initial Study (IS/MND) and Technical Appendices with regards to impacts of the proposed project on biological resources. On November 7, 2001, you extended the comment period for the Department from the State Clearinghouse's due date of November 9, 2001, to November 16, 2001. On November 16, 2001, you granted the Department an additional extension until November 19, 2001. We appreciate the extensions.

The proposed project would install small-diameter high-density polyethylene conduits carrying fiber optic cables along several linear routes in California. Two portions of the proposed installation routes are within the Department's South Coast Region (Region 5) and Eastern Sierra-Inland Desert Region (Region 6): the Los Angeles to Ontario Longhaul Route, and the Ontario to San Diego Longhaul Route. In addition, two regenerator/optical amplification stations (OP/AMP) are proposed for construction along the Ontario to San Diego Longhaul Route, one near Lake Elsinore in the community of Wildomar (Riverside County) and the other just south of the Riverside/San Diego county boundary line in the community of Rainbow. Both would be located adjacent to the fiber right-of-way. Each station would include one 12-foot by 27-foot pre-cast concrete building, access road, driveway and parking areas, generator/fuel tank, fiber optic manholes and handholes, and perimeter fencing (entire fenced area of 34 feet by 85-feet).

The Department is responding as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15386, and as a Responsible Agency regarding any discretionary actions pursuant to CEQA Guidelines section 15381. The Department, as a Trustee Agency, has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. The Department, as a Responsible Agency, is required to actively participate in the CEQA process and review and use the Lead Agency's CEQA documents when making a decision on the project (CEQA Guidelines Sec. 15096).

The Department offers the following comments and recommendations to assist the California Public Utilities Commission (CPUC) and the project Applicant in avoiding or minimizing potential impacts to sensitive native plants and wildlife.

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General Comments

1. The Department has concerns regarding the potential project-related impacts to biological resources. The project has the potential to negatively affect several sensitive species and habitats. Species that may be affected include: Stephen's kangaroo rat (*Dipodomys stephensii*, ST¹ and FE), San Bernardino kangaroo rat (*Dipodomys merriami parvus*, CSC and FE), least Bell's vireo (*Vireo bellii pusillus*, SE and FE), southwestern willow flycatcher (*Empidonax traillii eximius*, SE and FE), yellow-billed cuckoo (*Coccyzus americanus occidentalis*, SE), burrowing owl (*Athene flammeus*, CSC), arroyo toad (*Bufo microscaphus californicus*, CSC and FE), California red-legged frog (*Rana aurora draytonii*, CSC and FT), arroyo chub (*Gila orcitti*, CSC), Santa Ana sucker (*Catostomus santaanae*, CSC and FT), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*, SE, FE, and FPS), Mojave tui chub (*Gila bicolor mohavensis*, SE, FE, and FPS), and several raptor species (including the burrowing owl). S 2-1
2. The Department's review and comments on the IS/MND are based on the project description provided in the draft IS/MND and the assumption that the mitigation measures as described in the IS/MND and the Draft Mitigation Monitoring Plan (Appendix D to the IS/MND; MMP). If either the project description (e.g., route, access, staging areas) or the mitigation measures to be implemented change, we recommend that the CPUC inform the Department's appropriate Regional Office (Attn: CEQA Review Staff). If the project significantly changes, a revised CEQA document may need to be re-circulated for public review and comment. S 2-2
3. The IS/MND indicates that sensitive resources will be avoided for the most part (Avoidance of Sensitive Resources, page 2-16). However, neither the IS/MND nor the Technical Appendices provide criteria used to determine which biological resources are sensitive. We are concerned about the implications of this. For example, Table 1 in the Wetland Determination (Appendix I to the IS/MND), which is entitled "Proposed Stream Crossings and Construction Methods," proposes trenching as the construction method in some drainages that are identified as having "disturbed riparian habitat." The determination of sensitivity should not be based solely on the quality and/or density of the habitat present (e.g., drainages sparsely populated with willow and dominated by tamarisk may be occupied by least Bell's vireo even though the habitat may seem marginally suitable for this species). The determination of sensitivity should include consideration of not only listed species, but all species identified as sensitive by the State and Federal agencies (e.g., California Species of Special Concern, CSC), and all migratory birds and raptors. In general, the Department considers impacts to riparian resources to be potentially significant unless mitigated to a level of less than significant. Therefore, the Department recommends that riparian resources be avoided wherever possible, and that any unavoidable impacts be minimized. The final IS/MND should clarify how resources are determined to be sensitive/nonsensitive. Furthermore, impacts to any riparian habitat whether disturbed or not, should be mitigated to a level of less than significant, which should include, at a minimum, on-site restoration, and possible additional mitigation depending on quantity, quality, wildlife usage, and water quality functions and values. S 2-3
4. The mitigation measures in the IS/MND and the MMP address primarily requirements for surveys, and secondarily avoidance and minimization methods. The mitigation measures lack proposed actions to compensate for any impacts that may occur. The final IS/MND and MMP should propose S 2-4

1 SE = State listed as endangered; FE = Federally listed as endangered; ST = State listed as threatened; FT = Federally listed as threatened; CSC = California Species of Special Concern; FPS = Fully Protected Species.

federally listed as threatened; CSC = California Species of Special Concern; FPS = Fully Protected Species.

S 2 (cont.)

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compensatory mitigation (e.g., mitigating for temporary or permanent impacts on wetlands or grasslands at specified mitigation ratios) for impacts that are reasonably foreseeable or have a possibility of occurring. Any proposed creation or restoration/enhancement proposed as mitigation for loss of habitat should include plans prepared by persons with expertise in southern 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; (c) a schematic depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the entity(ies) that will guarantee achieving the success criteria and provide for conservation of the mitigation site in perpetuity.

S 2-4

5. Where the project route has not been determined at this time but may change, it is infeasible to analyze the impacts that would be associated with a modified alignment. Therefore, the Department has no basis by which to assess the adequacy of the proposed mitigation measures because impacts resulting from alternative routing are not known. The Department requests more specific data regarding habitats along the final project alignment including an estimate of the total amount of various habitat types likely to be impacted, and compensation ratios for any unavoidable impacts to natural habitats. Additional information should be provided to the appropriate Regional Office.

S 2-5

6. Page 3-6 of the MMP states, "construction activities will be scheduled so as not to interfere with the reproductive cycles of sensitive plant and animal species." However, the balance of the document dismisses this statement and proposes measures for application during the breeding season (e.g., exclusion zones).² Proposed project activities such as vegetation removal and construction noise and lighting have the potential to directly impact many bird species if conducted during the breeding season. The priority should be to restrict construction in and/or adjacent to wildlife usage areas during the breeding season, and to direct construction during these periods to areas where there is no significant wildlife usage. This would achieve avoidance of indirect (construction noise and lighting) and direct impacts on State- and Federally-listed, and other sensitive avian species.

S 2-6

The final IS/MND and MMP should provide criteria for how it will be determined whether construction is necessary during the breeding season.

S 2-7

7. The Department cannot concur with the CPUC's determination that impacts to riparian habitat and associated species are "less than significant after mitigation" without knowing what the impact will be (because of uncertainty about the installation routes) and without providing compensation for the impacts (no actual mitigation proposed for potential impacts). Any unavoidable impacts to streams and their associated habitats must be compensated for by mitigation. The mitigation measures (e.g., measure B-16) in the IS/MND and MMP for streams/wetlands defer determination of mitigation requirements to the permitting process with the U.S. Army Corps of Engineers (Corps), the Department, and the Regional Water Quality Control Board. While mitigation may be required as conditions of permits, the CEQA documentation should contemplate and propose mitigation for potential loss of habitat. Accordingly, the Department recommends that the CPUC add the following

S 2-8

² There are several proposed mitigation measures entitled "Avoid Occupied [species] Habitat during the Nesting Season, and Implement Protection Measures, if Necessary." However, the focus is not on refraining from construction in potentially occupied areas during the breeding season. Instead, these measures focus on surveys needed in potentially occupied areas, and protection measures to be implemented, should construction occur during the breeding season.

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mitigation measure in the final IS/MND and MMP:

Any unavoidable impacts to State jurisdictional streams and associated habitats (including, but not limited to, southern willow scrub, coast live oak riparian forest, cottonwood-willow riparian forest, sycamore alder riparian forest and southern willow riparian forest) shall be compensated for with the creation and restoration/enhancement of in-kind habitat either on site or off site at a minimum 3:1 replacement-to-impact ratio (with a minimum of a 1:1 creation component). If listed species utilize, or may utilize the site, the mitigation requirements may be higher (e.g., 5:1 ratio).

S 2-8

8. The project may conflict with regional plans in San Diego and Riverside counties. Of particular concern is the proposed routing in no-take and core reserve areas. The current discussion does not adequately address this issue. The potential impacts on the Riverside Stephens kangaroo rat plan area should be analyzed.

S 2-9

9. If, as the CEQA documentation indicates, impacts on special status species (including State-listed species) could occur, the Applicant must consult with the Department (and U.S. Fish and Wildlife Service [USFWS] for Federally-listed species) to incorporate any avoidance and minimization measures and compensation for unavoidable impacts. To avoid delays in permitting, we recommend early consultation with the Department (and USFWS) to discuss potential avoidance and minimization measures and appropriate compensation for unavoidable impacts.

S 2-10

If there are State-listed species that may be affected, the Applicant may need an Take Permit from the Department under Section 2081 of the California Endangered Species Act (CESA).³ However, for species that are both State- and federally-listed, the Department will consider the issuance of take authorization pursuant to Section 2080.1 of CESA, in concurrence with the USFWS' Biological Opinion issued pursuant to Section 7 consultation or Section 10 under the Federal Endangered Species Act.

S 2-11

10. Under Section 3511, which lists Fully Protected avian species, Fully Protected birds or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research and

S 2-12

3 A CESA Incidental Take Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. The Department, as a Responsible Agency under CEQA, may consider the CPUC's IS/MND for the project. Revisions to the Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document 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. For these reasons, a biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit should be included in the final IS/MND. To minimize additional requirements by the Department under CEQA, the IS/MND should fully identify the potential impacts (direct and indirect) to sensitive species and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the CESA Permit. All potential direct and indirect impacts to Endangered Species should be analyzed and discussed in the final IS/MND. Otherwise, a subsequent CEQA document will be required prior to the issuance of any CESA permits.

S 2 (cont.)

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may authorize the live capture and relocation of such species pursuant to a permit for the protection of livestock. Legally imported fully protected birds or parts thereof may be possessed under a permit issued by the department. Among the 13 Fully Protected bird species are the American peregrine falcon (*Falco peregrinus anatum*), and the white-tailed kite (*Elanus leucurus*), both of which have the potential to occur within the project footprint. In addition, under Section 5515 of the Fish and Game Code lists as Fully Protected (take must be avoided) fish species the unarmored threespine stickleback and the Mojave tui chub, both of which occur in the Santa Ana River. The final IS/MND does not provide adequate measures to comply with these sections of the Fish and Game Code.

S 2-12

11. Focused surveys should be conducted for the Stephens kangaroo rat (SKR) and San Bernardino kangaroo rat (SBKR) in areas where the proposed alignment encroaches into habitat areas suitable for these species to determine if they occur on site. The presence of SBKR and SKR is difficult to discern without trapping surveys. To determine if SKR and/or SBKR are present, the Department recommends that focused surveys on the site be conducted according to USFWS protocol. Results of the focused surveys should be included in the IS/MND. In the absence of focused protocol surveys, project impacts to these species, and appropriate avoidance, minimization, and mitigation measures, cannot be adequately evaluated under CEQA. Impacts to either of these species would be considered significant under CEQA unless mitigated to a level of less than significant. Any impacts to either of these species would require compensation for impacts.

S 2-13

12. Suitable habitat for burrowing owl occurs along the proposed route. Project activities could result in take of burrowing owl. Burrowing owl is a CSC because of the decline in suitable habitat in both localized and statewide population declines. The burrowing owl is protected under the Federal Migratory Bird Treaty Act of 1918 (50 C.F.R. Section 10.13). Under Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31). No disturbance should occur within 250 feet of occupied burrows during the nesting season.
2. No disturbance should occur within 150 feet of occupied burrows during the non-breeding season (September 1 to January 31).
3. If destruction of occupied burrows is unavoidable, and if owls are not nesting, the project proponent can implement a one-way door exclusion method according to Department protocols, then collapse the burrow, and mitigate for the loss of the burrow and associated foraging habitat. As mitigation, a minimum of 6.5 acres of foraging habitat per pair, or unpaired resident bird impacted by the project, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat, at a location acceptable to the Department.

S 2-14

13. On page 2-17, the IS/MND indicates that, at all streams that provide important habitat, contribute significantly to water quality, or support aquatic listed species or those identified as sensitive, the conduit encasing the fiber optic cable will be installed by boring under the drainage or by attaching the cable to bridges. Trenching would not be used. The Department agrees impacts would be reduced by boring instead of trenching. However, boring could result in frac-outs and sensitive species such as the Santa Ana sucker, arroyo chub, and arroyo toad could be impacted as a result. Frac-outs commonly occur during directional drilling (boring) under streams. Because it is difficult to predict where frac-outs may occur and where to deploy measures to prevent them from causing

S 2-15

S 2 (cont.)

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harm, in many cases frac-outs have resulted in harm to sensitive aquatic resources. Therefore, to avoid sensitive aquatic resources, the Department recommends that no trenching or boring occur when crossing drainages with sensitive habitats and/or where sensitive aquatic species (e.g., fish, frogs, toads) have been observed or have the potential to occur. The order of priority at these locations, should be: 1) to use existing conduits/interduct; 2) partner/cost-share with other telecommunication companies (e.g., Time Warner Telecom is installing a conduit from Ontario to San Diego); 3) hang the conduits from existing bridges or other crossings whenever feasible (we recommend re-routing the project as necessary to locate the route at an existing structures)⁴; 4) boring.

S 2-15

14. Because the project will impact (or have a high potential to impact) streams and/or associated habitat, the Applicant will be required to notify the Department for a Streambed Alteration Agreement (SAA), pursuant to Section 1600 *et seq.* of the California Fish and Game Code. The Department's issuance of a SAA 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, may consider the CPUC's (Lead Agency) IS/MND for the project. However, if the IS/MND does not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the SAA. In order to avoid delays or repetition of the CEQA process, potential impacts to a lake or stream, as well as avoidance and mitigation measures should be discussed within the CEQA document. When submitting your notification package for a SAA, in addition to what is provided in the IS/MND, the Department recommends including the following:

S 2-16

1. which method will be utilized (e.g. boring, trenching, etc.) to cross each drainage;
2. estimate the total amount of various habitats likely to be impacted;
3. photos for each drainage crossing;
4. include any potential sensitive species present at each crossing (based on habitat type and existing information);
5. proposed mitigation to compensate for impacts to sensitive habitats (e.g., riparian). The Applicant and Lead Agency should keep in mind that the State also has a policy of no-net-loss of wetlands. The Department recommends that the project Applicant and/or Lead Agency consult with the Department to discuss potential project impacts to streams and mitigation measures. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a SAA Notification package, access the Department's web site at www.dfg.ca.gov/1600 or call the appropriate Regional Office..

15. The IS/MND states, "Broadwing has adopted all the biological mitigation measures in this IS/IS/MND as part of the proposed expansion project." It would seem that the mitigation measures in the IS/IS/MND would be the same as in the MMP. Yet, there are some important differences between them (e.g., see first comment under "Specific Comments" below). The final CEQA documentation should clarify whether the Applicant will implement the mitigation measures in the IS/MND or the MMP. The Department recommends the implementation of the version of each measure that is more protective of the biological resources.

S 2-17

⁴ We recommend this for the crossings at the Santa Ana River and the San Luis Rey River, unless the first or second priority is feasible.

S 2 (cont.)

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16. The MMP indicates that the Applicant will retain qualified biologists and other qualified resource specialists to monitor construction activities where sensitive resources have been identified. The Applicant will also enlist environmental resource coordinators and environmental inspectors to ensure implementation of the biological mitigation measures. To meet this objective, the Department recommends that the latter positions and the positions of "resource specialist" be filled by qualified biologists. S 2-18

Specific Comments

17. Both the IS/MND (page 4-30) and the MMP (page 3-7) include a mitigation measure requiring the avoidance of raptor habitat during nesting season and the implementation of protection measures, if necessary. With one exception, the two measures are substantively the same. The measure in the IS/MND states, "Broadwing shall defer construction of the segment until a qualified biologist has determined that fledgling of young has occurred and the possibility of impact has been avoided" (emphasis added). The measure in the MMP states, "Broadwing shall defer construction of the segment until a qualified biologist has determined that fledgling of young and a diminished possibility of impact" (emphasis added). The measure in the MMP would not comport with Section 3503.5 of the Fish and Game Code. S 2-19
18. Table 2.3-1, page 2-15: The stated "Jurisdiction/Purpose" for the State Endangered Species Consultation is not accurate. Please correct it. S 2-20
19. Mitigation Measure GEN-BIO-5 should be modified to include a statement to ensure that all trenches are inspected for wildlife BEFORE covering or filling, as well as after, as proposed. S 2-21
20. Table 3.3-1 on page 3-7 in the MMP lists time frames for construction timing constraints for special status species. The Department recommends that the time frames for avoidance be revised as follows:
- | | | |
|---|-------------------------|--------|
| All raptors (including Swainson's hawk) | February 1 - July 31 | S 2-22 |
| least Bell's vireo | March 15 - September 15 | |
| southwestern willow flycatcher | March 1 - August 31 | |
| riparian bird species (in general) | March 1 - July 31 | |
| California gnatcatcher | March 1 - August 15 | |
21. Mitigation measures B-6, B-7, and B-8 address least Bell's vireo, southwestern willow flycatcher, and special status riparian bird species, respectively. Each measure states, "if [species] are detected, construction activities will be prohibited within 1,000 feet of the area between April 10 and July 31." The Department recommends that the time frame of April 10 through July 31 be changed to time frames listed in the previous comment. S 2-23
22. Mitigation measures B-6, B-7, and B-8 address least Bell's vireo, southwestern willow flycatcher, and special status riparian bird species, respectively. Each measure states, "mitigation measures such as *Arundo donax* removal and cowbird trapping have also been used to offset potential indirect impacts on [species] resulting from other fiber optic projects." However, there is no commitment to carrying out such mitigation for impacts on the species. Again, the final IS/MND and MMP should include mitigation measures that would be implemented should impacts occur. S 2-24
23. Mitigation measure B-15 states, "exclusion zones will have a minimum 25-foot radius beyond the limits of riparian vegetation that support habitat for special-status species. Construction-related S 2-25

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activities will be prohibited within these zones." The Department generally recommends a 100-foot wide buffer for riparian areas. Twenty-five feet may be inadequate in some locations. We defer until the negotiations for the SAA a determination on the buffer that we will require.

↑
S 2-25

24. On page 2-17, the IS/MND cites the Applicant's obligation to obtain a Streambed Alteration Agreement (SAA) from the Department for the proposed project. However, page 4-42 of the IS/MND and Mitigation Measure B-16 indicate that trenching across dry drainages would alter the streambed and therefore require compliance with Section 404 of the Clean Water Act and authorization from the Corps, but does not mention the need for a SAA for such activities. The Department recommends that page 4-42 and Mitigation Measure B-16 (both in the IS/MND and the MMP) be revised to explicitly reflect this. Mitigation Measure B-16 should be modified as follows: "If trenching across dry drainages.....This construction activity would require compliance with Section 1600 et seq. of the Fish and Game Code, Section 404 of the Clean water act and authorization from...." (underlined text added).

S 2-26

25. On page 4-43, the IS/MND discusses the vernal pools within the proposed fiber-optic cable route in San Diego County. The pools are in the Kearney Villa Road right-of-way adjacent to Marine Corps Air Station, Miramar. As such, they fall under the Integrated Natural Resource Management Plan. The IS/MND states, "the project would have no significant adverse impacts on vernal pools provided that construction remained within the pavement in that portion of the proposed route." Mitigation measure B-17, which addresses vernal pools, states, "exclusion zones will extend 25 feet on each side of the pool. Construction-related activities will be prohibited within the exclusion zones. Essential vehicle operation on existing roads and foot travel will be permitted. All other surface-disturbing activities will be prohibited within the zones." If wetland delineations for the vernal pools that may be affected by the proposed project have not been conducted. If this is not the case, we recommend that they be done to determine the watershed boundaries of the vernal pools. Absent this information, it is infeasible to determine the area to be protected by the exclusion zones which should include the entire watershed of each pool.

If all construction-related activities, including foot-travel, within the watersheds of the vernal pools, will occur on pre-existing pavement and involve no potential for debris (e.g., soil, tools, waste) to escape into the watersheds of the vernal pools, mitigation measure 17 may be adequate. If this is not the case, the Department recommends that:

S 2-27

1. unless presence of listed species is already documented, prior to construction, protocol surveys of the vernal pools should be conducted for vernal pool plants and animals and the results of the surveys documented;
2. prior to any construction-related activities, a wetland delineation be done for the vernal pools if this has not already been done;
3. the exclusion zones be revised to encompass the entire watershed of each potentially affected vernal pool; construction-related activities, including foot travel, be prohibited from the exclusion zones, unless they are restricted to pre-existing pavement; and
4. if restricting construction-related activities to outside the exclusion zones (i.e., the watershed boundaries) is infeasible and soil disturbance (e.g., trenching, boring, etc.) is proposed within the watershed of any of the vernal pools, the final MND should include a plan to monitor vernal pools for proper function or sign of fracture of the hardpan, and a contingency plan or compensation (possibly bank credits purchased) incorporated into the project. Vernal pools rely on a hardpan clay layer in order to retain water from precipitation. Depending on the depth, soil disturbance could potentially disturb the integrity of the hardpan without it being evident at the time.

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26. The Department recommends that all revegetation, re-seeding, and/or soil/slope stabilization be done using only native plant species found in the area. And, measures should be taken to ensure that non-native exotic species are not imported into the area. S 2-28
27. The final IS/MND should require a comprehensive contingency plan to address frac-outs in sensitive (as defined by the Department) aquatic resource areas. S 2-29
28. In the IS/MND it states that riparian habitat occurs along many drainage features (streams and rivers) that are within the proposed project route and because large trees associated with these riparian areas line the roads and existing right-of-way, direct impacts on riparian vegetation are possible (Page 4-25). The Department's concern is the total impact to streams and their associated habitats that will be impacted by the proposed project is not identified in the IS/MND. The Department recommends that the impacts to State jurisdictional streams and associated habitats be described in the IS/MND and that mitigation to compensate for the impacts be included. S 2-30
29. The Draft Storm Water Pollution Prevention Plan (SWPPP, Appendix E to the IS/MND) indicates that organic sterile mulch would be used when mulch is needed. The Department would like to note that we concur with this approach. S 2-31
30. Page 3-7 of the SWPPP indicates that riprap will be placed on banks with slopes greater than 1:1. The Department is concerned about any riprap proposed for placement within streams as a result of the proposed project. The Department recommends that the use of riprap be avoided by using one of the methods listed in comment #13. S 2-32
31. There are discrepancies between mitigation measures in summary table (Table ES-1) and the mitigation measures listed in the document. For example, it appears the Gen-BIO measures were not included in Table ES-1. The Department recommends that the table be modified to include every mitigation measure in the IS/MND. The entire measure should be included, not just a summary. S 2-33
32. In the discussion about cumulative impacts from the proposed project, the IS/MND states, "Most of the major habitat types that the proposed project will affect are abundant in the proposed project study area; the project routes are linear and narrow, the OP/AMP station sites are relatively small in size, and construction will disturb a small amount of habitat relative to the amount of these habitats available locally and project-wide." A habitat type, wetlands for example, may be abundant within the project study area, particularly if the study area is aligned along several stream crossings. This does not mean that the habitat is abundant regionally or statewide. These observations do not justify the lack of proposed mitigation for potential project-related loss of habitat that may occur. Over 90 percent of the original wetlands within the State, and over 95 percent within southern California, have been lost. S 2-34
- The cumulative impacts discussion also states, "Although regenerator OP/AMP facilities will result in a small amount of permanent habitat loss, these facilities are sited in areas that support only ruderal vegetation or a common vegetation type such as annual grassland." We recommend that the final IS/MND quantify the habitats that will be affected and propose mitigation for the loss. Loss of non-native grassland should be mitigated at a 0.5:1 ratio.

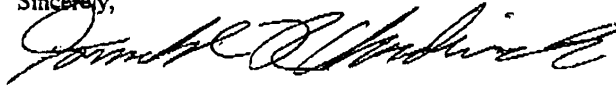
Thank you for the opportunity to comment. Questions regarding this letter and further coordination

S 2 (cont.)

Mr. Nicolas Procos
November 19, 2001
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on these issues should be directed to Leslie MacNair, Region 6, at (949) 458-1754, or Libby Lucas, Region 5, at 858 467-4230.

Sincerely,



Donald R. Chadwick
Senior Environmental Scientist
South Coast Region

cc: Regional Water Quality Control Board (Bob Morris)
State Clearinghouse
U.S. Army Corps of Engineers (Shannon Bryant)
U.S. Fish and Wildlife Service (Sally Parry)
CDFG, Eastern Sierra and Inland Desert Region (Jeff Drongesen)

TOTAL P. 11

**RESPONSE TO COMMENTS FROM THE DEPARTMENT OF FISH AND GAME –
SOUTH COAST REGION (S 2)**

S 2-1 Comment noted. The species listed in the comment are included in the special-status species table(s) in Appendix I and are addressed in the IS/MND.

S 2-2 Comment noted. As suggested, if the project description or mitigation measures are altered the appropriate DFG Regional Office will be notified.

S 2-3 Sensitive resources are defined in several places in the IS/MND. Pages 4-19 and 4-20 include definitions of special-status/sensitive wildlife and plant species and plant communities. Also, any resource which if affected would result in a significant impact (based on the significance criteria in Section 4.4.3) would be considered a sensitive resource.

Impacts to riparian vegetation will be avoided or minimized wherever possible, per Mitigation Measure B-15: **Avoid and/or Minimize Disturbance of Woody Riparian Vegetation along Drainages**. To address the commenter's request to expand on the mitigation approach, the following text has been added to the second to last paragraph of Mitigation Measure B-15 (in both the Final IS/MND and the MMP).

“Broadwing shall coordinate with these agencies regarding the potential need for compensation measures and shall implement restoration or other activities as appropriate based on the quantity, quality, functions, and value of the habitat affected. Any needed habitat restoration/enhancement/creation plans shall be prepared by qualified professionals with experience in the project area and shall be reviewed by the appropriate regulatory agencies.”

S 2-4 The second half of the Response to Comment S 2-3 (above) addresses the commenter's request for additional information regarding compensation for potential impacts to riparian vegetation. Regarding potential compensation for wetland impacts, the fourth bullet item in Mitigation Measure B-17 has been modified to read as follows: “Implement additional measures (such as development and implementation of restoration plans or off-site mitigation) that may be required as part of the DFG, Corps, and RWQCB permits that will be obtained for this project route.” DFG can ensure that the specific details requested in the mitigation plans are present through the permitting and review processes.

S 2-5 The inherent localized flexibility (e.g., switching to different sides of a road, directional boring rather than trenching) available when sighting and installing fiber optic cable allows for avoidance of most sensitive environmental resources. However, this flexibility also makes it difficult to specifically quantify impacts, as you would for a more static facility such as a building or gas pipe or transmission line. Also, because disturbance associated with fiber optic cable installation is temporary, there is little to

no permanent loss of habitat or other resources (other than those associated with construction of OP-AMP or regeneration stations). Therefore, the general mitigation approach used in the IS/MND is to avoid impacts wherever possible, and where impacts do occur, to implement the performance criteria of restoring the area to pre-project conditions. The use of this overall mitigation approach is consistent with the requirements of CEQA and has been successfully applied to multiple fiber optic installation projects in California, regulated by the CPUC, various DFG regions, and other regulatory agencies.

It would be inappropriate to provide set impact compensation ratios at this time since various factors (intensity of impact; temporal length of impact; type, function, and value of resource affected; availability of habitat restoration/enhancement/creation areas) influence the appropriate ratio to apply. Mitigation ratios are typically established during the agency permitting process (e.g., 404 permit with the U.S. Army Corps of Engineers, Streambed Alteration Agreement (SAA) with DFG). This approach is taken in the IS/MND and complies with the requirements of CEQA.

- S 2-6** The overall mitigation approach in the IS/MND for avoiding disturbance to special-status species during the breeding season is consistent with the approach outlined by the commenter. Where target sensitive species are known to occur, exclusion zones shall be established during the breeding season, at a distance sufficient to ensure construction activities do not disturb breeding individuals. Addressing the commenter's footnote: Surveys are incorporated into the mitigation approach to confirm where species occur, and in some instances to refine when the breeding season has ended. Often the ideal construction period (late spring, summer, and early fall) overlaps the breeding period of special-status species. By conducting presence/absence surveys, exclusion zones can be established where species are known to occur, and construction can proceed in other areas where they are absent (as the commenter suggests). Because there are both temporal and spatial elements to the avoidance strategy we acknowledge that the sentence referenced in the comment "Construction activities will be scheduled so as not to interfere..." (Appendix D, page 3-6) does not adequately describe the mitigation approach. This sentence will be modified to read, "Construction activities will be planned so as not to interfere..." to be more consistent with the overall avoidance approach.
- S 2-7** Construction will be necessary during the breeding season. However, construction will not be permitted in areas where breeding special-status species could be directly or indirectly adversely affected by construction activities. As stated above, where target sensitive species are known to occur, exclusion zones will be established during the breeding season, at a distance sufficient to ensure construction activities do not disturb breeding individuals.
- S 2-8** See Response to Comments S 2-5, S 2-6, and S 2-7 above.
- S 2-9** The last paragraph on page 4-35 of the Draft IS/MND and the first two paragraphs of page 4-36 discuss the City and County of San Diego Multiple Species Conservation Plan (SDMSCP) and the plan areas crossed by the project. These include the Lake

Hodges segment where a mosaic of “take-authorized” and “no-take” units are crossed, and Multi-Habitat Planning Areas (MHPA) in the lower Lake Hodges Area and the City of San Diego Northern Area, which are considered core biological resource conservation areas. The project was considered not to conflict with the SDMSCP and the various planning areas and units because the route is in existing disturbed right-of-way that provides minimal habitat value and the MHPAs consist of riparian areas that would be avoided by directional boring.

The discussion under Item f. *“Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?”* states that the proposed route was evaluated under the existing San Diego County and City MSP; the Riverside County Habitat Agency, Habitat Conservation Plan for the Stephen’s Kangaroo Rat in Western Riverside County, and the San Bernardino Valley-Wide Multi-Species Habitat Conservation Plan, San Bernardino County. The evaluation resulted in a conclusion that the proposed project would not conflict with the policies or implementation of these plans.

Although not specifically mentioned in these sections, the proposed project is considered not to conflict with the SDMSCP and other local and regional conservation plans for several reasons. All sensitive resources will be avoided to the maximum extent possible, and where impacts may occur they will be mitigated to a less-than-significant level. Therefore, no species or habitats covered by the conservation plans would be adversely affected. All project elements (other than OP-AMP stations, which are outside of conservation planning areas) result in temporary impacts. The project area will be returned to pre-project conditions. Therefore any conservation requirements along the project corridor would not be jeopardized (although it is unlikely that road and other existing rights-of-way used by the project would provide significant conservation value). Because the project results in temporary disturbance of existing developed corridors (roads), installation of the fiber optic cable will not affect potential movement or migration of sensitive species. Given the nature of the project and avoidance and mitigation measures included in the IS/MND it was determined that the proposed project would not conflict with the goals, policies, or present or future implementation of any local, regional, or state conservation plan and would not result in a significant impact.

- S 2-10** Comment noted. The project applicant (under Section 10 of the Endangered Species Act) or a federal lead agency (under Section 7) will ultimately initiate consultation with USFWS. The applicant, or USFWS through inter-agency coordination, would initiate consultation with DFG. The CPUC will relay DFG’s suggestion to initiate early consultation to the project applicant.

- S 2-11** Comment noted. See response S 2-12.

- S 2-12** Implementation of Mitigation Measure B-1: **Avoid Occupied Raptor Habitat during the Nesting Season and Implement Protection Measures, if Necessary** is considered sufficient to avoid potential impacts to peregrine falcon and white-tailed

kite which might violate Section 3511 of the Fish and Game Code. Implementation of Mitigation Measure B-12: **Avoid Special-Status Aquatic Species Habitat and Implement Protection Measures, If Necessary**, as well as implementation of the Stormwater Pollution Prevention Plan (SWPPP) and additional mitigation measures related to wetland and aquatic resource protection, is considered sufficient to avoid impacts to unarmored threespine stickleback and Mojave tui chub which might violate Section 5515 of the California Fish and Game Code.

S 2-13 The Los Angeles to Ontario route is outside the range of the Stephens kangaroo rat (SKR), and no habitat is available along the proposed route for the San Bernardino kangaroo rat (SBKR). The lack of habitat for the SBKR on the Los Angeles to Ontario route will be clarified by adding the following sentence to the discussion of Item a. in the impact analysis. “The only special-status species with potential to occur along the project route and/or with potential to be affected by project activities is the Delhi sands flower-loving fly.”

The Ontario to San Diego route is outside the range of the SBKR; however, potential habitat for the SKR is available adjacent to the proposed project route. The SKR was not considered further in the IS/MND because the road shoulders where construction will occur are highly disturbed, regularly maintained, and considered poor quality for SKR. However, because there is a slight potential for SKR to occur within the construction area, the following impact discussion and mitigation measure will be added to the Ontario to San Diego route.

Some areas in the construction right-of-way provide marginal habitat for Stephens kangaroo rat (federally listed as endangered, state listed as threatened). Although these areas are typically comprised of ruderal vegetation and are regularly maintained (e.g., road shoulders) there is a slight potential for Stephens kangaroo rat to occur and be adversely affected by construction activities.

Mitigation Measure B-14: Identify and Avoid Occurrences of Stephens Kangaroo Rat. Prior to construction, the project route will be surveyed to determine locations where potential habitat for Stephens kangaroo rat occurs within the construction right-of-way. Focused surveys for Stephens kangaroo rat will be conducted in these areas using established USFWS protocols. Although considered unlikely due to habitat conditions, if surveys indicate Stephens kangaroo rat are present, USFWS and DFG will be notified immediately. The extent of the kangaroo rat population will be determined and the area will be avoided. Avoidance measures could include narrowing the construction disturbance area, moving the fiber optic installation activities to the opposite side of the road, installing the cable in the pavement, or directionally boring around or under the area. The most appropriate avoidance measure will be selected based on site-specific conditions. If Broadwing does not wish to conduct protocol level surveys, areas of potential habitat can be considered occupied and appropriate avoidance measures would be implemented.

The commenter suggests that the results of focused surveys for Stephens kangaroo rat must be included in the Final IS/MND to adequately assess the level of impact and

the adequacy of mitigation measures. However, this is not the case. Future surveys (e.g., pre-construction surveys) are regularly included in CEQA documents as a component of project mitigation, with appropriate responses to the results of these surveys (e.g., temporal or spatial avoidance) completing the mitigation action. The commenter did not object to this approach being taken elsewhere in the Draft IS/MND (raptors, burrowing owls, special-status plants) and it is consistent with the requirements of CEQA.

S 2-14 Comment noted. The mitigation approach outlined in Mitigation Measure B-2: **Avoid Occupied Burrowing Owl Habitat during the Nesting Season and Implement Protection Measures, if Necessary** is consistent with the guidelines listed in the comment.

S 2-15 Broadwing considered several options when developing the project routes, including opportunities to lease/purchase existing conduit and building jointly with other telecommunications companies. However, for various reasons these options were not taken, one of the most important being the desire/need for route diversity. Diversity among fiber optic routes is required both within and among networks to provide back-up service if a line is cut. Trunk, or backbone, lines carry large amounts of Federal and State telecommunications traffic. Interruptions in the use of these lines, especially in times of emergency, can have severe consequences. When a trunk line is cut, or transmission is interrupted for some reason, communications traffic is typically not stopped, but routed along other diverse routes, often owned by different carriers. If Broadwing were to install their trunk line along the same route as existing carriers, all lines along the route would be susceptible to cuts or damage during a single event, severely interrupting communications service. By placing fiber optic lines in different routes, one line should always be operational if another is damaged, allowing communication service to continue. The routes selected by Broadwing are the most desirable based on numerous factors, including diversity, constructability, cost, availability of right-of-way, and environmental concerns.

Several sections of the IS/MND acknowledge that frac-outs during directional boring could have adverse affects on sensitive resources. These potential adverse affects will be avoided/minimized through several actions, with the most stringent being implementation of the Contingency Plan for Accidental Frac-Out or Void included in Section 4.3.2 of the SWPPP. It is felt that these measures are sufficient to protect biological resources during directional drilling operations and route modifications to minimize the need for directional boring are not necessary.

S 2-16 Comment noted. The project applicant will be responsible for submitting the SAA application. We will relay DFG's suggestions regarding content and timing of the SAA notification package to the applicant.

S 2-17 Mitigation measures in the IS/MND and the MMP are intended to be consistent. Any specific inconsistencies noted by the commenter will be corrected (i.e. Comment S 2-19).

- S 2-18** Although many Environmental Resource Coordinators and Environmental Inspectors have biological training, we have found that it is not necessary (or feasible) for all these staff to be “qualified biologists”. Coordinators and inspectors do not determine the locations, boundaries, presence, or absence of resources. Resource identification is conducted by the qualified biologists (as well as qualified archeologists) who mark the resources in the field and make the inspectors and coordinators aware of their presence. The inspectors/coordinators then ensure applicable mitigation measures are implemented by construction crews and other personnel. Inspectors/coordinators are responsible for more than just biological resource based mitigation measures. They must ensure that mitigation measures related to traffic, archeology, property access, and many other issues are implemented. Each inspector/coordinator cannot be formally trained in each issue area where mitigation may be applied. This is why qualified technical specialists are present and available to the inspectors/coordinators.
- S 2-19** Comment noted. The statement in the MMP referenced by the commenter has been changed to read, “...until a qualified biologist has determined fledging of young and the possibility of impact has been avoided.”
- S 2-20** Comment noted. The entry in question in Table 2.3-1 has been changed to parallel the entry for the Federal Endangered Species Act and now reads, “Supports issuance of a State permit related to state listed species, if needed.” Please see Response to Comment L 2-1 for a revised copy of Table 2.3-1.
- S 2-21** The following sentence will be added to Mitigation Measure GEN-BIO-5: **Fill or Cover Open Trenches Daily.** “Trenches that have remained open for more than one hour without construction activity, and which are of sufficient size and configuration to entrap wildlife, will be inspected by a qualified biologist, environmental inspector, or environmental resource coordinator, prior to filling or covering.”
- S 2-22** Changes will be made to Table 3.3-1 of the MMP, and elsewhere in the document as suggested by DFG, with several exceptions. The beginning of the nesting season for least Bell’s vireo and willow flycatcher are based on survey protocols established by the USFWS. If the beginning of the exclusion period were made earlier, as suggested by DFG, construction would be excluded long before presence/absence surveys could even be initiated. The beginning of the exclusion period will remain at April 10 for least Bell’s vireo and May 15 for willow flycatcher, however, the end of the exclusion periods will be extended to September 15 and August 31 respectively, as suggested by DFG. The breeding season for California gnatcatcher has been identified as February 1 through August 30 by USFWS. Limiting the construction exclusion period to March 1 through August 15, as suggested by DFG, would conflict with the USFWS guidance. Therefore, the February 1 through August 30 exclusion period will be retained.
- S 2-23** Changes to the exclusion period timeframe will be made to each mitigation measure, consistent with Response to Comment S 2-22.

- S 2-24** The statement referencing the removal of *Arundo donax* and cowbird trapping to offset potential impacts follows a sentence stating Broadwing would seek technical assistance from USFWS regarding avoidance/minimization of impacts. The idea of offsetting impacts through *Arundo donax* or cowbird trapping would only be explored through coordination with USFWS and other appropriate agencies. In the Final IS/MND and the MMP, Mitigation Measures B-6, B-7, and B-8, have been modified to read: “The USFWS may also consider alternative/additional mitigation approaches such as *Arundo donax* removal or cowbird trapping to offset potential indirect impacts on *species name*. These activities have been used as mitigation during other fiber optic projects.”
- S 2-25** Comment noted. The applicant is aware that during the SAA process DFG may request riparian buffer areas larger than 25 feet.
- S 2-26** Mitigation Measure B-17 has been modified in the Final IS/MND and the MMP to read “This construction activity would require compliance with Section 404 of the Clean Water Act and authorization from the Corps (as well as a Streambed Alteration Agreement from DFG).”
- S 2-27** Mitigation Measure B-18: **Establish and Observe Exclusion Zones Around Vernal Pools** has been modified to expand the exclusion zone to 25-feet beyond the vernal pool watershed. Within this exclusion zone construction activities will be restricted to existing paved surfaces, other than essential vehicle traffic on existing dirt roads and foot traffic. Table 3.2.1 in Appendix D (MMP) has been changed to reflect the expanded exclusion zone.
- S 2-28** Although the value of using local native plant species for various revegetation efforts is understood, it is not always practical or possible to utilize native flora. Often local native seed or plant stock is not available, not available in the quantities needed, or is cost prohibitive. The same limitations also apply to certified weed free straw bales and similar items used to help limit the potential importation of non-native exotic species. Ultimately the selection of materials used for revegetation and erosion control is at the discretion of the landowner where the cable is installed. Broadwing will comply with landowner requirements where a preference is expressed. When no requirements are provided by a landowner, Broadwing will explore sources of local native plant stock and certified weed free materials. However, cost and availability will be major considerations. Mitigation Measure AG-1: **Avoid Dispersal of Noxious Weeds** already includes several actions to minimize the potential spread of noxious weeds. The SWPPP also identifies the use of straw bales rather than hay bales, which will lessen the potential for spread of non-native species.
- S 2-29** A contingency plan to address frac-outs is included in the Draft SWPPP (Section 4.3.2 Contingency Plan for Accidental Frac-Out or Void) provided in Volume II of the IS/MND, Appendix E. These measures will also be included in the Final SWPPP.
- S 2-30** See Response to Comments S 2-3 and S 2-5.

- S 2-31** Comment noted. We appreciate DFG's concurrence with this item.
- S 2-32** Riprap is only listed in the draft SWPPP as a potential option for erosion control. "These may be used for channel and bank stabilization...(emphasis added)". Riprap could not be installed within a stream without consent of DFG, the landowner, and the Corps if the riprap would be placed in a wetland or Waters of the U.S. Riprap would not be installed along all banks with slopes greater than 1:1, but only in those areas where no other feasible erosion control methods are available and all parties have approved the use of riprap.
- S 2-33** Table ES-1 has been modified so mitigation titles in the table match those in the body of the document. The general biological mitigation measures (GEN-BIO-1 to GEN-BIO-5) have also been included in Table ES-1. A copy of the revised table ES-1 follows this comment section. Including each mitigation measure in its entirety in Table ES-1 would defeat the purpose of the table as a summary of impacts and mitigation measures. Providing each Mitigation Measure's title and alphanumeric designation (e.g., Mitigation Measure B-11: Avoid Arroyo Toad Habitat and Implement Protection Measures) is considered adequate for this summary.
- S 2-34** The statement "Most of the major habitat types that the proposed project will affect are abundant in the proposed study area..." is not intended to refer to wetlands. Use of "most" is intended to indicate that the statement does not refer to all habitat types. In this instance, wetlands are not considered a "major habitat that the proposed project will affect" since wetlands only occur on a small portion of the project route and they will be avoided wherever possible, resulting in minimal to no affects. Although wetlands are not specifically mentioned, the last paragraph of the Cumulative Impacts section (4.4.6) indirectly addresses wetlands by stating "Therefore, no cumulative impacts on fish or amphibian populations or their habitats are anticipated." Regarding mitigation for grassland impacts, typically mitigation is only required if an impact is considered significant. Since the loss of non-native grassland associated with the OP-AMP facilities is not considered significant (per the significance criteria in the Draft IS/MND) no mitigation was provided, and none is required.

**Table ES-1
Summary of Impacts and Mitigation Measures**

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
<i>AESTHETICS</i>			
Impact: Temporary disturbance during conduit and cable installation and possible temporary minor changes in landscape from trenching operations. Mitigation Measure: Mitigation is incorporated in the design and construction approach.	LTS	LTS	LTS
Impact: Temporary disturbance during construction of OP-AMP stations and possible minimal visual effects following construction. Mitigation Measure: Mitigation is incorporated in the design and construction approach.			LTS
Impact: Temporary increases in light and glare from nighttime illumination during construction. Mitigation Measure: Mitigation is incorporated in the design and construction approach.		LTS	
<i>AGRICULTURAL RESOURCES</i>			
Impact: Permanent conversion of Warder OP-AMP site (less than 3,000 square feet) from agricultural use. Mitigation Measure: None required because the impact is less than significant.			LTS
Impact: Possible introduction of noxious weeds into currently uninfested agricultural areas. Mitigation Measure AG-1: <u>Avoid dispersal of noxious weeds.</u> Wash construction equipment at designated locations along the route and employ additional measures to minimize possibility of transporting seeds into uninfested areas.			LSM
<i>AIR QUALITY</i>			
Impact: Temporary increase in levels of air pollutants during construction that may exceed air district thresholds. Mitigation Measure AQ-1: Implement Construction Best Management Practices.	LSM	LSM	LSM
Impact: Temporary emissions exceeding limits from operating emergency diesel backup generators at OP-AMP stations. Mitigation Measure: None required because the impact is less than significant.			LTS
Impact: Temporary contribution of criteria pollutants in a non-attainment air basin. Mitigation Measure: None required because the impact is less than significant.	LTS	LTS	LTS

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

Table ES-1
Summary of Impacts and Mitigation Measures

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
Impact: Temporary exposure of sensitive receptors to substantial pollutant concentrations Mitigation Measure AQ-1: Implement Construction Best Management Practices.	LSM	LSM	LSM
Impact: Temporary generation of odors from diesel exhaust during construction and from diesel backup generators at the OP-AMP stations Mitigation Measure: None required because the impact is less than significant.	LTS	LTS	LTS
<i>BIOLOGICAL RESOURCES</i>			
Impact: Possible impact to biological resources. Mitigation Measure GEN-BIO1: Retain Qualified Biologists and Resource Specialists to Monitor Construction Activities near Specified Sensitive Resources. Mitigation Measure GEN-BIO2: Conduct a Biological Resource Environmental Education Program for Construction Crews Mitigation Measure GEN-BIO-3: Confine Construction Equipment and Activities to the Project Route Disturbance Zone. <u>Mitigation Measure GEN-BIO-4: Conduct a Biological Clearance Survey of Staging Areas before Construction and Avoid Sensitive Resources.</u> Mitigation Measure GEN-BIO-5: Fill or Cover Open Trenches Daily.	LSM	LSM	LSM
Impact: Possible disturbance of special-status raptor habitat. Mitigation Measure B-1: Establish and observe exclusion zones around occupied raptor habitat during the nesting season <u>Avoid Occupied Raptor Habitat during the Nesting Season and Implement Protection Measures, if Necessary.</u>	LSM		LSM
Impact: Possible disturbance of burrowing owl habitat. Mitigation Measure B-2: Establish and observe exclusion zones around occupied burrowing owl habitat during the nesting season <u>Avoid Occupied Burrowing Owl Habitat during the Nesting Season and Implement Protection Measures, if Necessary.</u>	LSM		LSM
Impact: Possible disturbance of Swainson’s hawk habitat. Mitigation Measure B-3: Establish and observe exclusion zones around occupied Swainson’s hawk habitat during the nesting season <u>Avoid Occupied Swainson’s Hawk Habitat during the Nesting Season and Implement Protection Measures, if Necessary.</u>	LSM		

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

**Table ES-1
Summary of Impacts and Mitigation Measures**

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
Impact: Possible removal of blue elderberry bushes that support the Valley Elderberry Longhorn Beetle (VELB). Mitigation Measure B-4: Establish and observe exclusion zones around elderberry bushes <u>Avoid Valley Elderberry Longhorn Beetle Habitat and Implement Protection Measures, if Necessary.</u>	LSM		
Impact: Possible disturbance of Delhi sands flower-loving fly habitat. Mitigation Measure B-5: Establish and observe exclusion zones around special status species habitat <u>Avoid Delhi Sands Flower-Loving Fly Habitat and Implement Protection Measures, if Necessary.</u>		LSM	LSM
Impact: Possible removal or impacts to heritage trees. Mitigation Measure: Mitigation is incorporated in the design and construction approach.	LSM		LSM
Impact: Possible disturbance of least Bell's vireo habitat. Mitigation Measure B-6: Establish and observe exclusion zones around occupied least Bell's vireo habitat during the nesting season <u>Avoid Occupied Least Bell's Vireo Habitat during the Nesting Season, and Implement Protection Measures, if Necessary.</u>			LSM
Impact: Possible disturbance of willow flycatcher habitat. Mitigation Measure B-7: Establish and observe exclusion zones around willow flycatcher habitat during the nesting season <u>Avoid Occupied Willow Flycatcher Habitat during the Nesting Season and Implement Protection Measures, if Necessary.</u>			LSM
Impact: Possible disturbance of special status riparian bird species habitat. Mitigation Measure B-8: Establish and observe exclusion zones around special status riparian bird species habitat during the nesting season <u>Avoid Riparian Areas Occupied by Special-Status Riparian Bird Species during the Nesting Season and Implement Protection Measures, if Necessary.</u>			LSM
Impact: Possible disturbance of California gnatcatcher habitat. Mitigation Measure B-9: Establish and observe exclusion zones around California gnatcatcher habitat during the nesting season <u>Avoid Occupied California Gnatcatcher Habitat during the Nesting Season and Implement Protection Measures, if Necessary.</u>			LSM

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

**Table ES-1
Summary of Impacts and Mitigation Measures**

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
Impact: Possible disturbance of Quino checkerspot butterfly habitat. Mitigation Measure B-10: <u>Avoid Quino Checkerspot Butterfly Habitat and Implement Protection Measures, if Necessary.</u> Establish and observe exclusion zones around special status species habitat.			LSM
Impact: Possible disturbance of arroyo toad habitat. Mitigation Measure B-11: Avoid arroyo toad habitat and implement protection measures.			LSM
Impact: Possible disturbance of special status aquatic species including arroyo chub, arroyo toad, Santa Ana sucker, and southwestern pond turtle habitat. Mitigation Measure B-12: <u>Avoid Special-Status Aquatic Species Habitat and Implement Protection Measures, If Necessary.</u>			LSM
Impact: Possible disturbance of special status plant populations. Mitigation Measure B-13: Establish and observe exclusion zones around special status plant populations. <u>Avoid Impacts to Threatened, Endangered, Candidate, and Other Special-Status Plant Species by Establishing and Observing Exclusion Zones.</u>			LSM
Impact: Potential disturbance of Stephens kangaroo rat. Mitigation Measure B-14: Identify and avoid occurrences of Stephens kangaroo rat..			<u>LSM</u>
Impact: Potential loss of riparian habitat. Mitigation Measure B-14 B-15 : Avoid and/or minimize disturbance of woody riparian vegetation <u>along drainages.</u>			LSM
Impact: Possible temporary and short-term direct disturbance of stream beds and banks that support special status species. Mitigation Measure B-15 B-16 : Establish and observe exclusion zones around wetland areas and riparian habitats that support special status species.			LSM
Impact: Potential temporary direct disturbance of stream beds and banks from trenching, if necessary. Mitigation Measure B-16 B-17 : <u>Minimize Effects on Federally Protected Wetlands as Defined by Section 404 of the Clean Water Act.</u>			LSM
Impact: Potential impacts to vernal pool habitat. Mitigation Measure B-17 B-18 : Establish and observe exclusion zones around vernal pools.			LSM
<i>CULTURAL RESOURCES</i>			

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

**Table ES-1
Summary of Impacts and Mitigation Measures**

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
<p>Impact: Possible long-term disturbance of cultural resource sites. Mitigation Measure C-1: Develop and implement avoidance procedures. Develop and implement a cultural resources monitoring plan. If avoidance is infeasible, conduct test excavation to determine significance, and if significant, develop appropriate treatment measures in consultation with applicable regulatory agencies. <u>Avoid Potential Impacts on Buried Resources in Culturally or Archaeologically Sensitive Areas.</u></p>	LSM	LSM	LSM
<p>Impact: Possible indirect impact on historic structures from siting OP-AMP sites. Mitigation Measure C-2: Site any alternate OP-AMP stations to avoid impacts on potentially and known significant historical resources. <u>Avoid Siting Alternative OP-AMP Stations in Areas with Historically Significant Resources.</u></p>			LSM
<p>Impact: Possible long-term damage to unidentified buried cultural resources. Mitigation Measure C-3: Stop work and have a qualified archaeologist assess the significance of the find if cultural resources are discovered during ground disturbing activities.</p>	LSM	LSM	LSM
<p>Impact: Possible long-term damage to unidentified buried paleontological resources. Mitigation Measure C-4: Stop work and have a qualified paleontologist assess the significance of the find if paleontologic resources are discovered during ground disturbing activities. <u>Retain a Qualified Paleontologist to Oversee Construction Activities and Prepare a Report, if Necessary.</u></p>	LSM	LSM	LSM
<p>Impact: Possible long-term damage to previously unidentified human remains from ground disturbed activities. Mitigation Measure C-5: Comply with state laws pertaining to the discovery of human remains.</p>	LSM	LSM	LSM
<i>GEOLOGY AND SOILS</i>			
<p>Impact: Possible temporary damage to the cable system and OP-AMP stations from earthquake-induced strong ground shaking, liquefaction, and/or earthquake fault displacement. Mitigation Measure: Mitigation is incorporated in the design and construction approach.</p>	LTS	LTS	LTS
<p>Impact: Possible accelerated erosion and sedimentation from soil disturbance and vegetation removal. Mitigation Measure: Mitigation is incorporated in the design and construction approach.</p>	LTS	LTS	LTS

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

**Table ES-1
Summary of Impacts and Mitigation Measures**

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
Impact: Possible landslide, lateral spreading, subsidence liquefaction, or collapse. Mitigation Measure: None required because the impact is less than significant	LTS	LTS	LTS
Impact: Possible location on expansive soil creating risk to life or property. Mitigation Measure: None required because the impact is less than significant.	LTS	LTS	LTS
<i>HAZARDS AND HAZARDOUS MATERIALS</i>			
Impact: Possible temporary exposure to or release of hazardous materials during construction. Mitigation Measure H-1: Ensure proper labeling, storage, handling, and use of hazardous materials and provide proper training for construction workers.	LSM	LSM	LSM
Impact: Possible exposure of the public or environment to hazardous materials sites. Mitigation Measure: Mitigation is incorporated in the design and construction approach.	LTS	LTS	LTS
Impact: Possible temporary limited emergency access. Mitigation Measure: Mitigation is incorporated in the design and construction approach.	LTS	LTS	LTS
Impact: Possible temporary exposure of people or structures to wildland fires. Mitigation Measure: Mitigation is incorporated in the design and construction approach.			LTS
<i>HYDROLOGY AND WATER QUALITY</i>			
Impact: Possible temporary transport of sediment to water bodies. Mitigation Measure: Mitigation is incorporated in the design and construction approach.	LTS	LTS	LTS
Impact: Possible temporary disruption of streambed and bank sediments. Mitigation Measure: Mitigation is incorporated in the design and construction approach.			LTS
Impact: Possible long-term in-channel erosion and deposition from decreased channel stability. Mitigation Measure: Mitigation is incorporated in the design and construction approach.			LTS

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

Table ES-1 Summary of Impacts and Mitigation Measures			
Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
Impact: Possible temporary water quality degradation from accidental spills of hazardous materials during construction. Mitigation Measure: Mitigation is incorporated in the design and construction approach.	LTS	LTS	LTS
Impact: Possible temporary water quality degradation and siltation from accidental seepage of bentonite into streams. Mitigation Measure: Mitigation is incorporated in the design and construction approach.		LTS	LTS
<i>LAND USE AND PLANNING</i>			
Impact: Possible conflict with local land use plans. Mitigation Measure: None required because the impact is less than significant.	LTS	LTS	LTS
Impact: Possible conflict with habitat conservation plans or natural community conservation plans when siting OP-AMP stations. Mitigation Measure: None required because the impact is less than significant.			LTS
<i>MINERAL RESOURCES – NO IMPACTS ARE ANTICIPATED.</i>			
<i>NOISE</i>			
Impact: Temporary exposure of residences and other sensitive receptors to groundborne vibration and construction noise in excess of local standards. Mitigation Measure N-1: Employ noise- and vibration-reducing construction practices.	LSM	LSM	LSM
Impact: Temporary exposure of residences and other sensitive receptors to nighttime groundborne vibration and construction noise in excess of local standards. Mitigation Measure N-2: Comply with MTA noise reduction specifications when constructing in railroad right-of-way.		LSM	
Impact: Exposure of nearby sensitive receptors to excessive noise levels from use of emergency backup generators at OP-AMP stations. Mitigation Measure N-3: Design and locate emergency backup generators and other support equipment to limit engine noise from the engine generator.			LSM
<i>POPULATION AND HOUSING– NO IMPACTS ARE ANTICIPATED.</i>			
<i>PUBLIC SERVICES – NO IMPACTS ARE ANTICIPATED.</i>			
<i>RECREATION– NO IMPACTS ARE ANTICIPATED.</i>			
<i>TRANSPORTATION/TRAFFIC</i>			

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

**Table ES-1
Summary of Impacts and Mitigation Measures**

Impact and Mitigation by Resource Area	Northern CA Interconnection Projects	Los Angeles to Ontario Longhaul Route	Ontario to San Diego Longhaul Route
Impact: Temporary traffic disruption within road rights-of-way, including temporary effects on emergency access and creation of limited new temporary parking. Mitigation Measure T-1: Prepare and implement a traffic management plan in accordance with Caltrans and local agency encroachment permit criteria.	LSM	LSM	LSM
Impact: Temporary increase in vehicular traffic. Mitigation Measure: None required because the impact is less than significant.	LTS	LTS	LTS
Impact: Temporary disruption of rail service and increase in railway safety hazards. Mitigation Measure T-2: Minimize safety hazards associated with construction in railroad rights-of-way by consulting with Metrolink and constructing in accordance with “stand down” requirements.		LSM	
<i>UTILITIES AND SERVICE SYSTEMS</i>			
Impact: Limited amount of waste disposal required at local landfills. Mitigation Measure: None required because impact is less than significant.	LTS	LTS	LTS

LTS Indicates impact is less than significant

LSM Indicates impact is less than significant with mitigation implementation

**LOCAL AGENCY (LA)
COMMENT LETTERS**

LA 1 – LA 3

L 1

Debra Lilly - IS/MND for Broadwing Communication's Fiber Optics Expansion Project

From: Shiv Vyas <SVYAS@ci.ontario.ca.us>
To: "demosf@edaw.com" <demosf@edaw.com>
Date: 11/6/01 10:48 AM
Subject: IS/MND for Broadwing Communication's Fiber Optics Expansion Project
CC: Jim Babinski <JBabinsk@ci.ontario.ca.us>, Scott Murphy <SMURPHY@ci.ontario.ca.us>, Scott Burton <SBurton@ci.ontario.ca.us>, Mike Call <MCall@ci.ontario.ca.us>, Barbara Paine <BPAINE@ci.ontario.ca.us>

We want to express our concern in regards to the segment of this project's alignment within Milliken Ave right of way in northeast part of our City.(ONTARIO)

We plan to repave a significant portion of this roadway in spring of Year 2002.
Once repaving is complete we will allow conduit installation be boring only.No trenching in newly paved areas will be permitted.

Please convey these comments to the project applicant.

L 1-1

RESPONSE TO COMMENTS FROM THE CITY OF ONTARIO (L 1)

- L 1-1** Comment noted. No trenching will occur in areas prohibited by the City. Conduit and cable installation will occur via directional drilling. Construction within the City will be coordinated with the City and will occur as specified in any required City permits.



CITY OF CORONA – PLANNING

815 W. SIXTH STREET ♦ CORONA, CA 92882-3238 ♦ (909) 736-2262 FAX (909) 279-3550
WEBSITE – WWW.CI.CORONA.CA.US

Via e-mail and Fax

November 9, 2001

State of California
Public Utilities Commission
c/o EDAW, Inc.
ATTENTION: Francine Demos
601 University Ave., Suite 184
Sacramento, CA 95825

RE: Response to Draft Initial Study for Fiber Optic Expansion Project

The City of Corona offers the following comments to the above-referenced project. These comments were generated from the city's Public Works Department.

- | | |
|--|-------|
| 1. Table 2.3-1 of Volume I and Appendices B-1 and B-3 of Volume II should include the provision that the required Rights-of-way Agreement must be agreed upon and entered into prior to issuance of any construction permit. | L 2-1 |
| 2. Volume I, Page 2-5 (Depth of Conduit) – The depth of conduits may vary depending on existing and any future main and/or lateral crossings, subject to the review and approval of the City of Corona. | L 2-2 |
| 3. Volume I, Page 2-21 – Traffic control and hours of operations are subject to the review and approval of the city. Night work or weekend work may be required on the congested portions of master planned streets. | L 2-3 |
| 4. Volume I, Page 3-1 – The route indicated may have to vary depending on availability of right-of-way and subject to the rights-of-way agreement with the city. | L 2-4 |

If you have questions or need clarification on any of these comments, please contact either Ati Eskandari or Robert Morin of the City of Corona, Public Works Department (909) 736-2261.

Sincerely,

Terri Manuel
Senior Planner

C: Ati Eskandari
Robert Morin
Laura Manchester

RESPONSE TO COMMENTS FROM THE CITY OF CORONA, PLANNING (L 2)

L 2-1 Table 2.3-1 of Volume I and Appendices B-1, B-2 and B-3 have been modified to include the provision that the rights-of-way agreements must be agreed upon and entered into prior to issuance of any construction permit.

Table 2.3-1 Potential Permit or Consultation Requirements		
Permit/Agreement	Agency	Jurisdiction/Purpose
<i>FEDERAL AGENCIES</i>		
Clean Water Act Section 404 Permit(Nationwide Permit No. 12)	U.S. Army Corps of Engineers	Authorizes discharge of fill into “waters of the United States,” including wetlands, etc., if needed.
Clean Water Act Section 401 Certification	Applicable regional water quality control boards	Supports issuance of federal CWA Section 404 permit, if needed.
Federal Endangered Species Act (ESA) Consultation	U.S. Fish and Wildlife Service	Supports issuance of federal permits related to federally listed species, if needed.
Nation Historic Preservation Act Section 106 Compliance	Advisory Council on Historic Preservation	Supports issuance of federal permits related to cultural resources, if needed.
<i>STATE AGENCIES</i>		
State Endangered Species Consultation	California Department of Fish and Game (DFG)	Supports <u>issuance of a State permit related to state listed species, if needed.</u> CEQA determination by State lead agency, including consistency with adopted Natural Communities Conservation Plans (NCCPs)
Cultural Resources Consultation	State Historic Preservation Office	Supports CEQA determination by State lead agency
State Dept. of Fish and Game Code Section 1603 Streambed Alteration Agreement	California Department of Fish and Game (DFG)	Authorizes alteration of streambeds, rivers, lakes, etc.
Clean Water Act Section 402 National Pollution Discharge Elimination System (NPDES) Permit	Applicable regional water quality control boards	Required if construction disturbance exceeds 5 acres
Authority to Construct/Operate	Several air quality management districts	Ensures air emission reduction and monitoring
Road Encroachment Permits	California Department of Transportation (Caltrans)	Construction in state rights-of-way

**Table 2.3-1
Potential Permit or Consultation Requirements**

Permit/Agreement	Agency	Jurisdiction/Purpose
Right-of-Way Encroachment/Easements for Ingress-Egress	Metropolitan Water District of Southern California	Permit/agreement
<i>LOCAL AGENCIES</i>		
Encroachment Permits	Several municipalities and counties	Provides for temporary lane closures and construction activities in county and city rights-of-way.
Building and Grading Permits	Riverside and San Diego counties	Grading and construction of two proposed OP-AMP sites.
Rights-of-Way Agreements	Several municipalities and counties	Must be agreed upon and entered into prior to issuance of any local agency construction- related permit
Noise Permits	Several municipalities and counties	Ensures compliance with local noise ordinances
Natural Resource Permits	Several municipalities and counties	Ensures consistency with adopted NCCPs and other local regulations for protection of natural resources

APPENDIX B-1
ENVIRONMENTAL-RELATED PERMITS AND AGENCY APPROVALS
NORTHERN CALIFORNIA INTERCONNECTION PROJECTS

<i>Regulation</i>	<i>Permitting/Review Agency</i>	<i>Regulated Activity ("Trigger")</i>	<i>Action/Permit</i>
San Francisco End Link Project			
Clean Air Act	Bay Area Air Quality Management District	Air pollutant activities	Authority to construct
Encroachment Permits	San Francisco and San Mateo counties; cities of San Francisco and Brisbane	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	San Francisco and San Mateo counties; cities of San Francisco and Brisbane	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	San Francisco and San Mateo counties; cities of San Francisco and Brisbane	Construction activities on lands under city or county jurisdiction	Permit
Santa Clara Data Center Route 2			
Clean Air Act	Bay Area Air Quality Management District	Air pollutant activities	Authority to construct
Streets and Highways Code	Caltrans District 4	Construction activities within state owned rights-of-way	Encroachment permits
Encroachment Permits	Santa Clara County; cities of Santa Clara and San Jose	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	Santa Clara County; cities of Santa Clara and San Jose	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	Santa Clara County; cities of Santa Clara and San Jose	Construction activities on lands under city or county jurisdiction	Permit
Hayward to Pleasanton Reroute			
Clean Air Act	Bay Area Air Quality Management District	Air pollutant activities	Authority to construct
Streets and Highways Code	Caltrans District 4	Construction activities within state owned rights-of-way	Encroachment permits
Encroachment Permits	Alameda County; City of Hayward	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	Alameda County; City of Hayward	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	Alameda County; City of Hayward	Construction activities on lands under city or county jurisdiction	Permit
Sacramento End Link Project			
Clean Air Act	Sacramento Metropolitan Air Quality Management District	Air pollutant activities	Authority to construct
Encroachment Permits	Sacramento County; City of Sacramento	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	Sacramento County; City of Sacramento	Construction activities on lands under city or county jurisdiction	Permit

APPENDIX B-1
ENVIRONMENTAL-RELATED PERMITS AND AGENCY APPROVALS
NORTHERN CALIFORNIA INTERCONNECTION PROJECTS

Regulation	Permitting/Review Agency	Regulated Activity ("Trigger")	Action/Permit
Natural Resource Permits	Sacramento County; City of Sacramento	Construction activities on lands under city or county jurisdiction	Permit
Sacramento End Loop Project			
Clean Air Act	Sacramento Metropolitan Air Quality Management District	Air pollutant activities	Authority to construct
Encroachment Permits	Sacramento County; City of Sacramento	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	Sacramento County; City of Sacramento	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	Sacramento County; City of Sacramento	Construction activities on lands under city or county jurisdiction	Permit
Modesto End Loop Project			
Clean Air Act	San Joaquin Valley Air Pollution Control District	Air pollutant activities	Authority to construct
Encroachment Permits	Stanislaus County; City of Modesto	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	Stanislaus County; City of Modesto	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	Stanislaus County; City of Modesto	Construction activities on lands under city or county jurisdiction	Permit
Stockton End Loop Project			
Clean Air Act	San Joaquin Valley Air Pollution Control District	Air pollutant activities	Authority to construct
Encroachment Permits	San Joaquin County; City of Stockton	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	San Joaquin County; City of Stockton	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	San Joaquin County; City of Stockton	Construction activities on lands under city or county jurisdiction	Permit

*Rights-of-way agreements must be agreed upon and entered into prior to issuance of any local agency construction-related permit in those applicable local jurisdictions.

APPENDIX B-2
 ENVIRONMENTAL-RELATED PERMITS AND AGENCY APPROVALS
 LOS ANGELES TO ONTARIO LONGHAUL ROUTE

Regulation	Permitting/Review Agency	Regulated Activity ("Trigger")	Action/Permit
State Agencies			
Fish & Game Code, Section 1603	CA Dept. of Fish & Game; Eastern Sierra-Inland Desert Region (6) & South Coast Region (5)	Construction that may alter the beds or banks of streams or result in unintentional release of bentonite to streams	Issuance of a streambed alteration agreement for drainage crossings in both Los Angeles and San Bernardino Counties
Clean Water Act, Section 402	Regional Water Quality Control Board (RWQCB); Los Angeles Region (4) & Santa Ana River Region (8)	Construction disturbance of 5 acres or more	National Pollutant Discharge Elimination System (NPDES) permit
Clean Air Act	South Coast Air Quality Management District	Air pollutant activities	Authority to construct
Streets and Highways Code	Caltrans Districts 7 & 8	Construction activities within state owned rights-of-way	Encroachment permits
Local Permits*			
Encroachment Permits	Los Angeles and San Bernardino Counties; cities of Los Angeles, Alhambra, El Monte, Industry, Baldwin Park, Irwindale, West Covina, Covina, San Dimas, La Verne, Pomona, Claremont, Montclair, Upland, Ontario, Rancho Cucamonga	Construction activities on lands under city or county jurisdiction	Permit
Grading Permits	Los Angeles and San Bernardino Counties; cities of Los Angeles, Alhambra, El Monte, Industry, Baldwin Park, Irwindale, West Covina, Covina, San Dimas, La Verne, Pomona, Claremont, Montclair, Upland, Ontario, Rancho Cucamonga	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	Los Angeles and San Bernardino Counties; cities of Los Angeles, Alhambra, El Monte, Industry, Baldwin Park, Irwindale, West Covina, Covina, San Dimas, La Verne, Pomona, Claremont, Montclair, Upland, Ontario, Rancho Cucamonga	Construction activities on lands under city or county jurisdiction	Permit

*Rights-of-way agreements must be agreed upon and entered into prior to issuance of any local agency construction-related permit in those applicable local jurisdictions.

APPENDIX B-3
ENVIRONMENTAL-RELATED PERMITS AND AGENCY APPROVALS
ONTARIO TO SAN DIEGO LONGHAUL ROUTE

<i>Regulation</i>	<i>Permitting/Review Agency</i>	<i>Regulated Activity ("Trigger")</i>	<i>Action/Permit</i>
Federal Agencies			
Clean Water Act Section 404 Permit	U.S. Army Corps of Engineers	Authorizes discharge of fill into "waters of the U.S.," including wetlands, etc.	Nationwide Permit No. 12, if needed
Clean Water Act Section 401 Certification	Applicable regional water quality control boards	Supports issuance of federal CWA Section 404 permit	RWQCB certification, if needed
Federal Endangered Species Act (ESA) Consultation	U.S. Fish and Wildlife Service	Supports issuance of federal permits related to federally listed species	USFWS consultation, if needed
National Historic Preservation Act Section 106 Compliance	Advisory Council on Historic Preservation	Supports issuance of federal permits related to cultural resources	ACHP compliance, if needed
State Agencies			
Fish & Game Code, Section 1603	CA Dept. of Fish & Game: Eastern Sierra-Inland Desert Region (6) & South Coast Region (5)	Construction that may alter the beds or banks of streams or result in unintentional release of bentonite to streams	Issuance of a streambed alteration agreement for drainage crossings in Riverside and San Diego counties
Clean Water Act, Section 402	Regional Water Quality Control Board (RWQCB); Santa Ana Region (8) & San Diego Region (9)	Construction disturbance of 5 acres or more	National Pollutant Discharge Elimination System (NPDES) permit
Clean Air Act	South Coast Air Quality Management District; San Diego County Air Pollution Control District	Air pollutant activities	Authority to construct and permit to operate backup generators for two OP-AMP stations
Streets and Highways Code	Caltrans Districts 8 & 11	Construction activities within state owned rights-of-way	Encroachment permits
<u>Encroachment Permit</u>	<u>Metropolitan Water District of Southern California</u>	<u>Right-of-Way Encroachment/Easements for Ingress-Egress</u>	<u>Permit/agreement.</u>
Local Permits*			
Conditional or special use permits	Riverside and San Diego Counties	Construction activities on lands under county jurisdiction	Permit
Encroachment Permits	Riverside and San Diego Counties; cities of Ontario, Norco, Corona, Lake Elsinore, Murrieta, Temecula, Escondido, Poway, San Diego	Construction activities on lands under city or county jurisdiction	Permit

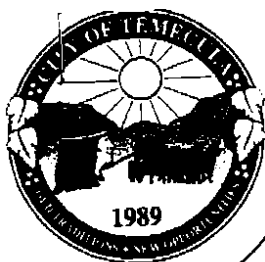
APPENDIX B-3
ENVIRONMENTAL-RELATED PERMITS AND AGENCY APPROVALS
ONTARIO TO SAN DIEGO LONGHAUL ROUTE

Regulation	Permitting/Review Agency	Regulated Activity ("Trigger")	Action/Permit
Grading Permits	Riverside and San Diego Counties; cities of Ontario, Norco, Corona, Lake Elsinore, Murrieta, Temecula, Escondido, Poway, San Diego	Construction activities on lands under city or county jurisdiction	Permit
Building Permits	Riverside and San Diego Counties; cities of Ontario, Norco, Corona, Lake Elsinore, Murrieta, Temecula, Escondido, Poway, San Diego	Construction activities on lands under city or county jurisdiction	Permit
Natural Resource Permits	Riverside and San Diego Counties; cities of Ontario, Norco, Corona, Lake Elsinore, Murrieta, Temecula, Escondido, Poway, San Diego	Construction activities on lands under city or county jurisdiction	Permit

*Rights-of-way agreements must be agreed upon and entered into prior to issuance of any local agency construction-related permit in those applicable local jurisdictions.

- L 2-2** Comment noted. It is understood that the depth of conduit may vary and will be subject to review and approval by the City of Corona. The CPUC will require that Broadwing furnish all federal, state, and local permits prior to construction to ensure that the proper procedures have been followed and that the required mitigation has been implemented.
- L 2-3** Refer to Response to Comment S 1-1.
- L 2-4** Comment noted. Broadwing's right-of-way agents have been coordinating closely with private property owners and local jurisdictions to site the route as final as possible so that the environmental analysis would be accurate. There may be slight modifications to the route based on the inability to negotiate right-of-way agreements with private property owners and local jurisdictions. Under this scenario, minor route modifications would be subject to the variance process outlined in Appendix D of Volume II, Draft Mitigation Monitoring Plan. If major portions of the route become unavailable or inaccessible, Broadwing would be subject to further environmental review under CEQA.

L 3



City of Temecula

43200 Business Park Drive • Temecula, CA 92590 • Mailing Address: P.O. Box 9033 • Temecula, CA 92589-9033
(909) 694-6411 • Fax (909) 694-6475

January 7, 2002

Mr. Nicolas Procos
State of California
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

SUBJECT: DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR BROADWING COMMUNICATIONS SERVICES, INC. FIBER OPTIC EXPANSION PROJECT

Dear Mr. Procos:

Thank you for the opportunity to review the Draft Initial Study/Mitigated Negative Declaration for the Broadwing Communications Services, Inc. Fiber Optic Expansion Project. This project proposes construction in 8.48 miles of existing streets and bridges within the City of Temecula. Construction of this project would create a temporary impact to traffic flow, with possible detours during construction. The most significant impacts are expected to occur on narrow streets such as Felix Valdez Road, 6th Street, and Pujol Street. Staff does not consider the temporary traffic impacts to be significant, provided that access is maintained for residents and emergency vehicles. Staff has these additional comments for this project:

L 3-1

Table 3.4-1, Page 3-11, Volume I, Initial Study/Mitigated Negative Declaration. Please revise this Table by placing a checkmark in the row for "1st Street," under the column heading "Bridge Attachment and/or Utility Cell," and deleting the checkmark in the row for "Front Street," under the column heading "Bridge Attachment and/or Utility Cell."

L 3-2

Table 1.4-2, Page 1-9, Volume II, Appendix E, Draft Stormwater Pollution Prevention Plan. Please revise this Table as noted in previous comment.

L 3-3

Pavement Management. Please coordinate plowing, trenching, and boring construction activity with Greg Butler of the Public Works Department at (909) 694-6411.

L 3-4

Bridge Attachment. There is existing conduit in First Street Bridge to accommodate this project. Please contact Greg Butler, Senior Engineer, Public Works at (909) 694-6411 for availability and location of existing conduit.

L 3-5

If you have any further concern or questions, please feel free to call me at (909) 694-6400, Extension 955.

Sincerely,

Emery J. Papp
Associate Planner

RESPONSES TO COMMENTS FROM THE CITY OF TEMECULA (L 3)

L 3-1 Comment noted, no further response is necessary.

L 3-2 Table 3.4-1 of Volume I has been modified to include a check mark under “Bridge Attachment and/or Utility Cell” for 1st Street and to delete the check mark under “Bridge Attachment and/or Utility Cell” for Front Street.

Table 3.4-1 Right-of-Way Miles and Proposed Construction Methods for the Ontario to San Diego Longhaul Route							
Route Segment	Right-of-Way Miles			Construction Methods			
	Local Roads	State Highways	Railroad	Plow or Trench	Bore	Bridge Attachment and/or Utility Cell	Pull-Through Existing Conduit
<i>SAN BERNARDINO COUNTY</i>							
Terminus- 1590 Milliken Ave.	4.75	–	–	✓	✓	–	–
Hamner Ave. (to Belgrave Ave.)	2.50	–	–	✓	✓	–	–
Subtotal	7.25	0	0				
<i>RIVERSIDE COUNTY</i>							
Hamner Ave. (from Belgrave Ave.)	6.65	–	–	✓	✓	✓	–
Cotta St.	1.01	–	–	✓	✓	–	–
Railroad St.	0.07	–	–	✓	–	–	–
North Vicentia St.	1.32	–	–	✓	✓	–	–
Crestview Street	0.04	–	–	✓	–	–	–
South Vicentia Ave.	0.59	–	–	✓	✓	–	–
Ontario Ave.	3.70	–	–	✓	✓	–	–
Temescal Canyon Rd.	12.02	–	–	✓	✓	–	–
Lake St.	1.81	–	–	✓	✓	–	–
Grand Ave.	11.89	–	–	✓	✓	–	–
McVicar St.	0.47	–	–	✓	✓	–	–
Palomar St.	1.71	–	–	✓	✓	–	–
Washington Ave.	1.09	–	–	✓	✓	–	–
Magnolia St.	0.26	–	–	✓	–	–	–
Adams Ave.	4.25	–	–	✓	✓	–	–
Cherry St.	0.31	–	–	✓	✓	–	–
Diaz Rd.	2.17	–	–	✓	–	–	–
Rancho California Rd.	0.05	–	–	✓	–	–	–
Vincent Moraga Dr.	0.08	–	–	✓	–	–	–
Felix Valdez Rd.	0.33	–	–	✓	–	–	–
6th St.	0.06	–	–	✓	–	–	–
Pujol St.	0.41	–	–	✓	–	–	–

**Table 3.4-1
Right-of-Way Miles and Proposed Construction Methods for the
Ontario to San Diego Longhaul Route**

Route Segment	Right-of-Way Miles			Construction Methods			
	Local Roads	State Highways	Railroad	Plow or Trench	Bore	Bridge Attachment and/or Utility Cell	Pull-Through Existing Conduit
1st St.	0.19	–	–	✓	–	✓	–
Front St.	0.75	–	–	✓	–	–	–
State Highway 79	–	0.78	–	–	✓	–	–
Pala Road (S16)	–	0.22	–	–	✓	–	–
Rainbow Canyon Rd.	3.13	–	–	✓	✓	–	–
Subtotal	54.36	1.00	0				
<i>SAN DIEGO COUNTY</i>							
Rainbow Valley Blvd.	1.66	–	–	✓	✓	–	–
8th St.	0.13	–	–	✓	–	–	–
Rice Canyon Rd.	5.02	–	–	✓	✓	–	–
Pala Rd. (Highway 76)	–	0.12	–	–	✓	–	–
Couser Canyon Rd.	4.94	–	–	✓	✓	–	–
Lilac Rd.	6.96	–	–	✓	✓	–	–
Valley Center Rd. (Route S6)	–	4.90	–	–	✓	–	–
East Valley Pkwy.	1.92	–	–	✓	–	–	–
Bear Valley Pkwy.	5.07	–	–	✓	✓	–	–
Sunset Dr.	0.33	–	–	✓	✓	–	–
Interstate 15	–	0.68	–	–	✓	–	–
Pomerado Rd.	14.21	–	–	✓	✓	–	–
Miramar Rd.	0.17	–	–	✓	–	–	–
Kearny Villa Rd.	4.71	–	–	✓	✓	✓	–
Topaz Way	0.16	–	–	✓	–	–	–
Complex St.	0.06	–	–	✓	–	–	–
Subtotal	45.34	5.70	0				
Total	106.95	6.70	0				
Grand Total		113.65					

L 3-3 Table 1.4-2 of Volume II has been modified to include a check mark under “Bridge Attachment and/or Utility Cell” for 1st Street and to delete the check mark under “Bridge Attachment and/or Utility Cell” for Front Street.

**Table 1.4-2 Right-Of-Way Miles and Construction Methods
for the Ontario to San Diego Longhaul Route**

Route Segment	Right-of-Way Miles			Construction Methods			
	Local Roads	State Highways	Railroad	Plow or Trench	Bore	Bridge Attachment and/or Utility Cell	Pull-Through Existing Conduit
<i>SAN BERNARDINO COUNTY</i>							
Terminus- 1590 Milliken Ave.	4.75	–	–	✓	✓	–	–
Hamner Ave. (to Belgrave Ave.)	2.50	–	–	✓	✓	–	–
Subtotal	7.25	0	0				
<i>RIVERSIDE COUNTY</i>							
Hamner Ave. (from Belgrave Ave.)	6.65	–	–	✓	✓	–	–
Cotta St.	1.01	–	–	✓	✓	–	–
Railroad St.	0.07	–	–	✓	–	–	–
North Vicentia St.	1.32	–	–	✓	✓	–	–
Crestview Street	0.04			✓	–		
South Vicentia Ave.	0.59	–	–	✓	✓	–	–
Ontario Ave.	3.70	–	–	✓	✓	–	–
Temescal Canyon Rd.	12.02	–	–	✓	✓	–	–
Lake St.	1.81	–	–	✓	✓	–	–
Grand Ave.	11.89	–	–	✓	✓	–	–
McVicar St.	0.47	–	–	✓	✓	–	–
Palomar St.	1.71	–	–	✓	✓	–	–
Washington Ave.	1.09	–	–	✓	✓	–	–
Magnolia St.	0.26	–	–	✓	–	–	–
Adams Ave.	4.25	–	–	✓	✓	–	–
Cherry St.	0.31	–	–	✓	✓	–	–
Diaz Rd.	2.17	–	–	✓	–	–	–
Rancho California Rd.	0.05	–	–	✓	–	–	–
Vincent Moraga Dr.	0.08	–	–	✓	–	–	–
Felix Valdez Rd.	0.33	–	–	✓	–	–	–
6th St.	0.06	–	–	✓	–	–	–
Pujol St.	0.41	–	–	✓	–	–	–
1st St.	0.19	–	–	✓	–	✓	–
Front St.	0.75	–	–	✓	–	✓	–
State Highway 79	–	0.78	–	–	✓	–	–
Pala Road (S16)	–	0.22	–	–	✓	–	–
Rainbow Canyon Rd.	3.13	–	–	✓	✓	–	–
Subtotal	54.36	1.00	0				
<i>SAN DIEGO COUNTY</i>							
Rainbow Valley Blvd.	1.66	–	–	✓	✓	–	–
8th St.	0.13	–	–	✓	–	–	–
Rice Canyon Rd.	5.02	–	–	✓	✓	–	–
Pala Rd. (Highway 76)	–	0.12	–	–	✓	–	–
Couser Canyon Rd.	4.94	–	–	✓	✓	–	–

Table 1.4-2 Right-Of-Way Miles and Construction Methods for the Ontario to San Diego Longhaul Route							
Route Segment	Right-of-Way Miles			Construction Methods			
	Local Roads	State Highways	Railroad	Plow or Trench	Bore	Bridge Attachment and/or Utility Cell	Pull-Through Existing Conduit
Lilac Rd.	6.96	–	–	✓	✓	–	–
Valley Center Rd. (Route S6)	–	4.90	–	–	✓	–	–
East Valley Pkwy.	1.92	–	–	✓	–	–	–
Bear Valley Pkwy.	5.07	–	–	✓	✓	–	–
Sunset Dr.	0.33	–	–	✓	✓	–	–
Interstate 15	–	0.68	–	–	✓	–	–
Pomerado Rd.	14.21	–	–	✓	✓	–	–
Miramar Rd.	0.17	–	–	✓	–	–	–
Kearny Villa Rd.	4.71	–	–	✓	✓	✓	–
Topaz Way	0.16	–	–	✓	–	–	–
Complex St.	0.06	–	–	✓	–	–	–
Subtotal	45.34	5.70	0				
Total	106.95	6.70	0				
Grand Total		113.65					

- L 3-4 Comment noted. The CPUC will ensure that Broadwing coordinates all plowing, trenching, and boring construction activity with the City Public Works Department.
- L 3-5 Comment noted. The CPUC will ensure that Broadwing coordinates with the City Public Works Department for the availability and location of existing conduit, prior to the installation of new conduit.

**ORGANIZATIONS/SPECIAL DISTRICTS (O)
COMMENT LETTERS**

O 1 – O 3

RAINBOW PLANNING GROUP

Advising THE BOARD OF SUPERVISORS • SAN DIEGO COUNTY

RECEIVED

NOV - 5 2001

October 25, 2001

State of California
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 64102

Attention: Nicolas Procos

Subject: Response to Draft Initial Study / Mitigated Negative Declaration for the Broadwing Communications Services, Inc. Fiber Optic Expansion Project. (A.00-11-026)

On October 17, 2001, the Rainbow Community Planning Group voted 14-0 to respond to you with what should be considered key issues not clearly addressed within this study. We feel the fiber optic route should be relocated to Old Highway 395 as it bisects the community of Rainbow, rather than through the most environmentally sensitive areas of the community as is proposed. The Old Highway 395 route recently had a fiber optic cable located within it less than 6 months ago. In addition, the OP-AMP building site should be relocated approximately one-half mile to the north in Riverside County, where the zoning is commercial and industrial, which is a better fit for this large utility structure than the residential / agricultural area that is proposed. Some of the rationales for recommending these changes to the proposed project are listed below:

O 1-1

O 1-2

Rice Canyon

The first issue is that in Section 4, page 34 states "*pruning or actual tree removal may be necessary to install the cable within the rights-of-way, especially in Rice and Couser Canyons. Western yellow-billed cuckoo, southwestern willow flycatcher, least Bell's vireo, and various raptor species nest near the roadway. Riparian areas and wetland areas are adjacent to some portions of the proposed route rights-of-way. Exclusion zones and buffer setbacks of 25 feet shall be maintained around all riparian areas. Qualified biological monitors shall be retained on site during construction at all riparian areas to ensure that construction activities do not impinge on the 25-foot buffer zone.*"

O 1-3

- Several things have been omitted from this study. One is that the section of Rice Canyon Road that is likely to require tree trimming and removal is

O 1 (cont.)

community. The site location is directly on Rainbow Valley Blvd., the highest traveled road within the entire community of Rainbow. We recommend that the OP-AMP location be moved to the north about one-half mile in Riverside County, where the land use zoning is commercial and industrial.

↑
O 1-2



Curtis Nicolaisen
Chairman, Rainbow Community Planning Group

cc:
Jimmy Smith
Broadwing Communications Services
1835B Kramer Lane
Austin, Texas 78758

Francine Demos
EDAW, Inc.
601 University Avenue, Suite 185
Sacramento, California 95825

Gary Pryor
San Diego County Dept. of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

RESPONSES TO COMMENTS FROM THE RAINBOW PLANNING GROUP (O 1)

- O 1-1** Old Highway 395 was considered as a potential project route, but rejected because a fiber optic cable is already present within the right-of-way. Diversity among fiber optic routes is required both within and among networks to provide back-up service if a line is cut. The trunk, or backbone, lines to be installed by Broadwing, and already existing in Old Highway 395, carry large amounts of Federal and State telecommunications traffic. Interruptions in the use of these lines, especially in times of emergency, can have severe consequences. When a trunk line is cut, or transmission is interrupted for some reason, communications traffic typically is not stopped, but routed along other diverse routes, often owned by different carriers. If Broadwing were to install their trunk line along Old Highway 395, both lines would be susceptible to cuts or damage during a single event, severely interrupting communications service. By placing both lines in different routes, one line should always be operational if the other is damaged, allowing communication service to continue.
- O 1-2** As described in the Land Use Section of the Draft IS/MND (beginning on page 4-75), the Warder OP-AMP site is zoned agricultural (A-70). The OP-AMP would be a permitted use within the A-70 zone with acquisition of a minor use permit. In addition, as described in the “Aesthetics” section (page 4-5), the Warder site will be located directly across the street from an existing public water supply pump station. Based on this information, installation of an OP-AMP station does not seem inconsistent with surrounding land uses and the character of the site. Also, as described in the “Aesthetics” section, existing vegetation and distance to adjacent residential uses will provide buffering, and the color of the OP-AMP station buildings will match the predominant shade of the surroundings. Other visual screening options, such as landscaping and facades, are also available when installing an OP-AMP station.

However, Broadwing must still obtain all necessary permits from the local jurisdictions prior to construction of the OP-AMP, as described in the Land Use section (Page 4-76); “Broadwing shall obtain necessary local zoning permits before construction of facilities and shall comply with the applicable conditions of approval.” If Broadwing cannot obtain the necessary permits, or meet permit requirements, for the Warder site, an alternative OP-AMP site will be needed. A sentence in the third paragraph of the Location of OP-AMP Stations section (page 2-22) of the Draft IS/MND has been modified to indicate that the inability to negotiate with the local jurisdictions, as well as a property owner, may result in the need to obtain an alternative OP-AMP site. This section of the Draft IS/MND also states that OP-AMP stations will not be sited in areas that are within a designated floodplain, unless absolutely necessary. If the building pad at the Warder site is determined to be within the floodplain of Rainbow Creek, as the commenter suggests, than an alternative OP-AMP site may be required.

The IS/MND considers the potential need to select alternative OP-AMP sites and provides a process and criteria for identifying these sites. If the Warder OP-AMP site is ultimately determined to be infeasible due to permitting, zoning, floodplain, or other factors, alternative sites to north in Riverside County, as suggested by the commenter, will be considered.

- O 1-3** In response to the first part of this comment, the following text from the Northern California Interconnection Projects mitigation discussion (*Item e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance* (e.g., oak trees or California walnut woodland?)) will be repeated in the same location (Item e.) for the Ontario to San Diego route.

“If heritage trees or trees protected by local ordinances will be affected, Broadwing shall either avoid impacts on these trees, as required by ordinance, or work with the local jurisdiction to minimize impacts. Broadwing shall keep the CPUC informed of agency coordination.”

Golden and bald eagles fall within the general references to raptors included in the Draft IS/MND. Both eagle species are listed in the special-status species table in Appendix I-3. Mitigation Measure B-1: **Avoid Occupied Raptor Habitat during the Nesting Season and Implement Protection Measures, if Necessary** addresses potential impacts to all raptor species which might nest along the project route.

Although Rice Canyon is a heavily forested area, not all trees along this segment of the project route are associated with riparian habitat. Therefore, the 25-foot buffer would not necessarily be applied to all trees adjacent to the road. As the commenter points out, the Draft IS/MND describes that where riparian habitat is close enough to the road to prevent maintenance of a 25-foot buffer, the cable will be installed in the road pavement. Installation in the pavement will not result in the need for tree removal. Any tree trimming associated with installation in the pavement would involve removal of overhanging branches so as not to interfere with construction vehicles and possible trimming of side branches which may encroach on the road shoulder. This type of trimming/pruning is likely consistent with regular branch removal associated with maintenance of the road. Therefore, where a 25-foot buffer between construction and riparian habitat cannot be maintained, installing the fiber optic cable in the road pavement is considered an effective means of preventing/minimizing adverse impacts to riparian habitat.

- O 1-4** It is acknowledged that the project will temporarily disrupt both vehicle and bicycle traffic during construction. Typically installation of fiber optic cable proceeds fairly quickly (see Table 2.2-1 in the Draft IS/MND for Typical Daily Construction Progress) and no one area is affected for extended periods. However, a Traffic Management Plan (TMP) will still be prepared per Mitigation Measure T-1: **Prepare and Implement a Traffic Management Plan in Accordance with Caltrans and Local Agency Encroachment Permit Criteria**. In order to obtain the encroachment permit to construct on Rice Canyon Road, Broadwing will meet with the appropriate local agency (agencies) and agree on methods of construction, timing, traffic control

procedures, standards for road resurfacing, and various other details. Requirements in the encroachment permit will be incorporated, as applicable, into the TMP. Copies of any encroachment permits and TMPs will be provided to the CPUC before construction begins. Environmental monitors for the CPUC and Broadwing will be responsible for ensuring requirements in the encroachment permit and the TMP are implemented properly. Representatives from the local jurisdiction(s) may also have inspectors at the job site. Local jurisdictions also often require a bond to secure proper performance.

It is assumed that the encroachment permit and TMP will contain requirements that construction not occur during major recreational events, such as bike races. It is also assumed that requirements for asphalt replacement after trench filling will be sufficient to support continued bicycle traffic on Rice Canyon Road after construction is complete. Therefore, implementation of Mitigation Measure T-1 would address the concerns expressed by the commenter.

O 1-5 Refer to the response to Comment O 1-4 (above) for a general discussion of Mitigation Measure T-1, TMPs, and encroachment permits. As described under Mitigation Measure T-1 (page 4-93 in the Draft IS/MND) TMPs will address at a minimum:

- maintenance of adequate emergency access, public transit services, and parking availability;
- maintenance of adopted traffic service standards;
- measures to ensure no substantial deterioration of the roadway surface; ~~and~~
- creation of potential traffic obstructions or public and worker safety hazards; and
- measures to ensure traffic and bicycle safety.

TMPs shall be approved by the CPUC and submitted for approval by each local jurisdiction requiring an encroachment permit. Therefore, the local jurisdiction(s) with an interest in Rice Canyon Road will have an opportunity to ensure issues such as lane and road closures and emergency access are addressed to their satisfaction. The encroachment permits issued by local jurisdictions can also specifically address various issues such as lane and road closures, access, traffic control measures, and coordination with local emergency response providers. Implementation of Mitigation Measure T-1 is considered sufficient to address the commenter's concerns.



MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

November 5, 2001

Mr. Nico Procos
California Public Utilities Commission
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Dear Mr. Procos:

Initial Study/Mitigated Negative Declaration for the
Broadwing Communications Services, Inc. Fiber Optic Expansion Project

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Broadwing Communications Services, Inc. Fiber Optic Expansion Project. The applicant proposes to construct a communication network consisting of fiber optic cable routes and associated facilities, which would be installed via trenching, plowing, directional boring, and bridge attachments in street, highway, railroad, or other utility rights-of-way and, in some cases, on private property. The project requires laying fiber optic conduits in trenches dug in these rights-of-way and will include construction of two regeneration/optical amplification stations. This letter contains our response as a responsible agency because of our discretionary authority with regard to permits and easements pertaining to Metropolitan property and facilities.

Our review of the IS/MND indicates that the proposed project crosses several of Metropolitan's facilities, both in the Los Angeles to Ontario route and the Ontario to San Diego route. Multiple crossings of Metropolitan facilities are noted in parentheses. The Los Angeles to Ontario route of the proposed project crosses Metropolitan's Palos Verdes Feeder, Garvey Ascot Feeder, Middle Feeder (three times), Orange County Feeder, Yorba Linda Feeder, Sludge Line, and Upper Feeder (twice). The Ontario to San Diego route crosses Metropolitan's San Diego Pipeline No. 1 (twice), San Diego Pipeline No. 2 (twice), San Diego Pipeline No. 3, San Diego Pipeline No. 4, San Diego Pipeline No. 5, and Lower Feeder.

In addition to our existing facilities, Metropolitan has two additional projects that will be constructed in the future and that may cross the proposed project. These two facilities are the San Diego Pipeline No. 6 Project, which may traverse the fiber optics alignment from figure C-9J, and the Central Pool Augmentation Project, which may be crossed by the proposed project shown on figures C-9c and C-9d.

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

O 2 (cont.)

Mr. Nico Procos
Page 2
October 5, 2001

In addition to the project crossing Metropolitan's facilities, some of the proposed alignments have already been identified as being located at a depth that may conflict with our facilities. Metropolitan is currently working with the project applicant regarding this issue (see attached correspondence letters). Metropolitan is very concerned with potential impacts associated with excavation and new construction for the proposed project to Metropolitan's facilities.

O 2-1

In order to avoid potential conflicts with Metropolitan's facilities and/or rights-of-way, we request that any preliminary engineering design drawings or improvement plans for any activity in the area of Metropolitan's pipelines and rights-of-way be submitted for our review and written approval. The applicant may obtain detailed prints of drawings of Metropolitan's pipelines and rights-of-way by calling Metropolitan's Substructures Information Line at (213) 217-6564. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

O 2-2

Specific Comments:

Page 2-2: In the paragraph pertaining to installation of aboveground warning marker signs, we request that these marker signs be installed at all fiber optics crossings of Metropolitan pipeline facilities and rights-of-way, where applicable.

O 2-3

Page 2-15, Table 2.3-1 (Potential Permit or Consultation Requirements): Under the heading of State Agencies, Metropolitan should be listed as requiring approval for Right-of-Way Encroachment/Easements for Ingress-Egress under the heading "Permit/Agreement", and the phrase "Construction in Metropolitan rights-of-way" should be listed under the heading "Jurisdiction/Purpose".

O 2-4

Page 2-23: In the paragraph pertaining to access roads, in addition to procuring permits through Metropolitan which will allow installation of the fiber optics line, the proponent will also be required to obtain permits for operational ingress/egress after construction is complete.

O 2-5

Appendix B (Permit Tables): Metropolitan requests that the project applicant add Metropolitan as requiring permit approval for construction as well as ingress/egress.

O 2-6

O 2 (cont.)

Mr. Nico Procos
Page 3
October 5, 2001

Metropolitan would also like to emphasize that we have not given permission to use or trespass on Metropolitan property for any reason. Any fiber optic cable located on Metropolitan property will require a lease/easement from Metropolitan prior to location of the cable on Metropolitan property. We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation on this project. If we can be of further assistance, please contact me at (213) 217-6242.

O 2-7

Very truly yours,



Laura J. Simonek
Manager, Environmental Planning Unit

CDM/Broadwing

Enclosures:
Facilities Planning Guidelines
Previous Correspondence

O 2 (cont.)

CIVIL SUBSTRUCTURES

MAR 21 2001

MWD Palos Verdes Feeder
Garvey-Ascot Cross Feeder
Middle Feeder
Orange County Feeder
Substr. Job No. 2019-01-002

Mr. Robert A. Ball, P.L.S.
Senior Right-of-Way Agent
Broadwing
7 Montanas Norte
Irvine, CA 92612

Dear Mr. Ball:

Fiber Optic Cable Installation

Thank you for your letter dated January 26, 2001, submitting five sets of preliminary plans (Sheets 1, 2, 2A, 2B, 3, 3A, 4, 4A, 4B, 5, 6, 7, 7A, 8, 9, 9A, 9B, 10, 10A, 11, 12, 12B, 12C, 13 and 14) showing the alignment of the proposed fiber optic cable conduits which extend from the City of Los Angeles to the City of Ontario.

We have reviewed your submittals, and our comments and requirements are as follows:

1. The locations of our 61-inch-inside-diameter welded steel Garvey-Ascot Cross Feeder pipeline shown on Sheet 8, 73-inch-inside-diameter welded steel Middle Feeder pipeline shown on Sheets 9, 10 and 11, 42-inch-inside-diameter precast concrete Orange County Feeder pipeline shown on Sheet 13, and 121-inch-inside-diameter welded steel Yorba Linda Feeder pipeline shown on Sheet 14, appear to be generally in agreement with our records. However, the vertical alignment of our 51-inch-inside-diameter welded steel Palos Verdes Feeder pipeline shown on Sheet 7 appears to be incorrect.

We request that our permanent easements also be fully shown and identified on all your applicable project plans. Enclosed for your information and use are prints of our Right-of-Way Maps Nos. 1412-2, 1421-3A-1, 1425-4, 1425-6, 1425-7A and 1428-3 (Sheet 1 of 2).

2. We note that Details "A" and "B," shown on Sheet 4 of your plans, indicate that all buried cable conduits will be placed at a minimum of 42 inches below ground level.

LOGGED OUT

O 2 (cont.)

MAR 21 2004

Mr. Robert A. Ball, P.L.S.

Page 2

3. A conflict may exist where the proposed fiber optic cable conduits shown on Sheets 7 and 7A of your plans will cross under our Palos Verdes Feeder pipeline. Both Sheets 7 and 7A indicate approximately 17 inches of cover over our pipeline, whereas our Drawing No. B-23209, copy enclosed, indicates approximately 12 feet of cover.

We require that our pipeline be uncovered at this crossing under Metropolitan's supervision and its actual elevation be established based on your project datum. If the conduit is still proposed to be bored under our pipeline, we require that a minimum of 5 feet of vertical clearance be provided between the bottom of our pipeline and the top of the proposed boring alignment.

4. No conflicts are indicated where proposed fiber optic cable conduits, shown on Sheets 8 and 9, will cross over our Garvey-Ascot Cross Feeder and Middle Feeder pipelines with 5 feet of vertical clearance.
5. There appears to be a conflict with the proposed fiber optic cable conduits shown on Sheets 10 and 10A of your plans where they will cross under our Middle Feeder pipeline. It appears from our records that the bottom elevation of our pipeline is approximately 17 feet below the existing ground elevation, not 11 feet as indicated on this plan.

As stated in Item 3 above, we require that the elevation of the top of our pipeline at this location also be verified under Metropolitan's supervision and its actual elevation established based on your project datum. There should be a minimum of 5 feet of vertical clearance between the bottom of our pipeline and top of proposed directional boring operation. Please revise your plans accordingly.

6. No conflicts are indicated where proposed fiber optic cable conduits, as shown on Sheets 11, 13 and 14, will cross over our Middle Feeder, Orange County Feeder and Yorba Linda Feeder pipelines with 3, 5 and 5 feet of vertical clearance, respectively.
7. Please add a stipulation to your plans to notify Mr. Joseph Martinez of our Water System Operations Group, telephone (909) 392-5095, at least two working days (Monday through Thursday) prior to starting any work in the vicinity of our facilities. However, please notify Mr. Benny Yee, telephone (323) 276-7623, prior to starting any work in the vicinity of the Palos Verdes Feeder.
8. Please change the name and telephone number of Metropolitan's contact person, as shown in red, on Sheet 2A of your plans.

O 2 (cont.)

MAR 27 2002

Mr. Robert A. Ball, P.L.S.
Page 3

We are returning Sheet 2A of your plans, stamped "REVIEWED – CORRECTIONS NOTED – NO RESUBMITTAL REQUIRED," Sheets 8, 9, 11, 13 and 14, stamped "REVIEWED – NO CORRECTIONS NOTED," and Sheets 7, 7A, 10 and 10A, stamped "REVIEWED – CORRECTIONS NOTED – RESUBMITTAL REQUIRED."

For any further correspondence with Metropolitan relating to this project, please make reference to the MWD Substructures Job Number shown in the upper right-hand corner of the first page of this letter. Should you require any additional information, please contact Mr. Vijay Bal, telephone (213) 217-7311.

Very truly yours,

Original signed by
Mitch M. Lahouti

Mitch M. Lahouti, P.E., L.S.
Senior Engineer
General Design, Relocations and
Substructures Manager

KMC/VHB/gs
DOC#: 611Ball

Enclosures (17)

bcc: F. Adami
V. Bal
K. M. Callanan
A. Hassani
M. M. Lahouti
D. E. Marshall
J. Martinez (Joe) w/plans
J. Nordman/J. Stanish w/plans
D. P. Rendon
N. J. Soto w/plans
B. Yee w/plans
Substructures File w/plans

O 2 (cont.)



18358 Kramer Lane
Austin, Texas 78758

phone 512.742.1548
fax 512.742.1500
www.broadwing.com

GENERAL RECORDS

195553 JAN 29 01

TO Civil Subs

January 26, 2001

Ms. Susan Walters
Substructures Section
Civil Engineering Branch
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, Ca. 90012

SUBJECT: Proposed Fiber Optic Conduit Installation in various crossings at the
Metro-Link Tracks

Dear Ms. Walters,

Broadwing Communication Services Inc. is acquiring permits and rights-of-way for portions of the Broadwing fiber optic network. The current route extends from Los Angeles to San Diego.

The conduits and cables will be installed entirely within the rights-of-way of the Metropolitan Transportation Authority or the San Bernardino Associated Governments, with the exception of selected street crossings or private property easements.

Application is hereby made to install 6 ducts as shown on the enclosed drawings.

Please proceed with your review of these plans. If you have any questions or need additional information, I may be reached at the following numbers: 714-336-4611(cell)
949-854-8872 or 949-854-8874(fax).

Sincerely,

Robert A. Ball
Robert A. Ball, P.L.S.
Senior Right-of-Way Agent
Paragon Partners, Ltd.

Local Mailing Address:

Broadwing
Robert A. Ball, P.L.S.
7 Montanas Norte
Irvine, Ca. 92612

O 2 (cont.)

CIVIL SUBSTRUCTURE

MAY 25 2001

MWD Palos Verdes Feeder
Garvey-Ascot Cross Feeder
Middle Feeder
Orange County Feeder
Substr. Job No. 2019-01-002

Mr. Bob McClaugherty
Right-of-Way Agent
Broadwing
1084 Pomona Road, Suite 133
Corona, CA 92882

Dear Mr. McClaugherty:

Fiber Optic Cable Installation

Thank you for your letter dated April 18, 2001, submitting five sets of the revised preliminary plans (Sheets 7, 7A, 10 and 10A) for the proposed fiber optic cable conduits which extend from the City of Los Angeles to the City of Ontario. We also received our returned marked-up prints of Sheets 7, 7A, 10 and 10A.

We have reviewed your submittals, and our comments and requirements are as follows:

1. The revisions made to Sheets 7, 7A, 10 and 10A of your plans are acceptable to Metropolitan.
2. The proposed fiber optic cable conduits shown on revised Sheets 7, 7A, 10 and 10A of your plans will cross under our Palos Verdes Feeder pipeline. We require that the elevation of the top of our pipeline at this location be verified under Metropolitan's supervision to assure a minimum of 5 feet of vertical clearance between the bottom of our pipeline and the top of the proposed directional boring operation.

We are returning prints of revised Sheets 7, 7A, 10 and 10A of your plans, stamped "REVIEWED – NO CORRECTIONS NOTED."

LOGGED OUT

O 2 (cont.)

MAY 25 2001

Mr. Bob McClaugherty
Page 2

For any further correspondence with Metropolitan relating to this project, please make reference to the MWD Substructures Job Number shown in the upper right-hand corner of the first page of this letter. Should you require any additional information, please contact Mr. Vijay Bal, telephone (213) 217-7311.

Very truly yours,

Original signed by
Mitch M. Lahouti

Mitch M. Lahouti, P.E., L.S.
Senior Engineer
General Design, Relocations and
Substructures Manager

KMC/VHB/lb
DOC#: 377-Fiber

Enclosures (4)

bcc: F. Adami
V. Bal
K. M. Callanan
A. Hassani
M. M. Lahouti
D. E. Marshall
J. Martinez (Joe) w/plans
J. Nordman/J. Stanish w/plans
D. P. Rendon
N. J. Soto w/plans
B. Yee w/plans
Substructures File w/plans

O 2 (cont.)



Broadwing Communications Services Inc.
1122 Capital of Texas Highway South
Austin, Texas 78746-6426

ORIGINAL RECORDS

197246 APR 24 01

TO Civil Subs

April 18, 2001

Mr. Mitch M. Lahouti, P.E., L.S.
Senior Engineer, General Design, Relocations and Substructures Manager
Metropolitan Water District of Southern California
700 N. Alameda Street
Los Angeles, California, 90012

Re: Substr. Job No. 2019-01-002

Dear Mr. Lahouti

Fiber Optic Cable Installation

Thank you for reviewing and responding to our encroachment request in such a timely manner. Enclosed you will find five sets of revised drawings (Sheets 7,7A, 10 and 10A) you requested in your letter of March 21, 2001 for replacement in our submittal of January 26, 2001. Also enclosed are copies of the drawings with your notes.

Please note that our representation has changed. I have assumed the Right of Way responsibilities of this project for Broadwing. You can reach me by phone at 209-483-9199 and my mailing address is 1084 Pomona Road, Suite 133, Corona, Calif, 92882. Should you require additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Bob McClaugherty". The signature is fluid and cursive.

Bob McClaugherty
Right of Way Agent
1084 Pomona Road, Suite 133
Corona, Calif., 92882

Encl:

O 2 (cont.)

700 North Alameda Street, Los Angeles, California 90012-2944
Box 54153, Los Angeles, California 90054
Phone: (213) 217-6000 -- FAX: (213) 217-7457

TELEPHONE MEMORANDUM

<u>Broadwing</u>	Date: <u>07/16/01</u>
<u>2450 Washington Avenue, Suite 290</u>	Thomas Brothers Page: <u>LA 564, 534, 533, 503, etc.</u>
<u>San Leandro, CA 94577</u>	MWD Facility: <u>East Valley Feeder, ect</u>
Attn: <u>Mr. Bob McClagherty</u>	Substructures Job No.: <u>2003-01-006</u>
	MWD Representative: <u>Marko Buntich</u>
Project: <u>Fiber Optic Route</u>	Telephone: <u>(213) 217-6679</u>

Gentlemen:

In response to your letter dated 7/12/01 we are transmitting a copy of our "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of the Metropolitan Water District of Southern California," and prints of drawings and other information listed below. We require that our facilities and rights-of-way be fully shown on your project plans and that provisions for all applicable portions of our guidelines be incorporated in your plans before submitting your drawings to Metropolitan.

We require that all plans for improvements, in or adjacent to our right-of-way or facilities be submitted for our review and written approval. For any further correspondence with The Metropolitan Water District of Southern California relating to this project, please reference the Substructures Job Number.

We are transmitting the following prints:

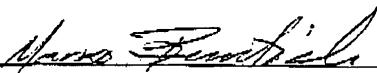
MWD FACILITY DRAWING

B-59380, B-59384, B-59385, B-50332, B-50333,
B-50334, B-7626, B-7027, B-28202, B-28204, H-2714
through H-2717, J-2545, J-2551, J-2577, J-2580, J-2581
and J-2582.

RIGHT OF WAY MAPS AND OR GUIDELINES

1601-01, Sheets 1 through 3

Very truly yours,



FORM 1343 2/98 in substitution

WHITE-RECIPIENT

CANARY ORIGINATOR

PINK-GENERAL RECORDS

LOGGED OUT

O 2 (cont.)



1122 CAPITAL OF TEXAS HWY
AUSTIN, TEXAS. 78746-6426
(512) 328-1112 FAX (512) 427-4141

June 26, 2001

Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California, 90012
Attn: Civil Engineering Branch
Substructures Section

Re: Proposed Fiber Optic route in Los Angeles County.

Dear Sirs,

Broadwing Communication Services is a fiber optic based communications provider headquartered in Austin, Texas. Formerly known as IXC, Broadwing has been providing communication facilities for major carriers in California since the mid 1980's. Originally using microwave technology, the network was successfully converted to fiber optics several years ago. Broadwing has since become a leader in the field of fiber optic telecommunications.

Broadwing has partnered with El Paso Global Networks to construct fiber optic facilities between El Paso, Texas and Los Angeles, California. For the most part, the facilities are comprised of eight (8) 1 1/2" ducts and associated manholes. The construction technique is both directional bore and open trench. A fiber optic cable will be placed in the structure upon completion. During construction, the structure will belong to El Paso Global Networks and will be permitted as El Paso Global Networks. However, Broadwing will be permitting and constructing the facilities.

Broadwing has filed a PEA with the California Public Utilities Commission in accordance with the California Environmental Quality Act addressing this work. The PEA is presently in review by the CPUC staff and we anticipate approval in the third quarter of this year with construction to begin in the fourth quarter progressing to San Fernando in 2002.

Attached is a Thomas Guide Map of our proposed route through the county as well as detailed preliminary engineered drawings for review and discussion. We are concerned with the disturbance our construction will make and will work with MWD to minimize our impact.

I look forward to working with you and the MWD to successfully complete this project to all our satisfactions. Should you have questions or concerns, please contact me at 209-483-9199.

Sincerely,

A handwritten signature in cursive script that reads "Bob McClaugherty".
Bob McClaugherty
Field Agent

103557 JUN 25 01
TO: Cath Sub

O 2 (cont.)

Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California

1. Introduction

a. The following general guidelines should be followed for the design of proposed facilities and developments in the area of Metropolitan's facilities, fee properties, and/or easements.

b. We require that 3 copies of your tentative and final record maps, grading, paving, street improvement, landscape, storm drain, and utility plans be submitted for our review and written approval as they pertain to Metropolitan's facilities, fee properties and/or easements, prior to the commencement of any construction work.

2. Plans, Parcel and Tract Maps

The following are Metropolitan's requirements for the identification of its facilities, fee properties, and/or easements on your plans, parcel maps and tract maps:

a. Metropolitan's fee properties and/or easements and its pipelines and other facilities must be fully shown and identified as Metropolitan's on all applicable plans.

b. Metropolitan's fee properties and/or easements must be shown and identified as Metropolitan's with the official recording data on all applicable parcel and tract maps.

c. Metropolitan's fee properties and/or easements and existing survey monuments must be dimensionally tied to the parcel or tract boundaries.

d. Metropolitan's records of surveys must be referenced on the parcel and tract maps.

O 2 (cont.)

- 3 -

e. Metropolitan's pipelines and other facilities, e.g. structures, manholes, equipment, survey monuments, etc. within its fee properties and/or easements must be protected from damage by the easement holder on Metropolitan's property or the property owner where Metropolitan has an easement, at no expense to Metropolitan. If the facility is a cathodic protection station it shall be located prior to any grading or excavation. The exact location, description and way of protection shall be shown on the related plans for the easement area.

4. Easements on Metropolitan's Property

a. We encourage the use of Metropolitan's fee rights-of-way by governmental agencies for public street and utility purposes, provided that such use does not interfere with Metropolitan's use of the property, the entire width of the property is accepted into the agency's public street system and fair market value is paid for such use of the right-of-way.

b. Please contact the Director of Metropolitan's Right of Way and Land Division, telephone (213) 250-6302, concerning easements for landscaping, street, storm drain, sewer, water or other public facilities proposed within Metropolitan's fee properties. A map and legal description of the requested easements must be submitted. Also, written evidence must be submitted that shows the city or county will accept the easement for the specific purposes into its public system. The grant of the easement will be subject to Metropolitan's rights to use its land for water pipelines and related purposes to the same extent as if such grant had not been made. There will be a charge for the easement. Please note that, if entry is required on the property prior to issuance of the easement, an entry permit must be obtained. There will also be a charge for the entry permit.

5. Landscaping

Metropolitan's landscape guidelines for its fee properties and/or easements are as follows:

a. A green belt may be allowed within Metropolitan's fee property or easement.

b. All landscape plans shall show the location and size of Metropolitan's fee property and/or easement and the location and size of Metropolitan's pipeline or other facilities therein.

O 2 (cont.)

- 5 -

a. Permanent structures, including catch basins, manholes, power poles, telephone riser boxes, etc., shall not be located within its fee properties and/or easements.

b. We request that permanent utility structures within public streets, in which Metropolitan's facilities are constructed under the Metropolitan Water District Act, be placed as far from our pipeline as possible, but not closer than 5 feet from the outside of our pipeline.

c. The installation of utilities over or under Metropolitan's pipeline(s) must be in accordance with the requirements shown on the enclosed prints of Drawings Nos. C-11632 and C-9547. Whenever possible we request a minimum of one foot clearance between Metropolitan's pipe and your facility. Temporary support of Metropolitan's pipe may also be required at undercrossings of its pipe in an open trench. The temporary support plans must be reviewed and approved by Metropolitan.

d. Lateral utility crossings of Metropolitan's pipelines must be as perpendicular to its pipeline alignment as practical. Prior to any excavation our pipeline shall be located manually and any excavation within two feet of our pipeline must be done by hand. This shall be noted on the appropriate drawings.

e. Utilities constructed longitudinally within Metropolitan's rights-of-way must be located outside the theoretical trench prism for uncovering its pipeline and must be located parallel to and as close to its rights-of-way lines as practical.

f. When piping is jacked or installed in jacked casing or tunnel under Metropolitan's pipe, there must be at least two feet of vertical clearance between the bottom of Metropolitan's pipe and the top of the jacked pipe, jacked casing or tunnel. We also require that detail drawings of the shoring for the jacking or tunneling pits be submitted for our review and approval. Provisions must be made to grout any voids around the exterior of the jacked pipe, jacked casing or tunnel. If the piping is installed in a jacked casing or tunnel the annular space between the piping and the jacked casing or tunnel must be filled with grout.

O 2 (cont.)

- 7 -

j. Potholing of Metropolitan's pipeline is required if the vertical clearance between a utility and Metropolitan's pipeline is indicated on the plan to be one foot or less. If the indicated clearance is between one and two feet, potholing is suggested. Metropolitan will provide a representative to assist others in locating and identifying its pipeline. Two-working days notice is requested.

k. Adequate shoring and bracing is required for the full depth of the trench when the excavation encroaches within the zone shown on Figure 4.

1. The location of utilities within Metropolitan's fee property and/or easement shall be plainly marked to help prevent damage during maintenance or other work done in the area. Detectable tape over buried utilities should be placed a minimum of 12 inches above the utility and shall conform to the following requirements:

1) Water pipeline: A two-inch blue warning tape shall be imprinted with:

"CAUTION BURIED WATER PIPELINE"

2) Gas, oil, or chemical pipeline: A two-inch yellow warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

3) Sewer or storm drain pipeline: A two-inch green warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

4) Electric, street lighting, or traffic signals conduit: A two-inch red warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

5) Telephone, or television conduit: A two-inch orange warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

O 2 (cont.)

- 9 -

o. Control cables connected with the operation of Metropolitan's system are buried within streets, its fee properties and/or easements. The locations and elevations of these cables shall be shown on the drawings. The drawings shall note that prior to any excavation in the area, the control cables shall be located and measures shall be taken by the contractor to protect the cables in place.

p. Metropolitan is a member of Underground Service Alert (USA). The contractor (excavator) shall contact USA at 1-800-422-4133 (Southern California) at least 48 hours prior to starting any excavation work. The contractor will be liable for any damage to Metropolitan's facilities as a result of the construction.

8. Paramount Right

Facilities constructed within Metropolitan's fee properties and/or easements shall be subject to the paramount right of Metropolitan to use its fee properties and/or easements for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove any of the facilities from the fee properties and/or easements, such removal and replacement shall be at the expense of the owner of the facility.

9. Modification of Metropolitan's Facilities

When a manhole or other of Metropolitan's facilities must be modified to accommodate your construction or reconstruction, Metropolitan will modify the facilities with its forces. This should be noted on the construction plans. The estimated cost to perform this modification will be given to you and we will require a deposit for this amount before the work is performed. Once the deposit is received, we will schedule the work. Our forces will coordinate the work with your contractor. Our final billing will be based on actual cost incurred, and will include materials, construction, engineering plan review, inspection, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount.

O 2 (cont.)

- 11 -

imposes loads no greater than AASHTO H-10. If the cover is between two and three feet, equipment must be restricted to that of a Caterpillar D-4 tract-type tractor. If the cover is less than two feet, only hand equipment may be used. Also, if the contractor plans to use any equipment over Metropolitan's pipeline which will impose loads greater than AASHTO H-20, it will be necessary to submit the specifications of such equipment for our review and approval at least one week prior to its use. More restrictive requirements may apply to the loading guideline over the San Diego Pipelines 1 and 2, portions of the Orange County Feeder, and the Colorado River Aqueduct. Please contact us for loading restrictions on all of Metropolitan's pipelines and conduits.

b. The existing cover over the pipeline shall be maintained unless Metropolitan determines that proposed changes do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance.

13. Blasting

a. At least 20 days prior to the start of any drilling for rock excavation blasting, or any blasting, in the vicinity of Metropolitan's facilities, a two-part preliminary conceptual plan shall be submitted to Metropolitan as follows:

b. Part 1 of the conceptual plan shall include a complete summary of proposed transportation, handling, storage, and use of explosions.

c. Part 2 shall include the proposed general concept for blasting, including controlled blasting techniques and controls of noise, fly rock, airblast, and ground vibration.

14. CEQA Requirements

a. When Environmental Documents Have Not Been Prepared

1) Regulations implementing the California Environmental Quality Act (CEQA) require that Metropolitan have an opportunity to consult with the agency or consultants preparing any environmental documentation. We are required to review and consider the environmental effects of the project as shown in the Negative Declaration or Environmental Impact Report (EIR) prepared for your project before committing Metropolitan to approve your request.

O 2 (cont.)

- 13 -

giving Metropolitan's comments, requirements and/or approval that will require 8 man-hours or less of effort is typically performed at no cost to the developer, unless a facility must be modified where Metropolitan has superior rights. If an engineering review and letter response requires more than 8 man-hours of effort by Metropolitan to determine if the proposed facility or development is compatible with its facilities, or if modifications to Metropolitan's manhole(s) or other facilities will be required, then all of Metropolitan's costs associated with the project must be paid by the developer, unless the developer has superior rights.

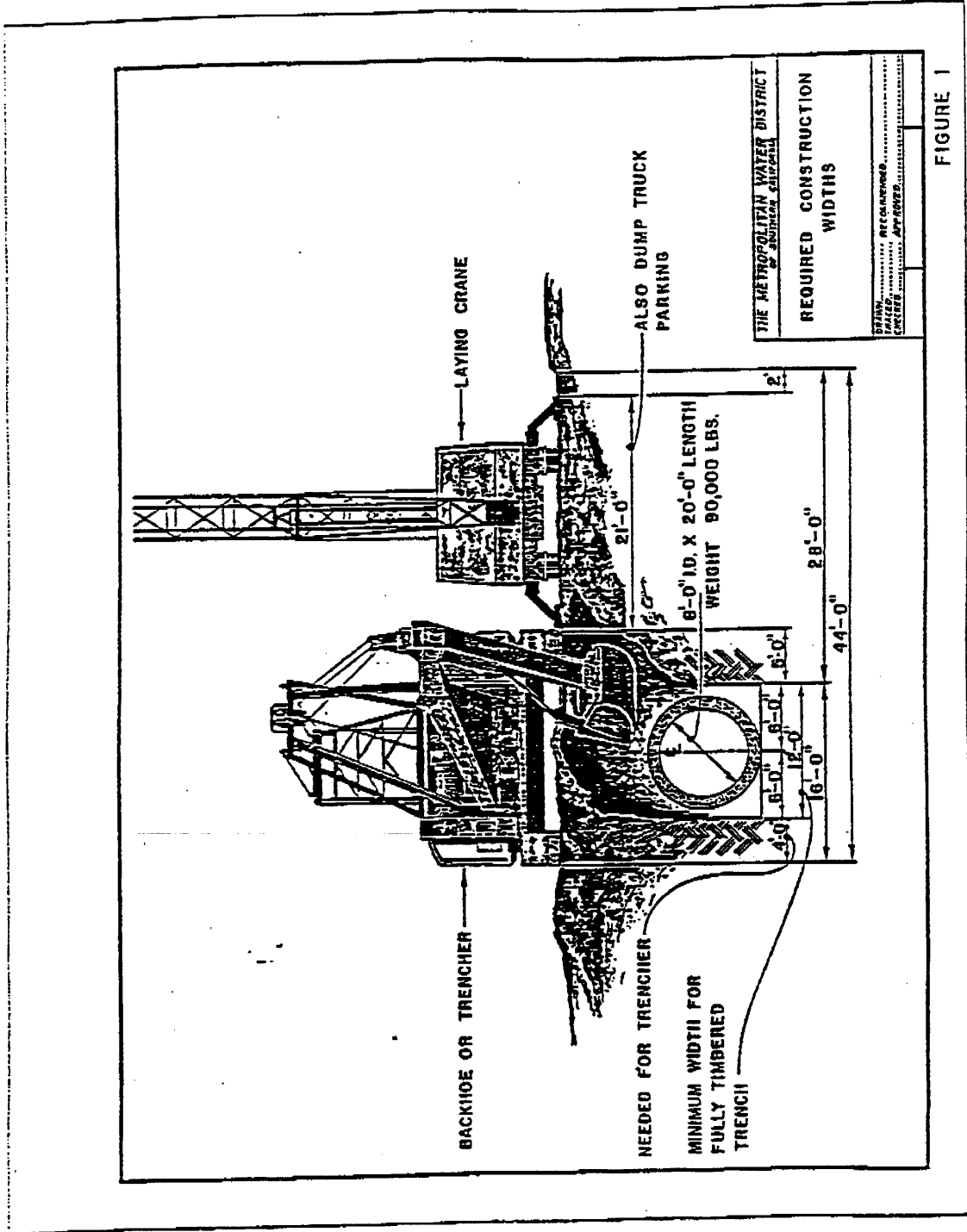
b. A deposit of funds will be required from the developer before Metropolitan can begin its detailed engineering plan review that will exceed 8 hours. The amount of the required deposit will be determined after a cursory review of the plans for the proposed development.

c. Metropolitan's final billing will be based on actual cost incurred, and will include engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount. Additional deposits may be required if the cost of Metropolitan's review exceeds the amount of the initial deposit.

16. Caution

We advise you that Metropolitan's plan reviews and responses are based upon information available to Metropolitan which was prepared by or on behalf of Metropolitan for general record purposes only. Such information may not be sufficiently detailed or accurate for your purposes. No warranty of any kind, either express or implied, is attached to the information therein conveyed as to its accuracy, and no inference should be drawn from Metropolitan's failure to comment on any aspect of your project. You are therefore cautioned to make such surveys and other field investigations as you may deem prudent to assure yourself that any plans for your project are correct.

O 2 (cont.)



FORM NO. 51.9 1000 11.00 P.D. 02.00 5000

O 2 (cont.)

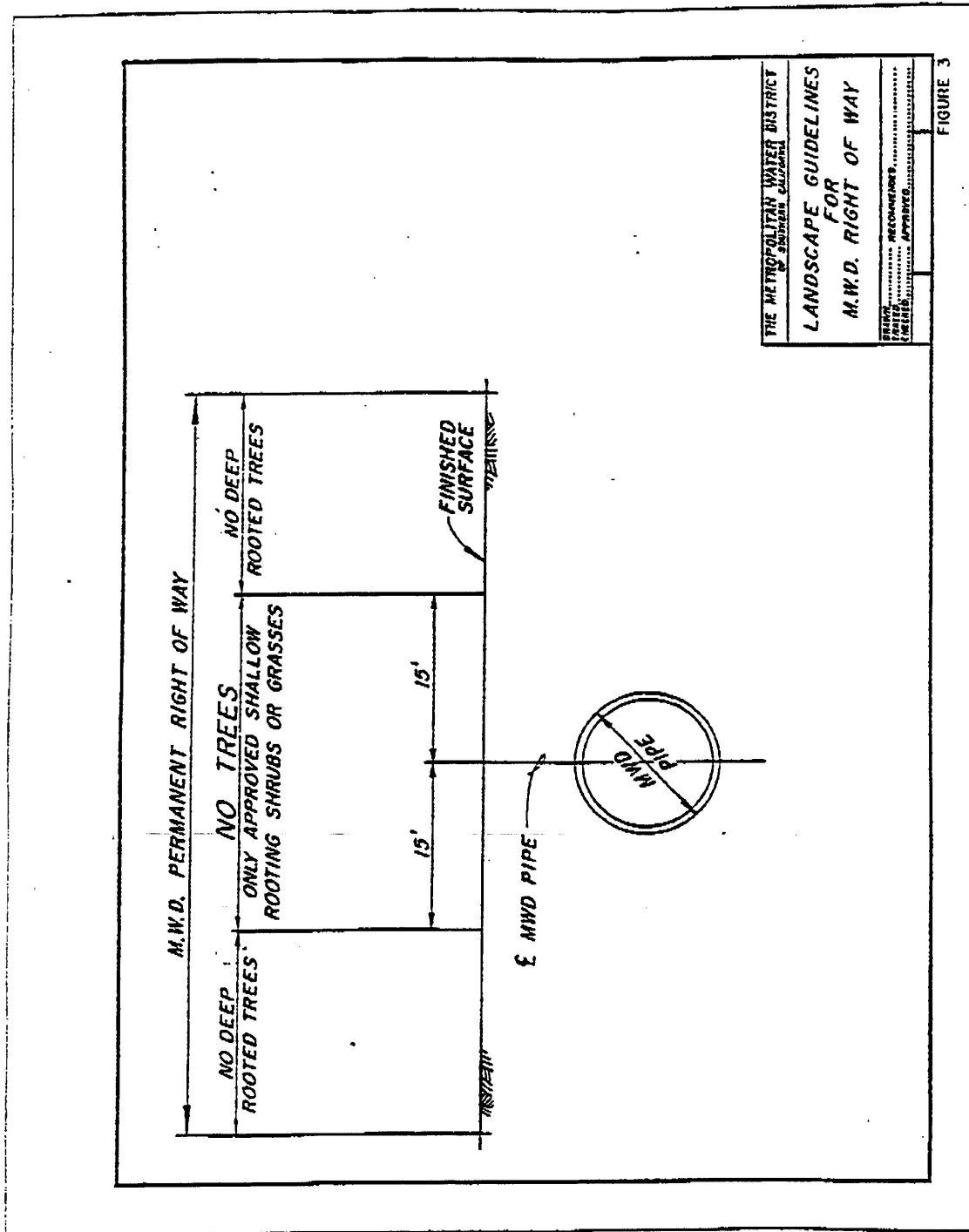
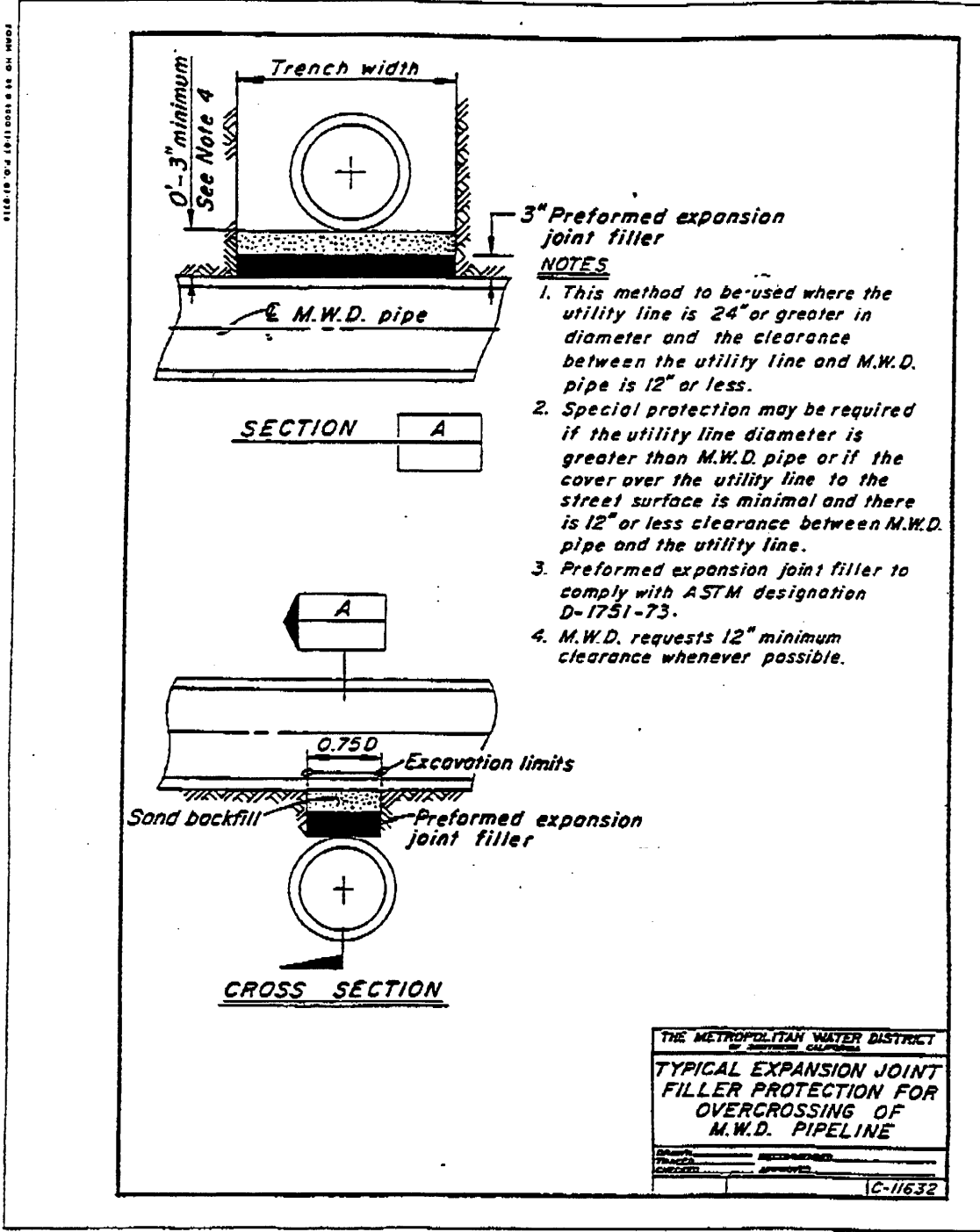


FIGURE 3

O 2 (cont.)



**RESPONSE TO COMMENTS FROM THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA (O 2)**

- O 2-1** Broadwing will not construct across Metropolitan facilities without certification of the MND and issuance of the Certificate of Public Conveyance and Necessity from the CPUC and without review and approval from Metropolitan. Broadwing will design the project in a manner that will not impact Metropolitan facilities and rights-of-way. Those facilities and rights-of-way will be clearly identified on the design and construction drawings.
- O 2-2** See Response to Comment O 2-1.
- O 2-3** Page 2-2 of the Draft IS/MND, fourth paragraph, last sentence has been revised as follows:
- “In addition to the routine route marking locations, they will be placed at all highway, roadway, railroad, river, wash, and channel crossings; ~~and~~ at all points of directional change along the cable route; and at crossings of Metropolitan Water District of Southern California pipeline facilities and rights-of-way.”
- O 2-4** See Response to Comment L 2-1 for a revised copy of Table 2.3-1.
- O 2-5** Page 2-23 of the Draft IS/MND, third paragraph, last sentence has been revised as follows:
- “Selection of access roads will be subject to CPUC environmental clearance and approval, in addition to procuring local permits and approvals prior to, during, and after construction.”
- O 2-6** See Response to Comment L 2-1 for a revised copy of Appendix B (Permit Tables).
- O 2-7** Broadwing is aware that a lease/easement would be required from Metropolitan, as well as numerous other local agencies to install fiber optic facilities on Metropolitan property. Broadwing will obtain all necessary and required permits, leases, easements, and other approvals prior to commencement of any construction. The Construction Clearance Authorization Form contained in Appendix H of Volume II of the Draft IS/MND has an entry for “Permit Status”. The CPUC will not authorize commencement of any construction without all of the appropriate permits in place.

The CPUC will require proof of all required permits. Construction without the appropriate permits and approvals will result in violations and shut-downs.

DAVID P. ZAPPE
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
909.955.1200
909.788.9965 FAX

73623.1

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 8, 2001

Mr. Nicolas Procos
State of California
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear Mr. Procos:

Re: Initial Study/Mitigated Negative
Declaration for the Broadwing
Communications Services, Inc.
Fiber Optic Expansion Project

This letter is written in response to the Notice of Availability of an Initial Study/Mitigated Negative Declaration (IS/MND) for the Broadwing Communications Services, Inc. Fiber Optic Expansion Project. The proposed project consists of the installation of small diameter (less than two inches outside diameter), high-density polyethylene conduits carrying fiber optic cables primarily within existing, disturbed rights-of-way (i.e., roads, railroads, or utility corridors) over several linear routes across California. The Ontario to San Diego long haul route will cross the municipalities of Norco, Corona, Lake Elsinore, Murrieta, and Temecula in Riverside County.

The Riverside County Flood Control and Water Conservation District (District) has the following comment/concern:

The District has numerous existing facilities along the proposed project route that may be impacted. Any trenching or boring to be performed under or near existing District facilities should be closely coordinated with the District. Any work that involves District right of way, easements or facilities will require an encroachment permit from the District. The construction of facilities within road right of way that may impact existing District storm drains should also be coordinated with us. To obtain further information on encroachment permits or existing facilities, contact Ed Lotz of the District's Encroachment Permit Section at 909.955.1266.

O 3-1

Thank you for the opportunity to review the Draft Initial Study/Mitigated Negative Declaration. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to me at 909.955.1233 or Marc Mintz at 909.955.4643.

Very truly yours,

A handwritten signature in black ink that reads "Zully Smith".

ZULLY SMITH
Senior Civil Engineer

MAM:slj

**RESPONSE TO COMMENTS FROM THE RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT (O 3)**

O 3-1 See Response to Comments O 2-1, O 2-2, and O 2-7 as well as Table 2.3-1 and Appendix B.