



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 30, 2019

Silvia Yanez, Project Manager  
California Public Utilities Commission  
c/o Ecology and Environment, Inc.  
One Embarcadero Center, Suite 500  
San Francisco, CA 94111

**Subject: Review of the Mitigated Negative Declaration for the Olinda Last Mile Underserved Broadband Project, State Clearinghouse Number 2019049174, Shasta County**

Dear Ms. Yanez:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) dated April 2019, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

### **Project Description**

The Project as proposed *"involves the construction of a second-generation fiber-optic network capable of 25Mps/5 Mps (megabit-per-second download/upload) speed. Approximately 24.6 km (15.3 miles) of new fiber-optic cable would be buried within protective conduit along existing County roads in the project area."*

Field surveys of the Project area identified 29 drainages and eight wetlands, with all but one wetland considered seasonal. No special-status species were observed during surveys.

## Comments and Recommendations

### Wetlands

The Department appreciates that the Project is designed to avoid waterways and wetlands. However, the IS/MND states:

*"The proposed project would avoid all potentially jurisdictional aquatic features through the use of directional drilling and bore pit setbacks. Therefore, there would be no direct impacts to state or federally protected wetlands. However, wetlands could be indirectly impacted by runoff, dust, sedimentation, or chemical spills from an adjacent construction area, which could degrade water quality."*

Wetlands are considered sensitive natural communities. The Department considers all wetlands sensitive and the State has a policy of "No Net Loss" of wetland acreage or habitat value<sup>1</sup>.

Mitigation Measure APM BIO-3 may help alleviate direct impacts by boring 250 feet away from wetlands; however, in the review and permitting of numerous directional bore projects, Department staff have observed frac-outs occurring within streams and wetlands despite compliance with setbacks from these features. The IS/MND does not indicate that a contingency plans or mitigation measures have been developed in case of a frac-out or human-caused equipment error. The Department recommends minimization and compensatory mitigation be developed if direct and/or indirect impacts occur to wetlands during drilling activities.

A HDD Fluid Release Contingency Plan should be prepared as part of the Project. The plan should include measures to immediately contain and remove any spilled material from the stream, wetlands, or other sensitive habitats. The plan should be on site at all times and all contractors and biological monitors should have pre-arranged duties in case of a frac-out. Clean up equipment should be on site prior to the start of operations. In case of a frac-out, all drilling should cease, and all personnel should implement the clean-up contingency plan. If water is present during drilling operations under a watercourse or wetland a non-toxic fluorescent water-soluble dye should be used in order to identify frac-out. The plan should include notification to the appropriate Department staff should a frac-out occur within a stream or wetland.

For Wetland A the bore length of 150 feet depicted in Table 3.5 in the Biological Resources Evaluation is not consistent with APM BIO-3, which states the "*Bore pits will be placed a minimum distance of 76m (250 feet) beyond either the edge of seasonal wetlands or the maximum extent of any vegetation present along the wetlands' margins.*" The Department recommends the bore length be changed to be consistent with APM BIO-3.

---

<sup>1</sup> Fish and Game Commission Wetlands Resources Policy (Amended 8/18/05)



In an e-mail to you, dated May 22, 2017, Department staff indicated a large vernal pool existed adjacent to D-15 (now WW-15). There is no detailed discussion of the vernal pool provided in the IS/MND or Biological Resources Evaluation. The Department recommends the vernal pool and its 250-foot buffer be depicted on Project maps. If any work must occur within 250 feet of the vernal pool, consultation with the Department and U.S. Fish and Wildlife Service may be necessary to ensure no significant impacts occur.

#### Lake and Streambed Alteration Agreement

The IS/MND indicates that that bore holes will be setback from waterbodies a minimum of 16 feet beyond the top of bank and that the depth of bore will be at least 5 feet below the depth of waterways. This stream setback and depth of bore may be sufficient in some stream crossing locations but insufficient in others. For instance, in highly incised streams this 16-foot setback may not be sufficient to protect the integrity of a deep vertical streambank and the Department would recommend a larger setback in these locations. In the case of the proposed 5-foot bore depth below a stream, this depth may put the conduit within the alluvial materials composing the streambed and would subject the conduit to scour during high flows. In locations where scour may be an issue the Department would recommend a site-specific scour analysis in order to determine a depth of bore that places the conduit below the scour depth of the stream. The IS/MND does not indicate whether a scour analysis has occurred in order to inform the selection of the proposed 5-foot bore depth or if that number was selected arbitrarily. As the IS/MND does not provide a detailed assessment of each watercourse crossing that would allow for a complete review of stream impacts, the Department recommends the Project applicant notify the Department pursuant to Fish and Game Code section 1600 to attain a Lake and Streambed Alteration Agreement (LSAA).

Issuance of an LSAA is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/conservation/lsa> or to request a notification package, contact the Lake and Streambed Alteration Program at (530) 225-2367.

#### Biological Monitor

The Department recommends a biological monitor be present onsite for the directional boring construction near streams, wetlands, and other sensitive habitats. The biological monitor should have authority to immediately stop any activity that is not in compliance with this IS/MND or related Project permits.

Silvia Yanez, Project Manager  
California Public Utilities Commission  
May 30, 2019  
Page 4

Pre-Construction Survey Results

The Department requests that all pre-construction surveys be sent to the Department at: California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA, 96001.

If you have any questions, please contact Amy Henderson, Environmental Scientist, at (530) 225-2779, or by e-mail at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,



**Curt Babcock**  
Habitat Conservation Program Manager

ec: Silvia Yanez  
California Public Utilities Commission  
[SYanez@ene.com](mailto:SYanez@ene.com)

State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Amy Henderson  
California Department of Fish and Wildlife  
[Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov)