

Finding of No Significant Impact

Digital 299 Broadband Project

US Department of the Interior

National Park Service

Whiskeytown National Recreation Area

Whiskeytown, California

February 2023

Introduction

This Finding of No Significant Impact (FONSI) documents the decision of the National Park Service (NPS) to select the preferred alternative of the portion of the proposed Digital 299 Broadband Project (Project) Environmental Assessment/Initial Study Mitigated Negative Declaration (EA/ISMND) that crosses Whiskeytown National Recreation Area (WHIS). This alternative was evaluated against the No Action Alternative as documented in the EA/ISMND. This FONSI documents the NPS determination that no significant impacts to the quality of the human environment will occur from the installation of a fiber optic line through WHIS.

Alternatives Considered in the Environmental Assessment

Two alternatives were analyzed in the EA/ISMND: the Proposed Action and the No Action Alternative.

No Action Alternative

The No Action Alternative will not be selected. As described in the Purpose and Need Section of the EA/ISMND (p. 2), there is nationwide public and private interest and investment in the expansion of broadband networks and capabilities. With the passage of Assembly Bill 1665, the California legislature set forth a statewide goal of achieving 98-percent broadband coverage to meet public safety, healthcare, education, and economic development goals. Selection of this alternative would not meet the purpose and need described above.

Selected Alternative

As described in detail in the EA/ISMND (p. 5-18), selection of this alternative will result in the installation of approximately 300 total miles of new conduit and fiber optic cables (approximately 10.1 miles of which crosses NPS lands administered by WHIS) to provide internet to unserved or underserved communities in northern California. The Project route generally follows the State Route 299 corridor through Trinity, Shasta, and Humboldt counties between Eureka and Cottonwood, CA. Conduit will be installed along adjacent roads within pre-disturbed road shoulders. At water crossings, conduit will be attached to bridges or bored under the waterway. Disturbance to waterways will only occur if waterways are not holding water at the time of construction. Some last-mile connections will be attached to utility poles during a second phase of the Project (see Section 2.1 of the EA/ISMND, p. 15-16).

Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations and the NPS NEPA guidelines require that “the alternative or alternatives which were considered to be environmentally preferable” be identified. The CEQ defines “environmentally preferable” as “the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.” The environmentally preferable alternative is based on an evaluation of the alternative using the criteria identified in Section 101 of NEPA stated below:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- Achieve a balance between populations and resource use which will permit high standards of living and a wide sharing of life’s amenities; and
- Enhance the quality of renewable resources and approach maximum attainable recycling of depletable resources.

The NPS determined that the Action Alternative is the environmentally preferable alternative.

Public Involvement

The public scoping period for the proposed Project began on July 10, 2019 and concluded on August 12, 2019. Project update notices were subsequently mailed to the public in December 2021, and the draft EA/ISMND was circulated for public review in January 2022. Comments received on the EA/ISMND have been addressed and incorporated into the final NEPA/CEQA document as appropriate.

A newsletter containing Proposed Action information, public meeting times and locations, and instructions for submitting formal comments was produced for the initial public scoping period in 2019 and was updated prior to the public review of the EA/ISMND in January 2022. Material circulated in the 2019 scoping period included the newsletter, overview map, and comment form. Agencies and private landowners within 50 feet of the alignment were mailed a scoping package. Seventy-three letters were mailed to agency contacts and 2,912 mailings were sent to private landowners. Proposed Action information was also posted on the California Public Utilities Commission (CPUC) website, newsletters were posted at local post offices, and announcements with a brief Proposed Action summary and public meeting information were placed in local newspapers.

Four public scoping meetings were held in late June 2019 in Redding, Lewiston, Weaverville, and Eureka, California. Collectively, 53 members of the public attended the four meetings. Representatives from Transcon Environmental; the Proponent; and at least one agency attended each meeting. A Scoping Summary Report, including agencies and people consulted, is found in Appendix N of the EA/ISMND.

The draft EA/ISMND was posted in January 2022 for a 30-day public review period. Members of the public and agency contacts were notified via a project update post card and an updated newsletter, both mailed in December 2021. Electronic copies of the draft EA/ISMND were made available on the CPUC, USFS, and BLM websites. Physical copies of the EA/ISMND were made available at the four locations where public scoping meetings had been held. An announcement of the EA/ISMND review period was placed in the Redding Record Searchlight. Public comments received on the draft EA/ISMND, and agency responses to those comments, are found in Appendix O of the EA/ISMND. Tribal consultation is ongoing. All written and oral comments received—whether from agencies, Tribes, or the public—were collected and considered in the environmental analysis.

An electronic copy of the WHIS FONSI, along with updated information about the Proposed Action, is available on the NPS website (<https://parkplanning.nps.gov/WHIS>).

Agency Consultation

Transcon Environmental, the third-party preparer, developed technical reports to support inter-agency consultations and analyze Project-wide impacts. These reports include a Biological Assessment (BA) to support Endangered Species Act (ESA) Section 7 consultation and a Cultural Resources Inventory Report (CRIR) to support National Historic Preservation Act (NHPA) Section 106 consultation.

Additional discretionary permits that will be obtained as necessary prior to construction include a Clean Water Act (CWA) Section 404 Nationwide Permit, CWA Section 401 Water Quality Certification, California Fish and Game Code (CFG) Section 1600 Master Streambed Alteration Agreement, Coastal Development Permit, and encroachment permits from Caltrans and the counties and cities.

Endangered Species Act Section 7 Consultation

The US Army Corps of Engineers (USACE) served as the lead federal agency for ESA Section 7 consultation on the Project, and a Biological Assessment (BA) was prepared to analyze potential effects to special-status species. Informal Section 7 consultation was conducted with the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), resulting in concurrence letters from both agencies and an overall determination that Project development “may affect, but is not likely to adversely affect” (NLAA) listed species or their critical habitat. The USFWS and NMFS response letters are included in Appendix B of the EA/ISMND.

No suitable habitat for the listed species addressed in the BA occurs along the Project route within WHIS. As such, no potential impacts to listed species are expected within WHIS as a result of Project activities, and the NPS did not participate in the Section 7 consultation with USFWS and NMFS.

National Historic Preservation Act Section 106 Consultation

Each agency, including the NPS, conducted their own NHPA Section 106 processes and submitted to the State Historic Preservation Office (SHPO) the same Project-wide Cultural Resources Inventory Report (CRIR) with agency-specific appendices detailing findings for cultural resources located within each agency’s unique jurisdiction. The SHPO response letter is included in Appendix C of the EA/ISMND.

Tribes are being consulted under Section 106 of the National Historic Preservation Act (NHPA) and under California Assembly Bill (AB) 52. The list of Tribes to contact was compiled by the Native American Heritage Commission, CPUC, and consulting agencies. Formal consultation letters were mailed to these

Tribes, as described in a Scoping Summary Report found in Appendix N of the EA/ISMND. Consultations and communications with Tribes remain ongoing.

Potential impacts were analyzed for each of the previously recorded and newly recorded sites located within the Area of Potential Effect-Direct Effect (APE-DE). Site-specific cultural resource protection measures (CRPMs) were identified to avoid impacts to each resource, as discussed in the CRIR.

Implementation of these CRPMs will avoid impacts to historical and tribal cultural resources by ensuring that construction will avoid known significant resources. Archaeological and tribal monitoring at sensitive locations of the Project alignment will also ensure that, if previously unidentified resources are discovered during construction, these will be protected by work stoppage at the location of the discovery with appropriate recommendations enforced by an archaeological and/or tribal monitor.

Why the Selected Alternative will not have a Significant Effect on the Human Environment

Using the criteria defined in the CEQ NEPA regulations (Section 1501.3(b)), the NPS has determined implementation of the Selected Alternative will not have significant adverse effects on the human environment. No major adverse impacts were identified for the Selected Alternative that will require analysis in an Environmental Impact Statement (EIS). This section summarizes effects on resources in the context of the Project area as a whole and within WHIS in particular. None of these effects are significant. The Selected Alternative neither establishes a precedent for future actions with significant effects, nor represents a decision in principle about a future consideration.

Only approximately 10.1 miles of the overall 300-mile project crosses NPS lands administered by WHIS. Within WHIS, the line will be entirely located within a right-of-way adjacent to an existing road. No surface disturbance outside of the right-of-way will occur. The area where the fiber optic line will be installed has been modified by road use and maintenance activities. No NPS-administered resources at WHIS such as water quality, threatened and endangered species, native vegetation, wildlife, or cultural or historic resources would be significantly affected.

The Project is designed to be low impact; the proposed route follows existing roadways, limiting disturbance in undisturbed areas, and the Proponent will use a horizontal directional drill (HDD) to bore under waterways that have water present. This EA/ISMND found that the Project will have overall minor impacts, and, where adverse impacts may occur, they are avoided or minimized with the implementation of standard resource protection measures. Minor adverse impacts will be short-term and not extend beyond the construction period. A detailed analysis of the current conditions of the resources, potential impacts, and how they will be managed, avoided, and minimized with the implementation of resource protection measures can be found in Chapter 3 of the EA/ISMND (EA p. 21-81). This EA found that the following resources are present and may be affected by project implementation: air quality, biological resources, cultural and tribal resources, geology/soils, hydrology/water quality, land use, noise, recreation, and socioeconomics and environmental justice.

Impacts to air quality will be short-term and minor, because the impacts do not meet the adverse impact thresholds described in Section 3.2.3 in the EA (p. 28). Impacts to air quality will be further minimized by implementing Project-wide resource protection measures, including reducing idling, routine maintenance of construction equipment, and dust control measures (EA p. 26-30).

Impacts to biological resources will be short-term and negligible to minor with the implementation of Avoidance and Minimization Measures (AMMs) and Best Management Practices (BMPs), which require pre-clearance surveys for special-status plants and wildlife in suitable habitat. No suitable habitat for the listed species addressed in the BA occurs along the Project route within WHIS, so no impacts to listed species are expected within WHIS as a result of Project activities (EA p. 30-47).

Impacts to cultural and tribal resources will be short-term and negligible because implementation of site-specific cultural resource protection measures such as monitoring, barricading, and avoidance via the HDD construction method will avoid and minimize impacts to known significant resources (EA p. 47-55).

Impacts to geology and soils will be short-term and negligible because permanent disturbance associated with vault lids will be within the disturbed 10-foot-wide fiber optic ROW. Temporary disturbance during construction will be minor as the disturbed soil will be used to cover the fiber optic conduit and will be compacted in place. Additionally, erosion measures will be placed around the bore pits and construction sites to limit risk of erosion (EA p. 55-59).

Impacts to hydrology and water quality will be short-term and minor because implementation of resource protection measures will minimize or avoid impacts to resources. The project will fully avoid impact to wetlands and riparian resources via the HDD construction method. Additionally, the Proponent will implement the measures described in the Stormwater Pollution Prevention Plan (SWPPP), Spill Prevention Plan, HDD Contingency Frac-Out Plan, and Restoration Plan to avoid erosion and maintain water quality standards (EA p. 59-62).

Impacts to land use will be short-term and negligible to none because work will be located within and compatible with ROWs of roadways or utility corridors, and the Project will be primarily built underground with aboveground connections being attached to existing infrastructure. Construction activities may temporarily disturb existing land use activities, but compliance with noise, traffic, air quality, and other resource protection measures will reduce construction impacts to land use (EA p. 62-67).

Impacts to noise will be short-term and negligible to minor because construction impacts at a single location will not typically last longer than two to three days, will be restricted to daytime hours, and do not meet the adverse impact thresholds described in Table 6 of the EA (EA p. 67-70).

Impacts to recreation will be short-term and negligible because the Proposed Action will not create any additional recreation capacity or cause any increase in the usage of recreational activities. Construction impacts on visitor and resident experience will be minimized by complying with existing laws and the resource protection measures identified in the EA/ISMND. Upon implementation of these minimization measures, impacts to visitors and residents may lead to temporary inconveniences during construction, but will otherwise be minor for visitor and resident experience (EA p. 70-72).

Impacts to socioeconomics and environmental justice are expected to be beneficial because the Proposed Action will provide an improved and more reliable high-speed data access and internet service to underserved individuals along the route. Potential impacts do not meet the adverse impact thresholds described in Section 3.10.3 of the EA, and environmental effects will be minor and will affect the population equally, without regard to race or ethnicity (EA p. 72-76).

The EA found several resources to be either not present or present but not affected by the Project, and therefore, dismissed these resources from detailed analysis (EA p. 20-25). Aesthetics and visual resources were dismissed from analysis because most of the Project infrastructure will be buried underground. Agriculture and forestry resources were dismissed because the Project alignment is restricted to existing roads and pre-disturbed areas. Greenhouse gas emissions and climate change were dismissed because the contribution of greenhouse gases will be negligible and will be further minimized by the Project resource protection measures. Energy generation, usage, and transmission were dismissed because the Project overall would not result in wasteful, inefficient, or unnecessary consumption of energy for construction or operation. Growth-inducing impacts were dismissed because the Project responds to known lack of broadband services affecting current residents and will not directly cause growth in the region. Hazards and hazardous materials were dismissed because the Project does not intersect any known contamination sites and all gasoline, fuels, and hydraulic fluid will be managed via the Spill Prevention Plan. Mineral resources were dismissed because the Project is confined primarily to existing roadways. Population and housing were dismissed because the Project responds to planned growth allowable under city and county plans and seeks to address broadband availability to current residents in the region. Public health and safety were dismissed because the traffic control plans, SWPPP, Spill Prevention Plan, Fire Prevention Plan, and resource protection measures will avoid or minimize potential impacts. Public services were dismissed because the new broadband utility service will have a beneficial impact due to increased access to internet services, which will improve delivery of emergency services. Transportation and traffic were dismissed because the traffic control plans will avoid or minimize impacts and the Project is not expected to have substantial impacts to traffic flow. Utilities and service systems were dismissed because underground service alert notifications will be made prior to construction to ensure all utilities are located and marked. Wild and Scenic rivers were dismissed because the Project would not affect the use or value of the Trinity River nor impact the river's scenic, recreation, or fish and wildlife resources, nor harm the river's condition or water quality. Wildfire was dismissed because risks will be minimized by the resource protection measures and applicable restrictions described in the Fire Prevention Plan.

Effects on Human Health and Safety

Construction activities will be undertaken in such a manner to ensure there will be no disruption to essential services such as NPS firefighting, EMS response, and search and rescue operations. Any dust, noise, construction delays, and potential increased traffic will have temporary and minor effects on public health and safety. These effects will be avoided and minimized by requiring the implementation of applicant-proposed resource protection measures during construction activities.

Effects that violate federal, state, tribal, or local law protecting the environment

Implementing the Selected Alternative will not result in any effects that would violate federal, state, or local environmental protection laws.

Trends of Reasonably Foreseeable Planned Actions

While the proposed Project is an independent action, implementation is part of a larger state and nationwide public and private interest and investment in the expansion of broadband networks and capabilities. With the passage of Assembly Bill 1665, setting forth a statewide effort of achieving 98-percent broadband coverage to meet public safety, healthcare, education, and economic development

goals, it can be assumed that additional similar projects will be proposed and implemented in northern California.

Conclusion

Based on the environmental impact analysis in the EA/ISMND and the applicant-committed resource protection measures designed to avoid and minimize potential impacts, the NPS has determined the Selected Alternative does not constitute a major federal action that would significantly affect the quality of the human environment. The Selected Alternative does not set a precedent, nor is it similar to a related action that normally requires preparation an EIS. No connected actions with potential significant impacts were identified. Therefore, in accordance with the National Environmental Policy Act (1969) and regulations of the Council on Environmental Quality, requirements have been satisfied and preparation of an EIS is not required.

Recommended:

Josh Hoines, Superintendent

Date

Whiskeytown National Recreation Area

National Park Service

Approved:

Frank Lands, Regional Director

Date

Interior Regions 8, 9, 10, and 12

National Park Service

Appendix A: Determination of Non-Impairment

The Prohibition on Impairment of Park Resources and Values

NPS Management Policies 2006, §1.4.4, explains the prohibition on impairment of park resources and values: “While Congress has given the Service management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the 1916 Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them. The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by the legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.”

What is Impairment?

NPS Management Policies 2006, §1.4.5, What Constitutes Impairment of Park Resources and Values, and §1.4.6, What Constitutes Park Resources and Values, provide an explanation of impairment.

“Impairment is an impact that, in the professional judgment of the responsible NPS manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values.” §1.4.5 of Management Policies 2006 states:

“An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified as a goal in the park’s general management plan or other relevant NPS planning documents as being of significance.”

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated. An impact that may, but would not necessarily lead to impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.” Per §1.4.6 of Management Policies 2006, park resources and values at risk for being impaired include:

- “the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells;

water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.”

Impairment Determination for the Selected Alternative

Based on the evaluation of potential impacts identified in the EA/ISMND, the topics evaluated for impairment include the following:

Air Quality – Construction activities would result in temporary, localized increases in pollutant concentrations. These effects would be spread out over distance and time and would not represent a cumulative net increase in pollutants. Due to the short time that construction would occur within the WHIS, air quality impacts would be minor, not violate any standards, or reduce park visitor experience. No air quality impacts would result from long-term operational/maintenance activities.

Erosive Soils – Approximately 10.1 miles of the proposed project would be located within the WHIS. Approximately 30.5 acres of temporary disturbance would result from fiber optic line installation along existing roads. Approximately 0.0074 acre would be permanently disturbed resulting from the installation of a vault. Short-term effects on potentially erosive soils will be avoided and minimized by implementing resource protection measures that will ensure that the short-term impacts are recoverable (See the EA/ISMND for details).

Special Status Species – No suitable habitat for any of the listed special-status species addressed in the Biological Assessment (BA) occurs along the Project route within WHIS. As such, no potential impacts to listed species are expected within WHIS as a result of Project activities.

Beyond the jurisdiction of the NPS, the EA/ISMND and BA identified the potential presence of various special status species within other parts of the Project area, including federally listed threatened and endangered species. Informal consultation with US Fish and Wildlife Service (USFWS) and National Marine Fisheries Services (NMFS) was completed on the Project, resulting in concurrence letters from both agencies and an overall determination that the Project “may affect, but is not likely to adversely affect” (NLAA) listed species. WHIS did not participate in the Section 7 consultation with USFWS and NMFS.

Archeology – Implementation of cultural resource protection measures would avoid impacts to historical and tribal cultural resources by ensuring that construction would avoid any known significant resources that may occur within the WHIS. Archaeological and tribal monitoring would occur where appropriate at sensitive locations along the Project alignment.

Water Quality – The implementation of resource protection measures (e.g., limiting work to the dry seasons, mulch mats, straw wattles, silt fencing, detention basins, and monitoring) and adherence to erosion and stormwater management practices would avoid and minimize impacts to water quality. Due to the limited mileage of the project area within the WHIS and the avoidance of water resources, it is not anticipated that water quality within the WHIS would be adversely affected by project development.

Summary

As described above, adverse effects and environmental impacts anticipated as a result of implementing the Selected Alternative on a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified as significant in the park, general management plan, or other relevant NPS planning documents, will not rise to levels that will constitute impairment of park values and resources in the WHIS.

Appendix B: Errata

This Errata contains corrections and minor revisions to the Environmental Assessment. Page numbers and section/sentence locations referenced pertain to the Public Review Draft EA from January 2022. The edits and corrections in this Errata do not result in any substantial modification being incorporated into the Selected Action, and it has been determined that the revisions do not require additional environmental analysis. The Errata when combined with the EA comprises the only amendments deemed necessary for the purposes completing compliance and documentation for the project. Existing text to remain in the Environmental Assessment is found in *italics*, additions to the text are underlined, and deleted text is shown in ~~strikeout~~.

Cover Page:

For submittal to:

Federal agencies with a National Environmental Policy Act-supported decision:

Bureau of Land Management

Bureau of Reclamation

Federal Highway Administration

National Park Service

U.S. Army Corps of Engineers

U.S. Forest Service

Cover Page: ~~January~~ ~~May~~ October 2022

Purpose and Design of the Document, page i: *This EA/IS has also been prepared to satisfy the updated NEPA regulations published July 16, 2020 (85 FR 43304) (CEQ 2020) requiring NEPA documents not to exceed the agency-directed page length (i.e., 75 pages for an EA, excluding appendices) as well as the Council on Environmental Quality's new guidance (~~85 FR 1684~~) to ~~consolidate~~ include discussion of direct, indirect, and cumulative types of effects (85 FR 23453) (CEQ 2022).*

Public and Agency Involvement, page i: *The following federal and state agencies contributed to the development of this EA/IS: Bureau of Land Management Redding Field Office, U.S. Forest Service Shasta-Trinity and Six Rivers national forests, National Park Service Whiskeytown National Recreation Area, U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, Federal Highway Administration, California Public Utilities Commission, California Department of Transportation districts 1 and 2, California Department of Fish and Wildlife, California State Lands Commission, and California State Water Resources Control Board.*

Project update notices were mailed to the public in ~~July~~ December 2021, and the draft EA/IS was circulated for public review in January 2022. Comments received on this EA/IS ~~would be~~ have been incorporated into the agencies' final NEPA/CEQA document.

Public and Agency Involvement, Page ii: *Public and agency scoping occurred for Digital 299 in summer 2019, including four public meetings and mailings. Comments were collected for a period of over 30 days*

and were considered and incorporated in this EA/IS. Project update notices were mailed to the public in December 2021, and the draft EA/IS was circulated for public review in January 2022. Comments received on this EA/IS have been incorporated into the agencies' final NEPA/CEQA document.

Glossary of Acronyms, Page vi:

CEQ Council on Environmental Quality

FHWA Federal Highway Administration

List of appendices, Page V:

Appendix B *USFWS and NMFS Section 7 Response Letters [included as separate file]*

Appendix C *Section 106 Consultation [included as separate file]*

Chapter 1, Pages 2 through 4:

Table 1. Federal and State Permits, Approvals, and Consultations

Regulatory Agency	Permit, Approval, or Consultation	Agency Action
<i>Federal</i>		
<i>U.S. Department of the Interior (DOI), Bureau of Land Management (BLM)</i>	<i>Grant of Right-of-Way (ROW)</i>	<i>Consider issuing a FLPMA ROW grant for the Project to be built and maintained across lands under BLM jurisdiction</i>
<i>DOI, National Park Service (NPS), Pacific West Region</i>	<i>WSRA Section 7 determination</i>	<i>Consider issuing a WSRA Section 7 determination for one horizontal directional drilling (HDD) crossing of the Trinity River located on private land.</i>
<i>DOI, NPS, Whiskeytown National Recreation Area (WNRA)</i>	<i>Grant of ROW and Special Use Permit</i>	<i>Consider issuing a Grant of ROW for the Project to be built and maintained across lands under WNRA jurisdiction</i>
<i>DOI, Bureau of Reclamation (USBR)</i>	<i>Land Use Authorization</i>	<i>Consider issuing a Land Use Authorization for the installation, operation, and maintenance of an underground fiber optic line along Reclamation ROW</i>
<i>U.S. Department of Agriculture, Forest Service (USFS), Shasta-Trinity National Forest (STNF)</i>	<i>Special Use Permit</i>	<i>Consider issuing a Special Use Permit for the Project to be built and maintained across lands under STNF jurisdiction</i>
<i>USFS, Six Rivers National Forest (SRNF)</i>	<i>Special Use Permit</i>	<i>Consider issuing a Special Use Permit for the Project to be built and maintained across lands under SRNF jurisdiction</i>

<i>USFS, Pacific Southwest Region</i>	<i>WSRA Section 7 determination</i>	<i>Consider issuing a WSRA Section 7 determination for one HDD crossing of the Trinity River located on STNF land</i>
<i>U.S. Department of Defense, Army Corps of Engineers (USACE)</i>	<i>CWA Section 404 and Rivers and Harbors Act Section 10 Permit</i>	<i>Considering issuing a Section 404 Permit for temporary discharge of fill material and Section 10 Permit for structures in Waters of the U.S. as a result of Project construction</i>
<i>Federal Highway Administration (FHWA)</i>	<i><u>FHWA/Caltrans ROW Use Agreement, 23 CFR Part 710, Subpart D</u></i>	<i><u>Consider issuing a ROW Use Agreement via Caltrans for areas where the Project crosses FHWA ROW</u></i>
<i>Bureau of Indian Affairs</i>	<i>Easement</i>	<i>Considering issuing an easement for allotment areas the Project may cross</i>
<i>DOI, USFWS</i>	<i>Federal Endangered Species Act, Section 7 Consultation</i>	<i>Consult with agencies on effects determination for federally listed species</i>
<i>National Oceanic and Atmospheric Administration, NMFS</i>	<i>Federal Endangered Species Act, Section 7 Consultation</i>	<i>Consult with agencies on effects determination for federally listed marine species and Essential Fish Habitat</i>
<i>Advisory Council on Historic Preservation (AHP)</i>	<i>Invitation to participate or comment</i>	<i>Provide guidance to agencies on Section 106 consultation approach.</i>
<i>State</i>		
<i>CPUC (lead CEQA agency)</i>	<i>CEQA Declaration and Revised Certificate of Public Convenience and Necessity (CPCN)</i>	<i>As lead CEQA agency, issue a declaration on mitigated or significance findings; consider issuing a revised CPCN to Vero to allow the construction, operation, and maintenance of the Project</i>
<i>California Department of Transportation (Caltrans), District 1 (D1) and District 2 (D2)</i>	<i><u>Encroachment Permit and FHWA/Caltrans ROW Use Agreement, 23 CFR Part 710, Subpart D</u></i>	<i>Consider issuing an encroachment permit/<u>ROW Use Agreement</u> for areas where the Project would be constructed within <u>Caltrans and FHWA ROWs</u></i>
<i>California Department of Fish and Wildlife (CDFW)</i>	<i>Master Streambed and Alteration Agreement (1602 Permit)</i>	<i>Consider issuing a Master Streambed Alteration Agreement, to allow the Project to be constructed across or beneath Waters of the State</i>
<i>California State Lands Commission (CSLC)</i>	<i>Lease (waters of the State)</i>	<i>Consider issuing a Lease to allow the Project to be constructed across or beneath waters under the jurisdiction of CSLC</i>
<i>California State Water Resources Control Board</i>	<i>CWA Section 401 Permit and Porter-Cologne Act</i>	<i>Consider issuing a Section 401 Permit and Waste Discharge Requirements</i>

	<i>Waste Discharge Requirements</i>	<i>for discharges to Waters of the State as a result of Project construction</i>
<i>California Coastal Commission</i>	<i>Coastal Development Permit</i>	<i>Consider issuing a Coastal Development Permit for portions of the Project that intersect Coastal Zones</i>
<i>California SHPO</i>	<i>NHPA, Section 106 consultation</i>	<i>Respond to agencies' cultural resources findings/determinations</i>
<i>California Native American Tribes</i>	<i>AB 52 and NHPA</i>	<i>Consult with agencies on the Project and potential impacts to tribal resources</i>

Footnote, Page 2: *State Historic Preservation Officer (SHPO) response letters will be included as Appendix C*

Chapter 2, Page 7:

Table 2. Acreages of Permanent and Temporary Disturbances

Jurisdiction	Mileage	Temporary Disturbance		Total Temp. (acres)	Permanent Disturbance		Total Perm. (sq. feet)
		Conduit Placement (acres)^a	Laydown Areas (acres)^b		Approx. Vaults (sq. feet)^c	ILA Buildings (sq. feet)^d	
<i>BLM</i>	<i>22.6</i>	<i>67.5</i>	<i>0.8</i>	68.3	<i>720</i>	<i>0</i>	720
<i>STNF</i>	<i>62.2</i>	<i>187.7</i>	<i>1.4</i>	189.1	<i>1,984</i>	<i>0</i>	1,984
<i>SRNF</i>	<i>14.6</i>	<i>44.3</i>	<i>0.3</i>	44.6	<i>464</i>	<i>0</i>	464
<i>WNRA</i>	<i>10.1</i>	<i>30.5</i>	<i>0</i>	30.5	<i>320</i>	<i>0</i>	320
<i>USBR</i>	<i>2.6</i>	<i>5.6</i>	<i>0.4</i>	6.0	<i>80</i>	<i>0</i>	80
<i>USACE</i>	<i>0.23</i>	<i>0.62</i>	<i>0.003</i>	0.623	<i>0</i>	<i>0</i>	0
<i>Tribal</i>	<i>3.5</i>	<i>10.1</i>	<i>1.0</i>	11.1	<i>112</i>	<i>0</i>	112
<i>State (other)^e</i>	<i>1.9</i>	<i>5.6</i>	<i>0</i>	5.6	<i>64</i>	<i>0</i>	64
<i>Caltrans^f</i>	<u><i>72.2</i></u>	<u><i>218.4</i></u>	<u><i>5.7</i></u>	<u><i>224.1</i></u>	<u><i>2,384</i></u>	<u><i>0</i></u>	<u><i>2,384</i></u>
<i>Private</i>	<u><i>142.0</i></u> <u><i>214.2</i></u>	<u><i>385.5</i></u> <u><i>603.9</i></u>	<u><i>35.4</i></u> <u><i>41.1</i></u>	<u><i>644.7</i></u>	<u><i>6,385</i></u> <u><i>4,544</i></u>	<i>15,000</i>	<u><i>21,835</i></u> <u><i>19,544</i></u>

Equals crossing mileage x 25-foot-wide corridor

^b Combined acreage of possible staging and laydown locations per jurisdiction (see **Appendix D**)

^c Combined acreage of surface disturbance (48-inch by 48-inch vault lids each) for approximately one vault per 0.5 mile

^d Combined acreage of ILA building footprints of 50 feet by 50 feet each

^e Combined acreage of CSLC, California Department of Parks and Recreation (CDPR), and CDFW lands;

^f Includes Caltrans fee-owned ROW and FHWA ROW managed by Caltrans. In total, the Project also follows about 130 miles of Caltrans-managed ROW, much of which overlaps the jurisdiction of federal and state land management agencies.

Chapter 2, Page 10: The bore diameter to house the conduit would be 4 inches, and the conduit would be buried between 36 and 42 inches deep, with a maximum depth of ~~10-20~~ feet achievable when necessary.

Chapter 2, Page 15: The Proposed Action is divided into two phases: the middle-mile or backbone route (Phase 1) and the last-mile connections (Phase 2). The total duration of construction for Phase 1 of the Proposed Action is estimated at up to 36 ~~24~~ months, beginning in the fourth ~~second~~ quarter of 2022.

Chapter 3, Page 19:

- Negligible Effect: A localized degradation to a resource condition, use, or value that is not measurable or perceptible, and which is mostly likely not significant under NEPA
- Minor Effect: A measurable or perceptible and localized degradation of a resource's condition, use, or value that is of little consequence, and which is most likely not significant under NEPA
- Moderate Effect: A localized degradation of a resource condition, use, or value that is measurable and has consequences, and which is possibly not significant under NEPA and would be reduced to a non-significant level by applicant-proposed measures
- High Effect: A measurable degradation of a resource condition, use, or value that is large and/or widespread and could have permanent consequences for the resource, which may be considered significant under the NEPA
- Short-term or Temporary Effect: An effect that would result in the change of a resource condition, use, or value lasting less than one year, and which is most likely not significant under NEPA

Chapter 3, Page 22:

Table 3. Resources Considered In the EA/IS

Recreation	✓	-	-	<i>Recreation in the Action Area may be impacted during construction and is further analyzed in Section 3.9. <u>No permanent impacts to recreational areas are anticipated. Any potential recreation impacts are expected to be temporary, e.g., temporarily increased traffic, lane or trail closures, or slowed access to recreational facilities during construction.</u></i>
------------	---	---	---	--

Chapter 3, Page 25: *The construction of the fiber optic line and associated facilities would require the use of heavy equipment and other vehicles for up to ~~24~~³⁶ months. Generally speaking, no more than two to three pieces of equipment would be operating at once at each work site. The air pollutant emissions were calculated using the emissions factors for the various heavy equipment proposed to be used and the number of days and hours per day of construction (see Chapter 2). Possible construction methods were also factored into the calculations. Emission calculations are provided in Appendix H. Estimated emissions resulting from construction of the Proposed Action are shown in Table 4.*

Chapter 3, Page 29:

- *Streams: ~~121~~¹²⁹ perennial (including major rivers), ~~210~~²³⁷ intermittent, and ~~192~~²⁰¹ ephemeral streams*
- *Wetland Habitats: Primarily willow thickets (averaging approximately 0.10 acre) and freshwater emergent wetlands (averaging approximately 0.05 acre) along the coast and around Humboldt Bay (**Appendix F**)*

*After review and analysis, ~~40~~⁴¹ plant and fungi species (**Appendix R**) were retained for further analysis in the BE (**Appendix I**), and 53 species were evaluated but excluded from further review.*

*A total of ~~94~~⁹⁷ special-status wildlife species were evaluated to determine if the Proposed Action would result in disturbance, injury, or mortality. After review and analysis, ~~57~~⁶¹ wildlife species (**Appendix R**) were retained for further analysis in the BE (**Appendix I**), and 37 species were excluded from further review.*

*A total of 93 special-status plants and fungi were evaluated to determine if the Proposed Action would result in disturbance or loss to these species. After review and analysis, ~~40~~⁴¹ plant and fungi species (**Appendix R**) were retained for further analysis in the BE (**Appendix I**), and 53 species were evaluated but excluded from further review. Rationale for excluding species from further analysis includes the lack of suitable habitat or vegetative community, elevation limitations, local extirpation, and extensive distance from known occurrences in well-surveyed/managed areas.*

*A total of ~~94~~⁹⁷ special-status wildlife species were evaluated to determine if the Proposed Action would result in disturbance, injury, or mortality. After review and analysis, ~~57~~⁶¹ wildlife species (**Appendix R**) were retained for further analysis in the BE (**Appendix I**), and 37 species were excluded from further review. Rationale for excluding certain wildlife is the same as the rationale for excluding plants and fungi discussed above. General wildlife, specifically migratory birds, were also evaluated as part of this review.*

Chapter 3, Page 31: *Of the ~~523~~⁵⁶⁷ total waterway crossings along the route, ~~121~~¹²⁹ are perennial.*

For the purposes of this analysis, it is assumed that up to ~~402~~⁴³⁸ intermittent waterways and ephemeral drainages could be open trenched/plowed when dry.

Chapter 3, Page 40 and 41: *This section summarizes the cultural setting and results of the literature review, tribal consultation, and cultural resources surveys; analyzes the Proposed Action's potential impacts on historic and tribal cultural resources; and identifies measures to avoid adverse impacts. Historic resources include archaeological sites (prehistoric and historic), historic buildings, structures, objects, sacred sites, and Traditional Cultural Properties (TCPs) that are important to a community's practices and beliefs and that are necessary to maintain a community's cultural identity. Tribal cultural*

resources are defined in California Public Resource Code 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Tribe that are listed or determined eligible for listing in the national or state register of historical resources; are listed in a local register of historic resources; or are resources that a lead agency determines at its own discretion are tribal cultural resources. It is important to note that these resource types may be non-archaeological in nature (e.g., seasonal celebrations, plant gathering areas, vista points). Detailed evaluations of historic and tribal resources as well as information pertaining to previously evaluated and unevaluated historic resources can be found in the Cultural Resources Inventory Report (Loftus et al. 2021); this document is not included in this EA/IS as it contains confidential information about archaeological sites. Each participating agency has led its own NHPA Section 106 consultation process, submitting to the SHPO separate findings of effect based on the same Cultural Resources Inventory Report. When Section 106 consultation concludes, Additionally, the Caltrans Cultural Studies Office (CSO) approved a set of Caltrans-specific cultural resource documentation—including a Historical Resources Compliance Report (HRCR), Archaeological Survey Report (ASR), Finding of Effect (FOE), and Post-Review Discovery Plan (PRDP)—to satisfy CPRC Section 5024 for resources within Caltrans fee-owned ROW; these reports are not included in this EA/IS due to confidential information about archaeological sites. The SHPO and CSO and Tribal Historic Preservation Officer (THPO) response letters are included in this EA/IS as Appendix C.

- *State Highways: State highways are paved and estimated as 60 feet wide from edge of pavement (EOP) to EOP. In general, a 150-foot-wide, on-centerline portion of a paved state highway was identified as an adequate APE-DE, as agreed to by the participating agencies*
- *Suburban/Urban Secondary or Frontage Roads: A 100-foot-wide, on-centerline portion of paved suburban/urban secondary or frontage roads was identified as an adequate APE-DE, as agreed to by the participating agencies*
- *Undeveloped Mountain Roads/Minor Roads: These narrow roads, ranging from 10 to 15 feet wide, are often graded dirt or graveled, with some roads paved or partially paved. The Proponent plans to place the fiber optic cable within the roadbed of this type of road, with some exception for roadside placement. A 65-foot-wide, on-centerline portion of undeveloped mountain roads/minor roads was identified as an adequate APE-DE, as agreed to by the participating agencies*

Chapter 3, Page 47: Per the request of the Wiyot Area Tribes, any conduit on Tuluwat Island in Humboldt Bay would be installed via HDD in the raised road ROW.

Chapter 3, Page 48: *Overall, with the implementation of standard avoidance measures and site-specific protection measures (Loftus et al. 2021), adverse impacts to tribal or cultural resources will be direct, short term, and negligible. Impacts do not meet the NEPA impact thresholds listed above.*

Chapter 3, Page 52: *For the purposes of determining USACE jurisdiction under the CWA, “navigable waters” as defined in the CWA are the same as “Waters of the United States” as defined in the CFR above. Of the 523 567-total waterway crossings along the route, 121 129 are perennial and would be crossed via HDD or bridge attachment, entailing no direct impacts to waters. HDD would also be used to cross under most of the 402 438 intermittent and ephemeral waters; however, these 402 438 could be also trenched or plowed when dry, which would be covered by the CDFW 1602 permit. Any potential impacts would involve temporary fill from the trenching or plowing of dry waterways.*

Chapter 3, Page 53: *There are several major waterbodies and waterways in the Action Area, including Humboldt Bay, Mad River, Little River, Trinity River, and Whiskeytown Lake, as well as 523 567 perennial, intermittent, and ephemeral streams. Wetland habitats primarily include willow thickets and small freshwater emergent wetlands along the coast and around Humboldt Bay.*

Chapter 3, Page 54: *No direct effects to wetlands are expected, as the Project will be bored under wetlands, and bore pits will be placed outside of wetland and riparian areas. Most wetlands along the route are small, averaging less than 0.1 acre. The conduit would be buried a minimum of 36 inches deep within the road shoulder. The Project will fully avoid wetlands. Wetlands are discussed in greater detail in Section 3.3.4.1.*

Chapter 3, Page 55:

Tables 5. Milage Crossed by Jurisdiction

Agency/Landowner	Miles Crossed
USFS STNF	62.2
USFS SRNF	14.6
NPS, WNRA	10.1
BLM	22.6
USBR	2.6
Hoopa Valley Reservation	3.15
Blue Lake Rancheria	0.36
Caltrans (fee-owned ROW)	72.2
State (Other)	1.9
Private	<u>142.0</u> 214.2

Chapter 3, Page 56: *The cities of Redding, Blue Lake, Trinity, and Eureka do not list broad permission or refusal of utilities in all zoning districts.*

Chapter 3, Page 64 and 65: *Trinity and Shasta counties have the greatest percentage of residents classified as white (about 80 7 percent) followed by Humboldt County at about 748 percent; statewide, California's white, non-Hispanic population makes up about 3772 percent of the entire population.*

Chapter 3, Page 65: *Black or African American and Asian populations in the three counties (less than 1.5 percent Black and about 3 percent Asian) were substantially lower than the state as a whole (about 6.5 percent Black and 15.53 percent Asian). Homeownership rates in all three countiesThe homeownership rates in Trinity and Shasta counties are about 68 and 65 percent, which are well above are substantially lower than in California as a whole. California's the state's homeownership rate is about of 55 39 percent., while only about 5 percent of Trinity County's households own their homes. Humboldt County (57 20 percent) is slightly above and Shasta County (16 percent) are also well below the statewide average. TheDespite the counties' homeownership rates, the cities of Arcata (36 percent) and, Eureka (44 percent) have homeownership rates well below the state and county, while average, and the city of*

Redding is about the same as California as a whole. overall, and Redding all have homeownership rates higher than California as a whole.

*The median annual income per household for the state of California was \$78,672 in 2020 (U.S. Census Bureau 2021). The median annual incomes vary widely between the affected counties and largest cities, but all are well below the state average (see **Appendix T**). Unemployment rates and poverty rates varied between counties and communities along the Project route, with no specific pattern. The average annual unemployment rates in 2021 for Humboldt, Shasta, and Trinity counties were 4.3, 4.96, and 4.49 percent, respectively, compared with 5.47 percent for California as a whole. Poverty status is determined by comparing annual household income to poverty thresholds, which vary by family size, number of children, and age of the householder, although not geographically. Poverty thresholds are updated annually based on changes in the Consumer Price Index and were assumed to be \$32,661 per year for this analysis. Census estimates indicated 11.5 percent of the people in California were in households with incomes below the poverty level in 2020, with all three counties having higher poverty rates than the state, ranging from 14 percent (Shasta County) to 18 percent (Trinity County) (U.S. Census Bureau 2021).*

Trinity County is among the California counties with the lowest broadband subscription rates—fewer than 75 percent of households had subscriptions in 2020—while Humboldt and Shasta Counties, though still underserved compared to the rest of the state, have slightly greater broadband coverage (PPIC 2021; U.S. Census Bureau 2020).

Chapter 3, Page 66: Construction of the Proposed Action is expected to take up to 36 months to complete. Given that construction and long-term operations of the Proposed Action are likely to require only a small number of workers for a relatively short period, the Proposed Action would have no noticeable effect on population growth, employment rates, or the demand for housing in the communities adjacent to the Proposed Action Area. Because the Proposed Action is not expected to induce substantial population growth, government and community facilities and services would be unaffected by its implementation. The Proposed Action would contribute to a minor increase in local revenues as a result of contributions to expenditures associated with its construction, such as building materials, wages, and other goods and services, including food and lodging. In addition, the Proposed Action would provide contributions to local taxes and revenues associated with property taxes, property easement fees, and real estate purchases and transfers; however, these effects would be minor and brief.

Chapter 3, Page 67: The cumulative impacts of an action can be viewed as the total effects of that action on a resource, ecosystem, or human community and all other activities affecting that resource regardless of what entity (federal, non-federal, or private) is taking the actions (CEQ 2021).

1) whether the resource is especially vulnerable to incremental effects, 2) whether the Proposed Action is one of several actions in the same geographic area, 3) whether other activities in the area have similar effects on the resource, or 4) whether these effects have been historically significant for this resource (CEQ 2021).

Chapter 3, Page 68: Wildfire Restoration—Wildfires, Various Locations

Fire restoration work may result in temporary road closures, additional traffic, and impeded access to recreation opportunities along SR 299 during restoration.

Chapter 4, Page70: *The following federal and state agencies contributed to the development of this EA/IS: the BLM, FHWA, USFS STNF and SRNF, NPS WNRA, USACE, USBR, CPUC, Caltrans D1 and D2, CDFW, California State Land Department, and California State Water Resources Control Board. Each agency participated in planning, meetings, and reviewing Project reports, including findings in this EA/IS such that each can draw from it to support their separate Decisions under NEPA, CEQA, or other regulations.*

Each agency has led their own Section 106 processes, drawing from and submitting to SHPO findings of effect based on the same Project-wide Cultural Resources Inventory Report (Loftus et al. 2021). The SHPO response letters are is included in Appendix C.

Chapter 5, Pages 73 and 74:

Name	Organization, Title	Sections
<i>Agency Reviewers and Contributors</i>		
<i>Jennifer Mata</i>	<i>BLM, Field Manager</i>	<i>Overall review</i>
<i>Laura Brodhead</i>	<i>BLM, Assistant Field Manager</i>	<i>Overall review</i>
<i>Katie Shaw</i>	<i>BLM, Realty Specialist</i>	<i>Overall review</i>
<i>Chad Endicott</i>	<i>BLM, Planning and Environmental Specialist</i>	<i>Overall review</i>
<i>Brooke Thompson</i>	<i>BLM, Ecologist</i>	<i>Biological Resources</i>
<i>Steve Laymon</i>	<i>BLM, Wildlife Biologist</i>	<i>Biological Resources</i>
<i>Kody Shellhouse</i>	<i>BLM, Geologist</i>	<i>Geology/Soils Resources</i>
<i>Eric Ritter</i>	<i>BLM, Archaeologist</i>	<i>Cultural and Tribal Resources</i>
<i>Heidi Rogers</i>	<i>BLM, Forester</i>	<i>Overall review</i>
<i>Rob Winkler</i>	<i>BLM, Fire Management Officer</i>	<i>Overall review</i>
<i>Losi Shoemaker</i>	<i>USFS STNF</i>	<i>Overall review</i>
<i>Brenda Tracy</i>	<i>USFS STNF</i>	<i>Overall review</i>
<i>Lisa Wrenn</i>	<i>USFS STNF</i>	<i>Overall review</i>
<i>Joseph Rodarme</i>	<i>USFS STNF</i>	<i>Overall review</i>
<i>George Frey</i>	<i>USFS SRNF</i>	<i>Overall review</i>
<i>Carol Spinos</i>	<i>USFS SRNF</i>	<i>Overall review</i>
<i>Erik Whiteman</i>	<i>USFS SRNF</i>	<i>Cultural Resources</i>
<i>John McRae</i>	<i>USFS SRNF</i>	<i>Biological Resources</i>
<i>Bryan Yost</i>	<i>USFS SRNF</i>	<i>Biological Resources</i>
<i>Kasey Sirkin</i>	<i>USACE</i>	<i>Overall review</i>
<i>Laura Shaskey</i>	<i>NPS WNRA</i>	<i>Overall review</i>
<i>Josh Haines</i>	<i>NPS WNRA</i>	<i>Overall review</i>
<i>Glendee Ane Osborne</i>	<i>NPS WNRA</i>	<i>Overall review</i>
<i>Brian Rasmussen</i>	<i>NPS WNRA</i>	<i>Overall review</i>
<i>Megan Simon</i>	<i>USBR</i>	<i>Overall review</i>
<i>Mark Carper</i>	<i>USBR</i>	<i>Cultural Resources</i>

<u>Kathy Grah</u>	<u>Caltrans</u>	<u>Overall review</u>
<u>Clint Burkenpas</u>	<u>Caltrans</u>	<u>Overall review</u>
<u>Mike Mogen</u>	<u>Caltrans</u>	<u>Overall review</u>
<u>Jesse Robertson</u>	<u>Caltrans</u>	<u>Overall review</u>
<u>Emiliano Pro</u>	<u>Caltrans</u>	<u>Overall review</u>
<u>Amy Henderson</u>	<u>CDFW</u>	<u>Biological Resources</u>
<u>Matt Mitchell</u>	<u>CDFW</u>	<u>Biological Resources</u>
<u>Michael Rosauer</u>	<u>CPUC</u>	<u>Overall review</u>
<u>Andrew Barnsdale</u>	<u>CPUC</u>	<u>Overall review</u>
<u>Afifa Awan</u>	<u>CSLC</u>	<u>Overall review</u>
<i>Third-Party NEPA/CEQA Preparer</i>		
<i>Tommy Alexander</i>	<i>Transcon, Project Manager</i>	<i>Overall Quality Assurance/Quality Control (QA/QC); Appendix A</i>
<i>Everett Bassett</i>	<i>Transcon, Cultural Resources Advisor and Senior Archaeologist</i>	<i>Cultural and Tribal Resources, Principal Investigator</i>
<i>Kayla De La Pena</i>	<i>Transcon, Senior GIS Specialist</i>	<i>Overall QA/QC</i>
<i>Nicole Dunlap</i>	<i>Transcon, Project Manager</i>	<i>Chapters 1 and 2; overall QA/QC</i>
<i>Christy Holmes</i>	<i>Transcon, Senior Biologist</i>	<i>Biological Resources</i>
<i>Tim Jones</i>	<i>Transcon, Senior Archaeologist</i>	<i>Cultural Resources, Principal Investigator</i>
<i>Steve Tucker</i>	<i>Transcon, Senior Biologist</i>	<i>Biological Resources Lead</i>
<i>Ben Lardiere</i>	<i>Transcon, Senior Biologist</i>	<i>Biological Resources</i>
<i>Shannon Loftus</i>	<i>Transcon, Senior Archaeologist</i>	<i>Cultural Resources</i>
<i>George Miller</i>	<i>Transcon, Senior Planner</i>	<i>Land Use, Socioeconomics and Environmental Justice</i>
<i>Scott Riley</i>	<i>Transcon, Biologist</i>	<i>Hydrology and Water Quality</i>
<i>Ian Snyder</i>	<i>Transcon, Environmental Planner</i>	<i>Air Quality, Noise, Geology/Soils</i>
<i>Michael Warner</i>	<i>Transcon, Principal NEPA/CEQA Advisor</i>	<i>Overall QA/QC</i>

List of Appendices, Page 75

Appendix C

Section 106 Consultation SHPO and THPO Correspondence

Appendix C. Response to Comments

Twenty-nine comments received on the EA/ISMND were determined to be substantive according to NPS. A substantive comment is defined by NPS Director's Order 12 (DO-12) as one that does one or more of the following:

- question, with reasonable basis, the accuracy of information in the environmental analysis
- question, with reasonable basis, the adequacy of the environmental analysis
- present reasonable alternatives other than those presented in the environmental analysis
- cause changes or revisions in the proposal

In other words, substantive comments raise, debate, or question a point of fact or analysis. Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not considered substantive and do not require a formal response. The following table summarizes the substantive comments received during the comment period and is organized into concern statements and responses.

Category	Concern Statement	Comment Response
NEPA	The CEQ regulation have recently been updated. Please make sure that your information reflects that.	References to the May 2022 NEPA implementing regulations were added where appropriate in Section 3.11, the Executive Summary, and Appendix V.
Biological Resources	<p>The restoration plan (Appendix J of the EA/MND) has not been finalized according to avoidance, minimization, and mitigation measure BIO-3 (AMM BIO-3). The restoration plan reiterates AMM-BIO-3 at the beginning of the document in which it is clearly stated that seeding will be done with locally sourced native species. However, the project schedule on page 3 of the plan states in the late summer of 2022, “species lists for seed mixes are drafted and sent to agencies for approval, and seeds are ordered from nurseries or California native seed companies.” The California Department of Fish and Wildlife prefers seed to be locally sourced from where the restoration will take place and not purchased from nurseries or native seed companies unless it can be shown that the seeds were collected in the same vicinity as the project impact. The Department recommends inquiring with the various United States Forest Service districts to see if they have any locally collected seed and/or container stock that could be used for this project.</p> <p>On page 5 of the restoration plan, a description of seeding methods is provided. The Department recommends adding in a sentence stating if invasive species are present at the site, they will be removed prior to manual seeding or hydroseeding. As currently described, it appears that seeding and/or hydroseeding will occur without hand pulling or reducing the amount of invasives first.</p>	The contractor will contact the U.S. Forest Service and the National Park Service regarding locally collected seed stock. The Restoration Plan has been updated to note that if invasive species are present at the site, they will be removed prior to seeding.

<p>Biological Resources</p>	<p><i>AMM BIO-8 Special-Status Plants:</i></p> <p>Avoidance, Minimization, and Mitigation measure AMM BIO-8 states that if a special-status species is found during pre-construction surveys, and cannot be avoided by a minor re-route, the Project biologist will contact the appropriate agency to discuss potentially salvaging the affected plants. The California Department of Fish and Wildlife generally considers salvage and relocation (translocation) to be an ineffective way to compensate for permanent impacts to rare, threatened, endangered, and sensitive native plants (rare plants) - 1. Rare plant translocations for mitigation have a low success rate (less than ten percent) and 2. the Department considers such efforts experimental, unless they have been demonstrated to be effective through long-term experimentation. Successful rare plant translocations require many years of habitat surveys, habitat modeling, site selection, seed collection, plant propagation, site preparation, monitoring, and remedial actions such as management of competing plants, supplemental watering, and supplemental planting. Success is not guaranteed, and even translocations that are initially successful may fail to persist over the long term.</p> <p>Furthermore, transplantation efforts do not replace intact ecosystems or maintain the entire range of genetic diversity at the impact site. The presence of rare plants often signifies the presence of biogeographically important sites with unusual soil, microclimate, or other conditions that are not easy to identify and difficult or impossible to duplicate. Loss of genetic material from rare plant translocation may also hinder introduced populations from withstanding changing environmental conditions over time. Conservation translocation of plants requires consideration of a number of factors that might not be considered for animal species, such as microclimate, soil, pollinators, herbivory, weed management, mycorrhizal associations, and adequate monitoring that could reasonably span many years. These factors considerably increase the complexity and risk of failure of plant translocations. The most effective way to mitigate for permanent loss of rare plant habitat is therefore to protect and manage existing populations in their natural habitat. If protection of the population is not possible, mitigation may be required to reduce significant impacts to less than significant.</p>	<p>Land managing agencies will be notified of sensitive plant and lichen species that cannot be avoided by a minor re-route, and transplanting options will be explored for bulbiferous, hydrophytic, or non-vascular species.</p>
-----------------------------	--	--

<p>Biological Resources</p>	<p><i>AMM BIO-9 Invasive Species Prevention:</i> AMM BIO-9 states, “Contractor vehicles, equipment, tools, boots, and clothing will be cleaned inside and out prior to mobilization of Project segments on federal lands or California Department of Transportation ROW to limit the introduction on non-native species and pathogens (e.g., Port Orford cedar root fungus) on the Project corridor, including in areas potentially affected by recent wildfire.” The cleaning of vehicles, equipment, tools, boots, and clothing should occur project wide and not only on federal lands or Caltrans rights-of-way. Linear projects that include ground disturbance may facilitate infestations of invasive species over a great distance. It is vitally important that impacts from this Project do not increase the amount of invasive species or introduce new species. The California Department of Fish and Wildlife suggests the beginning of AMM-BIO-9 read as such: Contractor vehicles, equipment, tools, boots, and clothing will be cleaned inside and out to limit the introduction on non-native species and pathogens (e.g., Port Orford cedar root fungus) on the Project corridor, including in areas potentially affected by recent wildfire.</p>	<p>The AMM has been adjusted per CDFW's recommendation.</p>
<p>Biological Resources</p>	<p><i>AMM BIO-13 Nesting Birds:</i> The California Department of Fish and Wildlife typically recommends February 1 – August 31 for the nesting bird season to capture early nesters such as great horned owl or bald eagle and late nesters or second broods. The Department suggests replacing February 15 with February 1 or adding “other early nesting raptors” to the first sentence so it reads as follows (changes in bold): If work will occur during the nesting bird season (February 15 until August 31 OR January 1 until August 31 where there is potential for nesting eagles and other early nesting raptors), nesting bird surveys will be conducted within 7 days prior to the onset of construction by a Project biologist or biological monitor familiar with the species that may nest in the Action Area with standard nest-locating techniques.</p>	<p>The AMM has been adjusted per CDFW's recommendation.</p>
<p>Biological Resources</p>	<p><i>AMM BIO-14 Aquatic Resources/Fisheries:</i> Federally listed, state listed, and dually listed species occur on this Project. The first sentence measure AMM BIO-14 should read (changes in bold): To avoid and minimize adverse effects to federally and state-listed and special-status fish and wildlife, the following measures shall be implemented:</p>	<p>The AMM has been adjusted per CDFW's recommendation.</p>

Biological Resources	<p><i>AMM BIO-15 Special-Status Amphibians:</i> The measure should read (changes in bold): When ground-disturbing work is occurring within 100 feet of waterways that have water present and that are suitable habitat for special-status amphibians, a qualified biologist will conduct a predisturbance survey for special-status amphibians (adults, subadults, tadpoles, or egg masses). The survey area will include suitable habitat within 100 feet of perennial and intermittent waterways, within 25 feet of ephemeral drainages, and at least 100 feet upstream and downstream of the work area. The biologist will conduct surveys for special-status amphibians prior to the start of ground-disturbing activities. If no special-status amphibians are detected, work may resume for 3 to 5 days before new surveys need to be conducted.</p>	The AMM has been adjusted per CDFW's recommendation.
Biological Resources	<p><i>AMM BIO-17 Special-Status Mammals:</i> AMM-BIO-17 states pre-disturbance denning mammal surveys at den sites within the construction corridor will be conducted in suitable denning habitat. Please provide more description on exactly how these surveys will be conducted and what methods will be used to identify denning areas.</p>	The AMM has been adjusted to add additional details on survey methods per CDFW's recommendation.
Biological Resources	<p><i>Survey Results:</i> If any special-status species are found during surveys, the California Department of Fish and Wildlife requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data. The results of all pre-construction surveys shall be sent electronically to the Department at R1CEQARedding@wildlife.ca.gov.</p>	Per AMM BIO-1, CNDDDB forms will be completed and sent to Sacramento, and copies of the forms will be sent to the Regional office, if any special-status species are found during surveys.
Biological Resources	Think service is important, but that leads to social concerns. What will the costs be to residents along the 299 corridor? How is the line/service laid? Will there be debris into the river? Will there be any potential injury/impacts to birds, fish, and wildlife?	The EA/ISMND details construction methods and analyzes potential impacts to the human and natural environment.

<p>Biological Resources</p>	<p><i>Irregularity of Adopting Out-of-Date CEQA Studies from Prior Project Proponent:</i> Vero’s submission contains numerous references to analysis of the prior project proponent, Inyo Networks. It is unclear why or how Vero decided to adopt analysis conducted by or for a different proponent, but it appears that much of this re-used analysis is dated. For example, The Special-Status Plant Surveys dates to mid-2019. Due to ongoing drought and fires in the project area, environmental conditions have likely caused changes in vegetation that need to be revisited. Similarly, any analysis of wildfire threats dated in 2018 or 2019 are seriously out of date and fail to reflect the increasingly common and disastrous wildfires suffered in Northern California. The EA concludes in the analysis of hazards that wildfire threats are limited to the installation phase of the project when equipment could create sparks or from operation of backup power generators. The EA fails to take account that the Commission has found that communications equipment can cause wildfires during operation (e.g. the Guejito Fire in 2007 apparently caused by Cox Communications overloading wires).</p>	<p>The contractor that has performed the analysis since the beginning and prepared the initial studies is still the primary contractor. Agencies worked with the contractors to update the analysis as conditions changed due to wildfire and other climatic conditions that agencies have identified. As discussed in the Biological Evaluation and the Restoration Plan, Vero will conduct additional special-status plant surveys along the route as well as preconstruction vegetation surveys at work areas, ensuring that any changes in vegetation composition are documented prior to beginning construction. The environmental analysis has been updated to reflect changes resulting from the 2021 Monument Fire.</p>
<p>Cultural Resources</p>	<p>The EA states “Overall, with the implementation of standard avoidance measures and site-specific protection measures (Loftus et al. 2021), adverse impacts to tribal or cultural resources will be direct, short term, and negligible.” Wondering if this is a typo as adverse impacts would not be considered negligible?</p>	<p>Impacts to cultural and tribal resources do not meet the threshold for adverse impacts described in Section 3.4.4. The EA has been updated to read, “Overall, with the implementation of standard avoidance measures and site-specific protection measures (Loftus et al. 2021), impacts to tribal or cultural resources will be direct, short term, and negligible.”</p>

<p>Cultural Resources</p>	<p>The IS states that the project would result in less than significant impacts to cultural and tribal cultural resources. The IS states “These measures are prescribed project wide, or at specific sites along the Project, as described in Loftus et al. 2021 to avoid and limit impacts to cultural resources. Impacts to cultural resources—including their potential demolition, destruction, relocation, or alteration—would be less than significant and would be further minimized by the implementation of these measures.” What are the anticipated impacts? The documents state that eligible, assumed eligible, and listed resources would be avoided. Are the unanticipated impacts the less than significant impacts?</p>	<p>Language was added to clarify that the “less than significant” impacts to cultural and tribal resources discussed in the ISMND would be unanticipated impacts associated with inadvertent discovery, which could include the potential demolition, destruction, relocation, or alteration of buried resources.</p>
<p>Cumulative Effects</p>	<p>This section is confusing, since wildfires are not projects. That doesn’t seem to fit this category. Please address under Cumulative Impacts. Or, add language that clarifies why wildfires are being considered here. For example, the restoration of the areas impacted by wildfires could be considered projects, but I don’t think that would fall under an impacts analysis.</p>	<p>Language was updated to clarify that Section 3.11.2.3 refers to cumulative effects from temporary road closures, additional traffic, and impeded access to recreation along SR 299 for the duration of wildfire restoration activities.</p>
<p>Health and Safety</p>	<p>The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.</p>	<p>The MND acknowledges on page 39 and 40 that gasoline, diesel fuels, and hydraulic fluid used in construction equipment would be present during construction, and that while there is a risk of these materials leaking or spilling into the environment, spills from construction equipment would be unlikely and minimal in volume. The MND further acknowledges that per measure HZ-1 and BIO-23, the Hazardous Substance Control and Emergency Response Plan and SPPP will provide protocols for managing hazardous substances during construction and for responding to potential emergencies encountered in the field related to hazardous material, including investigation and remediation.</p>

<p>Health and Safety</p>	<p>Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.</p>	<p>The MND acknowledges that per measure HZ-1, the Hazardous Substance Control and Emergency Response Plan will provide protocols for managing hazardous substances during construction and for responding to potential emergencies encountered in the field related to hazardous material. Protocols for collecting soil samples would be outlined in the Hazardous Substance Control and Emergency Response Plan.</p>
<p>Health and Safety</p>	<p>If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook.</p>	<p>The MND discusses on page 40 that although two superfund sites (the Copper Bluff Mine in Hoopa and the Iron Mountain Mine near Redding) are located within 5 miles of the proposed Project, the Project is not located directly on these sites, nor does the proposed alignment pass through any other listed hazardous materials sites. Additionally, Section 4.3.4 of the SWPPP specifies that if soil contamination is suspected, the soil will be tested for contaminants, and the Regional Water Quality Control Board informed of reportable problems. The MND acknowledges that per measure HZ-1, the Hazardous Substance Control and Emergency Response Plan will provide protocols for managing hazardous substances during construction and for responding to potential emergencies encountered in the field related to hazardous material, which may include mine waste.</p>

<p>Health and Safety</p>	<p>If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.</p>	<p>The project scope does not include demolishing buildings.</p>
<p>Health and Safety</p>	<p>If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material.</p>	<p>Page 36 of the MND states that soil would be removed, stored temporarily, and generally used to backfill the open trench. Where a slurry mix would be used to backfill excavated areas at major HDD crossings, page 43 describes that geotechnical studies involving the testing of soil and bore pits on either side of major HDD crossings would inform the slurry mix. Additionally, as described in the Restoration Plan, rock, sand, or any material used for soil erosion control shall originate from a certified weed-free source if available, and the rock source shall be inspected by staff trained in invasive plant identification. The MND further acknowledges that per measure HZ-1, the Hazardous Substance Control and Emergency Response Plan will provide protocols for managing hazardous substances during construction and for responding to potential emergencies encountered in the field related to hazardous material.</p>

<p>Health and Safety</p>	<p>If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).</p>	<p>Section 4.3.4 of the SWPPP specifies that if soil contamination is suspected, the soil will be tested for contaminants, and the Regional Water Quality Control Board informed of reportable problems. The MND further acknowledges that per measure HZ-1, the Hazardous Substance Control and Emergency Response Plan will provide protocols for managing hazardous substances during construction and for responding to potential emergencies encountered in the field related to hazardous material. Page 7 of the MND states that none of the Project area intersects areas zoned as farmland.</p>
<p>Land Use</p>	<p><i>The EA Incorrectly Concludes that All Aerial Segments Will Use Existing Utility Poles:</i> The EA concludes that Digital 299 will have no impact or less than significant impact on scenic vistas and resources. This conclusion rests on a conclusory statement with no apparent factual analysis that fiber and equipment will be hung on existing utility poles and bridges. This conclusion is deficient for several reasons.</p> <p>First, the level of detail on the project map and in the project description for aerial construction is not sufficient and does not identify specific existing poles. Section 2.2.2.2 states "It is possible that existing poles would have to be replaced if existing poles are overburdened. Locations of such replacements are not known at this time..." The EA makes no effort to determine the effect if numerous poles must be replaced. Based on local observation, many poles in the project area are either overloaded or in bad repair. No analysis of existing pole condition has been presented. If poles are not usable, they will need to be replaced, resulting in ground disturbance for which there has been no archeological, biological or botanical analysis or Native American consultation. In addition, Vero might choose not to replace a degraded or overloaded pole but instead to place a new pole nearby and leave in place the existing pole (though topped off to a shorter height) creating a proliferation of "Buddy" poles that affect the aesthetics in a highly scenic area dependent on tourism and recreational uses.</p>	<p>Vero intends to hang aerial fiber on existing utility poles and bridges unless doing so is not possible due to unknown future conditions. The number of existing poles that would need to be replaced cannot be known prior to permit issuance because last-mile aerial attachments would be built in 2024 or later once the construction of the middle-mile route is complete, during which time the location and condition of existing poles could change. The number of poles, if any, that would need to be replaced, and the effects of replacing those poles, would be determined prior to the construction of the last-mile segments.</p>

Land Use	<p><i>The EA Does Not Analyze Alternative Proposed Aerial Construction on Scenic Highway:</i> The EA anticipates that virtually all of the construction along Highway 299, a scenic highway, will be done with underground boring, trenching, or plowing, with a sufficient level of analysis. Section 2.3.1, however, presents an <i>Aerial Construction</i> alternative, but does not provide much analysis other than to state that "...there is no continuous existing pole line along the SR 299 corridor". Many areas in the project, such as Burnt Ranch, will not accommodate boring or trenching along the roadway due to geology or ROW width and will likely require the use of aerial construction, however this is not addressed. The installation of poles and aerial fiber optic lines in rocky areas with narrow ROW, particularly along the Wild and Scenic Trinity River, will greatly degrade aesthetics. The presence or absence of existing poles in areas designated for aerial construction is also not addressed.</p> <p>Based on local observation, several areas designated for aerial construction do not have existing poles and will require them to be installed, causing ground disturbance and degradation of aesthetics. The entire project could likely shift from a very small amount of aerial construction to a significant amount based on geology. One of the reasons given for Inyo Networks abandoning the project was due to the fact that CalTrans did not want underground cable installed along certain portions of Highway 299. Vero should be required to provide a detailed analysis of the likelihood of obtaining Caltrans permits for underground installation of its facilities and analysis of the environmental effect of shifting to a substantial amount of aerial installation and submit a revised <i>Aerial Construction</i> alternative.</p>	<p>As discussed in Section 2.2.2.1 of the EA, Vero would use plowing or trenching in areas where HDD is not feasible due to terrain or environmental constraints. Areas of fracture rock or areas that are otherwise unsuitable for plowing or HDD would be constructed using trenching machines, excavators, backhoes, or rock saws. As discussed in Section 2.3.1, aerial construction was not chosen as an installation method for middle-mile fiber due to the following reasons: 1) there is no continuous existing pole line along the SR 299 corridor; 2) power lines are remote from most of the communities to be served; 3) aerial facilities are vulnerable to wildfire damage, which undermines its utility as a dependable public safety network; and 4) aerial communication facilities are exposed to vandalism and terrorist attacks. There is no plan to shift the middle-mile construction method to aerial attachment.</p>
Land Use	<p><i>EA Fails to Analyze Traffic Disruption for Areas Highly Dependent on Tourism Access:</i> The EA incorrectly concludes that traffic disruption from this project is "less than significant". Anywhere from 1,600 to 9,600 cars travel along Highway 299 every day depending on the location. Trinity County has economically suffered for years from disrupted traffic on Highway 299 due to rockslides, fires, and most recently storm damage. The Monument Fire in 2021 caused widespread economic hardship resulting in the closure of multiple local businesses. Disrupting traffic along this route for the duration of this project will cause loss of revenue to tourism, hospitality, and recreation-based businesses which are already struggling.</p>	<p>As described in Chapter 3 of the EA, traffic and transportation impacts would be avoided or minimized by implementing agency-approved Traffic Control Plans developed for the Proposed Action.</p>

Multiple	<p>NEPA terminology needs to be addressed. A separate CEQA and NEPA table or set of bullet points might be the easiest solution. A table with CEQA and NEPA equivalencies could be developed and then the NEPA terms dropped.</p>	<p>Additional language has been added to clarify which effect types do not likely rise to the level of significance under NEPA. The entries for direct and indirect effects already utilize NEPA terminology, while the entries for "high" and "long-term or permanent" effects are qualified by the statement, "which may be considered significant under the NEPA".</p>
Purpose and Need	<p><i>EA Fails to Consider Effect of Digital 299 on Utility Service from State Fiber Middle Mile Network:</i></p> <p>Senate Bill 156 was signed into law in July of 2021 and provides \$3.25 billion to create a state-owned, open-access middle-mile network throughout California. Highway 299 has been identified as a potential project area. All projects must be completed by December 2026, which is likely sooner than Vero's proposed project will be completed. The EA fails to consider the effect of Digital 299 on Utilities/Service Systems category. This project should be postponed until all state middle-mile projects are completed so the environment along Highway 299 is not disrupted twice. The project analysis does not take this legislation into account.</p> <p>There is already existing fiber optic infrastructure between Weaverville and Redding. AT&T has fiber optic infrastructure running south along Highway 299 from Weaverville, then along Highway 3 to Deerlick Springs Road, then south to Highway 36 and east to Red Bluff. Additionally, there is currently existing Federally-owned fiber optic infrastructure running along high-voltage transmission lines between Weaverville and Redding that will soon be made available for commercial access. Given these two existing diverse paths, an additional path is not necessary given the amount of environmental disruption it will cause.</p>	<p>Per Chapter 3 of the EA, utilities and service systems in the Action Area would not be impacted by the Project, which is compatible with existing land uses. The middle-mile portion of Digital 299 is expected to be completed in 2024.</p>

Socioeconomics	<p>If there is any chance of there being disproportionate impacts to disadvantaged communities, please fully explore the issue. The current Administration has made Environmental Justice a top priority.</p>	<p>As described in section 3.10.4.1 of the EA, the potential effects of the Project would not be expected to disproportionately affect any particular population. The Project would pass through sensitive communities in Redding, Arcata, and Eureka; however, it would also provide infrastructure to increase access in those communities to reliable internet and cellular service. Environmental effects that would occur at a greater distance, such as visual or air quality impacts, would be minor and would affect the population equally, without regard to race or ethnicity.</p>
Socioeconomics	<p><i>Economic Justifications for Environmental Effects Lack Support:</i> Section 3.10.4.1 attempts to justify the environmental effects of the project on purported economic benefits. Vero asserts there is a potential that the project “may” improve access to education, healthcare and financial services. Vero incorrectly assumes there is no existing broadband or access to Internet services, which is clearly incorrect. Except for a small portion of Highway 299, the vast majority of the populated project route has access to high-speed internet service. Vero acknowledges that existing local carriers expressed concerns about the project overbuilding their networks and addresses these concerns by claiming that it will “allow tie-ins along the line for local providers to tap into broadband and distribute across their networks.” Vero further claims that it will “...offer commercially reasonable rates that are fair and nondiscriminatory to local exchange carriers.” Vero provides no evidence or analysis to back up either of these claims. For example, Vero has not committed to specific rates, terms and conditions that will ensure non-discriminatory access and just and reasonable rates, nor has it provided examples of contracts entered with other carriers that incorporate this language. Despite the lack of evidence supporting Vero’s claims, the EA appears to have determined that negative environmental effects are justified by the purported public benefit of bridging the digital divide. The EA should be revised to require identification of specific customers that will benefit from Digital 299 before allowing the environmental effects acknowledged in the EA.</p>	<p>The middle-mile fiber optic cable will allow tie-ins for local carriers to tap into broadband and distribute across their networks. Specific rates, terms, and conditions would be determined in conversation with local carriers and cannot be known with certainty at the time of permitting. This project is specifically designed to provide a benefit to the vendors who would connect to the middle-mile infrastructure.</p>

Socioeconomics	All of the data should be based on the 2020 census.	The data was updated based on the 2020 U.S. Census.
Water Resources	I think the document would benefit from more description here. The size and depth of the wetlands is very important. Perhaps the indicated wetlands are generally small areas, such as culverts?	Clarifying language was added to Sections 3.3.2.2 and 3.6.4.1. In order to avoid duplicative content, wetlands and other aquatic resources are discussed in greater detail in Section 3.3, Biological Resources.