

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

Introduction

## 2.0 INTRODUCTION

### 2.1 PROJECT BACKGROUND

#### 2.1.1 Purpose and Need

The purpose of the project is to improve the quality of rural broadband in south-central Oregon, northeast California, and northwest Nevada and to make affordable broadband internet services available to currently underserved communities in these areas. This project would provide connectivity between the network hub in Prineville and the communities of Bend and La Pine in Oregon; Alturas, Lakeview, and Susanville in California; and the greater Reno and Sparks metropolitan area in Nevada. These communities need increased redundancy and alternative bandwidth services to improve the poor reliability of current options.

To function as a truly redundant system, the fiber optic interconnection facilities must not only provide expanded and alternative bandwidth in the case of an emergency or catastrophic event (e.g., landslides or windstorms) but must be located away from existing infrastructure to avoid vulnerability to the same outage threats to which the current corridors are subjected.

The California Independent System Operator (CAISO) Transmission Planning Process (TPP) performs a yearly assessment of the electric transmission system in the context of California's public policy concerns; however, telecommunications are not identified, and therefore, the project was not applicable to be considered by CAISO.

#### 2.1.2 Project Objectives

The objective of the project is to improve the quality of rural broadband in south-central Oregon, northeast California, and northwest Nevada, and to make affordable broadband internet services available to currently underserved communities in these areas. These communities need increased redundancy and alternative bandwidth services to improve the poor reliability of current options.

#### 2.1.3 Project Applicant

Zayo Group, LLC (applicant), a California telephone corporation, is a publicly traded company headquartered in Boulder, Colorado, with European headquarters in London. The applicant provides communications infrastructure services, including fiber and bandwidth connectivity, colocation and cloud infrastructure. The applicant's primary customer segments include data centers, wireless carriers, national carriers, ISPs, enterprises and government agencies.



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## 2.2 PRE-FILING CONSULTATION AND PUBLIC OUTREACH

Approximately 42.6 miles of the proposed alignment pass through federal lands (40.75 miles of BLM lands, 23.09 miles of Bureau of Indian Affairs [BIA] or tribal trust lands, 1.76 miles of USFWS lands, and 0.09 miles of Modoc National Forest lands); 5.4 miles are on California State lands (including 2.7 miles of CDFW lands, 2.7 miles of State Lands Commission holdings, and 0.01 miles of other state lands); and the remaining 145.7 miles pass through private or local municipal landholdings. Therefore, a number of federal, state, and tribal entities were consulted during the pre-filing phase.

Section 3.10, Anticipated Permits and Approvals, summarizes the anticipated permits and approvals for the project. Coordination with the agencies and entities would continue through the project's planning process. The applicant would obtain applicable permits, approvals, and licenses, and would participate in reviews and consultations as required with federal, state, and local agencies.

### 2.2.1 Bureau of Land Management

Cultural Resources/Section 106 of the National Historic Preservation Act Consultation

On March 9, 2020, Stantec held a conference call with Penni Borghi of USFS and Tara McLain of BLM to discuss compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act. BLM announced they would be serving as federal lead for the entire project, with BIA and USFWS acting as NEPA cooperating agencies. Penni Borghi was assigned as Section 106 lead for USFS for this project. Penni directed Stantec to submit sections of the Section 106 reports (by state) to the respective field offices for review on a rolling basis, which will help expedite the BLM reviews. Penni confirmed that BLM is already consulting with tribes under Section 106 Native American Consultation (formal). The call also established the Area of Potential Effect as the US 395 right-of-way, meaning that the Area of Potential Effects (APE) would vary in width to match the right-of-way. To date, cultural reports have been submitted to the relevant BLM field offices in Oregon, California, and Nevada for review.

Biological Resources/Endangered Species Act Consultation

Stantec corresponded with Larry Ashton of BLM's Deschutes Field Office on April 10, 2020, during which Mr. Ashton noted that the two California districts crossed by the project would be preparing wildlife clearance documents outlining the BLM's concerns regarding potential project impacts on biological resources and would provide recommendations to avoid or minimize impacts. Mr. Ashton also indicated that the project would likely result in a "No Effect" determination for all potential federal Endangered-Species-Act-listed species in California, including Carson wandering skipper.

On May 1, 2020, Stantec received the wildlife clearance document from Melissa Nelson of the Eagle Lake Field Office via Larry Ashton. The following summarizes the comments and recommendations from Ms. Nelson. Ms. Nelson referred the applicant to sections of the *Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment* (BLM 2015) for information pertaining to greater sage-grouse avoidance, minimization, and mitigation strategies for construction of the project.



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She also indicated that greater sage-grouse habitat and other pertinent data would be provided when possible, and that habitat mitigation for greater sage-grouse may be required.

On May 1, 2020, Stantec received the wildlife clearance document from Katrina Krause of the Sierra Front Field Office via Larry Ashton. Ms. Krause summarized the special status species that may be affected where Sierra Front Field Office lands in Nevada and California overlap the project, which include burrowing owls, raptors and other migratory birds, and some reptiles (specifics not provided). Greater sage-grouse habitat is present within the project area, but there are no known leks in proximity to the project, and seasonal restrictions do not apply.

On May 28, 2020, Stantec received the wildlife clearance document from the Applegate Field Office via Larry Ashton. Mr. Ashton noted that, given the linear nature of the project along US 395, the project would not significantly impact greater sage-grouse, and no seasonal restrictions or mitigation measures would be recommended, and that because the field office is outside of the range of Carson wandering skipper, no seasonal restrictions or mitigation measures would be recommended. In addition, Mr. Ashton noted that the California Natural Diversity Database (CNDDDB) reports a Swainson's hawk nest within 50 meters of the road on the east side of US 395 about 5.5 miles south of Alturas. The nest should be considered active until it is formally surveyed, and, if active, a 0.5-mile line-of-sight-buffer should be applied. Impacts would be minimal outside of the species' breeding season (April 15 to August 15), but Mr. Ashton suggested that the applicant move the route to the west side of the road in this area if flexibility allows.

### 2.2.2 California Department of Fish and Wildlife

Stantec met with CDFW in Redding, California, on August 29, 2019, to provide the agency with project background, a summary of field surveys underway, and CEQA history pertinent to the project segment. During that meeting, CDFW requested that a Swainson's hawk survey be undertaken; that the project avoid sandhill crane nesting areas; that avoidance, rather than translocation, be the preferred mitigation for potential impacts to special status plants; that a "frac-out" response plan be developed; and that analyses include invasive species.

Stantec met with CDFW (Amy Henderson and Adam McKannay) on March 2, 2020, in Redding, California, to provide an overview of the completed 2019 biological field surveys and the surveys planned for 2020. CDFW recommended that Stantec biologists use the Nevada or Utah survey protocol for pygmy rabbits, that a protocol-level preconstruction Swainson's hawk survey be conducted, that biologists look for bank swallows in the Long Valley Creek area during surveys, and that biologists coordinate with BLM for greater sage-grouse lek information.

### 2.2.3 California Department of Transportation

#### CEQA Compliance

On behalf of the applicant, Stantec has been coordinating frequently with Caltrans since early 2019. Agency-applicant meetings and calls were held on July 17, August 29, September 16, September 19, October 24, November 20, and December 20, 2019. As one of two public agencies with the greatest responsibility for approving the project, initial conversations centered on the potential for Caltrans to serve



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as CEQA lead. Other topics discussed included the potential for the applicant to co-locate fiber optic with other providers, routes to CEQA compliance, potential impacts to cultural sites along US 395, the timing and process of Caltrans' encroachment permit relative to the CEQA process, contracting mechanisms, the positioning of the telecom running line in relation to highway pavement, cultural and biological survey methods, and public and tribal outreach requirements. Stantec met or held conference calls with Caltrans on March 3, April 2, and May 15, 2020. Caltrans received an updated running line in September 2020. As of September 2020, Caltrans will serve as a responsible agency under CEQA.

## Cultural Resources

Prior to a 2019 site visit, Stantec cultural resources contractor, Pacific Legacy, contacted Russell Adamson, the Caltrans District 2 Archaeologist, to obtain copies of Caltrans' records for the project right-of-way. Mr. Adamson provided an Excel spreadsheet listing those resources so that Pacific Legacy might compare the results with holdings on file at the National Earthquake Information Center (NEIC). All resources in the Caltrans list appeared among those noted by the NEIC, and no further data were requested from Caltrans. Prior to inventory and evaluation surveys in 2020, Stantec made a similar request for Caltrans' cultural data.

### 2.2.4 Native American Heritage Commission and Tribal Outreach

No formal consultation with federally or non-federally recognized tribes has yet been conducted for the project. The project's state lead (CPUC) would conduct consultation efforts consistent with Assembly Bill 52, and the BLM federal lead agency would conduct consultation efforts consistent with implementing regulation for Section 106 of the NHPA.

On October 11, 2019, Pacific Legacy contacted the NAHC to request a search of the Sacred Lands File for the full length of the project in California. The NAHC responded on October 29, 2019, to report positive findings and urged contact with the Alturas Rancheria of Pit River Indians for further information (Appendix D). The NAHC also suggested contact with the following tribal representatives:

- Vi Riley, Cultural Resources Coordinator, Alturas Rancheria of Pit River Indians
- Alturas Rancheria, Tribal Administrator/Environmental, Alturas Rancheria of Pit River Indians
- Bernold Pollard, Chairperson, Fort Bidwell Indian Community of Paiute
- Kyle Self, Chairperson, Greenville Rancheria of Maidu Indians
- Paul Garcia, Chairperson, Honey Lake Maidu
- Ron Morales, Chairperson, Honey Lake Maidu
- Charles White, Tribal Administrator, Pit River Tribe of California
- Natalie Forrest-Perez, Tribal Historic Preservation Officer, Pit River Tribe of California
- Agnes Gonzalez, Chairperson, Pit River Tribe of California
- Deana Bovee, Chairperson, Susanville Indian Rancheria
- Grayson Coney, Cultural Director, Tsi Akim Maidu
- Gene Whitehouse, Chairperson, United Auburn Indian Community of the Auburn Rancheria
- Darrel Cruz, Cultural Resources Department, Washoe Tribe of Nevada and California

Stantec has contacted the following tribes regarding the project (Table 2-1).



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**Table 2-1: Stantec Consultation with Regional Tribes**

Tribe	Date Mailed	Emailed	Date Emailed	Response	Follow-Up
Washoe Tribe of Nevada and California	3/25/2020	-	n/a	Shelly received a phone call from the Washoe Tribe on March 31, 2020, saying that they received the letter for Neil Mortimer, but he is no longer Chair. The letter was forwarded to the new Chair, Serrel Smokey.	-
Washoe Tribe of Nevada and California	3/25/2020	X	3/27/2020	Darrel Cruz (THPO) sent an email to Shelly Tiley on April 10, 2020 and attached a formal response letter that states that he is not aware of cultural resources within the project area but wants to maintain consultation and wants to review the archaeological report.	-
Fort Bidwell Indian Community of Paiute	3/25/2020	X	3/27/2020	-	-
Pit River Tribe of California	3/25/2020		3/30/2020	Meeting with Pit River and Shelly Tiley held in person on February 28, 2020. Follow up letters and emails sent on March 25, 2020. Email sent to Shelly Tiley on April 21, 2020 from Raymond Lee Alvarez requesting tribal monitors, TERO, and free fiber optics. Tiley also received letter via email from Kyle Desautel (Pit River Tribal Administrator) on March 31, 2020 who sent documents.	Wants to consult; also see important information on employment of tribal members etc. on tribal lands (TERO).
Susanville Indian Rancheria	3/25/2020	X	3/27/2020	-	-
Honey Lake Maidu	3/25/2020		n/a	-	-
Honey Lake Maidu	3/25/2020	X	3/27/2020	-	-
Greenville Rancheria of Maidu Indians	3/25/2020	X	3/27/2020	-	-
Cedarville Rancheria of Northern Paiute	3/25/2020	X	3/27/2020	-	-
Alturas Rancheria of Pit River Indians	3/25/2020	X	3/27/2020	-	-



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Tribe	Date Mailed	Emailed	Date Emailed	Response	Follow-Up
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Notes:

APE = Area of Potential Effects

BLM = Bureau of Land Management

TERO = Tribal Employment Rights Office

THPO = Tribal Historic Preservation Officer

Zayo = Zayo Group, LLC

### 2.2.5 Records of Consultation and Public Outreach

For records of agency consultation and public outreach, see Appendix G.

## 2.3 ENVIRONMENTAL REVIEW PROCESS

### 2.3.1 CEQA Review

CPUC reviews permit applications under two concurrent processes: (1) an environmental review pursuant to CEQA, and (2) the review of project need and costs pursuant to Public Utilities Code (PU Code) sections 1001 et seq. and General Order (G.O.) 131-D (Certification of Public Convenience and Necessity [CPCN] or Permit to Construct [PTC]). The CPUC is the lead state agency for the project under CEQA and a discretionary approval will be required for a CPCN. This Proponent’s Environmental Assessment (PEA) includes the information required by the *CPUC PEA Guidelines for Energy Project Applications Requiring CEQA Compliance: Pre-filing and Proponent’s Environmental Assessments* (CPUC 2019). The CPUC requires applicants to provide this information for review in compliance with the mandates of CEQA. This PEA is designed to meet the CPUC and CEQA requirements.

The CPUC granted the applicant a CPCN in 1998 and documented compliance with CEQA with an Initial Study and Mitigated Negative Declaration (MND), referred to as “Negative Declaration 12” (D.98-12-083). Pursuant to these processes, the applicant submits an application for modification of its CPCN to authorize construction of the proposed project. In addition to the modification to the applicant’s CPCN, the applicant would obtain all applicable permits for the project from federal, state, and local agencies. Table 3.11-1 provides the potential permits and approvals that may be required for project construction.

### 2.3.2 National Environmental Policy Act Review

For the entirety of the project between Prineville, Oregon, and Reno, Nevada, the proposed route crosses approximately 122 miles of federally owned or managed lands belonging to three National Forests, the U.S. Fish and Wildlife Service, and BLM. Each federal agency would complete a separate National Environmental Policy Act (NEPA) review process for their own lands; there will not be a single federal lead agency for NEPA. Table 2.3-1 details federal land ownership and anticipated level of NEPA analysis for the project.



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**Table 2.3-1: Federal Land Ownership and Level of NEPA Analysis**

Federal agency	Location	Miles crossed by the proposed route (approximate)	Anticipated level of NEPA evaluation
Deschutes National Forest	Oregon	31	Categorical Exclusion
Fremont-Winema National Forest	Oregon	2	Categorical Exclusion
Bureau of Land Management	Oregon	57.5	Environmental Assessment
	California	29.7	
U.S. Fish and Wildlife Service- Modoc National Wildlife Refuge	California	1	Categorical Exclusion
Toiyabe National Forest	Nevada	0.4	Categorical Exclusion

## 2.3.3 Pre-filing California Environmental Quality Act and National Environmental Policy Act Coordination

A pre-file Draft PEA was submitted to CPUC on August 31, 2020. CPUC provided comments on the pre-file Draft PEA on September 24, 2020 with requests for additional data and clarification. The comments were incorporated and into this PEA.

## 2.4 DOCUMENT ORGANIZATION

### 2.4.1 Proponent’s Environmental Assessment Organization

As required by CPUC, the *CPUC PEA Guidelines for Energy Project Applications Requiring CEQA Compliance: Pre-filing and Proponent’s Environmental Assessments* and Appendix G of CEQA (hereafter referred to as the CPUC checklist) were used as the format for describing the setting and analyzing the potential environmental impacts of the project (CPUC 2019). As lead agency, the CPUC will review this information and will be responsible for preparing and providing public review of the environmental documents for the project, and for making final siting and project approval decisions.

This PEA is organized into nine sections with appendices. The PEA is in the same organizational format as the updated CPUC Checklist and adheres to the Pre-filing Consultation Guidelines in coordination with CPUC CEQA Unit Staff. For security reasons, certain information, including Geographic Information System (GIS) data, will be submitted confidentially, although GIS data layers may be used to prepare portable document file (PDF) maps for public use.

This PEA is organized in the following manner:



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- Section 1.0, Executive Summary, provides a summary of the proposed project and its underlying purpose and basic objectives.
- Section 2.0, Introduction, describes the project background, an overview of project outreach efforts, and the PEA organization.
- Section 3.0, Proposed Project Description, provides a detailed project description. In addition, this section provides a list of the APMs that will be implemented (see Section 3.10, Anticipated Permits and Approvals).
- Section 4.0, Description of Alternatives
- Section 5.0, Environmental Setting and Impact Assessment Summary, describes the environmental setting and presents an analysis of potential impacts to various categories of resources (as defined in Appendix G of the CEQA Guidelines) that may result from implementing the project. Each subsection includes a description of the regulatory context, environmental setting, resource-specific APMs for minimizing potential impacts, and analysis of potential impacts resulting from construction or operation and maintenance of the project. Section 5.0 also addresses findings of significance and an analysis of the project's potential contribution to cumulative projects. This section covers all elements of the CEQA checklist, including the following resource area sections:
  - 5.1 Aesthetics
  - 5.2 Agriculture and Forestry
  - 5.3 Air Quality
  - 5.4 Biological Resources
  - 5.5 Cultural Resources
  - 5.6 Energy
  - 5.7 Geology, Soils, and Paleontological Resources
  - 5.8 Greenhouse Gas Emissions
  - 5.9 Hazards, Hazardous Materials, and Public Safety
  - 5.10 Hydrology and Water Quality
  - 5.11 Land Use and Planning
  - 5.12 Mineral Resources
  - 5.13 Noise
  - 5.14 Population and Housing
  - 5.15 Public Services
  - 5.16 Recreation
  - 5.17 Transportation
  - 5.18 Tribal Cultural Resources
  - 5.19 Utilities and Service Systems
  - 5.20 Wildfire
  - 5.21 Mandatory Findings of Significance





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- Section 6.0, Comparison of Alternatives, provides a comparison of each alternative described in Section 4.0 and a ranking in order of environmental superiority.
- Section 7.0, Cumulative and Other CEQA Considerations, provides cumulative and growth-inducing impacts.
- Section 8.0, List of Preparers, provides a list of persons, their organizations, and their qualifications for all authors and reviewers of each section of the PEA.
- Section 9.0, References, provides the references used for development of the PEA organized by resource category.

Appendices include the following:

- Appendix A Detailed Maps and Design Drawings
- Appendix B Emissions Calculations
- Appendix C Biological Resources Technical Report and Appendices
- Appendix D Cultural Resources Studies
- Appendix E Detailed Tribal Consultation Report
- Appendix F Environmental Data Resources Report
- Appendix G Agency Consultation and Public Outreach Report and Records of Correspondence
- Appendix H Water Body Crossing
- Appendix I Paleontological Resources Constraints Analysis
- Appendix J Soils Mapping



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