

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



August 2, 2019

SENT BY EMAIL

Gail Long
Manager, State Government Affairs
TDS Telecom
PO Box 1004
Redmond, OR 97756
Email: Gail.long@tdstelecom.com

RE: Olinda Last Mile Underserved Broadband Project IS/MND – Responses to CDFW Comment Letter

Dear Ms. Long,

This letter describes the California Public Utilities Commission's (CPUC's) team review, findings and proposed actions to address comments received from the California Department of Fish and Wildlife (CDFW) regarding presence of a vernal pool not previously identified in the Olinda Last Mile Underserved Broadband Project Draft Initial Study/Mitigated Negative Declaration (IS/MND).

Background

The CPUC initiated a 31-day comment period on the Draft IS/MND for the Project starting April 30, 2019 extending through May 31, 2019. On May 30, 2019, the CPUC received the following comment from the California Department of Fish and Wildlife (CDFW):

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

Record searches were conducted, and the email dated back to 2017 was not found. Therefore, the CPUC sent a letter to CDFW on July 5, 2019 respectfully requesting CDFW to forward data (e.g., maps and/or shapefiles) for the vernal pool that exists adjacent to D-15 (now WW-15). The shapefile would contain necessary data to include the vernal pool in Project maps and a detailed discussion in the IS/MND accordingly.

On July 8, 2019, CDFW sent the following correspondence email:

“Attached is a kmz that pinpoints the location of the vernal pool. This vernal pool is on private property so when Department staff disclosed in May 2017 that Downingia, a vernal pool plant, was observed, it was from the side of the road. We did not go on to the property to delineate the vernal pool; therefore, I have no shape files or other data points to share. The Project maps included in our IS/MND package were not detailed enough to determine if the trenching and/or boring would have an effect on this wetland.”

Review Findings

The kmz file provided by CDFW is a data point (See Attachment 1). This data point is located on Scout Avenue, between Telegraph Gulch Road and Olive Street, in the proximity of waterway WW-15 (unnamed tributary to Telephone Gulch), identified on Page 78 of Appendix D of the Draft IS/MND (Waterway Delineation Report [WDR], see Attachment 2). In addition, during review, our findings show that the vernal pool location is within 250 feet of a proposed boring pit location (see Attachment 3).

Relocating boring pits outside of the 250-foot buffer zone shown in Attachment 3 would ensure that bore pits are located at least 250 feet away from the vernal pool, in compliance with Applicant Proposed Measure (APM) BIO-3 (brought forward as mandatory mitigation under mitigation measure (MM) GEN-1). APM BIO-3 states the following:

“Bore pits will be placed a minimum distance of 76 m (250 feet) beyond either the edge of seasonal wetlands or the maximum extent of any vegetation present along the wetlands’ margins.”

MM GEN-1 states the following:

MM GEN-1: Implementation of All APMs. The applicant shall implement all APMs as stated in this environmental document, except in cases where they are superseded by mitigation measures, and the physical and operational components of the project will not exceed the limits of Shasta County roads, roadways, and right-of-ways. The APMs shall be incorporated into the Mitigation, Monitoring, and Reporting Plan.

Request to TDS Telecom

In order to comply with the mitigation requirement (APM BIO-3 brought forward as mandatory mitigation under MM GEN-1) the Applicant (TDS Telecom) is required to modify the boring pit location adjacent to WW-15 (See Attachments 2 and 3).

The Applicant is required to move the boring location identified within 250 feet from the vernal pool that was identified by CDFW since it is brought forward as mandatory mitigation under MM GEN-1.

To adhere with MM GEN-1 and adequately respond to CDFW's concern, the CPUC respectfully requests the Applicant to concur with the relocation of boring sites proposed within 250 feet from the vernal pool point location on Scout Avenue, between Telegraph Gulch Road and Olive Street in the Community of Happy Valley (Unincorporated Shasta County). Once the CPUC receives confirmation from TDS Telecom that the boring site(s) relocation described above is feasible, the CPUC will proceed to:

- Address avoidance of the vernal pool identified by CDFW by changing bore pit location(s) on Scout Avenue, between Telegraph Gulch Road and Olive Street, in compliance with APM BIO-3. This change will require revisions to Figure 4-2B of the Draft IS/MND.
- Revise text across the IS/MND document where there is mention that no vernal pools exist in the project area (i.e., Section 5.4, Biological Resources).
- Disclose that avoidance of the vernal pool identified by CDFW by relocating a bore pit location does not represent an additional project impact. Implementation of Project APMs and MMs in accordance with the Mitigation Monitoring and Reporting Plan would reduce any potential impacts to biological resources to a less than significant level pursuant to California Environmental Quality Act.

Please confirm whether the proposed boring site relocation is technically feasible and provide revised project maps in shapefile format, accordingly. We request that TDS responds to this request within 15 calendar days (August 16, 2019). Delays in responding to this request may cause delays to the preparation of the Final IS/MND.

The CPUC reserves the right to ask for additional information in the form of data requests at any point in the process. Please direct questions on this request to Connie Chen at (415) 703-2124 or via email to Connie.Chen@cpuc.ca.gov.

Sincerely,

Connie Chen

Connie Chen
Project Manager, Infrastructure Permitting and CEQA
California Public Utilities Commission

cc: Mary Jo Borak, Supervisor, Infrastructure Permitting and CEQA, CPUC
Jack Mulligan, Attorney, CPUC
Dorris Chow, Communications Division, CPUC
Silvia Yáñez, Project Manager, Ecology & Environment, Inc.

Attachments

1. CDFW's Vernal Pool Point Location (kmz file).
2. Excerpt of Waterway Delineation Report Figure (Draft IS/MND Appendix D, Page 78).
3. Attachment 3 – Project Boring Pit Locations in the Proximity of CDFW's Vernal Pool.

Attachment 1 – CDFW's Vernal Pool Point Location



Attachment 2 – Excerpt of Waterway Delineation Report Figure (Draft IS/MND Appendix D, Page 78)



Attachment 3 – Boring Pit Locations in the Proximity of CDFW’s Vernal Pool

