

Appendix F
Other Revisions to IS/MND

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Appendix F. Other Revisions to IS/MND

This appendix includes inconsistencies identified by the California Public Utilities Commission (CPUC) as needed to clarify Appendix D, Biological Resources Evaluation, in the Draft Initial Study/Mitigated Negative Declaration (IS/MND), as well as other revisions identified as relevant to preparation of the Final IS/MND. None of these revisions result in new or more severe environmental impacts. All revision page numbers and table references described below refer to the respective references in the Draft IS/MND.

Identification of Existing Vernal Pool

The CPUC initiated a 31-day comment period on the Draft IS/MND for the Olinda Last Mile Underserved Broadband Project (proposed 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 (see Appendix F.1) to CDFW on July 5, 2019 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.”

The kmz file provided by CDFW is a data point (see Appendix F.2). 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 Appendix F.3. Furthermore, the vernal pool location is within 250 feet of a proposed boring pit location (see Appendix F.4).

1 However, Applicant Proposed Measure (APM) BIO-3 (brought forward as mandatory mitigation under
2 mitigation measure (MM) GEN-1). APM BIO-3 states the following:

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

6 **MM GEN-1** states the following:

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8 *stated in this environmental document, except in cases where they are superseded by*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

12
13 In compliance with this mitigation requirement, boring pits in the vicinity of the vernal pool will need to
14 be relocated outside of the 250-foot buffer zone so as to ensure that bore pits are located at least 250 feet
15 away from the vernal pool.

16
17 The CPUC sent a letter to TDS on August 2, 2019 requesting confirmation that the relocation of boring
18 sites proposed within 250 feet from the vernal pool point location on Scout Avenue, between Telegraph
19 Gulch Road and Olive Street, in compliance with **APM BIO-3**, was feasible (see Appendix F.5). On
20 August 16, 2019, TDS responded to the CPUC, confirming the feasibility of relocating the proposed
21 boring site and attached a project map and staking sheet depicting the changes (see Appendix F.6).

22 23 **Figure Updates**

24 To ensure consistency with commenter-requested changes made to the Draft IS/MND’s text, figures,
25 tables, and appendices, updates have been incorporated into the following additional project figures:

- 26 • Figure 4-2B: Project Detail
- 27 • Figure 5.10-1: Wetlands and Waterways in the Project Area

28
29
30 In addition, Figure 5.10-1 has been updated to include all 28 waterways and 9 wetlands (including the
31 additional wetland identified by CDFW on May 30, 2019) in the Project Area by inserting the following
32 figure:

- 33 • Figure 5.10-1B: Wetlands and Waterways in the Project Area

34
35 These updated figures have been inserted into the Final IS/MND.

36 37 **Table Updates**

38 pp. 1-2

39 Based on changes to Table 4-3 in Chapter 4.0, page 1-2, of the Draft IS/MND, Table 1-1 has been revised
40 to clarify additional potential project approvals.

Table 1-1 Required Permits and Approvals

Agency	Permit/Approval	Jurisdiction/Purpose
California Department of Fish and Wildlife	Lake and Streambed Alteration Agreement	TDS would conduct work near or within waterways.
State Water Resources Control Board	Construction General Permit (Order 2009-0009-DWQ)	TDS would disturb more than 1 acre of land during proposed project construction.
Shasta County Public Works	Encroachment Permit	TDS would conduct work within Shasta County roadways.

1
2 pp. 4-14

3 Notification by the applicant to CDFW pursuant to Fish and Game Code 1600 may be required and
4 CDFW may determine that the applicant must enter into an LSAA with CDFW prior to construction.
5 Therefore, Table 4-3 in Section 5.4 “Biological Resources” of the IS/MND, on page 4-14, has been
6 revised to add an LSAA to the list of the permits that the lead and responsible agencies may require of the
7 applicant in order to implement the proposed project.
8

Table 4-3 Permits and Approvals Required for Construction

Agency	Permit/Approval	Requirement
California Department of Fish and Wildlife	Lake and Streambed Alteration Agreement	TDS would conduct work near or within waterways.
State Water Resources Control Board	Construction General Permit (Order 2009-0009-DWQ)	TDS would disturb more than 1 acre of land during proposed project construction.
Shasta County Public Works	Encroachment Permit	TDS would conduct work within Shasta County roadways.
California Public Utilities Commission	Mitigated Negative Declaration	
California Public Utilities Commission	PROJECT APPROVAL ACTION	

9
10 **Text Updates**

11 The Table of Contents is updated to reflect the changes described in this appendix, as well as changes
12 incorporated into the document as a response to a public comment. Revisions to the Table of Contents are
13 indicated and in ~~strike through~~ and underline.

14
15 Appendix D, Biological Resources Report

16 According to CDFW comments received by CPUC on May 30, 2019, inconsistencies were identified in
17 the Biological Resources Report, Appendix D, of the Draft IS/MND. The inconsistencies are referenced
18 and disclosed below in ~~strike through~~ and underline.

19
20 pp. 23

21 An inconsistency on page 23 of Appendix D, Biological Resources Report, in the Draft IS/MND is
22 identified below with updated text to reflect consistency with changes incorporated into the document.

23
24 “Likewise, a stream alteration permit from CDFW ~~is unnecessary~~ may be necessary for the proposed
25 installations ~~because the~~ despite avoidance measures for potential Waters of the U.S. (and Waters of
26 the State) and any potential wildlife habitat, either in the drainages themselves or riparian habitat
27 along their margins, ~~will be avoided.~~”
28

1 pp. 9

2 An inconsistency on page 9 of the Waterway Delineation and Assessment Report in Appendix D,
3 Biological Resources Report, in the Draft IS/MND is identified below with updated text to show
4 consistency with changes incorporated into the document.

5
6 “No dredge-and-fill operations will occur within the waterways or wetlands in the project area and no
7 subsequent loss of WUS will take place because all will be bored, beneath during the proposed
8 installation; therefore, a CWA Section 404 permit from USACE ~~will not be required~~ is not anticipated
9 prior to project implementation. Likewise, no significant impacts to WS ~~will~~ would occur. However,
10 ~~and a stream alteration permit notification to, and agreement with, from~~ CDFW ~~is unnecessary~~
11 ~~because the~~ may be required, despite avoidance of waterways and any potential habitat, either in the
12 waterways themselves or along their margins, ~~will be avoided.~~”

13
14 Revisions to Draft Mitigated Negative Declaration, pp. 16

15 **Revisions to the Draft IS/MND**

16
17 On May 30, 2019, CDFW submitted to the CPUC a comment letter (See Chapter 7). Text revisions to
18 the Draft IS/MND in the relevant environmental analyses (see specifically Sections 5.4, “Biological
19 Resources”; “Mandatory Findings of Significance”) are included to sufficiently analyze any potential
20 environmental effects associated with issues raised in the comment letter.

21
22 The revisions and clarifications to this Final MND do not amount to “substantial revisions” as defined
23 in Section 15073.5 of the State CEQA Guidelines. The potential impacts associated with CDFW are
24 already addressed (reduced to less than significant) by mitigation measures provided in the Draft
25 IS/MND and a minor revision to a proposed boring site location (See Appendix F). Thus, no new
26 significant effect is identified and no new mitigation measure or project revisions are needed to
27 reduce any effect to insignificance.

28
29 Revisions to MMRP

30 Pages 6-1 through 6-2 of the Draft IS/MND have been revised to reflect that the MMRP is now final.

31
32 ~~This MMRP is a draft program. The CPUC will~~ has formalized this MMRP for inclusion in the Final
33 IS/MND, ~~prior to construction, to include~~ It includes specific protocols that the applicant’s
34 designated environmental monitors and project staff (as described in Section 6.3, “Final Mitigation
35 Monitoring and Reporting Plan”) and its contractors shall adhere to prior, during, and after
36 construction. The Final MMRP ~~will include, but not be limited to,~~ includes protocols and timelines
37 for the following topics. The list below is not exhaustive:

38
39 [...]

40
41 A Final MMRP ~~will be~~ was prepared for the Final IS/MND that incorporates ~~any~~ the changes to the
42 proposed project, IS/MND text, and ~~or~~ mitigation measures that ~~are~~ were made ~~as a result of~~ during
43 public review of the Draft IS/MND and further consideration of the proposed projects by the CPUC.

44
45 A revision has been made to the “Monitoring/Reporting Action” column Table 6-1 on page 6-4 of the
46 Draft IS/MND, for MM BIO-1. The Monitoring/Reporting Action has been revised as follows, to account
47 for CDFW’s request to receive all pre-construction survey results.

1 CPUC verifies that any construction activities occurring between February 1 and August 31 are
2 preceded by a preconstruction survey to identify active nests with the potential to be disturbed by
3 construction. If an active nest is discovered, the biologist will implement appropriate measures to
4 prevent disturbance. The survey results shall be submitted to the CPUC and to CDFW at: California
5 Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001.
6

7 Furthermore, multiple revisions have been made to Table 6-1 in Chapter 6.0, “Mitigation Monitoring and
8 Reporting Plan.” The column titled “Responsible Agency” in the Draft IS/MND has been re-titled
9 “Responsible Agencies and Parties,” and additional responsible agencies and parties have been inserted
10 into that column where appropriate. Furthermore, when mitigation measures or other contents related to
11 the MMRP have been revised in response to public comments (see Chapter 7.0, “Response to
12 Comments”), those revisions have also been incorporated into Table 6-1.
13

14 **Revisions to the Draft IS/MND to Update to the Final IS/MND**

15 Throughout the document, revisions have been made to reflect that the IS/MND document is the Final
16 IS/MND. For example, footers have been changed to show “Final IS/MND” rather than “Draft IS/MND.”
17 Language that reflected the Final IS/MND would be prepared has been removed to reflect that the Final
18 IS/MND has been prepared.

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Appendix F.1
CPUC letter sent to CDFW on July 5, 2019
regarding vernal pool point location

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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 5, 2019

Curt Babcock, Habitat Conservation Program Manager
California Department of Fish and Wildlife
Northern Region
601 Locust Street
Redding, CA 96001

RE: Olinda Last Mile Underserved Broadband Project, Agency Comment Letter Received

Dear Curt Babcock,

The CPUC received California Department of Fish and Wildlife's comment letter, dated May 30, 2019, regarding the Draft IS/MND for the Olinda Last Mile Underserved Broadband Project, and requests additional clarification regarding Agency concerns, as described below.

The CPUC acknowledges that California Department of Fish and Wildlife indicated that a large vernal pool existed adjacent to D-15 (now WW-15) in an email, dated May 22, 2017. The letter also recognizes potential resource impacts to the aforementioned vernal pool, and requests that the vernal pool be depicted on Project maps alongside a 250-foot buffer. Furthermore, the CPUC agrees with California Department of Fish and Wildlife that a detailed discussion of the vernal pool needs to be included in the IS/MND.

Based on the information described above, the CPUC respectfully requests the following:

- Please forward data (e.g., maps and/or shapefiles) for the vernal pool that exists adjacent to D-15 (now WW-15). The shapefile will contain necessary data to include the vernal pool in Project maps and a detailed discussion in the IS/MND accordingly.

The CPUC appreciates the California Department of Fish and Wildlife reviewing the information presented in this letter and respectfully requests your written response within 15 calendar days via email to Olinda.CPUC@ene.com.

Thank you for taking the time to help CPUC clarify the goals and intent of California Department of Fish and Wildlife's comment letter regarding the Olinda Last Mile Underserved Broadband Project. Agency coordination helps ensure that potential impacts to biological resources are minimized to the extent feasible.

Sincerely,

Connie Chen

Connie Chen
Project Manager, California Public Utilities Commission
Energy Division | Infrastructure Permitting and CEQA Section

cc:

Amy Henderson, California Department of Fish and Wildlife
Silvia Yanez, E & E Project Manager
Fernando Guzman, E & E Deputy Project Manager

Appendix F.2
CDFW's Vernal Pool Point Location

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Appendix F.2 – CDFW's Vernal Pool Point Location



Appendix F.3
Excerpt of Waterway Delineation Report Figure

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**Appendix F.3 - Excerpt of Waterway Delineation Report
Figure (Draft IS/MND Appendix D, Page 78)**



***Appendix F.4
Boring Pit Locations in the Proximity of
Vernal Pool***

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***Appendix F.5
CPUC letter to TDS regarding vernal pool point
location dated August 2, 2019***

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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.

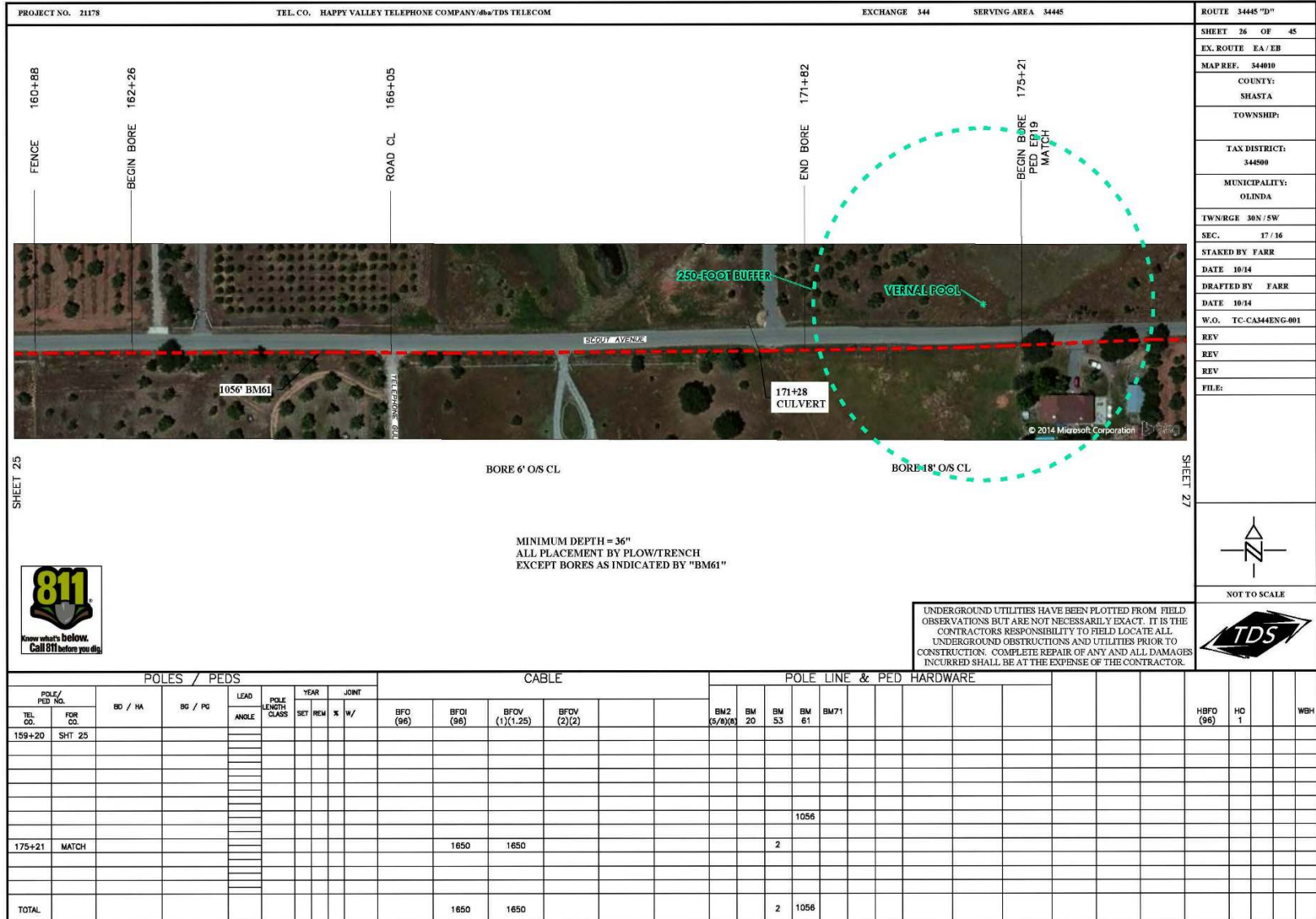
Attachment 1 – CDFW's Vernal Pool Point Location



**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



Appendix F.6
TDS letter to CPUC dated August 16, 2019

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August 16, 2019

Sent Via: E-Filing
Connie.chen@cpuc.ca.gov

Ms. Connie Chen, Program Manager
Infrastructure Permitting and CEQA
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

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

Dear Ms. Chen:

This information is in response to your later dated August, 2019. Happy Valley Telephone Company d/b/a TDS Telecom submits the following:

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.

Response: The proposed boring site relocation is technically feasible and the project map and staking sheets depicting these changes is attached including a separate file that contains the shape files.

Please let me know if you need anything further.

Sincerely,

/s/

Gail Long
Manager, State Government Affairs

Attachments: 2