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Decision 00-01-022 January 6, 2000

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Fiber Link, L.L.C. (U-6028-C) for Modification of its Certificate of Public Convenience and Necessity ("CPCN") to Review Proponent's Environmental Assessment for Compliance with the California Environmental Quality Act ("CEQA")

Application 99-08-021  
(Filed August 10, 1999)

**INTERIM OPINION**

**1. Summary**

Pacific Fiber Link, L.L.C., now operating as Worldwide Fiber Networks, Inc. (applicant)<sup>1</sup> seeks modification of its operating certificate in order to obtain environmental approval for installation of a fiber optic conduit and cable project from the Oregon border to Sacramento, and later to Los Angeles. The Commission's Executive Director on July 6, 1999, had issued a stop work notice based on complaints that applicant had begun the project without required approvals and without proper environmental review. The application to modify the operating authority was protested by two parties, but one protest has been

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<sup>1</sup> Pacific Fiber Link, L.L.C. was a Washington limited liability company until March 23, 1999, when it was absorbed into Pacific Fiber Link Por-Sac, Inc., a Nevada corporation. At that time, the name of Pacific Fiber Link Por-Sac was simultaneously changed to Worldwide Fiber Networks, Inc., a Nevada corporation authorized to conduct business in California. An application for approval of a pro forma change of control and transfer of operating certificate was filed with this Commission on June 11, 1999.

withdrawn and the other protest did not seek hearing after applicant agreed to measures to mitigate environmental impact of its project. The Commission's staff has conducted an environmental review and proposed a mitigated negative declaration that would permit applicant to resume work on its project. Our order today approves the mitigated negative declaration, lifts the stop work order, and permits work to resume, provided that stringent mitigation measures are observed. However, we also direct the assigned administrative law judge to conduct further proceedings to consider whether a fine or other sanction against applicant or its officers is warranted.

## **2. Background**

On July 20, 1998, the Commission issued Decision (D.) 98-07-057, by which it granted a certificate of public convenience and necessity (CPCN) to applicant to operate as a facilities-based carrier providing interLATA and intraLATA services in California.<sup>2</sup> Applicant, classified as a non-dominant interexchange carrier, was eligible for and used the registration process established by the Commission to obtain its CPCN. Applicant did not as part of this process seek Commission review for compliance with the California Environmental Quality Act (CEQA), Pub. Resources Code §§ 21000-21176.

On August 11, 1999, applicant applied for modification of its CPCN to include a review of applicant's fiber optic and conduit project for compliance with CEQA. Applicant also submitted a three-volume Proponent's

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<sup>2</sup> California is divided into 10 Local Access and Transport Areas (LATA) of various sizes, each containing numerous local telephone exchanges. "InterLATA" describes services, revenues, and functions that relate to telecommunications originating in one LATA and terminating in another. "IntraLATA" describes services, revenues, and functions that relate to telecommunications originating and terminating within a single LATA.

Environmental Assessment (PEA), which evaluated the potential environmental impact of the project. The findings of the PEA indicate that if proper mitigation measures are in place, the conduit project will not create significant adverse effects on the environment.

There were two formal protests to the application. The Commission's Consumer Services Division (CSD) urged that approval not be granted until CSD had an opportunity to investigate complaints about construction that already had taken place. The California Department of Fish and Game (hereafter, also referred to as the Department) urged a more thorough environmental analysis. It alleged that applicant had not obtained required determinations from the Department that, among other things, would ensure against adverse effects on existing fish and wildlife resources. The Department moved to intervene in this proceeding, and the motion was granted by ruling on October 6, 1999.

Meanwhile, the Commission's environmental staff, with the help of environmental consultant Entrix, Inc., conducted on-site inspections and reviewed applicant's PEA. On October 1, 1999, staff issued for comment a Proposed Mitigated Negative Declaration and Initial Study in compliance with CEQA and Rule 17.1(f) of the Rules of Practice and Procedure. Comment letters were received from 12 public agencies and 11 private citizens, plus one comment letter from the applicant. These comments were reviewed by the environmental staff and written responses were included in the Final Mitigated Negative Declaration and Initial Study, which was issued on November 24, 1999.

### **3. Overview of the Project**

Applicant proposes to construct two independent underground conduit systems from (1) the Oregon border near Tulelake to Sacramento, and (2) from Sacramento to Los Angeles (at a later date). The objective of the project is to build a fiber optic cable and conduit system that will increase the capacity and

speed of long distance voice and data transmission both within California and between California and the national and international fiber optic network. The first phase of the project involves the installation of fiber optic conduit from the Oregon-California border to Sacramento, along with several regeneration stations. The second phase of the project is the Sacramento-Los Angeles link. This decision addresses only the first phase of the project.

Applicant supplies conduit capacity to a variety of clients, including local telecommunications suppliers, international long distance suppliers and Internet firms. Applicant states that the installation of fiber optic conduit through Northern California serves the public interest by providing increased and more rapid access to voice and data communications. Fiber optic technology provides a higher quality of sound and digital data transmission at much faster rates than copper cable.

In Northern California, the project involves two major components: an on-right-of-way (on-ROW) build and an off-right-of-way (off-ROW) build. The on-ROW component consists of the underground installation of approximately 15 plastic conduits of 1 ½- and 2-inch diameter, and access hatches or handholes approximately every 3,600 feet. The off-ROW component consists of the future construction of regeneration stations, which would be placed at intervals approximately 40 to 45 miles apart along the route. These stations would supply energy to transmit the communication signal within a conduit to the next service area or regeneration station.

#### **4. Environmental Review**

CEQA requires the Commission, as the designated lead agency, to assess the potential environmental impact of a project like the one proposed here. The objective is to avoid or mitigate adverse effects and to preserve, restore or enhance environmental quality. Rule 17.1 of the Commission's Rules requires

the proponent of any such project to submit with its application an environmental assessment, or PEA. The PEA is used by the Commission to focus on environmental impacts and to prepare an initial study to determine whether the project will need a Negative Declaration or an Environmental Impact Report.

Applicant states that it was under the mistaken impression that the CPCN authority issued to it in 1998 included a programmatic Mitigated Negative Declaration like that issued for some 138 facilities-based competitive local carriers. (See D.95-12-057, 63 CPUC2d 763; D.99-06-083.) Applicant states:

"Upon determining that the CPCN did not include a CEQA review, PFL notified the Commission of its need to obtain such a review. PFL was informed that there is currently no established procedure in place at the Commission for obtaining a programmatic MND for NDIECs. Thus, in the interim, PFL began its own environmental analysis of the construction area to identify possible environmental resources that could be affected, and developed and implemented a substantial set of mitigation and monitoring procedures to protect cultural, biological, water and historical resources." (Reply of Pacific Fiber Link, September 23, 1999, p. 3.)

The Department of Fish and Game in its protest alleges that applicant began construction knowing that it did not have environmental clearance either from the Commission or from the Department. The Department argued that the programmatic Mitigated Negative Declaration suitable for relatively small competitive local carriers is insufficient for the type of major construction contemplated here by a non-dominant interexchange carrier. The Department added, however, that it had met with applicant, applicant's consultants and the Commission's consultants, and the Department hoped to reach agreement on appropriate mitigation and monitoring measures.

## **5. Commission's Mitigated Negative Declaration**

The Commission's environmental staff in its Initial Study determined that applicant's project will not have a significant impact on the environment provided that specific mitigation measures are implemented in the construction and operation of the project.

The proposed Final Mitigated Negative Declaration, containing the mitigation measures, was mailed to all parties in October 1999. Because of its volume, the final document is not made part of this decision, but a summary of some of its provisions is provided below. (The Final Mitigated Negative Declaration will be posted on the Commission's web site at [www.cpuc.ca.gov](http://www.cpuc.ca.gov), under CPUC Environmental Materials, Current Projects, Pacific Fiber Link, L.L.C. Those unable to examine the document electronically may obtain information by calling Brenda Peters of the Entrix organization at (916) 812-6006.) Applicant has agreed to comply with and incorporate the mitigation measures as part of its project. In addition, applicant has incorporated other mitigation measures into the project at the request of the Department of Fish and Game and other commentators.

## **6. Mitigation Measures**

The mitigation measures required by the Final Negative Declaration are designed to protect resource categories such as biology, hydrology and water quality, geology, cultural, air quality, visual aspects, noise and traffic impacts. A mitigation-monitoring plan calls for daily posting of environmental reports and oversight inspection of all construction activities by an environmental project manager appointed by this Commission. The monitoring plan also requires coordination with the Department of Fish and Game and other federal, state and local agencies.

Among mitigation measures set forth in the Final Negative Declaration are the following:

- Applicant will restore landscaping and construct berm and perform plantings to minimize aesthetic impacts.
- Applicant will retain qualified biologists to monitor construction on each project route where sensitive resources have been identified.
- Applicant will establish exclusion zones around special-status plant populations and re-route construction around these zones through lateral shafting or boring beneath the exclusion zones to install conduit.
- Applicant will limit construction in wetland areas and will conduct surveys to identify sensitive biological resources, including water.
- Applicant will avoid impacts to tree root systems by re-routing its cable or by directionally drilling under the dripline of the trees.
- Applicant will retain Native American monitors to oversee work in sensitive areas identified by the Native American Heritage Commission.
- Applicant will retain a qualified archaeologist to monitor ground clearing and construction excavation.
- Applicant will acquire local permits and will comply with all local design, construction and safety standards to avoid erosion due to excavation, grading and fill.
- Applicant will submit site-specific construction procedures to the Department of Fish and Game where there is potential impact on water resources due to excavation or grading.
- Applicant will install sound-control devices on equipment to reduce construction noise.

A complete summary of mitigation requirements is affixed to this decision as Attachment A.

In order to ensure that the mitigation measures are fulfilled, the Commission's agents will periodically review the project and follow up with local jurisdictions. A formal complaint procedure has been established, and the Commission reserves its right to halt construction if environmental infractions occur.

Based on its environmental review, the Commission's staff has concluded that applicant's proposed project will not have significant effects on the environment, provided applicant carries out the mitigation measures outlined in the Final Mitigated Negative Declaration.

## **7. Prehearing Conference and Resident Complaints**

A prehearing conference (PHC) on the application was conducted on November 4, 1999, at which time the assigned administrative law judge (ALJ) formally received the withdrawal of protest by CSD, conditioned on the mitigation measures accepted by the applicant. The Department of Fish and Game has not withdrawn its protest, but it does not seek hearings, and, on November 23, 1999, it stipulated to waive the 30-day period for comments on the draft decision in this case, as permitted by Pub. Util. Code § 311(g)(2). The stipulation came following the Department's review of the proposed Final Mitigated Negative Declaration proposal.

Three residents of the community of Oak Run, located about 30 miles east of Redding, spoke at the PHC, opposing that part of the project that involved construction of a regeneration plant and underground trenching near their homes. Applicant's representatives were directed by the ALJ to meet immediately with the Oak Run residents and respond to their concerns. Later, two of the Oak Run residents appeared at the Commission's meeting on December 16, 1999, stating that the company had failed to meet their concerns.

By letter dated December 22, 1999, to Commissioners and to Oak Run residents, applicant recounted the commitments it has made to respond to the Oak Run community. Specifically, applicant states it has addressed residents' complaints in the areas of aesthetics, noise, lighting, and contamination as follows:



- Aesthetics. Residents complained that an amplification station (erected to boost signals carried over long distances on fiber optic cables) would be visible from two nearby homes. Applicant is purchasing an additional 2½-acre contiguous parcel of land in order to move the amplification station farther away from both the road and nearby homes. Applicant states that, with the move, the structures will be some 300 feet away from the closest home and 750 feet away from the home of one of the speakers at the Commission meeting.

Applicant states that it is unlikely that any resident or motorist will be able to see the regeneration structures in their new location. However, it states that if the station is visible, applicant will plant vegetation or create a berm to further obscure the structures. Applicant states that it also is considering adding a façade to the buildings that will resemble a barn or other structure that might be expected in a rural area.

Residents also are concerned about the size of the amplification station. Applicant states that it will keep the size of the facilities to a minimum. Initially, two concrete slabs that serve as foundations for the building will be poured. These slabs will measure 30x100 feet and 17½x80 feet. Five more slabs may be constructed on the site in the future; however, applicant states that it will limit itself to no more than seven slabs at the site, and it will seek to minimize these requirements.

- Noise. Residents express concerns about noise from air conditioning units and diesel backup generators at the station. Applicant states that the air conditioning units, which are necessary to protect the telecommunications equipment housed in the station, will be programmed to run only when the temperature inside each unit is above 72 degrees. The diesel generators, which are a secondary power backup for the station, are to run only if there is a sustained power outage of more than eight hours. Applicant also has agreed to reduce testing of the generators to one 30-minute period per month, instead of one 30-minute period per week.

Applicant also has committed to plant vegetation or a berm to control noise levels. In its mitigation commitment, applicant states that it expects the air conditioners and diesel generators to emit sounds no louder than noises in a normal indoor office environment. In addition,

applicant will not proceed until it obtains permits showing compliance with all Shasta County noise pollution standards.

- Lighting. Residents complained about lights that will be installed over each of the multiple doors at the amplification station. Applicant has agreed to install motion detectors so that the lights will only illuminate when applicant's personnel are present at the site after dark. Additionally, each light will be shielded so that it shines directly down on each individual doorstep.
- Contamination. A major concern of residents is that diesel fuel, stored at the site for use with the diesel generators, might leak and contaminate local water supply and wells. Applicant as one of its mitigation commitments has agreed to use double-walled tanks and will seat the tanks in a cement containment area to prevent any possible leaks from going beyond the regeneration station site. In addition, applicant will be required to install alarms on the tanks to immediately alert applicant's personnel of any leaks.

Applicant previously conducted a site survey of the properties on Oak Run Road with a hydro-geologist and presented evidence that there was no possibility of any adverse effect on groundwater from either diesel storage or construction that could not be mitigated. This evidence was accepted by the Commission's staff and consultants in the Mitigated Negative Declaration. However, because of property owners' concerns, applicant has committed to have a second study performed by a local engineering firm to verify the earlier conclusions. Additionally, applicant has committed to place into escrow a sum of money to cover the costs of correcting any problem caused by the construction that would make wells unusable, upon adequate documentation of the problem.

In addition to the environmental concerns, Oak Run residents also believe that at least some of them are entitled to payment from applicant for use of public right-of-way on residents' property. Applicant states that it has documentation that the land in question was deeded at various times to the

county for use as a right-of-way and that, therefore, no compensation is due local residents. Residents have sued on this issue, and the matter is pending in civil court in Shasta County.

While we sympathize with the concerns of residents, it appears on this record that applicant has made a substantial effort to mitigate the environmental impact of the project and preserve the rural nature of this Oak Run neighborhood. We note that residents' determined efforts have brought concessions by the applicant that otherwise might not have been made. As to compensation for residents for use of the right-of-way, that issue is being addressed in civil litigation and is beyond our purview. However, we will instruct our Environmental Projects Unit, which will supervise and oversee applicant's project, to carefully monitor the mitigation requirements in the Oak Run community and ensure that the company lives up to both the spirit and letter of the commitments it has made to residents there.

## **8. Commission Analysis**

We will receive as the official record in this proceeding the following:

Exhibit 1 – Application by Pacific Fiber Link for modification of its certificate of public convenience and necessity.

Exhibit 2 – Applicant's PEA.

Exhibit 3 – Proposed Mitigated Negative Declaration and Initial Study, dated October 1, 1999.

Exhibit 4 – Final Mitigated Negative Declaration and Initial Study, dated November 24, 1999 (Volumes 1 and 2).

We note that the Draft Mitigated Negative Declaration was sent to the State Clearinghouse on September 30, 1999, and that notices of publications were mailed on October 1, 1999, to 2,786 property owners whose properties were crossed or adjacent to the project route. As lead CEQA agency, the Commission prepared a response to all written comments received during the public review

period, ordering applicant to make numerous additional changes. (See Volume 2, Section 3.0, Final Mitigated Negative Declaration.)

In view of the recommendations of our environmental staff, as well as by applicant's response to the objections and comments of other parties and interested persons, we will grant applicant's request to modify its certificate of public convenience and necessity to include the Final Mitigated Negative Declaration and Initial Study, and to authorize the construction set forth in the application.

We recognize that our stop work order has effectively shut this project down for six months, with attendant financial loss to applicant. We also recognize that applicant has taken steps to mitigate environmental damage. Nevertheless, we believe that further consideration must be given to whether this Commission should levy fines or other sanctions against applicant and its officers. (See, e.g., *In Re Coral Communications*, D.99-08-017, 1999 Cal. PUC LEXIS 519.) Our concern is that carriers may not have adequate incentives to comply with the law if the only penalty they face for non-compliance is the possibility of delays in construction, delays which would have occurred in the early stages of the project anyway if the carrier had complied with the law and submitted to environmental review and mitigation. Accordingly, we will keep this proceeding open to investigate whether and the extent to which fines or other sanctions should be imposed on Pacific Fiber Link.

In Resolution ALJ 176-3022, dated September 2, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were necessary. Based on this record, our order today changes the preliminary determination and concludes that hearings are not necessary.

This is a contested matter in which all active parties have agreed to waive the 30-day period to review and comment on the draft decision. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is waived.

### **Findings of Fact**

1. Applicant filed Application (A.) 98-06-026 on June 17, 1998, for authority to provide telecommunications services as a non-dominant interexchange carrier.

2. Applicant was granted a CPCN in D.98-07-057, issued on July 20, 1998.

3. Applicant did not seek and did not obtain CEQA review as part of A.98-06-026.

4. Applicant has begun installation of a new fiber optic conduit and cable from the Oregon border to Sacramento, and later to Los Angeles.

5. On July 6, 1999, the Commission's Executive Director issued a stop work notice based on complaints that applicant had begun the project without required approvals and without proper environmental review.

6. No work on applicant's project has been conducted since issuance of the stop work order.

7. Applicant on August 11, 1999, applied for modification of its CPCN to include a review of the conduit project for compliance with CEQA.

8. The application for modification of the CPCN was protested by CSD and the Department of Fish and Game.

9. Following agreement by the parties for environmental mitigation and monitoring, CSD withdrew its protest to this application. The protest by the Department of Fish and Game remains, but the Department waived hearing after reviewing the Final Negative Declarations.

10. The Commission's environmental staff conducted a review of applicant's project and issued a Proposed Mitigated Negative Declaration and Initial Study.

11. Following comments, the Commission's staff issued a Final Mitigated Negative Declaration and Initial Study.

12. Following a PHC on November 4, 1999, applicant agreed to mitigation measures addressing the concerns of Oak Run residents.

13. Applicant and the Department of Fish and Game have stipulated to waive the 30-day period for review and comments on the draft decision.

### **Conclusions of Law**

1. A hearing is not required.
2. The application should be granted, subject to the environmental requirements set forth in the Final Mitigated Negative Declaration.
3. Because of the public interest in fiber optic communications services, the following order should be effective immediately.
4. The assigned ALJ should proceed to address the issue of whether Pacific Fiber Link should be subject to fines or other sanctions for its non-compliance with its authority and the law.

### **INTERIM ORDER**

#### **IT IS ORDERED that:**

1. The application of Pacific Fiber Link, L.L.C. (U 6028 C), now doing business as Worldwide Fiber Networks, Inc. (applicant) for modification of its Certificate of Public Convenience and Necessity to Review Proponent's Environmental Assessment for Compliance with the California Environmental Quality Act is granted.

2. The Final Mitigated Negative Declaration and Initial Study identified in the formal record as Exhibit 4 is adopted by this Commission.

3. The determination in Resolution ALJ 176-3022 with respect to this application is amended to determine that no hearings are necessary.

4. Applicant shall fully implement the mitigation measures described in Exhibit 4.

5. Applicant shall fully implement the mitigation measures described in its agreements with the California Department of Fish and Game, other agencies and others who have participated in this proceeding.

6. The Commission's Stop Work Order issued on July 6, 1999, is withdrawn.

7. Applicant shall enter into a cost reimbursement agreement with the Commission for expenses accrued from implementing the mitigation and monitoring plan as described in Exhibit 4. Compliance with this agreement is a condition of approval of this decision.

8. The Environmental Projects Unit of the Energy Division shall supervise and oversee construction of the Project insofar as it relates to monitoring and enforcement of the mitigation measures described in Exhibit 4. The Energy Division may designate outside staff to perform on-site monitoring tasks. The Commission project manager (Energy Division, Environmental Projects Unit) shall have the authority to issue a Stop Work Order on the entire project, or portions thereof, for the purpose of insuring compliance with the mitigation measures described in Exhibit 4. Construction may not resume without a Notice to Proceed issued by the Environmental Projects Unit of the Energy Division.

9. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from the date of this order.

10. The assigned administrative law judge shall consider whether a fine or other sanctions should be imposed on applicant and its officers for commencing work without appropriate authority and in violation of the law.

11. Application 99-08-021 remains open for consideration of possible sanctions.

This order is effective today.

Dated January 6, 2000, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
CARL W. WOOD  
LORETTA M. LYNCH  
Commissioners

We will file a concurrence.

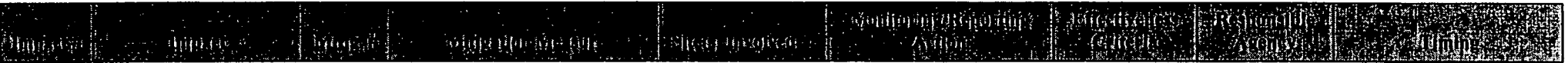
/s/ HENRY M. DUQUE  
Commissioner

/s/ JOSIAH L. NEEPER  
Commissioner



# ATTACHMENT A

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ALL FACTORS								
AL-1	Extension or work beyond or outside of its co-location with an existing right-of-way into undisturbed areas.	AL-1	<ul style="list-style-type: none"> <li>PFL must file a Petition with the CPUC to modify its route.</li> <li>An appropriate environmental study of the project will be performed before the modified route is approved.</li> </ul> <p><i>(Negative Declaration Mitigation A)</i></p>	On-ROW	Quarterly reports	Variance from CPUC, environmental study if required.	CPUC	Before construction.
AL-2	Landowners concern regarding potential effects to local springs along Oak Run Road	AL-2	<ul style="list-style-type: none"> <li>PFL has agreed to conduct a geological and hydrological survey for concerned landowners along Oak Run Road. Results of the survey will be provided to the landowners and CPUC.</li> </ul>	Oak Run Road	Geological and Hydrological Report	Avoidance of impacts to the springs.	CPUC	Before construction.
AL-3	Due to landowners requests, PFL has agreed to determine the feasibility of developing an alternative site selected by the landowners.	AL-3	<ul style="list-style-type: none"> <li>Investigate the site and provide a feasibility report to landowners and copy to CPUC.</li> </ul>	Oak Run Road	Feasibility Report	Not applicable	CPUC	Before construction.
AL-4	Sanitation	AL-4	<ul style="list-style-type: none"> <li>PFL will provide chemical toilet(s) on-site during all phases of construction.</li> <li>The chemical toilet(s) will be maintained by a licensed septic pumper.</li> <li>Waste will be disposed at approved receiving facility.</li> </ul>	All	Chemical toilet on-site	Avoidance of sanitation inspects	CPUC	During construction

**ATTACHMENT A**  
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Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact
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**CUMULATIVE EFFECTS**

CE-1	Cumulative impacts due to multiple disturbances to a particular area.	CE-1	<ul style="list-style-type: none"> <li>Coordination efforts among PFL and the affected local agencies so that multiple disturbances in the same location can be discussed together.</li> </ul> <p><i>(Negative Declaration Mitigation B)</i></p>	On-ROW	Quarterly reports	Consultation with local agencies. Right-of-way easements. The number and duration of disturbances to a particular area are minimized.	Local agencies	Before construction.
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## ATTACHMENT A

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Project	Impact	Measure	Mitigation Measure	Site Location	Monitoring/Reporting System	Inventory Category	Responsible Agency	Timing
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## AESTHETICS

AE-1	Landscaping in utility right-of-way may be impacted by trenching.	AE-1	<ul style="list-style-type: none"> <li>PFL will consult with local agencies on proper restoration of landscaping to restore the landscaping to its original form.</li> </ul> <p><i>(Negative Declaration Mitigation I)</i></p>	On-ROW service boxes	Quarterly reports	Aesthetic impacts are minimized and landscaping restored to original form.	Local agencies	Before and during construction.
AE-2	Cable markers could produce a visual intrusion along Oak Run Road	AE-2	<ul style="list-style-type: none"> <li>Cable markers will be of a non-intrusive color and size</li> </ul>	Oak Run Road	Install non-intrusive cable markers.	Markers similar to others used in area.	CPUC	After construction.
AE-3	Located on open pasture land, visible to motorists on Baker Road and nearby residents, and would contrast the existing visual character of the land.	AE-3	<ul style="list-style-type: none"> <li>Place as far as possible from Baker Road.</li> <li>Construct a berm along western perimeter along Baker Road.</li> <li>Landscape around parking area and buildings.</li> <li>Neutral color fencing and buildings.</li> </ul>	Red Bluff	Before site grading and clearing.	Aesthetic impacts are minimized.	CPUC	Before site grading and clearing.
AE-4	In contrast to relatively natural sites and in viewing distance from nearby roadways and residence.	AE-4	<ul style="list-style-type: none"> <li>Minimize removal of trees along borders of site.</li> <li>Where trees require removal and buffer is not available, landscape around building and parking area.</li> <li>Neutral color fencing and buildings.</li> </ul>	Fall River	Before site grading and clearing.	Aesthetic impacts are minimized.	CPUC	Before site grading and clearing.
AE-5	In contrast to relatively natural site and in viewing distance from nearby roadways and residence.	AE-5	<ul style="list-style-type: none"> <li>Landscape around the perimeter.</li> <li>Architectural design (color and siding of building) to blend in with surroundings.</li> <li>Install hooded motion sensor lighting to eliminate unnecessary lighting.</li> <li>PFL to submit site layout and landscape plan to CPUC for written approval.</li> </ul>	Oak Run	Site layout and landscape plan.	Aesthetic impacts are minimized	CPUC	Before site grading and clearing.

# ATTACHMENT A

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Impact	Impact	Mitigation Measure	Mitigation Measure	Site Location	Frequency	Responsible Agency	Timing	
AE-6	New buildings would be highly visible from nearby roadways and residences.	AE-6	<ul style="list-style-type: none"> <li>Landscape around buildings and parking area.</li> <li>Neutral color fencing and buildings.</li> </ul>	West Chico Biggs	Before site grading and clearing.	Aesthetic impacts are minimized.	CPUC	Before site grading and clearing.
<b>AGRICULTURAL RESOURCES</b>								
AG-1	Conflict with existing zoning for agricultural use and a Williamson Act contract.	AG-1	<ul style="list-style-type: none"> <li>Adherence to special use conditions as stipulated in County permits.</li> </ul>	Red Bluff West Chico Biggs	Quarterly Reports	Receive appropriate county permits	County	Before construction.
<b>AIR QUALITY</b>								
AQ-1	Construction activities will temporarily increase air pollutants which may contribute to exceedances of established limits and violations of Air Quality standards.	AQ-1	<ul style="list-style-type: none"> <li>Apply water to disturbed areas as necessary to reduce dust when vehicle traffic is present during grading, excavating, and trenching activities.</li> <li>Apply approved nontoxic chemical soil stabilizers according to manufacturer specifications to all inactive construction areas (previously graded areas that remain inactive for 96 hours).</li> <li>Reestablish ground cover on the construction site through seeding, as required for erosion control.</li> <li>Maintain truck and equipment engines in good running condition.</li> <li>Limit the idling time of construction equipment when not in use.</li> <li>Clean equipment daily or as needed to reduce tracking of soil onto adjacent roads.</li> <li>Clean adjacent roads daily or as needed to remove accumulated soil.</li> <li>Limit maximum speed to 15 miles per hour (mph) on unpaved roads.</li> </ul>	All sites (On and Off-ROW)	Daily Reports Quarterly reports	No visible dust emissions. Air quality standards for area are met.	AQMD APCD	Before, during and after construction.

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Impact	Impact	Mitigation	Mitigation Measure	Monitoring/Reporting	Monitoring/Reporting	Monitoring/Reporting	Monitoring/Reporting	Timing
			<ul style="list-style-type: none"><li>Suspend all grading operations when wind gusts exceed 25 mph.</li><li>Compliance with all applicable air quality standards as established by air quality management districts (<i>Negative Declaration Mitigation E</i>).</li></ul>					
AQ-2	Diesel engines for emergency backup generators will emit air pollutants during the infrequent periods they are used.	AQ-2	<ul style="list-style-type: none"><li>Compliance with APCDs or AQMDs rules and/or permit conditions.</li></ul>	All Off-ROW sites	Quarterly Reports  Copies of permits	Pollutants are contained	AQMD APCD CPUC	Before construction and during operation of any emergency backup generators.
AQ-3	Fugitive dust emissions during grading and site preparation activities would contribute to the existing air quality	AQ-1	<ul style="list-style-type: none"><li>See mitigation AQ-1 for details.</li></ul>	All Off-ROW sites	Quarterly Reports	Pollutants are contained. Air quality standards for area are met.	AQMD APCD	Before construction and during operation of any emergency backup generators.
BIOLOGICAL RESOURCES								
BIO-1	Construction has the potential to adversely affect biological resources.	BIO-1a	<ul style="list-style-type: none"><li>PFL will retain qualified biologists and other qualified resource specialists, as necessary, to monitor fiber optic conduit installation activities on each project route where sensitive resources have been identified. Monitors will be hired and trained prior to construction and will be responsible for Preconstruction surveys, staking resources, on-site monitoring, documentation of violations and compliance, coordination with contract compliance inspectors, and post-construction documentation.</li></ul>	On-ROW and Off-ROW facilities in sensitive resource areas	Training Sessions  Quarterly Reports  Interim Report	Successful monitoring. Project will not cause significant impact on sensitive biological resources.	CPUC USFS	Before, during and after construction.

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Item No.	Item Description	Item No.	Item Description	Item No.	Item Description	Item No.	Item Description	Item No.	Item Description
BIO-1 (cont'd)		BIO-1b	<ul style="list-style-type: none"><li>• PFL will conduct a biological resource education program for construction crews before construction activities begin. The education program will include a brief review of the special-status species and other sensitive resources that could exist in the proposed project study area locations where they may be encountered and their legal status and protection under the California and U.S. Endangered Species Acts. The education program will include materials describing sensitive resources, resource avoidance, mitigation measures, permit conditions, and possible fines for violations of state or federal environmental laws.</li></ul>	On-ROW and Off-ROW facilities	Documentation of environmental education program, list of attendees.	Successful environmental education program and no significant impact on biological resources.	CPUC	Before construction.	

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Impact	Impact	Mitigation	Shall be done	Monitoring/Reporting Action	Long-term Action	Responsible Agency	Timing
BIO-2	On-ROW construction has potential to adversely impact small populations of important plant species (CNPS List 1B and CNPS List 2).	BIO-2a	<ul style="list-style-type: none"><li>• Consult with CDFG to determine areas and species requiring survey.</li><li>• Develop mitigation measures and submit to CDFG and CPUC for written approval prior to construction.</li><li>• Complete floristic surveys in appropriate seasons to identify special-status plant populations in or adjacent to the project route prior to construction.</li><li>• Establish exclusion zones around these special-status plant populations. Exclusion zones will be determined by a qualified biologist and will have a minimum 20-foot radius. Exclusion zones will be marked on the construction drawings and will be marked in the field with stakes and flagging.</li><li>• Re-route fiber optic conduit installation around the exclusion zone by lateral shifting or bore beneath the exclusion zone to install the conduit. <i>(Mitigation identified by Pacific Fiber in Proponent's Environmental Assessment)</i></li><li>• Remove all stakes and flagging demarcating exclusion zones within 60 days after construction and site restoration have been completed in the area.</li></ul>	On-ROW	Meet with CDFG  Mitigation Plan  Monitoring Report  Preconstruction Surveys  Daily Reports  Quarterly Reports  Interim Report	Minimize disturbance to special-status plants.  	

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Impact	Impact	Mitigation	Mitigation Measure	Sub-ROW	Mitigation Measure	Mitigation Measure	Responsible Agency	Timing
BIO-2 (cont'd)		BIO-2b	<ul style="list-style-type: none"> <li>Consult with CDFG to determine areas and species requiring surveys.</li> <li>Develop mitigation measures and submit to CDFG and CPUC for written approval prior to construction.</li> <li>Complete floristic surveys in appropriate seasons to determine the presence or absence of CNPS List 3 and 4 species in or adjacent to the project corridor.</li> <li>Identify plant populations and areas identified as suitable habitat in the construction corridor and staging areas using staking and flagging.</li> <li>Conduct construction activities during the period when the plant is not flowering or fruiting.</li> <li>Minimize disturbance in areas that support special-status plants by limiting ground disturbance and other activities to the smallest possible corridor.</li> <li>Identify CNPS List 3 plant populations that may be affected at least 2 weeks prior to disturbance to allow time for coordination with the appropriate land management and resource agencies.</li> <li>If found PFL will develop mitigation measures and submit to CDFG and CPUC for approval.</li> <li>Contact the appropriate land management and/or resource agencies after restoration activities are complete and report findings.</li> </ul>	On-ROW	Meet with CDFG  Preconstruction Surveys  Mitigation Plan  Quarterly Reports	Minimize disturbance to CNPS Lists 3 and 4 special-status plants.	USFWS  CDFG  USFWS  CPUC	Before, during and after construction.



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Impact	Impact	Mitigation	Mitigation Measure	Sensitive Resource	Condition for Approval	Prevention	Responsible Agency	Timing
BIO-2 (cont'd)	On-ROW impact on small populations of important plant species (specifically on riparian and wetland communities and special status species).	BIO-2c	<ul style="list-style-type: none"> <li>Construction equipment will be confined to a 60-foot-wide work area in areas that support sensitive resources (e.g., in areas that support riparian and wetland communities and special-status species). This measure does not apply to resources that are being completely avoided by directional boring and drilling. During the environmental training program, construction personnel will be informed about the importance of avoiding ground-disturbing activities outside of the designated work area.</li> </ul>	On-ROW in sensitive resource areas	Preconstruction Surveys  Quarterly Reports	Minimize disturbance to CNPS Lists 2, 3 and 4 special-status plants.	CDFG  USFWS  BLM  CPUC	Before, during and after construction.
BIO-3	The foothill yellow-legged frog, California red-legged frog, giant garter snake and western pond turtle are special status species that potentially occur in stream and wetland habitats crossing along the project route. Construction activities in drainages supporting these species could disturb occupied habitat and temporarily displace individual animals.	BIO-3a	<ul style="list-style-type: none"> <li>For any portion of the ROW not previously surveyed, PFL should retain a qualified biologist to conduct agency-approved protocol surveys for sensitive amphibian and reptile species prior to construction.</li> <li>PFL will consult CDFG to determine areas that require surveys.</li> <li>If found, mitigation measures will be developed and submitted to CDFG and CPUC for review and approval prior to construction.</li> <li>If the California red-legged frog is found, a Biological Opinion would be required from USFWS.</li> </ul>	On-ROW	Preconstruction Surveys  Mitigation Plan  Quarterly Reports  Biological Opinion (if needed)	Sensitive amphibian and reptile species are not significantly impacted.	CPUC  CDFG	Before construction.

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Item No.	Location	Measure	Implementation	Monitoring/Reporting	Responsible Agency	Responsible Party	Timing	
BIO-3 (cont'd)		BIO-3b	<ul style="list-style-type: none"><li>• Avoid riparian and wetland habitats that support special-status species by establishing and observing exclusion zones. Before construction, qualified biologists will stake and flag exclusion zones around all riparian and wetland areas. Exclusion zones will have a minimum 20-foot radius beyond the limits of riparian or wetland vegetation that support habitat for special-status species. Construction-related activities will be prohibited within the exclusion zones. If Construction-related activities, such as foot traffic, are necessary in exclusion zones, a variance detailing the type of activity and timing of work will be prepared and submitted to CDFG and CPUC for written approval prior to any activities. Construction activities within an exclusion zone will be accomplished by directionally drilling under the zone. In seasonal streams that potentially support special-status amphibians and where directional drilling is infeasible, the following mitigation measure should be implemented.</li></ul>	On-ROW	Preconstruction Surveys  Daily Reports  Quarterly Reports	Sensitive amphibian and reptile species are not significantly impacted.	CPUC	Before and during construction.

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Impact	Measure	Value	Measurement Method	Significance	Monitoring Program	Frequency	Responsible Agency	Timing
BIO-3 (cont'd)		BIO-3c	<ul style="list-style-type: none"> <li>Avoid disturbance to special-status reptiles and amphibians by boring under streams or constructing barrier fencing and relocating animals during construction. At seasonally flowing streams that support suitable habitat for non-federally listed special-status amphibians and reptiles where directional drilling is infeasible, impacts will be avoided by constructing barrier fencing and relocating individual animals during construction.</li> </ul>	On-ROW, near streams.	Daily Reports Quarterly Reports	Sensitive amphibian and reptile species are not significantly impacted.	CPUC	During construction.

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Impact	Impact	Mitigation	Mitigation Measure	Structure/Location	Monitoring/Reporting	Implementation	Responsible Agency	Timing
BIO-4	On-ROW trenching activities could adversely impact the Giant Garter Snake (GGT), a state and federally threatened species.	BIO-4	<ul style="list-style-type: none"> <li>PFL will adhere to all avoidance and minimization measures, and conservation guidelines set forth in the Programmatic Consultation.</li> <li>PFL will restore 3.58 acres of potential upland GGS habitat to pre-project conditions immediately following disturbance. This will include, but not be limited to, back filling plowed upland GGS habitat with original soils and contouring to pre-project topography.</li> <li>PFL will manage and monitor the restoration area for one year after implementing restoration.</li> <li>Maps identifying potential GGS habitat will be provided to all PFL construction supervisors. Construction will not occur along roads with adjacent potential GGS habitat (Agua Fria Road, Afton Road and a portion of Seven Mile Lane) from late October through mid-April, or other dates as specified by the Corps and USGS.</li> <li>Between April and November, waterways near potential GGS habitat will be avoided by directional drilling.</li> </ul>	On-ROW	Quarterly Reports	PFL will successfully avoid GGS habitat and will perform restoration of habitat if disturbance occurs.	USFWS ACOE CPUC	During and after construction.

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Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact	
BIO-5	Potential nesting habitat for one or more special-status raptor species are located within or near portions of the project route. Nesting habitat could be directly impacted by installation of the cable conduit or indirectly by human disturbances from construction activities that could cause nest abandonment and death of young or loss of reproductive potential at active nests located near the project routes.	BIO-5	<ul style="list-style-type: none"><li>• To avoid potential adverse effects on nesting special-status raptors and the sandhill crane, no-disturbance buffers should be established around active nests during the breeding season. If construction activities are scheduled to occur during the breeding season, Preconstruction surveys of all potentially active nest sites within 0.5 mile of the affected project routes should be conducted.</li><li>• If active nests are found, a no-disturbance buffer must be established around the active nest, as follows: for the golden eagle, bald eagle, peregrine falcon, Swainson's hawk, California spotted owl, prairie falcon, sandhill crane, and burrowing owl, the buffer will include a 0.5-mile radius around the active nest; and for the white tailed kite, Cooper's hawk, sharp-shinned hawk, northern harrier, northern goshawk, osprey, and burrowing owl, the buffer will include a 500-foot radius around the nest.</li></ul>	On-ROW	Preconstruction Surveys  Quarterly Reports	Potential adverse effects on nesting special-status raptors and sandhill crane are successfully avoided	CDFG  USFS  CPUC	Before and during construction.

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Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact	
BIO-6	<p>Potential disturbance to a known sage grouse lek near Dry Lake.</p> <p>The valley elderberry longhorn beetle (VELB), a federally listed threatened species, is associated with elderberry shrubs along the project route. Project construction could impact this species.</p>	BIO-6	<ul style="list-style-type: none"><li>• PFL will conduct Preconstruction surveys in March and April to determine if the lek is active.</li><li>• If the lek is active, no construction will take place within two miles of the lek from March 1<sup>st</sup> to June 1<sup>st</sup>.</li><li>• To avoid impacts on VELB habitat, field resource specialists should identify and mark with flagging all elderberry shrubs within 50 feet of the affected proposed project ROW. Orange barrier fencing will be installed around all shrubs to further avoid inadvertent effects. No ground-disturbing activities will be permitted within 25 feet of the elderberry shrub. All shrubs within 25 feet of potential ground-disturbing activities will be avoided.</li><li>• Avoidance will be accomplished by directional drilling under the affected elderberry shrub from a site outside the 25-foot exclusion zone at a depth of not less than 5 feet to avoid damage to the elderberry capillary root system, or installing conduit in the roadbed where elderberry shrubs are adjacent to the ROW.</li></ul>	<p>On-Row, Modoc National Forest</p> <p>On-ROW in Yolo, Sutter, Butte, Tehama, and Shasta Counties</p>	<p>Preconstruction Surveys</p> <p>Compliance with closure period.</p> <p>Quarterly Reports</p> <p>Interim Reports</p>	<p>Avoid disturbance to lek activity.</p> <p>Elderberry shrubs will be successfully avoided.</p>	<p>CPUC</p> <p>CDFG</p> <p>USFS</p>	<p>Before and during construction.</p> <p>Before, during and after construction.</p>

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Item ID	Impact	Mitigation	Monitoring/Maintenance	Stakeholder/Agency	Monitoring/Reporting	Significance	Responsible Agency	Timing
BIO-7	The pallid bat, Townsend's big-eared bat, western red bat, longed-eared myotis, and Yuma myotis could potentially occur in the vicinity on the project routes. The ROW will encounter bridges which could support colonies of bats, and will be within close proximity of caves. The ROW will be within close proximity of caves which may serve as maternity roosting habitat for bats.	BIO-7	<ul style="list-style-type: none"> <li>In conjunction with mitigation for nesting swallows (see BIO-14) and before construction, a qualified wildlife biologist will conduct a survey of all bridge attachment sites to determine occupancy by maternity roosting special-status bats. If it is determined that special-status bats are roosting beneath bridge attachment sites, construction will be postponed until a qualified wildlife biologist determines that the site is unoccupied. Alternatively, PFL should consult with local CDFG staff to determine the most appropriate construction time and method.</li> </ul>	On-ROW	Preconstruction surveys  Quarterly Reports	Special-status bat habitats are successfully avoided during occupancy by maternity roosting.	CPUC  CDFG	Before and during construction.
BIO-7 (cont'd)			<ul style="list-style-type: none"> <li>In areas where caves are probable, an Environmental Monitor will be present during construction activities.</li> <li>A cave response team consisting of people with cave resource knowledge and cave mapping/survey experience will assess any encountered caves. Cave will be located via global positioning systems and an entrance would be located, if possible.</li> <li>If a cave is encountered, construction would resume only if no further damage to the cave will occur.</li> <li>If upon inspection, a cave is found to be a hibernaculum or a maternity roost, inspectors will leave immediately, document the find, and seal the cave.</li> </ul>	On-ROW in National Forest Lands	Preconstruction Surveys  Quarterly Reports	Special-status bat habitats are successfully avoided during occupancy by maternity roosting.	CPUC  CDFG	Before and during construction.

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Impact	Impact	Mitigation	Implementation/Control	On/Off/In/Out	Monitoring/Reporting	Significance	Responsible Agency	Timing
BIO-8	Potential impacts on threatened, endangered, and special-status fish include potential temporary increases in sedimentation and turbidity, short-term loss of habitat, accidental seeps of bentonite from boring activities, and accidental spills of hazardous materials.	BIO-8	<ul style="list-style-type: none"> <li>PFL will hang conduit from existing bridges, whenever feasible at crossings.</li> <li>PFL will avoid trenching and directional drilling in wetted channels during the spawning season, egg development stage, fry emergence, and rearing seasons in areas that have special status fish species.</li> <li>PFL will submit site plans for construction and restoration for CDFG and CPUC written approval prior to trenching.</li> <li>Avoid construction activities that would inhibit migration of anadromous special status fish species.</li> <li>Perform field surveys to assess sensitive areas along the proposed project line in regards to spawning and rearing areas.</li> <li>Perform preconstruction surveys for Shasta crayfish in consultation with CDFG.</li> <li>If Shasta crayfish are found, develop mitigation measures and submit to CDFG and CPUC for review and approval prior to construction.</li> <li>Prior to construction, identify locations of special status fish species along the proposed route.</li> <li>The potential for accidental bentonite seeps through frac-outs will be minimized by measures specified in the SWPPP.</li> </ul>	On-ROW, near stream crossings	Preconstruction Surveys  Daily Reports  Quarterly Reports  Mitigation Plans	Threatened, endangered, and special-status fish will not be significantly impacted by construction activities.	CDFG  CPUC	Before and during construction.



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Impact	Impact	Measure	Measure Description	Site Condition	Monitoring/Reporting	Impact Avoidance	Responsible Agency	Timing
BIO-9	Fiber optic conduit installation activities could result in the removal or disturbance of woody riparian vegetation during the installation of the conduit across drainages that cannot be directionally bored.	BIO-9	<ul style="list-style-type: none"> <li>Impacts on woody riparian vegetation will be avoided by boring underneath drainages that support this habitat type. A minimum 20-foot-wide setback will be established and staked by a resource specialists prior to construction. This buffer will extend between the edge of the woody riparian vegetation and construction equipment.</li> </ul>	On-ROW, near drainage crossings	Preconstruction Surveys Quarterly Reports	Impacts on woody riparian vegetation will be avoided.	CPUC	Before and during construction.

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Project	Impact	Mitigation	On-ROW in National Forest Lands	Monitoring/Reporting	Preconstruction	Construction	Reconstruction	Post-Construction
BIO-10	Construction activities could introduce or spread noxious weeds into currently uninfested areas, possibly resulting in the displacement of special-status plant species and degradation of sensitive natural communities. Plants or seeds may be dispersed on construction equipment if the appropriate measures are not implemented.	BIO-10	<ul style="list-style-type: none"> <li>Identify noxious weed infestation areas before construction activities and indicate locations on construction drawings.</li> <li>Use certified weed-free imported materials (or rice straw in upland areas).</li> <li>Coordinate with land management agencies to ensure that the appropriate best management practices are implemented. County agricultural commissions and land management agencies will be contacted to develop lists of target noxious weed species for the project route and discuss measures to avoid the dispersal of noxious weeds.</li> <li>Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.</li> <li>Clean equipment at designated wash stations after leaving noxious weed infestation areas (these wash stations will be identified by CPUC and CDFG before construction activities in a particular segment and shall be approved by CPUC and CDFG).</li> </ul>	On-ROW in National Forest Lands	Preconstruction Surveys  Daily Reports  Quarterly Reports	Spread of noxious weeds will be avoided.	CPUC  CDFG  USFS	Before, during and after construction.

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Line Item	Project	Activity	Method/Control	Equipment/Personnel	Location	Frequency	Remarks
BIO-10 (cont'd)		BIO-10	<ul style="list-style-type: none"> <li>Small isolated patches of noxious weeds within the ROW will be treated with herbicide or hand pulling (and bagging if plants are in flower or fruit) prior to ground-disturbing activities. Any control activities must be in compliance with the Land and Resource Management Plans of each National Forest.</li> <li>All equipment, including coming onto the project area from weed-infested areas or areas of unknown weed status will be cleaned of all attached soil or plant parts. Wash station locations will be approved in advance by the Agencies and included in the construction plan.</li> <li>Fill, mulch and seed will be certified weed free.</li> <li>The contract compliance inspectors, with support from resource personnel, will routinely inspect installation activities to verify that construction equipment is being cleaned of soil and plant matter at designated wash stations.</li> </ul>				

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Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact
BIO-11	The use of staging areas that are outside the proposed project study area and are not already paved or graveled could result in long-term damage to sensitive biological resources.	BIO-11	<ul style="list-style-type: none"> <li>All staging areas that are not already paved or graveled will be evaluated to determine the presence or potential presence of sensitive biological resources, including waters of the United States, sensitive natural communities, and special-status species. If the surveys are conducted past the appropriate identification period for special-status species, a site evaluation will be conducted to determine if suitable habitat is present. If suitable habitat is located on the site, recommendations will be made for choosing a new location or avoiding the habitat on site (if feasible). The appropriate mitigation measures discussed for other biological resources in this document will also be implemented.</li> </ul>	On-ROW in National Forest Lands	Preconstruction Surveys	Sensitive biological resources will not be significantly impacted by staging areas.	USFS	Before construction.
BIO-12	Indirect impacts to wetlands, such as sediment runoff from construction and damage from personnel and vehicle traffic are possible.	BIO-12a	<ul style="list-style-type: none"> <li>In wetland areas, construction activities will be limited to the ROW. Protective barrier fencing or staking and flagging will be used in specified wetland areas to protect wetlands near the work zone. Wetlands will also be identified on the construction drawings. Resource personnel will assist in placing stakes and flagging or protective barriers around wetlands prior to any ground-disturbing activities.</li> </ul>	On-ROW, in wetland areas	Preconstruction Surveys  Daily Reports  Quarterly Reports	Significant impacts to wetland areas will be avoided.	CPUC  ACOE	Before and during construction.

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Division	Project	Project	Wetland/End Use	Shoreline/Recreation	Water Quality/Navigation	Wetland/End Use	Wetland/End Use	Wetland/End Use
BIO-12 (cont'd)		BIO-12b	<ul style="list-style-type: none"> <li>Stabilize exposed slopes and streambanks immediately on completion of installation activities. Other waters of the United States will be restored in a manner that encourages vegetation to re-establish to its pre-project condition and reduces the effects of erosion on the drainage system.</li> <li>In highly erodible stream systems, geotextile mats, excelsior blankets, or other soil stabilization products approved by the Agencies will be used. No rice straw will be used to stabilize erodible soils.</li> <li>Remove trees, shrubs, debris, or soils during construction that are inadvertently deposited below the ordinary high-water mark of drainages in a manner that minimizes disturbance of the drainage bed and bank.</li> </ul>	On-ROW, near waters of the United States.	Quarterly Reports Interim Report	Significant impacts to waters of the United States will be avoided.	CPUC ACOE	During and after construction.
BIO-12 (cont'd)		BIO-12b	<ul style="list-style-type: none"> <li>Implement additional measures that may be required as part of the CDFG, Corps, and RWQCB permits that will be obtained for the project route.</li> <li>Avoid installation activities in saturated or ponded wetlands.</li> <li>A written variance from the Agencies must be obtained for any work in saturated or ponded wetlands.</li> <li>Re-contour the ground surface to maintain pre-project wetland hydrology.</li> </ul>					

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Impact	Impact	Measure	Mitigation Measure	Site/Location	Implementation/Reporting Schedule	Implementation Schedule	Responsible Agency	Timing
BIO-13	Vernal pools located along the project route in Butte, Tehama and Shasta Counties provide known or potential habitat for special-status species (including vernal pool fairy shrimp and vernal pool tadpole shrimp). Any ground-disturbing activities that directly or indirectly (e.g., activities within 250 feet of and hydrologically connected to potential habitat) adversely affect vernal pools are considered significant.	BIO-13	<ul style="list-style-type: none"> <li>Qualified biologists will establish exclusion zones around vernal pools and associated habitat before construction begins in these areas. These exclusion zones will include vernal pools and hydrologically connected areas within or near proposed project work areas. Exclusion zones will be marked in the field with staking and flagging or barrier fencing. Exclusion zones around vernal pools will be a minimum 60-foot radius. However, during the wet season (November to May), exclusion zones around vernal pools will be a minimum 250-foot radius. Exclusion zones will be reviewed and approved by CDFG and CPUC in writing prior to construction. A variance must be obtained from CDFG and CPUC for work activities within the exclusion zones.</li> </ul>	On-ROW in Butte, Tehama and Shasta Counties	Preconstruction Surveys  Quarterly Reports	Vernal pools will be successfully avoided.	ACOE  CDFG  USFWS  CPUC	Before and during construction.

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Impact	Impact	Mitigation	Mitigation Measure	Location	Frequency	Timing	Responsible Agency	Timing
BIO-14	Installation of the fiber optic conduit on bridges if constructed during the breeding season could result in destruction or abandonment of swallow nests and potentially of entire breeding colonies.	BIO-14	<ul style="list-style-type: none"> <li>A qualified wildlife biologist will inspect known nest sites during the swallows' non-breeding season between September 1 and February 28. If all swallow nests are abandoned, the nests may be removed.</li> <li>If swallows begin building nests on the bridge after March 1, the mud placed by the swallows will be removed. The means of removal will be manually or by high pressured water weekly.</li> <li>If a swallow completes a nest during bridge attachments, PFL will contact USFWS to obtain the appropriate removal permits.</li> <li>The weekly removal from under the bridge will continue from March 1 until September 1 or until the bridge attachments are completed, whichever comes first.</li> <li>If removal of nests does not occur by March 1 and swallows subsequently colonize the bridge, attachments to the bridge will not begin before September 1, unless PFL obtains permits from the USFWS.</li> </ul>	On-ROW, bridges	Preconstruction Surveys  Quarterly Reports	Swallows will not be significantly impacted by installation activities.	USFWS  CPUC	Before and during construction.
BIO-15	Although very rare, directional drilling can result in bentonite seeps into surface waters which can result in temporary increases in turbidity and sedimentation that could affect fish and their habitat.	BIO-8	<ul style="list-style-type: none"> <li>See Mitigation Measure BIO-8 for details.</li> </ul>	On-ROW, near drainage crossings	Preconstruction Surveys  Quarterly Reports	Impacts on woody riparian vegetation will be avoided.	CPUC	Before and during construction.

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Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact
BIO-16	Construction activities could disrupt pronghorn and mule deer on their winter ranges.	BIO-16	<ul style="list-style-type: none"> <li>No construction activities will occur within .5 miles of pronghorn winter range from Nov. 1 to March 31 from milepost MO-15 to milepost MO-31.</li> <li>No construction activities within known mule deer winter range from Dec. 1 to March 31 from mileposts: MO-16 – MO-34, MO-59 – MO-60, MO-75 – MO-84, MO-92 – MO-93, MO-103 – MO-106, MO-131 – MO-132.</li> </ul>	Modoc National Forest	Quarterly Reports	No disruption to pronghorn and mule deer on their winter range.	CPUC CDFG	During construction.
BIO-17	Hazardous materials associated with the proposed project will be limited to those substances typically associated with construction equipment, such as gasoline and diesel fuels, engine oil, and hydraulic fluids. An accidental spill of these substances could contaminate drainages and adversely affect fish or their habitat.	BIO-17	<ul style="list-style-type: none"> <li>As described in the SWPPP, hazardous substances will be stored in staging areas located at least 150 feet from streams and other surface waters. Refueling and vehicle maintenance will be performed at least 150 feet from these receiving waters. Sedimentation fences, certified weed-free hay bales, sand bags, water bars, and baffles will be used as additional sources of protection for waters, ditches, and wetlands.</li> </ul>	On-ROW	Daily Reports Quarterly Reports	No accidental spill will occur.	CPUC	During construction.



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Impact	Impact	Mitigation Measure	Mitigation Measure	Mitigation Measure	Mitigation Measure	Mitigation Measure	Mitigation Measure	Mitigation Measure
BIO-18	Fiber optic conduit installation under the canopy of protected trees along the project route in Shasta County could substantially impact the root systems of these trees.	BIO-18	<ul style="list-style-type: none"> <li>PFL will avoid impacts to tree root systems by re-routing the corridor or by directionally drilling under the dripline of the trees, where possible.</li> <li>In accordance with Shasta County guidelines, PFL will donate \$100 to the California Oak Foundation for each tree in Shasta County with a dbh greater than 6 inches that cannot be entirely avoided by the positioning of the line or by directional drilling. PFL will stipulate that funds be used for growing or planting oaks. A post-construction report will be submitted to Shasta County and the CPUC, documenting the number and size of trees subject to this mitigation measure.</li> </ul>	On-ROW, Shasta County	Quarterly Reports Interim Report	Impacts on protected trees will be avoided where possible and any impacted trees will be appropriately compensated for.	Shasta County CPUC	During and after construction.
BIO-19	Construction of the project could result in the removal or damage to large trees.	BIO-19	<ul style="list-style-type: none"> <li>PFL will record the type of species and size of all trees removed during construction.</li> <li>An appropriate replacement ratio will be determined by CPUC and CDFG.</li> <li>PFL will monitor tree success for five years.</li> </ul>	On-Row, regeneration sites.	Daily, weekly report Meeting with CDFG/CPUC monitoring report	Replacement of lost trees.	CPUC CDFG	During

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Impact	Impact	Value	Mitigation Measure	Site Location	Construction Activity	Pre-construction Condition	Responsible Agency	Timing
BIO-20	Vegetation removal of trees and shrubs could potentially disturb nesting sites of migratory birds. Additional, vegetation removal could potentially disturb special status plant species, the Butte County fritillary, at the Fall River Valley site.	BIO-20	<ul style="list-style-type: none"> <li>Schedule vegetation removal to avoid breeding period for migratory birds potentially present.</li> <li>Conduct Preconstruction survey to determine presence or absence of nesting birds.</li> <li>If nesting birds are present, construction will be postponed until nestlings have fledged.</li> <li>PFL will conduct a plant survey at the Fall River Valley site to determine if the Butte County fritillary is present. If the species is present, appropriate mitigation measures will be developed with and approved by, the CDFG.</li> </ul>	Fall River Valley Oak Run	Preconstruction Surveys	Absence of nesting birds or delay of project. Avoidance of sensitive plant species.	USFWS CDFG	Before construction.
BIO-21	Potential impacts to giant garter habitat during construction.	BIO-4	<ul style="list-style-type: none"> <li>See Mitigation Measure BIO-4 for details.</li> </ul>	Robbins Biggs	Quarterly Reports	PFL will successfully avoid Giant Garter Snake habitat or will perform restoration of habitat if disturbance occurs.	USFWS ACOE CPUC	During and after construction.
BIO-22	If the Corps determines ditches are jurisdictional, there could be potential impacts to waters of the United States.	BIO-21	<ul style="list-style-type: none"> <li>PFL shall conduct delineation.</li> <li>If Corps determines ditches are jurisdictional, PFL will implement mitigation measures required by the Corps.</li> <li>PFL will consult with California Department of Fish and Game to determine if a Streambed Alteration Agreement is required.</li> </ul>	Biggs	Preconstruction Survey	Construction will not significantly impact a federally protected waters of the U.S.	ACOE CPUC CDFG	Before construction.

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BIO-23	If trees are subject to Shasta County conditions, construction would impact local policy protecting biological resources.	BIO-18	<ul style="list-style-type: none"><li>• Complete tree survey.</li><li>• Avoid trees (where possible).</li><li>• Record the type of species and size of tree removal.</li><li>• Compensate (\$100 per tree) for removal or trenching under the dripline.</li></ul>	Fall River Valley Oak Run	Preconstruction Surveys Quarterly Reports	Impacts on protected trees will be avoided where possible and any impacted trees will be appropriately compensated for.	Shasta County CPUC	Before and during construction.
BIO-24	A heritage tree (valley oak) occurs at eastern boundary of site and vegetation may provide habitat for nesting protected bird species.	BIO-24	<ul style="list-style-type: none"><li>• Leave tree in place.</li><li>• Conducting a Preconstruction survey within 30 days of construction to determine the presence or absence of nesting birds prior to initiation of construction activities at the project site. If nesting birds are located during the survey, construction will be postponed until the nestlings have fledged.</li></ul>	Robbins	Preconstruction survey	Tree and birds will be successfully avoided during construction.	USFWS CDFG	Before construction.
CULTURAL RESOURCES								
CR-1	In instances where field conditions were insufficient to permit an assessment of whether or not cultural resources existed within a project location, or whether or not they could be avoided during construction, construction could impact cultural resources.	CR-1	<ul style="list-style-type: none"><li>• Submit all survey reports and site records prepared as part of the cultural resource assessment for the PFL on-ROW work to the appropriate CHRS clearinghouse as required.</li></ul>	On-ROW	Preconstruction Surveys Quarterly Reports	No significant impact on cultural resources.	CRHS CPUC	Before and during construction.

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Project	Impact	Mitigation Measure	Standard	Condition of Approval	Monitoring	Reporting	Other	
CR-1 (cont'd)		CR-1	<ul style="list-style-type: none"><li>• All known historic and prehistoric archaeological sites and areas of Native American traditional or cultural use should be avoided sufficiently to preclude impact to the property. Avoidance measures could include flagging, fencing, re-routing, and directional drilling.</li><li>• A well qualified archaeologist provide onsite supervision of the monitoring of all ground clearing and construction excavation from the California/Oregon border south to the Tehama County line, and through Yuba and Nevada Counties where the conduit is located outside of a previously disturbed railroad or road ROW or grade. In addition, archaeological monitoring should occur within 100 feet either side of the boundary of all known cultural resource sites through the entire conduit route, or in areas determined necessary (e.g., at creek or river crossings).</li><li>• Should previously unidentified cultural resources be encountered during construction, work in the immediate area of the find should stop until such time a qualified archaeologist can evaluate the find and make appropriate recommendations for mitigation, if warranted.</li></ul>					

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Project ID	Project Name	County	Mitigation Measure	Schedule/Duration	Responsible Party	Start Date	End Date	Notes
CR-1 (cont'd)		CR-1	<ul style="list-style-type: none"> <li>• Conduct appropriate consultation with federal land management agencies (USFS, BLM) as necessary for archaeological properties under their jurisdiction; obtain required permit(s) before conducting work.</li> <li>• On federal lands, treat unavoidable sites in accordance with the mitigation measures outlined in the PFL Environmental Assessment submitted to the US Forest Service, Modoc National Forest.</li> <li>• Conduct worker educational training to describe the importance of historic preservation efforts on the project, and the legal ramifications for failure to protect significant resources.</li> <li>• In the event human remains are discovered, the County Coroner and Native American Heritage Commission must be contacted within 24 hours of the find, as outlined in CEQA Section 15064.5(e), and the Native American Graves Protection and Repatriation Act (NAGPRA).</li> <li>• Should the record search at the UC Berkeley Museum of Paleontology reveal the presence of known resources or the potential for significant fossiliferous deposits on the parcel, the area will be subject to monitoring by a qualified paleontologist during construction grading and excavation. If resources exist, appropriate mitigation will be implemented.</li> </ul>					

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Identify	Impact	Value	Mitigation/Avoidance	Structure/Location	Monitoring/Reporting	Responsible Party	Timing	
CR-2	On portions of the route already constructed, project activities could have impacted or encountered cultural resources.	CR-2	<ul style="list-style-type: none"><li>• Prepare a brief report describing the results of the record search and sample field surveys of the already built on-ROW facilities. Conduct limited, focused subsurface test excavation at specified sites using shovel-probing techniques to determine component characteristics and base depths of the cultural deposits.</li><li>• Prepare a written description of the effects of construction at a specific site.</li></ul>	On-ROW, already constructed	Post-Construction Survey  Interim Report	Effects of construction on cultural resources will be completely assessed.	CPUC  CHRS	After construction.
CR-3	If the existing warehouse on project site is eligible as an historical resource, would impact historical resource.	CR-3	<ul style="list-style-type: none"><li>• If existing warehouse is over 45 years old, it must be documented and assessed for significance.</li><li>• If warehouse is recommended as eligible, it must be avoided or subject to mitigation through data recovery.</li></ul>	Robbins	Preconstruction Survey	Warehouse will be avoided if it is recommended as eligible.	CA. Dept. of Parks and Recreation  CRHR	Before construction.

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Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact	Impact
CR-4	High potential for significant prehistoric resources in region of site.	CR-4	<ul style="list-style-type: none"> <li>A qualified archaeologist will provide onsite supervision of the monitoring of ground clearing and construction excavation.</li> <li>Should previously unidentified cultural resources be encountered during construction, work in the immediate area of the find should stop until such time a qualified archaeologist can evaluate the find and make appropriate recommendations for mitigation, if warranted.</li> <li>If the find is significant, the resource should be avoided if possible. If not possible, data recovery should be undertaken as mitigation. The technical report of findings must be submitted to the CPUC and appropriate California Historical Resources Information System Archaeological Information Center.</li> </ul>	Tionesta	Daily Reports  Quarterly Reports	Cultural resources that are encountered are not destroyed or adversely impacted.	CPUC  Appropriate California Historic Resources Information System  AIC	During construction.
CR-5	Potentially significant cultural resources on site.	CR-5	<ul style="list-style-type: none"> <li>A qualified archaeologist must implement subsurface testing, consisting of the excavation of a number of 50 centimeter (cm) diameter holes, dug in 20 cm levels, to a depth of 50 or 20 cm deeper than the last observed artifact (whichever is deepest). Test units should be excavated on a transect of the project site every 20 meters. All excavated soil should be passed through a 1/8-inch mesh screen and all observed artifacts recovered for analysis.</li> <li>Following the conclusion of testing, if the resources are</li> </ul>	Fall River Valley	Preconstruction Surveys  Daily Reports  Quarterly Reports	Cultural resources that are encountered are not destroyed or adversely impacted.	CPUC  Appropriate California Historic Resources Information System  AIC  CRHR	Before and during construction.

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Impact	Impact	Mitigation	Significance	Monitoring/Reporting	Significance	Responsible Agency	Time
			<p>found to be ineligible for listing on the CRHR (CCR Title 14, Chapter 3, Section 15064.5), no additional mitigation is required.</p> <ul style="list-style-type: none"> <li>• If the resource is found to be eligible, the Project Archaeologist would propose measures to mitigate the adverse effects of construction on the proposed project site.</li> <li>• Mitigation measures could also include avoidance or data recovery through excavation.</li> </ul>				
CR-5 (cont'd)		CR-5	<ul style="list-style-type: none"> <li>• Should previously unidentified cultural resources be encountered during construction, work in the immediate area of the find should stop until such time a qualified archaeologist can evaluate the find and make appropriate recommendations for mitigation, if warranted.</li> <li>• If the find is significant, the resource should be avoided if possible.</li> <li>• If avoidance is not possible, data recovery should be undertaken as mitigation. The technical report of findings must be submitted to the CPUC and appropriate California Historical Resources Information System Archaeological Information Center.</li> </ul>				



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CR ID	Impact	CR ID	Mitigation Measures	Site(s) Involved	Monitoring/Reporting System	Impacts to Cultural Resources	Responsible Agency	Timing
CR-6	Moderate potential of sites to contain prehistoric cultural resources.	CR-6	<ul style="list-style-type: none"> <li>A qualified archaeologist will provide onsite supervision of the monitoring of ground clearing and construction excavation at each proposed site location.</li> </ul>	Oak Run Red Bluff West Chico	Daily Reports  Quarterly Reports	Cultural resources that are encountered are not destroyed or adversely impacted.	CPUC  Appropriate California Historic Resources Information System  AIC	During construction.
CR-7	Possibility of discovery of any previously unidentified cultural resources.	CR-7	<ul style="list-style-type: none"> <li>If discovery is made, PFL will stop work until a qualified archaeologist can evaluate the find and make appropriate recommendations for mitigation, if warranted.</li> <li>If significant, the resource should be avoided.</li> <li>If avoidance is impossible, data recovery should be undertaken.</li> <li>Data recovery must be directed by appropriate research design.</li> </ul>	All Off-ROW Facilities	Quarterly Reports	Technical report findings submitted to the CPUC and appropriate CA. Historic Resources Information System AIC.	CPUC  Appropriate California Historic Resources Information System  AIC	During construction.
CR-8	Record search at U.C. Berkeley Museum of Paleontology may possibly reveal the presence of known resources or the potential for significant fossiliferous deposits on the proposed regeneration station sites, the areas will be subject to mitigation.	CR-8	<ul style="list-style-type: none"> <li>If research shows a potential for deposits, a qualified paleontologist during construction grading and excavation would be required for monitoring. Should any significant remains be discovered during construction, work should stop in the immediate area of the find until such time a qualified paleontologist can review the discovery and recommend appropriate mitigation.</li> </ul>	All Off-ROW Facilities	Preconstruction Survey  Quarterly Reports	Cultural resources that are encountered are not destroyed or adversely impacted.	CPUC  Appropriate California Historic Resources Information System  AIC	Before and during construction.

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Impact	Impact	Mitigation	Mitigation Measure	Site(s) Affected	Monitoring/Reporting Action	Significance Criteria	Responsible Agency	Timing
CR-9	There is the possibility that human remains will be discovered during construction.	CR-9	<ul style="list-style-type: none"> <li>In the event human remains are discovered at any of the proposed project sites, the County Coroner and the Commission must be contacted within 24 hours of the find as outlined in CEQA Section 15064.5(e) and in the Native American Graves Protection and Patriation Act (NAGPRA).</li> </ul>	All sites	Quarterly Reports	Cultural resources that are encountered are not destroyed or adversely impacted.	County Coroner CPUC NAGPRA	Before and during construction.
<b>GEOLOGY AND SOILS</b>								
G&S-1	Potential erosion due to excavation, grading and fill.	G&S-1	<ul style="list-style-type: none"> <li>PFL shall comply with all local design, construction and safety standards through permit process. Erosion control plans for areas identified as susceptible to erosion.</li> </ul> <p><i>(Negative Declaration Mitigation C)</i></p>	On-ROW	Quarterly Reports	Erosion at the project areas is contained.	Local agencies	Before and during construction.
G&S-2	In areas with high probabilities of caves, trench excavation could break through the ceiling of a very shallow cave.	G&S-2	<ul style="list-style-type: none"> <li>In areas with potential for caves, an Environmental Monitor will be present during construction activities.</li> <li>Cave response team would assess any encountered caves.</li> <li>If cave was encountered, construction would resume only if no further damage would occur.</li> <li>Upon discovery of a cave, CDFG and other appropriate agencies shall be consulted. Upon determination that the cave supports hibernaculum or maternity roost, PFL will develop a site specific plan that will be submitted to CDFG, CPUC and other appropriate agencies for written approval.</li> </ul>	On-ROW, National Forest lands	Preconstruction Surveys Quarterly Reports	No permanent physical effects on any caves.	USFS	During construction.

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Impacts	Impacts	Value	Impacts/Mitigation	Site(s) Involved	Monitoring/Reporting Activity	Preconstruction/Construction	Responsible Agency	Timing
G&S-3	Seismically induced liquefaction could occur if soils are not compacted properly.	G&S-3	<ul style="list-style-type: none"> <li>The construction of the building pads must conform to the Uniform Building Code Seismic Zone Criteria. A state-certified Engineer must certify the design, placement, and compaction of soil for the building pads. Engineered placement of fill material will mitigate impacts associated with seismic liquefaction of soil.</li> <li>Soils testing at the building pad sites will be conducted to determine the geophysical properties of the soils and the building pads designed accordingly.</li> </ul>	All Off-ROW Facilities	Preconstruction Surveys Preconstruction Design Quarterly Reports	Successful construction of building pads with little to no subsidence.	CPUC	Before construction.
G&S-4	Erosion impacts exist due to runoff onto the site from steep areas above the site.	G&S-4	<ul style="list-style-type: none"> <li>Prepare and implement the SWPPP and BMPs to collect or redirect stormwater runoff around the proposed project sites.</li> </ul>	Fall River Oak Run Red Bluff	Preconstruction Surveys	No pooling or standing water at the subject site(s) following a storm event.	CPUC	Before construction.
G&S-5	Volcanic lava tubes pose potential geologic hazard.	G&S-5	<ul style="list-style-type: none"> <li>Conduct a geologic survey to evaluate the presence of lava tubes.</li> <li>Geologic report, signed and certified by California Registered Geologist, must be prepared and submitted to the CPUC indicating that no subsidence or cave-in hazard is present at the project site.</li> </ul>	Tionesta	Preconstruction Surveys Geologic Report	Documented geologic report indicating no subsidence or cave-in hazards, submitted to the CPUC.	CPUC	Before construction

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Impacts	Location	Measure	Who/How/When	Who/Where/When	What/How/When	When/Where/When	Who/How/When	When/Where/When
G&S-6	Expansive clayey soils with high shrink swell potential are identified to be present and pose potential geologic hazard.	G&S-6	<ul style="list-style-type: none"> <li>• Certification of building footprint design by Registered Professional Engineer.</li> <li>• Conduct geophysical testing of soils at the building pad sites.</li> <li>• Construction of building pads in compliance with uniform Building Code Seismic Zone Criteria.</li> <li>• Engineering placement of fill material will mitigate impacts associated with seismic liquefaction of soil.</li> </ul>	West Chico Biggs Robbins	Preconstruction Surveys Preconstruction Design Quarterly Reports	Buildings will be certified, in compliance, and engineered correctly.	CPUC	Before construction.

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Unit No.	Unit No.	Unit No.	Unit No.	Unit No.	Unit No.	Unit No.	Unit No.	Unit No.	Unit No.
1	2	3	4	5	6	7	8	9	10

HAZ-1	Small quantities of hazardous materials may be released in accidental spills.	HAZ-1	<ul style="list-style-type: none"> <li>• The construction contractor will ensure proper labeling, storage, handling, and use of hazardous materials in accordance with best management practices and the Occupational Safety and Health Administration's (OSHA's) HAZWOPER requirements.</li> <li>• The construction contractor will ensure that employees are properly trained in the use and handling of these materials and that each material is accompanied by a material safety data sheet.</li> <li>• Any small quantities of hazardous materials stored temporarily in staging areas will be stored on pallets within fenced and secured areas and protected from exposure to weather. Incompatible materials will be stored separately, as appropriate.</li> <li>• To avoid unexpected releases of hazardous materials, the construction contractor team will include individuals trained in accordance with the OSHA's HAZWOPER requirements.</li> </ul>	On-ROW	<p>Daily Reports</p> <p>Quarterly Reports</p>	<p>Proper handling procedures and BMPs prevent the spill of hazardous materials to the surrounding area. Hazardous materials encountered are properly managed</p>	<p>Local Fire Department, Hazardous Materials Unit</p> <p>OSHA</p> <p>Federal, State and Local Agencies</p>	During Construction.
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HAZ-1 (cont'd)		HAZ-1	<ul style="list-style-type: none"> <li>The construction team will have a written plan outlining how to respond if hazardous materials are unexpectedly encountered.</li> <li>All hazardous waste materials removed during construction, will be handled and disposed of by a licensed waste disposal contractor and transported by a licensed hauler to an appropriately licensed and permitted disposal or recycling facility.</li> <li>PFL will require in its contracts that contractors meet federal, state, and local requirements.</li> </ul>					
HAZ-2	Significant risk of loss, injury, or death attributable to wildland fires.	HAZ-2	<ul style="list-style-type: none"> <li>Remove grass from the construction ROW.</li> </ul>	On-ROW	Daily Reports	Wildland fires will be avoided.	Local Fire Department	Before construction
HAZ-3	Long term storage of hazardous materials may result in accidental spills/releases.	HAZ-3	<ul style="list-style-type: none"> <li>Hazardous Material Business Plans must be submitted to County Public Health Departments.</li> <li>A SWPPP must be prepared specific to each proposed regeneration station, and strictly followed.</li> <li>If required, Spill Prevention, Containment, and Control Plan (SPCC) must be prepared specific to each proposed regeneration station, and strictly followed.</li> </ul>	All Off-ROW facilities	Hazardous Materials Business Plan  SWPPP  SPCCP  Quarterly Reports	No release of hazardous materials to the surrounding environment.	OSHA EPA	During construction.
HAZ-4	Subsurface hazardous materials may be encountered during construction and could contact groundwater.	HAZ-4	<ul style="list-style-type: none"> <li>Recover and contain groundwater if encountered.</li> <li>Characterize the groundwater to determine if it has been impacted by adjacent sites.</li> </ul>	West Chico	Quarterly Reports  Interim Report	No release of hazardous materials to the surrounding environment.	DTSC/EPA  RWQCB  WDR	During construction.
HAZ-5	Subsurface hazardous materials may be encountered during construction and could contact groundwater.	HAZ-5	<ul style="list-style-type: none"> <li>Recover and contain groundwater if encountered.</li> <li>Characterize the groundwater to determine if it has been impacted by adjacent sites.</li> </ul>	Biggs	Quarterly Reports  Interim Report	No release of hazardous materials to the surrounding environment.	CPUC	During construction.

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Impact	Impact	Impact	Mitigation Measure	Site/Personnel	Monitoring/Reporting Action	Prevention/Control	Regulatory Agency	Timing
HAZ-6	Subsurface hazardous materials may be encountered during construction.	HAZ-6	<ul style="list-style-type: none"> <li>Conduct a Phase I Environmental Site Assessment for potential impacts of hazardous substances.</li> <li>If warranted, conduct a Phase II investigation.</li> <li>Clean-up as appropriate.</li> </ul>	Robbins	Quarterly Reports  Interim Report	No release of hazardous materials to the surrounding environment.	OSHA  EPA  ASTM  CPUC	During construction.
<b>HYDROLOGY AND WATER QUALITY</b>								
HY-1	Potential impact on water resources, underground or surface due to excavation or grading work.	HY-1	<ul style="list-style-type: none"> <li>For stream crossings that will be trenched, PFL will prepare and submit to CDFG site-specific construction procedures.</li> <li>Stabilize and return streambanks and streambed to Preconstruction contours.</li> <li>Use clean gravels to backfill the trench within the channel bottom.</li> </ul>	On-ROW	Quarterly reports	Impacts to water quality, drainage, flow, direction and quantity are averted.	CDFG  Local agencies  Applicable state water resource agencies	Before, during and after construction.
HY-2	During boring operation, bentonite could seep to the surface within a stream channel.	BIO-1a, BIO-1b, and BIO-8 HY-2	<ul style="list-style-type: none"> <li>See Mitigation Measures BIO-1a, BIO-1b, and BIO-8 for details.</li> <li>Prior to conducting directional drilling activities under the Sacramento, Fall, and American Rivers geological soil samples of the substrate in which the directional drill will take place will be collected and analyzed by a certified geotechnical expert. Recommendations of the geotechnical expert will be provided to all agencies having jurisdiction over the directional drill activity.</li> </ul>	On-ROW	Documentation of environmental education program  Geological Report  Quarterly Reports  Interim Reports	Successful monitoring and environmental education. No significant impact on sensitive biological resources.	CPUC  USFS  BLM  CDFG	Before, during and after construction.

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Item	Impact	Measure	Implementation	Responsible Party	Monitoring/Reporting	Prevention/Control	Responsible Party	Timing
HY-3	Clearing and grading could expose hazardous materials to erosion and subsequent transport to waterbodies during precipitation events.	HY-3	<ul style="list-style-type: none"> <li>The extent of contaminated sediments should be identified at the proposed site by conducting Phase I/Phase II investigations.</li> <li>Appropriately remediate the proposed site prior to grading and other earth-disturbing activities to prevent opportunities and pathways for water pollution.</li> <li>Submit copies of the Phase II investigation and cleanup reports to CPUC for review prior to site construction.</li> </ul>	Robbins	Preconstruction Phase I/Phase II surveys  Quarterly Reports	Hazardous materials are prevented from transport into waterbodies.	CPUC	Before, during and after construction.
HY-4	Stormwater runoff may adversely impact quality of receiving surface waters.	HY-4	<ul style="list-style-type: none"> <li>PFL's SWPPP and associated BMPs must be employed to prevent erosion and contain sediments on-site during construction.</li> </ul>	All Off-ROW Facilities	Daily Reports  Quarterly Reports	Stormwater runoff will be successfully prevented from transport into waterbodies.	CPUC	During Construction.
HY-5	Trench dewatering may cause the discharge of turbid waters.	HY-5	<ul style="list-style-type: none"> <li>Discharge from trench dewatering must be filtered and/or contained to prevent sediment from entering drainage features.</li> <li>BMPs should be employed.</li> </ul>	All Off-ROW Facilities	Daily Reports  Quarterly Reports	Sediment will be successfully prevented from transport into drainage features.	CPUC	During Construction.
HY-6	Contamination of aquifer and nearby wells may occur due to refueling of vehicles and storage of toxic fluids near surface waters.	HY-6	<ul style="list-style-type: none"> <li>Discharge from trench dewatering must be filtered and/or contained to prevent sediment from entering drainage features.</li> <li>BMPs should be employed.</li> </ul>	All Off-ROW Facilities	Daily Reports  Quarterly Reports	Hazardous materials will be successfully prevented from transport into aquifers and wells.	CPUC	During Construction.
HY-7	A small risk of loss involving flooding exists.	HY-7	<ul style="list-style-type: none"> <li>Design the facilities to withstand periodic inundation.</li> <li>Building pads should be designed with the floor elevation equal to 1-foot or higher than Preconstruction ground elevation.</li> </ul>	West Chico  Biggs  Robbins	Preconstruction Design	The sites will not present a significant risk of loss involving flooding.	CPUC	Before construction.



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Project	Impact	Category	Mitigation Measure	Site (City/County)	Monitoring Frequency	Responsible Agency	Timing
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## LAND USE PLANNING

LAND-1	Proposed route would conflict with local land use plans and zoning designations.	LAND-1	<ul style="list-style-type: none"> <li>Must have approval from the appropriate planning agencies and implement any required permit conditions.</li> </ul>	Red Bluff	Quarterly Reports	Will obtain approval from appropriate planning agencies before construction begins.	Local Planning Department CPUC	Before construction.
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## NOISE

NO-1	Construction noise may substantially increase noise above background sound levels.	NO-1	<ul style="list-style-type: none"> <li>Restrict construction activity along routes and at staging areas.</li> <li>All equipment will have sound-control devices no less effective than those provided on original equipment. No equipment will have an unmuffled exhaust.</li> <li>Additional noise control measures must be installed to reduce increases in ambient noise concentrations to sensitive receptors around the sites.</li> <li>If traffic control devices requiring electrical power are employed within 500 feet of sensitive receptors, the devices will be battery/solar powered instead of powered by electrical generators.</li> </ul>	On-ROW	Quarterly Reports	Noise from construction is kept to levels that do not exceed local standards.	Local agencies	Before and during construction.
NO-2	Backup generators will exceed allowable noise levels.	NO-2	<ul style="list-style-type: none"> <li>Install additional noise measures to reduce ambient noise concentrations to sensitive receptors around the sites.</li> </ul>	Fall River Oak Run Red Bluff Biggs	Quarterly Reports	Sites will have allowable ambient noise concentrations.	Local Counties CPUC	Before construction.

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Impact	Impact	Mitigation	Mitigation Measure	Site Location	Monitoring/Reporting Schedule	Monitoring/Reporting Method	Responsible Agency	Timing
NO-3	Sensitive receptors are located within 350 feet of the proposed stations.	NO-3	<ul style="list-style-type: none"> <li>Install additional noise measures to reduce ambient noise concentrations to sensitive receptors around the sites.</li> </ul>	Fall River Oak Run Red Bluff Biggs	Quarterly Reports	Sites will have allowable ambient noise concentrations.	Local Counties CPUC	Before construction.
<b>TRANSPORTATION TRAFFIC</b>								
TR-1	Traffic congestion, insufficient parking, and hazards for pedestrians. Impacts upon public service facilities located in utility right-of-way.	TR-1	<ul style="list-style-type: none"> <li>Coordination by petitioners through local agencies to minimize right-of-way encroachments.</li> <li>All local safety and construction standards shall be met through the local permit process.</li> <li>Advance notice to surrounding area of construction date and time.</li> <li>Consultation with local agencies on appropriate restoration of impacted public service facilities in right-of-way.</li> <li>Traffic control measures, such as the placement of warning signs and the use of traffic control personnel when appropriate, will be implemented.</li> </ul> <p><i>(Negative Declaration Mitigation F)</i></p>	On-ROW	Quarterly Reports.	Traffic congestion is minimized. Public service facilities appropriately restored.	CPUC Caltrans Local Agencies	Before and during construction.
TR-2	Impacts upon Caltrans right-of-way where proposed route encroaches.	TR-2	<ul style="list-style-type: none"> <li>Consultation with Caltrans District Offices.</li> <li>Develop Traffic Control measures and submit to Caltrans for written approval.</li> <li>Submit As-Built Plan to Caltrans.</li> </ul>	On-Row	Meet with Caltrans Mitigation Plan As-Built Quarterly Reports	Caltrans right-of-ways properly maintained and restored.	CPUC Caltrans	Before and during construction.

(END OF ATTACHMENT A)

**Commissioner Josiah L. Neeper and Commissioner Henry M. Duque,  
Concurring:**

We concur with today's decision because it will release the stop order that had been in effect for several months and will permit Worldwide Fiber Network, to resume work on its project. The record of this case and reason support the adoption of the Mitigated Negative Declaration and modification of Worldwide's certificate of public convenience and necessity. We also support keeping the proceeding open to investigate whether the actions of Worldwide warrant sanctions. However, we note that to reach a fair, just and defensible result in this investigation, certain procedural requirements should be put in place.

The decision in its current form orders the assigned Administrative Law Judge (and presumably the assigned Commissioner) to proceed to address the issue of whether Worldwide should be subject to further fines or sanctions. Our normal process would direct an informal investigation and report to the five Commissioners in the form of an order instituting investigation (OII) request to proceed and prosecute. This approach is the preferred and procedurally and administratively sound approach to produce a CPUC decision where sanctions are contemplated.

Under the current order, the ALJ could potentially take the double role of a prosecutor and a judge engendering a reality or appearance of absence of impartiality, a situation that should be avoided if we are to produce a defensible outcome. Today's decision does not detail such procedural necessities, but nevertheless gives the ALJ and assigned Commissioner (AC) opportunity to give due process both procedurally and substantively by an ALJ Ruling or Assigned Commissioner Ruling by doing the following:

1. The Consumer Services Division can be ordered to do a preliminary investigation and preparation of best case, if any, for finding violations by Worldwide. The ALJ and AC can then consider the question of "probable cause."
2. CSD can be ordered to prosecute the matter, if necessary, as though pursuant to an OII proceeding so that the ALJ and the AC will be in their usual impartial role, rather

acting simultaneously as prosecutor and judge.

Following these preliminary actions, the ALJ and AC can then address the normal procedural requirements such as (1) noticing requirements since there may be intervenors who may be interested in this investigation; (2) whether parties to the proceeding are given discovery opportunities; (3) consideration of evidentiary hearings; (4) scoping of the matter and identification of issues as necessary; (5) giving parties opportunity to proffer issues they may assert are necessary to the investigation; and (6) whether this ensuing phase of the proceeding, which considers violations of laws and possible sanctions, should be categorized as an adjudicatory proceeding. We believe the subject matter of the ensuing phase will require a prohibition against ex parte contact. Thus, we will impose a ban on all ex parte communications with our offices from parties of the proceeding until the case is decided.

In this way we can set up a procedural mechanism for a sound, and defensible decision that affords all participants due process. We expect that the ALJ and AC will consider these due process issues as they start implementing the Commission's decision.

For all the above reasons, we concur.

  
JOSIAH L. NEEPER  
Commissioner

  
HENRY M. DUQUE  
Commissioner

San Francisco, California  
January 6, 2000