

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

From:
Public Agency: Calif. Public Utility Commission
Address: 505 Van Ness Avenue
San Francisco, CA 94102
Contact: Andrew Barnsdale
Phone: (415) 703-3221

[] County Clerk
County of: Kern County
Address: 1115 Truxtun Avenue, First Floor
Bakersfield, CA 93301-4639

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2019011006

Project Title: Mediacom Inyokern to Onyx Fiber Optic Cable Project

Project Applicant: Mediacom Communications

Project Location (include county): Approx. 32.4-mile route primarily within row of SR-178 & SR-14, Kern County

Project Description:

Project consists of installation of approx. 32.4 miles of fiber optic cable & infrastructure from its current Ridgecrest system connection in Inyokern to a connection location in Onyx to serve the Kern River Valley. Cable primarily installed underground with plowing or directional boring in ROW, prescriptive areas adjacent to SR 178 & SR 14, & at four boring locations under the road. Exceptions are cable installed on 7 new Mediacom-owned utility poles over 2 LADWP LA Aqueducts, SCE poles in sensitive areas, & the Canebreak Creek Bridge.

This is to advise that the California Public Utilities Commission has approved the above ([] Lead Agency or [] Responsible Agency)

described project on August 15, 2019 and has made the following determinations regarding the above described project. (date)

- 1. The project [] will [] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [] was not adopted for this project.
6. Findings [] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

California Public Utilities Commission, 550 Van Ness, San Francisco, CA 94102

Signature (Public Agency): [Signature] Title: Senior Analyst

Date: 8-21-19 Date Received for filing at OPR: [Signature] Governor's Office of Planning & Research



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/02/19) Previously DFG 753.5a

RECEIPT NUMBER: 15 — 01112019 — 15139245
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY STATE OF CA PUBLIC UTILITIES	LEAD AGENCY EMAIL	DATE 1/11/2019
COUNTY/STATE AGENCY OF FILING Kern	DOCUMENT NUMBER 12694	

PROJECT TITLE
 MEDIACOM INYOKERN TO ONYX FIBER OPTIC CABLE PROJECT

PROJECT APPLICANT NAME CPUC	PROJECT APPLICANT EMAIL	PHONE NUMBER (415) 703-3221
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PROJECT APPLICANT ADDRESS 505 VAN NESS AVENUE	CITY SAN FRANCISCO	STATE CA	ZIP CODE 94102
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PROJECT APPLICANT (check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,271.00	\$	_____
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,354.75	\$	2,354.75
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,112.00	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	_____
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 2,404.75

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE A. ZUBELDIA, Kern County Clerk OST
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Governor's Office of Planning & Research

AUG 22 2019

STATE CLEARINGHOUSE

PUBLIC UTILITIES COMMISSION

605 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



NEGATIVE DECLARATION

To Whom It May Concern:

Pursuant to the California Environmental Quality Act (CEQA) and the Guidelines for the Implementation of CEQA, the California Public Utilities Commission (CPUC), as Lead Agency, has prepared an Initial Study to analyze the possible environmental impacts of the proposed project as described below.

Project Title: Mediacom Inyokern to Onyx Fiber Optic Cable Project

Project Location: The proposed project consists of the installation of fiber optic cable for approximately 32.4 miles from its current Ridgecrest system connection location in Inyokern to a connection location in Onyx. The project site traverses from the unincorporated community of Inyokern located in the Mojave Desert in eastern Kern County to the unincorporated community of Onyx located in the southern Sierra Nevada Mountains in the Kern River Valley area in Kern County. The majority of the project site consists of vacant land within the ROW or in prescriptive areas adjacent to State Route 178 and State Route 14 that have been cleared, graded, and maintained.

Project Description: The proposed project consists of installation of armored loose tube fiber cable for 32.4 miles from the current Ridgecrest system connection in Inyokern to a connection location in Onyx. The cable would primarily be installed underground with plowing or directional boring processes in the ROW, prescriptive areas adjacent to SR 178 and SR 14, and at four boring locations under the road. Exceptions to this include: seven new Mediacom-owned utility poles that pass the cable over two LADWP Los Angeles Aqueducts; the cable installed on SCE poles in an existing utility easement and/or 25-foot BLM License Agreement Area outside the Caltrans ROW; over Canebrake Creek where cable would be attached to the Bridge; and cable installed under the roadbed for a section of the route with steep topography where Caltrans restricts new utility poles. The proposed project provides installation of 17 vaults and two aerial splice cases for cable splice points and cable route identification markers.

The proposed project would include the following operational activities and design elements to address potential effects to the existing environment. With the incorporation of these operational activities and design elements into the proposed project, the Initial Study and the Response to Comments on the Initial Study found that no significant impact or no impact would occur to the potential environmental issues analyzed.

1. All vehicles and equipment will remain on existing roads, or within the 15-foot wide access route to the vaults approved by the biological monitor.
2. Approved work areas, including the vault access route and vault area, will be clearly marked to prevent inadvertent disturbance to native vegetation and desert tortoise burrows.

3. No trees will be disturbed or removed.
4. All burrows suitable for use by desert tortoise and Mojave ground squirrel will be avoided by construction activities.
5. Within 30 days of the beginning of construction, the work area will be resurveyed to confirm no burrows suitable for use by desert tortoise or Mojave ground squirrel occur within the work area. However, if work occurs when desert tortoises are active, the work area will also be resurveyed the day prior to the beginning of construction. Areas that will be resurveyed include the cable installation areas, vault areas, existing utility poles and new pole locations, and vault and pole access routes.
6. A qualified biological monitor will be engaged to conduct surveys, implement environmental protection measures and assist construction personnel in avoiding impacts to native vegetation and wildlife. If installation occurs when desert tortoise are active, the biological monitor will be present at all times. If installation occurs when desert tortoise are less active, the biological monitor will be on call to conduct surveys and make periodic site visits to ensure environmental measures are being implemented when the cable installation is installed in disturbed right of way immediately adjacent to State Route 178. If a desert tortoise is at risk, the biological monitor will have the authority to stop work until the animal has left the work area.
7. The biological monitor will be on site during construction activities within or immediately adjacent to designated critical habitat for the southwestern willow flycatcher (sheets 52-54 and 61-62 of the 1-24-18 Drawings prepared by Sikand).
8. All workers will attend an education session conducted by a qualified biologist. The session will cover sensitive species identification and avoidance measures. The education session will provide specific information on what workers should do if they encounter desert tortoise either within the work area or on the adjacent roadways. The qualified biologist will instruct workers to move any desert tortoise they observe on the adjacent roadways to safety, without risk to themselves. The session will provide instruction on the proper techniques for handling a desert tortoise in the roadway and that the feeding of wildlife (including common ravens and coyotes) is prohibited.
9. If possible, work within desert tortoise habitat will occur during the season when tortoises are inactive.
10. The area below vehicles and equipment will be inspected for wildlife prior to moving, during time periods or temperatures when desert tortoise and Mojave ground squirrels may be active. The biological monitor will remind workers that small desert tortoises may also be present. If a desert tortoise is present, the vehicle will not be moved until the desert tortoise has left of its own accord. If the desert tortoise has not moved and the vehicle cannot remain in place, the biological monitor will guide the movement of the vehicle so that the desert tortoise is not harmed. If temperatures are such that the desert tortoise may

experience hyperthermia, the biological monitor will take appropriate measures to protect the desert tortoise.

11. All pipes, culverts or similar structures with a diameter of 4 inches or greater, will be capped or otherwise covered to prevent animal entrance. All structures not capped or otherwise covered will be inspected prior to burial or closure.
12. Any trenches, holes or pits left open overnight will be covered or otherwise secured to prevent animals from becoming entrapped inside.
13. Pets will not be permitted onsite.
14. Trash and food debris will be kept in closed containers and regularly removed from the site.
15. Standard stipulations for cultural resources include the following:
 - a. No ROW identification signs or other visual intrusions are allowed within Walker Pass National Historical Landmark (NHL).
 - i. The archaeological monitor will be on site during construction activities within or immediately adjacent to the Walker Pass NHL as outlined in the attached Monitoring and Unanticipated Discovery (MUD) Plan (sheets 29 through 30 of the 1-24-18 Drawings prepared by Sikand).
 - ii. Signs must meet Caltrans requirements.
 - b. If human remains are discovered during project construction, all work will immediately cease surrounding the discovery. The Applicant will ensure that the discovery is secured and protected. The Applicant will adhere to regulations outlined in BLM Instruction Memorandum No. CAIB-2016-012 including contacting the appropriate County Coroner, BLM Field Manager, Law Enforcement Officer, and Archaeologist. Work will only be allowed to continue with written approval from the appropriate BLM Field Manager once the appropriate level of cultural inventory has been determined and completed.
 - c. No impacts to significant cultural resources or historic properties are authorized as a result of this permit. An inadvertent discovery is defined as the identification of previously unknown cultural resources within the Right-of-way. Cultural resources can be many different things but include buried artifacts, arrowheads, stone tools, glass bottles, tin cans, and stone hearths. If an inadvertent discovery is noted within the proposed maintenance project, all work will immediately cease surrounding the discovery and the BLM Archaeologist will be contacted immediately. The Applicant will ensure that the discovery is secured, protected, and held confidential. Work will only be allowed to continue with written approval from the appropriate BLM Field Manager once the level of cultural inventory has been determined and completed.
 - d. For the duration of the project, all workers will follow the Monitoring and Unanticipated Discovery Plan (see attached MUD Plan). This includes attending a cultural resources training program, and coordinating all ground

disturbing activity as defined in the attached MUD Plan to include an Archaeological and Native American Monitor. See MUD Plan for additional responsibilities and requirements including the definition of the Area of Potential Effects (confidential maps related to cultural resource monitoring will be provided to a qualified archaeologist upon approval of a fieldwork authorization and are exempt under the Freedom of Information Act).

- e. Any changes to the construction plan that would extend beyond the APE identified during Section 106 NHPA review would require future communication with the BLM to identify any potential effect to cultural resources and Native American values.

Findings: It has been found that this project, as described and proposed herein, will not have a significant effect on the environment and that an Environmental Impact Report (EIR) is, therefore, not required. A brief statement of reasons supporting such findings is as follows:

- (1) The proposed project would not have a substantial adverse effect on a scenic vista or scenic resources, substantially degrade the existing visual character of the project site, or adversely affect day or nighttime views.
- (2) The proposed project would not result in the loss of agricultural or forest resources or mineral resources.
- (3) The proposed project would not have a significant effect on air quality or biological resources.
- (4) The proposed project would not have an impact on cultural resources.
- (5) The proposed project would not result in an increase in the exposure people or structures to geotechnical hazards or cause soil erosion and loss of topsoil.
- (6) The proposed project would not result in a significant effect as a result of greenhouse gas emissions.
- (7) The proposed project would not result in a significant effect related to hazards or hazardous materials and the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- (8) The proposed project would not create a demand for water that might substantially degrade or deplete groundwater resources or interfere with groundwater recharge capabilities.
- (9) The proposed project would not result in an effect to existing drainage and water quality or expose people or structures to flood hazards.
- (10) The proposed project would not conflict with existing or planned land uses, induce substantial population growth, or the need for the construction of replacement housing.
- (11) The proposed project would not have a significant effect related to noise or ground-borne vibration and noise.
- (12) The proposed project would not have an effect on recreation, public services, and utilities.

- (13) The proposed project would not have a significant effect related to transportation and traffic.
- (14) The proposed project would not be growth inducing.

Public Inquiry: Any person may object to dispensing with such EIR or respond to the findings herein. Information related to the proposed project is on file at the CPUC located at 505 Van Ness Avenue, San Francisco, CA 94102. Any person wishing to examine or obtain a copy of that information or this document, or seeking information as to the time and manner to so object or respond, may do so by inquiring at said office during regular business hours.

A copy of the Initial Study is attached hereto.

Proposed Negative Declaration Date: January 7, 2018

Proposed Negative Declaration Review Period: January 7, 2019 to February 6, 2019

Approval of Negative Declaration: August 15, 2019



Andrew Barnsdale, Senior Analyst
California Public Utilities Commission
Infrastructure Permitting and CEQA, Energy Division
550 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 703-3221

Governor's Office of Planning & Research

AUG 22 2019

STATE CLEARINGHOUSE