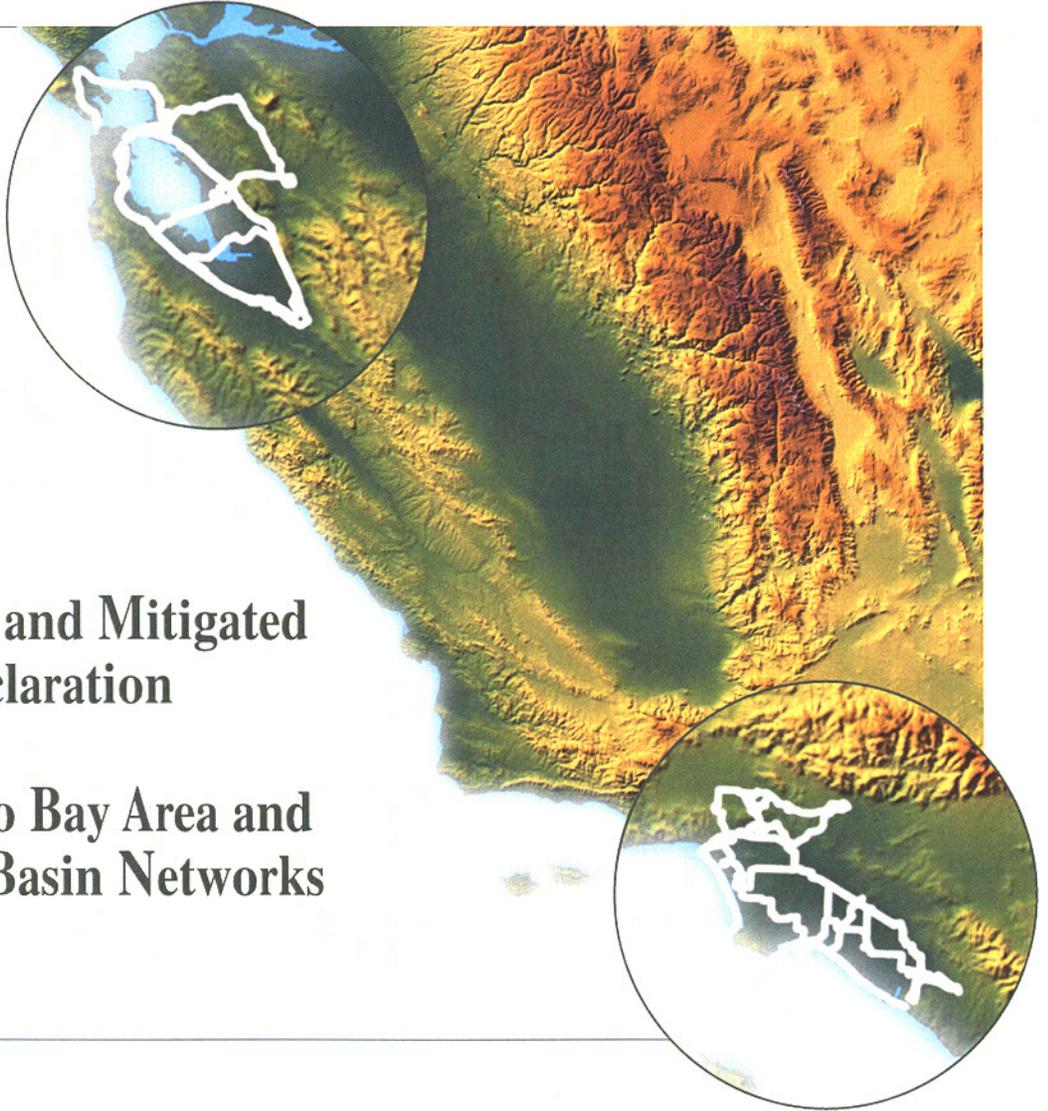


Metromedia Fiber Network Services, Inc.



**Final
Initial Study and Mitigated
Negative Declaration
for the
San Francisco Bay Area and
Los Angeles Basin Networks**

Volume I

August, 2000

Prepared for the:

**California Public
Utilities Commission**

Submitted by:

SAIC Science Applications
International Corporation
An Employee-Owned Company

Metromedia Fiber Network Services, Inc.

**Final
Initial Study and Mitigated
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Volume I**

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Submitted by:



**Metromedia Fiber Network Services, Inc.
San Francisco Bay Area and Los Angeles Basin Networks**

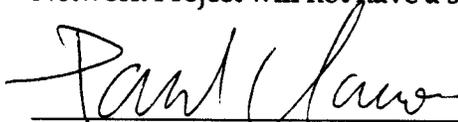
**Initial Study
and
Final Mitigated Negative Declaration
(SCH #2000062099)**

The California Public Utilities Commission (CPUC) completed a Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the Metromedia Fiber Network Services San Francisco Bay Area and Los Angeles Basin Networks. On June 19 and 20, 2000, CPUC Notices of Availability for this document were mailed to over 64,000 property owners whose properties would be crossed or adjacent to properties crossed by a project route. On June 19 and 27, 2000, a Public Notice was published in 12 general circulation newspapers (publication occurred in an additional general circulation newspaper on June 20 and 28, 2000) also announcing the availability of the document for public review, in compliance with the California Environmental Quality Act (CEQA). Approximately 140 copies of the document were distributed for review, including to the State Clearinghouse; 67 city and county libraries in areas affected by the project; 60 city and county planning departments, community development departments, or city hall/city managers (for those cities too small to have a designated planning department) through which the cable route would travel; and other appropriate state, county, and city agencies. The 30-day review period began on June 20, 2000 and closed on July 20, 2000.

As the lead CEQA agency, the CPUC prepared a response to all written comments received during the public review period on the Draft IS/MND. Volume I of the Final IS/MND includes all written comments, responses to those comments, and the changes to the Draft document. Volume II of the Final IS/MND is the same as the Draft IS/MND, except for the cover and title page which were changed to show that it is a "Final" document and to reflect an August 2000 publication date. Because Volume II of the Final IS/MND is the same as the Draft IS/MND, it is not being distributed with the Final document.

FINDINGS

Based on the analysis in the IS/MND and the Mitigation Measures identified in the MND, the CPUC finds that the Metromedia Fiber Network Services San Francisco and Los Angeles Network Project will not have a significant effect on the environment.



Paul Clano, Director
Energy Division
California Public Utilities Commission

8.9.2000

Date

Metromedia Fiber Network Services San Francisco Bay Area and Los Angeles Basin Networks

Contents of the Final Initial Study/ Mitigated Negative Declaration

Volume I

- Comments on the Draft Initial Study/Mitigated Negative Declaration
- Responses to Comments on the Draft Initial Study/Mitigated Negative Declaration
- Changes to the Draft Initial Study/Mitigated Negative Declaration

Volume II

- Draft Initial Study/Mitigated Negative Declaration

**Comments on the Draft Initial Study/
Mitigated Negative Declaration**

DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
(858) 467-4235

August 2, 2000

John Boccio
Science Applied International Corporation
816 State Street Suite 500
Santa Barbara CA 93101

**Comments on the Mitigated Negative Declaration for the
Metromedia Fiber Network Service Inc.
San Francisco, Los Angeles and Orange County**

Dear Mr. Boccio:

The Department of Fish and Game has reviewed the Mitigated Negative Declaration (MND) for the proposed Metromedia Fiber Network Service Inc. project we received on June 28, 2000. The proposed project is the installation of conduit and related facilities to create a fiber optic cable system for the San Francisco and Los Angeles metropolitan areas.

Most installation and construction will occur within existing disturbed road right-of-ways to avoid sensitive habitats. Sections of sensitive habitat along the project route will be avoided by directional boring when possible. The San Francisco segment of the project identifies 84 crossings of wetlands and streams primarily located along the Peninsula Backbones and East Bay Backbones. The Los Angeles and Orange County segments of the project identify 25 crossings of 17 waterways, most of these being manufactured flood control channels. Environmental Services staff from the San Francisco (Central Coast Region) and Los Angeles (South Coast Region) areas are providing these comments.

General Issues

Horizontal directional drilling (HDD) is usually the preferred method to minimize environmental impacts to stream channels and wetlands. Nevertheless, "frac-outs," the release of drilling lubricants to the surface, have been observed at regular frequencies for HDD throughout California. The risk of frac-out due to directional boring needs to be identified in areas where sensitive species are known to occur, and site-specific mitigation measures should be developed in advance to minimize impacts. This should include planned mitigation for the necessity to enter channels and conduct spill containment and cleanup. The project should demonstrate the ability to restore sites after these events; this should address issues of *reconitouring of the bed, bank and channel*, as well as revegetation.

3 | Monitoring should also be done by qualified biologists at all sites with habitats suitable for sensitive species. The Department also recommends that the CPUC hire independent, "third-party" monitors at all construction segments to insure an adequate level of resource monitoring and protection.

4 | The Department also recommends setbacks be established outside the riparian habitats to avoid impacts to riparian vegetation. In the South Coast Region, construction in proximity to riparian habitats known to harbor sensitive bird species will not be allowed from March 15 to September 15 to avoid the breeding season of sensitive species.

5 | The Department recommends, because of high percentages of frac-out occurrence documented by the Department from previous fiber optic cable projects, the applicant should obtain Streambed Alteration Agreements pursuant to section 1600 *et seq.* of the Fish and Game Code and a permit from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act before construction. Streambed Alteration Agreements will allow the applicant to fully identify potential impacts to riparian resources on site and specify avoidance, minimization and mitigation measures that would be employed to address any habitat.

Central Coast (San Francisco) Region Species

6 | The Department also is concerned about the potential for indirect effects to sensitive species that might be outside the area of direct impacts. Frac out of bentonite clay can cause the destruction of egg clutches of frogs and salamanders down stream from construction activities. Bentonite covers the gravelly bottom with a fine clay making it unsuitable habitat for breeding reptiles and amphibians and spawning salmonids. The Department recommends focused surveys for sensitive species, including the San Francisco garter snake and California red-legged frog. Surveys for nesting of sensitive avian species present on-site should include loggerhead shrike, burrowing owls, Northern Harrier and White-tailed kite. Directional boring is also proposed under streams that are known spawning grounds for two salmonid species: chinook salmon (*Onchorhynchus tshawytscha*) and California steelhead (*Onchorhynchus mykiss*). The Department recommends that a qualified biologist should be on site shortly before and during construction to monitor for the possible presence of spawning salmonid and other sensitive species whenever there is wet, flowing or ponding water. Construction activities with the potential for the need to enter streams that may harbor steelhead (such as San Francisquito, Alameda, or Coyote) should not begin before June 1.

Los Angeles and Orange County Sensitive Species

7 | The San Diego Creek crossing proposed in the project's Irvine segment is known breeding habitat for the endangered Least Bell's vireo. The Department recommends a focused survey be completed according to U.S. Fish and Wildlife Protocol to determine presence/ absence of the

John Boccio
August 2, 2000
page 3

species. Flood control channels can support foraging and other uses by native species, and construction activities should avoid high use periods.

↑
7

The Department appreciates the opportunity to comment on you project if you have any questions or comments please contact Erinn Wilson (South Coast Region) at (858) 636-3167 Serge Glushkoff (Central Coast Region) at (707) 944-5597.



Carl Wilcox
Environmental Program Manager
Central Coast Region

Sincerely,



William E. Tippetts
Habitat Conservation Supervisor
South Coast Region

cc: Department of Fish and Game
Files, Leslie MacNair, Terri Dickerson

U.S. Fish and Wildlife Service
Jim Bartel

U.S. Army Corps of Engineers
San Diego office

DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING - MS 32
1120 N STREET
P.O. BOX 942574
SACRAMENTO, CA 94274-0001
Telephone (916) 653-9689
Fax (916) 653-1447



July 19, 2000

Mr. John Boccio
c/o California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Subject: Caltrans Review of State Clearinghouse (SCH) #2000062099 for Metromedia Fiber Network Services, Inc. Draft Initial Study and Mitigated Negative Declaration

Dear Mr. Boccio:

Thank you for the opportunity to review this State Clearinghouse document. The California Department of Transportation (Caltrans) has reviewed this document with the Caltrans headquarters Division of Structures, headquarters Intergovernmental Review (IGR) Program, and the intergovernmental review branches in Caltrans districts 4 (Oakland) and 7 (Los Angeles). Caltrans has the following comments:

The "Mitigation Measures TRANS-1" page 6.15-4 generally cover encroachment and have good traffic control plan recommendations. Compliance with State requirements for encroachment permits is indicated in this same paragraph (page 6.15-4). The encroachment permit applicant should be aware that additional environmental studies might be required to receive permit approval. Caltrans encroachment permits are discretionary and not ministerial. Longitudinal encroachments on restricted access right of way (i.e. primarily freeways) are generally not allowed. There is an appeal process that allows exceptions to this general rule. Timely application for Caltrans encroachment permits must be made to the District Encroachment Permit Engineer having jurisdiction (district jurisdictions are shown on the attached map). Sufficient time must be allowed for the Permit Engineer and the district Environmental Branch to review the project and its impacts to Caltrans right of way. These reviews might indicate the need for additional studies and clearances on historical, archaeological, and other environmental resources. Is this project applicant prepared to do additional studies should they be necessary?

Please see additional comments (attachment) submitted by our District 4 office. If you have any questions, call me at (916) 653-9689.

Sincerely,

William J. Costa, Coordinator
Caltrans Intergovernmental
Review Program

Attachments

cc: Katie Shulte Joun, SCH# 2000062099
Steve Buswell, D-7; Jean Finney, D-4
Nick Burmas, HQ Structures

Memorandum

To: **BILL COSTA**
Department of Transportation Planning
Transportation Planning Program
P.O. Box 942874 - MS 32
Sacramento, CA 94274-0001

Date: July 19, 2000

File: SF000008

From: **DEPARTMENT OF TRANSPORTATION - D4**
Office of Transportation Planning B

Subject: **Draft Environmental Impact Report (DEIR) for the proposed Metromedia Fiber Optic Cable Network in the San Francisco Bay Area and the Los Angeles Basin; California Public Utilities Commission (CPUC)**

District 4 has reviewed the above referenced document and we have the following comments to offer:

1. We are concerned that construction activities along State right-of-way (ROW) could potentially distract drivers and increase congestion by compromising road safety. Therefore, please request the project sponsor to install gawk screens around the fiber optic installation sites along state routes and highways within the San Francisco Bay Area. 1
2. Finally, should there be a need to perform any work or traffic control within the State ROW, please note that such activities will require an encroachment permit. To apply for an encroachment permit all applicants are required to submit a completed application with appropriate environmental documentation and five (5) sets of plans (in metric units) which also show State ROW to the following address: 2

G. J. Battaglini, District Office Chief
Office of Permits
Caltrans, District 04
P. O. Box 23660
Oakland, Ca 94623-0660

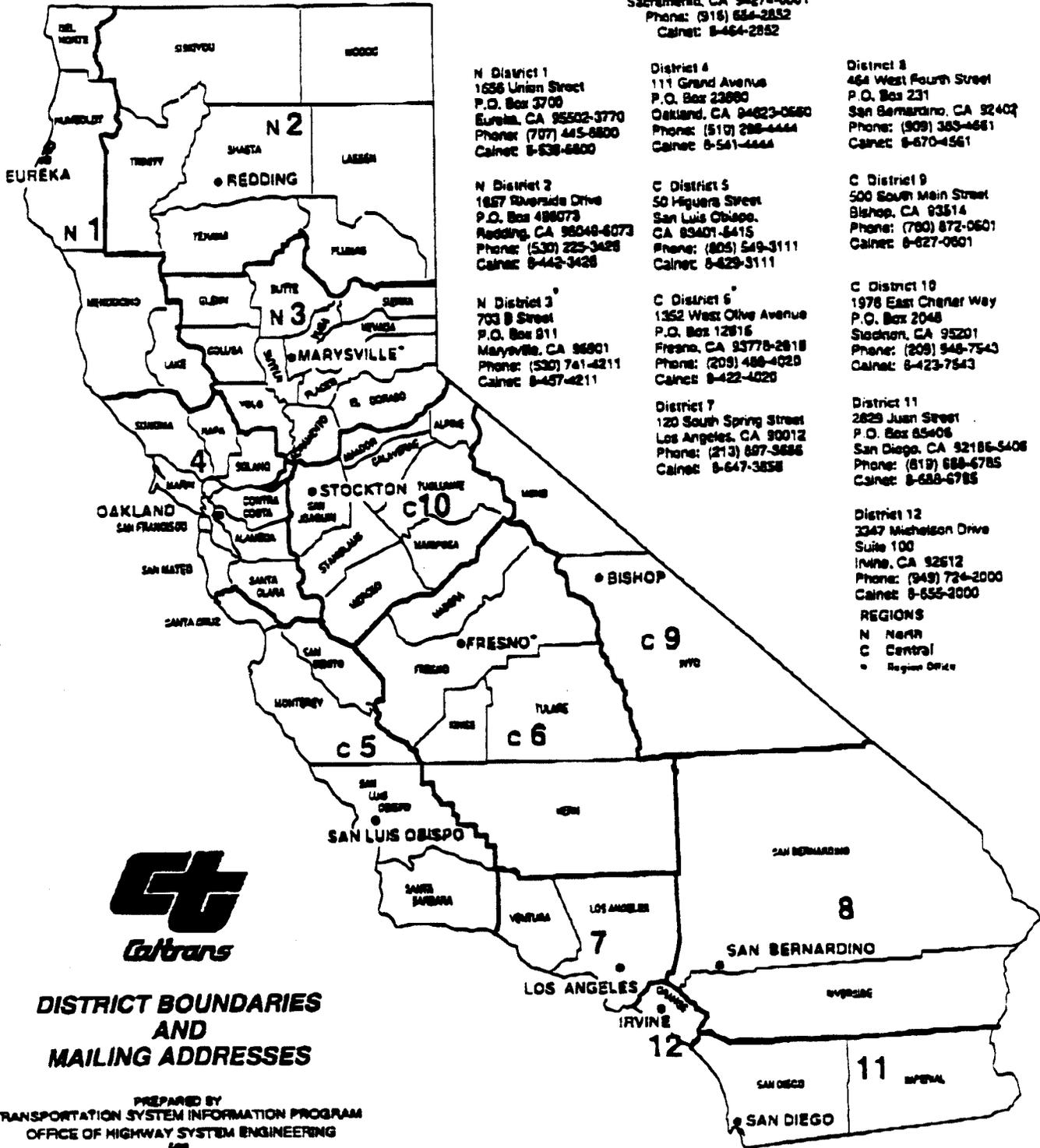
If you have any questions regarding this memorandum, please contact Nandini N. Shridhar of my staff at Calnet 542-1642.



JEAN C.R. FINNEY
District Branch Chief
IGR/CEQA

STATE OF CALIFORNIA
Business, Transportation and Housing Agency
Department of Transportation

JOSE MEDINA
Director
California Department of Transportation
1120 N Street
P.O. Box 942674
Sacramento, CA 94274-0001
Phone: (916) 654-2852
Cairtel: 8-464-2852



N District 1
1656 Union Street
P.O. Box 3700
Eureka, CA 95502-3770
Phone: (707) 445-6800
Cairtel: 8-538-6800

N District 2
1657 Riverside Drive
P.O. Box 488073
Redding, CA 96048-6073
Phone: (530) 225-3428
Cairtel: 8-443-3428

N District 3
703 B Street
P.O. Box 511
Marysville, CA 96001
Phone: (530) 741-4211
Cairtel: 8-457-4211

District 4
111 Grand Avenue
P.O. Box 23800
Oakland, CA 94623-0680
Phone: (510) 288-4444
Cairtel: 8-541-4444

C District 5
50 Higuera Street
San Luis Obispo,
CA 93401-6415
Phone: (805) 549-3111
Cairtel: 8-629-3111

C District 6
1352 West Olive Avenue
P.O. Box 12816
Fresno, CA 93778-2818
Phone: (209) 488-4020
Cairtel: 8-422-4020

District 7
120 South Spring Street
Los Angeles, CA 90012
Phone: (213) 697-3686
Cairtel: 8-647-3686

District 8
464 West Fourth Street
P.O. Box 231
San Bernardino, CA 92402
Phone: (909) 383-4861
Cairtel: 8-670-4561

C District 9
500 South Main Street
Bishop, CA 93514
Phone: (780) 872-0601
Cairtel: 8-627-0601

C District 10
1978 East Chener Way
P.O. Box 2048
Stockton, CA 95201
Phone: (209) 948-7543
Cairtel: 8-423-7543

District 11
2829 Juan Street
P.O. Box 65408
San Diego, CA 92186-5408
Phone: (619) 688-6785
Cairtel: 8-688-6785

District 12
3247 Michelson Drive
Suite 100
Irvine, CA 92612
Phone: (949) 724-2000
Cairtel: 8-655-2000

REGIONS
N North
C Central
• Region Office



**DISTRICT BOUNDARIES
AND
MAILING ADDRESSES**

PREPARED BY
TRANSPORTATION SYSTEM INFORMATION PROGRAM
OFFICE OF HIGHWAY SYSTEM ENGINEERING
1/78

JUL 24 2000

SAIC Santa Barbara



CITY OF ANAHEIM, CALIFORNIA

Planning Department

July 20, 2000

Debra Pontifex
Science Applications International Corporation
816 State Street
Suite 800
Santa Barbara, CA 93101

Re: Draft Initial Study and Mitigated Negative Declaration for the San Francisco Bay Area and Los Angeles Basin Networks (Metromedia Fiber Network Services, Inc.)

Dear Ms. Pontifex:

Thank you for the opportunity to review and comment on the above-referenced document. City of Anaheim staff offer the following comments:

1. **Franchise Agreement** - The City of Anaheim Finance Department would like to participate in discussions to establish a franchise agreement to compensate the City for rights-of-way (ROW) that would be utilized by Metromedia Fiber Network Services, Inc. This Department currently monitors franchise payments from other utility companies that have infrastructure in the City's ROW. The applicant should contact Edina Goode, Senior Management Analyst, of the City of Anaheim Finance Department at (714) 765-5182 to discuss this matter. | 1

2. **Traffic Control/Underground Utilities** - The City of Anaheim Public Works Department, Design Division, requests the subject document address the following issues: | 2
 - a. Section 5.15.2.2, titled "Los Angeles Basin Network" needs to respond to the City of Anaheim's requirement to provide a traffic control plan to re-route vehicles during construction.
 - b. Section 6.0-1, titled "Environmental Impacts and Mitigation Measures", needs to address the following:
 - Traffic control plans proposed within the City of Anaheim must be reviewed and approved by the Public Works Department;

2

- A ROW permit from the City of Anaheim must be obtained for any work proposed within Anaheim public ROWs; and,
- Impacts to City of Anaheim sewer and storm drainage facilities need to be identified in addition to providing appropriate mitigation measures. Prior to adoption of the proposed Mitigated Negative Declaration, the City of Anaheim requests the opportunity to review and comment on the revised mitigation measures that address this particular issue.

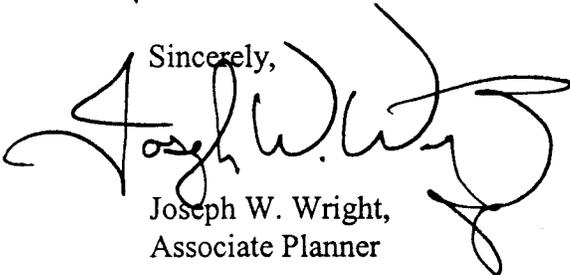
3

Should you have any questions regarding the locations or types of underground utilities at the project site, please contact Mark Komoto, Principal Civil Engineer, at (714) 765-5259, Extension 5821. All inquiries for obtaining a ROW permit should be directed to Joanne Williams at (714) 765-4431.

4

Again, we would like to thank you for the opportunity to comment on this Initial Study/Draft Mitigated Negative Declaration. Please forward any subsequent public notices and/or environmental documents regarding this project to my attention at the address listed on the first page of this letter. If you have any questions regarding this response, please do not hesitate to contact me at (714) 765-5139, Extension 5750.

Sincerely,



Joseph W. Wright,
Associate Planner

cc: Russ Maguire, PW-Design
Mark Komoto, PW-Design
Bill Sweeney, Finance
Edina Goode, Finance



Community Development Department

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 (949) 724-6000

*Transmitted via Facsimile
Original to Follow via US Mail*

July 20, 2000

John Boccio
California Public Utilities Commission
505 Van Ness Avenue, Fourth Floor
San Francisco, CA 94102

Post-it® Fax Note	7671	Date	7/20	# of pages	2
To	JOHN BOCCIO	From	SARAH CURTIS		
Co/Dept.		Co.	CITY OF IRVINE		
Phone #		Phone #	(949) 724-6354		
Fax #	(415) 703-2200	Fax #			

Subject: Metromedia Fiber Network Services, Inc. - Draft Initial Study and Mitigated Negative Declaration for the San Francisco Bay Area and Los Angeles Basin

Dear Ms. Cagle:

The City of Irvine has reviewed the Draft Initial Study and Mitigated Negative Declaration for the above project and has the following comments:

- Fashion Island is a shopping center located wholly in Newport Beach. In fact, on Figure A17-1 "Irvine Segment" the southernmost portion of the green line is shown traversing half of a circular road. That circular road, called Newport Center Drive, encircles Fashion Island. Naming the segment that is only in Irvine, "Fashion Island Segment" and the one that is near Fashion Island in Newport Beach, "Irvine Segment" creates confusion. To prevent this confusion, change the name of the Fashion Island Segment to the Irvine Segment and vice versa. Then, double check that all references throughout the document are tied to the correct geographical location. | 1
- Page 4-6, Fashion Island Segment, under column two, "Street/Segment", third line, "Irvine Center Road" should read "*Irvine Center Drive*." Ditto for column 3, "Between", line 4. | 2
- Table 5.11-2, page 5.11-13, *Construction Hours Limitations* for the Irvine Jurisdiction needs to be corrected as follows: "7:00 a.m. to 6:00 p.m. or dusk, whichever comes first weekdays; 9:00 a.m. to 6:00 p.m. or dusk, whichever comes first Saturdays;" These are the construction hour limitations for grading/excavation work. | 3
- Section 6.1 Aesthetics, page 6.1-4, lines 25 and 26: since there are Covenants, Conditions and Restrictions in effect in the areas of the City of Irvine where the POP's are being proposed, please modify that sentence to read, "... and to comply with local architectural | 4

4 ↑ design requirements *and any applicable Covenants, Conditions and Restrictions (CC & R's)*." These CC & R's are a legal requirement of the property and are not under the control of the City.

5 | • All construction activities carried out within the City of Irvine must receive appropriate City permits.

6 | • Finally, please forward future correspondence to:

Sheri Vander Dussen, Director
City of Irvine
Community Development Department
1 Civic Center Plaza
Irvine, CA 92623

These are the City of Irvine's comments regarding the information provided. We welcome further information regarding this project, should it become available. Thank you for the opportunity to review the proposed project. If you have any questions or comments regarding this matter, please contact me at (949) 724-6354 or Shawn Thompson, Senior Civil Engineer, at (949) 724-6358.

Sincerely,



BARRY CURTIS, AICP
Senior Planner

cc: SAIC, Attn: Chantal Cagle, 816 State Street, #500, Santa Barbara, CA 93101
Leslie Aranda, Principal Planner
Shawn Thompson, Senior Civil Engineer



July 3, 2000

Mr. John Boccio, Project Manager
California Public Utilities Commission
C/O SAIC
816 State Street, Suite 500
Santa Barbara, CA 93101

RECEIVED

JUL 05 2000

SAIC Santa Barbara

Dear Mr. Boccio:

I recently received a copy of the Metromedia Fiber Network Services, Inc. - Draft Initial Study and Mitigated Negative Declaration for the San Francisco Bay Area and Los Angeles Basin Networks. Prior to receiving this lengthy document, I was never contacted by a representative of Metromedia to advise of this impending project. Had they contacted us in advance, we could have provided valuable input regarding the choice of routes through our city. | 1

The route map shows that the cable will proceed northward from Long Beach on Clark Avenue. It will then proceed west on Carson Street to Bellflower Boulevard where it will turn north through Lakewood into the cities of Bellflower and Downey. Approximately two years ago, the City of Lakewood resurfaced Bellflower Boulevard from Del Amo Boulevard to the north city boundary. We will not allow excavation in any street that has been resurfaced within the past five years, so this route is a poor choice. Perhaps selecting Clark Avenue through Lakewood would have been a better choice, particularly because it is adjacent to commercial property, rather than all residential on Bellflower Boulevard. In addition, the City of Bellflower recently resurfaced Bellflower Boulevard in their jurisdiction. | 2

I would suggest that a meeting to resolve these important route issues could be very helpful. I would be happy to provide a room for such a meeting and invite representatives from both Bellflower and Downey, so that all concerns about the routes could be aired in one forum. You may contact me at 562-866-9771, extension 2500 or via email at lrapp@lakewoodcity.org. | 3

Sincerely,

Lisa Ann Rapp

Lisa Ann Rapp
Director of Public Works

c: Howard L. Chambers, City Manager
Mike Eagan, City Manager, Bellflower
June Yotsuya, Assistant to the City Manager, Downey

Lakewood



Town of Corte Madera

300 TAMALPAIS DRIVE AT WILLOW AVENUE
P.O. BOX 159, CORTE MADERA, CA 94976-0159

July 20, 2000

Mr. John Boccio, Project Manager
California Public Utilities Commission
c/o SAIC
816 State Street
Suite 500
Santa Barbara, CA 93101
Fax (805) 965-6944

RE: Draft Initial Study and Mitigated Negative Declaration for the San Francisco Bay Area and Los Angeles Basin Networks for Metromedia Fiber Network Services, Inc.

Dear Mr. Boccio:

The Town of Corte Madera offers the following comments with regard to the above referenced project.

1. The Town did not receive Notice of Publication of this document. Further, the Town understands that there may be a number of Responsible Agencies in Marin County that did not receive Notice of Publication. Additionally, Metromedia Fiber Network Services, Inc. (MFN) has not mentioned its existence in numerous conversations the Town has had with MFN. 1
2. The project does not include any work in Corte Madera. This understanding of the document was confirmed in a discussion with Linda M. Poksay, Senior Environmental Planner with SAIC. Ms. Poksay stated also she would follow up with the Town regarding MFN's intentions in Corte Madera when she knew more. The Town has not heard back from Ms. Poksay, as of this date. 2
3. Corte Madera explicitly would require a new environmental document be prepared for any work in Corte Madera. The document states on page 3-2, "The impacts associated with these loops would be the same as those for the project. Therefore, 3

Mr. John Boccio

July 20, 2000

Page 2

3 the mitigation measures proposed as a part of the project and identified in this ND
... would avoid or reduce to insignificant the impacts associated with the future
construction of these loops.” The clarification of Ms. Poksay notwithstanding (Item
2, above), a future reader of this document might attempt to use this statement to
exempt all potential future work MFN might wish to perform from any CEQA
requirements. Clearly, this would not be correct or in compliance with CEQA
requirements. The Town of Corte Madera, for example, cannot review this
document and decipher how it might apply to unspecified, unidentified, unknown
future work in Corte Madera. Any such work would be a new project under CEQA
and the Town should be notified and provided an opportunity to provide
meaningful comments, rather than comments based on speculation as to what MFN
might wish to do in the future.

4 4. Because the project does not include any work in Corte Madera and because the
Town received the document on July 10, 2000 (only after hearing about its
presence by word of mouth and calling to request a copy), a detailed review of the
document was not performed. The following general comments are provided,
however:

5 a) In Marin County, the project appears to go through areas which are not public
rights of way, contrary to statements made in the document. Additionally, the
project appears to go through some sensitive wetlands and other habitats in Marin
County, yet the document does not identify or address those areas or potential
impacts to them.

6 b) The document does not address the impact of occupying space in the public right of
way. This space is a limited resource to the community and when it is used up,
additional utilities and services would be difficult to provide to the community.
Particularly on many routes identified in Marin County, the rights of way are
extremely narrow and already congested. MFN has indicated verbally that its
primary clients are “Fortune 500” companies and that it does not plan to provide a
lot of local service, if any. Hence, the right of way of the local community – an
important resource – will be impacted and potentially wholly consumed for the sole
benefit of large corporations located elsewhere. The local community may be left
with no space in the right of way and may be forced to acquire land for sewer
easements elsewhere, for example.

7 c) The document does not address and mitigate the impacts on local roads due to the

Mr. John Boccio
July 20, 2000
Page 3

trenching and ongoing maintenance activities associated with the work. ↑ 7

- d) The document does not identify or address and mitigate the impacts of MFN client activities, once the MFN fiber is leased to others. 8

The Town would appreciate a response to the above comments with detailed mitigation measures to ensure that no adverse impacts will be created by the MFN San Francisco Bay Area and Los Angeles Basin Networks Project. 9

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at 927-5057.

Sincerely,



Suzanne Suskind
Director of Public Works/Town Engineer

cc: Jim Robinson, Town Manager
Jay Tashiro, Director of Environmental Services

11000 Crow Canyon Road
Route 1
Castro Valley, CA 94552
Tel.# (510) 582-7771

June 24, 2000

RECEIVED

JUN 29 2000

SAIC Santa Barbara

Mr. John Boccio, Project Manager
California Public Utilities Commission
c/o SAIC, 816 State Street,
Suite 500
Santa Barbara, CA 93101

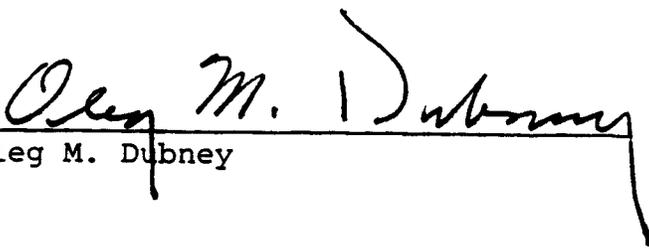
Dear Mr. Boccio:

NOTICE OF PUBLICATION

I received your Notice of Publication (copy enclosed) | 1
and I do not understand why I received the notice. Is my
property where I reside effected or are other properties
I own in Alameda, Contra Costa or Santa Clara Counties
effected?

Please advise me in writing. Thank you for your
cooperation.

Yours very truly,



Oleg M. Dubney

Enclosure -
As stated above

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



NOTICE OF PUBLICATION

of a

MITIGATED NEGATIVE DECLARATION

DATE: June 16, 2000
TO: Responsible Agencies and Interested Parties
APPLICANT: Metromedia Fiber Network Services, Inc.

RECEIVED JUN 23 2000

PROJECT: The California Public Utilities Commission (CPUC) announces the release of a draft mitigated negative declaration conducted to assess the potential environmental impact of a proposed project by Metromedia Fiber Network Services, Inc. (Metromedia) to install conduit and related facilities to create fiber optic networks. The purpose of this project is to provide needed fiber optic telecommunications capacity, and to expand and enhance California's national and international telecommunications access.

Project Location: Metromedia proposes to build fiber optic networks to serve the California metropolitan areas of the San Francisco Bay Area and the Los Angeles Basin. The project consists of (1) the installation of new conduit for fiber optic cable, (2) the repair or replacement of existing conduit through which Metromedia would pull fiber optic cable, and (3) the construction of ancillary facilities e.g., Point of Presence (POP) sites, which would be constructed by Metromedia at locations along the cable routes. A POP is the location where the cable would be connected to the Public Switched Telephone Network.

Nearly all of the work would be conducted inside existing disturbed rights-of-way (i.e., roadways or railroads), and the conduit buried through use of open trenching or directional boring. POPs would be installed at intervals along the routes, either located within existing buildings, or newly constructed within railroad rights-of-way or, in one case, on private property outside the railroad right-of-way at 25057 O'Neil Avenue, Hayward.

Environmental Process: Under the guidelines of the California Environmental Quality Act, the initial study assessed potential environmental impacts associated with constructing the cable networks. The initial study determined a mitigated negative declaration (MND) would be the appropriate environmental document for this project.

The MND examined the impact of the project on aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Overall, the MND found that the project would have no significant impact on the environment if specific mitigation measures are implemented. In general, these include avoiding and protecting sensitive wetland, archaeological, or environmental areas, complying with local permitting requirements, coordinating work with local agencies to minimize traffic disruption, controlling dust and erosion, conducting an environmental resources education program for construction personnel, retaining qualified environmental monitors for the construction process, and notifying residents and businesses in advance of construction. The negative declaration describes all required mitigation in detail.

Public Review: The document is available for public review for 30 days (June 15th-July 15th) at county libraries, planning or community development departments (see back), and on the Internet at www.cpuc.ca.gov. The CPUC invites you and other interested parties to submit comments on the document. The CPUC will consider all comments in the final document and before approving the project. Please send comments by mail by 5:00 PM on July 15, 2000 to John Boccio, Project Manager, California Public Utilities Commission, c/o SAIC, 816 State Street, Suite 500, Santa Barbara, CA 93101, or by fax at (805) 965-6944. For more information contact Deborah Pontifex of SAIC at (805) 966-0811, or via fax at the number above.

**County Libraries in the
San Francisco Bay Area:**

Alameda County Library
2450 Stevenson Blvd.
Fremont, CA 94538

Contra Costa County
Central Library
1750 Oak Park Blvd.
Pleasant Hill, CA 94523

Marin County Free Library
3501 Civic Center Dr.
San Rafael, CA 94903

San Francisco Public
Library
100 Larkin St.
San Francisco, CA 94102

San Mateo County Library
25 Tower Rd.
San Mateo, CA 94402

Santa Clara County Library
1095 N. Seventh St.
San Jose, CA 95112

**San Francisco Bay Area
Planning Department
Addresses:**

Alameda County
Planning Department
399 Elmhurst Street
Hayward, CA 94544

City Manager
The Town of Atherton
91 Ashfield Road
Atherton CA 94027

Belmont City Hall
Planning Department
1070 Sixth Avenue
Belmont, CA 94002

City of Berkeley
Planning Department
2118 Milvia Street
Berkeley, CA 94704

Brisbane City Hall
50 Park Place
Brisbane, CA 94005

Burlingame City Hall
501 Primrose Road
Burlingame, CA 94010

Danville Planning Division
510 La Gonda Way
Danville, CA 94526

Dublin City Planning and
Zoning
100 Civic Plaza
Dublin, CA 94568

City of Fremont
Planning Department
39550 Liberty Street
Fremont, CA 94538

Larkspur Community
Development
400 Magnolia Avenue
Larkspur, CA 94939

City of Menlo Park
Planning Division
701 Laurel Street
Menlo Park, CA 94025

Millbrae City Planning
621 Magnolia Ave
Millbrae, CA 94030

Milpitas City Planning and
Zoning
455 East Calaveras Blvd.
Milpitas, CA 95035

Mountain View City Hall
500 Castro Street
Mountain View, CA 94041

Newark Planning
37101 Newark Blvd.
Newark, CA 94560

Oakland City Planning
250 Frank H. Ogawa Plaza
3330
Oakland, CA 94612

City of Palo Alto
Planning Department
250 Hamilton Avenue
Palo Alto, CA 94301

Redwood City
Community Development
Department
1020 Middlefield Road
Redwood City, CA 94063

Richmond City
Planning Department
2600 Barrett Avenue
Richmond, CA 94804

San Bruno Planning and
Zoning
567 El Camino Real
San Bruno, CA 94066

San Carlos City Manager
600 Elm Street
San Carlos, CA 94070

City of San Francisco
Planning Department
1660 Mission Street
San Francisco, CA 94103

San Leandro Planning
Division
835 East 14th Street
San Leandro, CA 94577

San Mateo Community
Development
330 West 20th Avenue
San Mateo, CA 94403

City of San Rafael
Planning Department
1400 5th Avenue
San Rafael, CA 94901

San Ramon City Hall
2222 Camino Ramon
San Ramon, CA 94583

City of San Jose
Planning Department
801 N. 1st Street # 400
San Jose, CA 95110

Santa Clara Planning and
Development
1500 Warburton Avenue
Santa Clara, CA 95050

South San Francisco City
Manager
400 Grand Avenue
South San Francisco, CA
94080

City of Sausalito
Community Development
Department
420 Litho Street
Sausalito, CA 94965

Sunnyvale City Hall
456 West Olive Avenue
Sunnyvale, CA 94086

Walnut Creek Planning and
Zoning
1666 North Main Street
Walnut Creek, CA 94596

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July 21, 2000

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VIA FACSIMILE (415)703-2200 AND U.S. MAIL

Mr. John Boccio, Project Engineer
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Dear Mr. Boccio:

RE: Metromedia Fiber Network Application 00-02-039
Request of the Cities of Mill Valley and Sausalito

This letter follows our telephone conversation of today. As I mentioned, I am the City Attorney for both the City of Mill Valley and Sausalito. Both cities have been approached by Metromedia Fiber Network ("MFN") to obtain local encroachment permits and other entitlements for MFN's proposed fiber optic installation (the "project").

Thank you for agreeing to forward to me a complete version of the Mitigated Negative Declaration that I understand was circulated for public review. The Cities of Mill Valley and Sausalito did not receive notice of this document. These cities believe immediate review of the document is critical to determine if it is adequate to address the environmental impacts of the project in these cities.

Very recently, Mr. Howard Young of MFN furnished to the City Engineer of Sausalito a map prepared by MFN entitled, "Marin County, CA Fiber Network" with a revision date of July 5, 2000. The City Engineer of Mill Valley has also reviewed this map. The map depicts the project and denotes 3 different types of colored segments where there is "new build", "potential new build" and what appears to be existing conduit where new fiber optic has been, or is to be, pulled through.

Both cities are shown as having "potential new build" in certain areas and Sausalito is shown as having "new build" within the main thoroughfare through town - Bridgeway Avenue. This new build has been described by MFN as trenching and the construction and installation of new conduit and fiber optic cable. Mill Valley is depicted as having potential new build within certain wetlands areas in the southeast portion of the City. It appears the new build is

Mr. John Boccio, Project Engineer
Energy Division
California Public Utilities Commission
July 21, 2000
Page 2

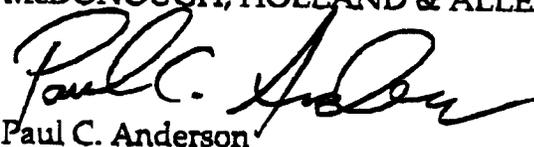
1 proposed within an old railroad right of way (now bike path) within the wetlands area of Bayfront Park. Trenching within this area and the impacts of construction (such as the transportation of materials and truck routes) are not explained. Consultation with the Bay Conservation and Development Commission may be necessary.

The Cities of Mill Valley and Sausalito would appreciate an opportunity to comment upon the Mitigated Negative Declaration. We request a 30-day period in which to study the new map, the Mitigated Negative Declaration and other information about the MFN project within these cities.

Please reply as soon as possible. By separate letter, I am requesting that the Cities of Mill Valley and Sausalito be officially notified of any and all proceedings in this matter.

Very truly yours,

McDONOUGH, HOLLAND & ALLEN



Paul C. Anderson

PCA:sfs

cc: Don Hunter, City Manager
City of Mill Valley
Fax# (415) 381-1736

Charlotte Flynn, Interim City Manager
City of Sausalito
Fax: 289-4167

Wayne Bush, Director
Public Works Department
City of Mill Valley
Fax: (415)381-1736

Gordon Sweeney, City Engineer
City of Sausalito
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333 South Grand Avenue
Los Angeles, CA 90071-3197
Fax: (213)229-7520

Mr. John Boccio, Project Engineer
Energy Division
California Public Utilities Commission
July 21, 2000
Page 3

cc (Cont.) Sean P. Beatty, Esq.
Cooper White & Cooper
201 California Street, 7th Floor
San Francisco, CA 94111
Fx: (415) 433-5330

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PAUL C. ANDERSON

August 7, 2000

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VIA FACSIMILE (415)703-2200 AND U.S. MAIL

Mr. John Boccio, Project Engineer
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Dear Mr. Boccio:

RE: Metromedia Fiber Network Application 00-02-039
Comments of the Cities of Mill Valley and Sausalito to the
Mitigated Negative Declaration

This letter provides the comments of the Cities of Mill Valley and Sausalito to the proposed Mitigated Negative Declaration. I am the City Attorney for both the City of Mill Valley and the City of Sausalito. Both cities have been approached by Metromedia Fiber Network ("MFN") to obtain local encroachment permits and other entitlements for MFN's proposed fiber optic installation (the "project").

As you know, Mr. Howard Young of MFN furnished to the City Engineer of Sausalito a map prepared by MFN entitled, "Marin County, CA Fiber Network" with a revision date of July 5, 2000. The City Engineer of Mill Valley has also reviewed this map. The map depicts the project and denotes 3 different types of colored segments where there is "new build," "potential new build" and what appears to be existing conduit where new fiber optic has been, or is to be, pulled through.

Both cities are shown as having "potential new build" in certain areas and Sausalito is shown as having "new build" within the main thoroughfare through town - Bridgeway Avenue. This new build has been described by MFN as trenching and the construction and installation of new conduit and fiber optic cable.

Mill Valley is depicted as having potential new build within certain wetlands areas in the southeast portion of the City. It appears the new build is

- 2 proposed within an old railroad right of way parcel (now bike path¹) within the wetlands area of Bayfront Park. Possible trenching within this area and the impacts of construction (such as the transportation of materials, staging of equipment, vehicles and supplies and the impact of transportation routes on existing pedestrian, bicycle and vehicle corridors) are not explained. It would appear that consultation with the Bay Conservation and Development Commission, the Regional Water Quality Control Board, the Army Corps of Engineers, Marin County, as well as various City departments is necessary to determine the scope of impacts to these areas of Mill Valley and effective mitigation measures.
- 3 Additionally, the segment identified on the map as being between "SB360" and "82" in a general east/west direction is not in a public right of way and appears to directly conflict with the Mill Valley Community Center, the Mill Valley Middle School and its associated teaching marsh.
- 4 The Mitigated Negative Declaration addresses MFN's project only as to "new build" in Sausalito. As to "potential new build," the Mitigated Negative Declaration omits entirely any discussion of the impacts of the project to the potential new build areas within Mill Valley and Sausalito depicted on the map. This is a critical defect in the CEQA document.
- 5 Mr. Sean Beatty and Ms. Robin Hauer of MFN met with me on Friday, July 28 to explain the map. A letter dated July 27, 2000 was hand-delivered at that time (a copy of which is attached hereto).
- 6 The letter addresses the ambiguous term "Potential New Build" on the map, but does not provide assurance that no actual new construction will be occurring. Instead, the second paragraph concludes, "MFN intends to pull fiber through these sections of existing conduit, but still has not confirmed with certainty that capacity is available." If capacity is unavailable, or otherwise problematic, or if the conduit is not in a suitable condition to accept MFN's fiber system, new construction in environmentally sensitive areas is likely to occur.
- 7 The Cities of Mill Valley and Sausalito submit that as responsible agencies, they cannot rely on the proposed Mitigated Negative Declaration that omits any analysis of the potential new build areas. Without an absolute and unqualified representation that no new construction activity will occur in these areas (that is, capacity is available and the conduit is in good condition to accept MFN's fiber system), there remains the possibility of environmental impacts to these communities. The Mitigated Negative Declaration should analyze these impacts.

¹ The County of Marin owns the bike path parcel while the City owns all area in Bayfront Park and Camino Alto adjacent thereto.

Mr. John Boccio, Project Engineer
Energy Division
California Public Utilities Commission
August 7, 2000
Page 3

Thank you for your consideration of these comments. Please supply to me any and all responses to these comments of Mill Valley and Sausalito.

Very truly yours,

McDONOUGH, HOLLAND & ALLEN


Paul C. Anderson

PCA:ms
Enclosure

cc: Don Hunter, City Manager
City of Mill Valley
Fax# (415) 381-1736

Charlotte Flynn, Interim City Manager
City of Sausalito
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Wayne Bush, Director
Public Works Department
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TAPSHA

14 July 2000

Metromedia Fiber Network Services %
Calif Public Utilities Commission
John Boccio SAIC
816 State Street Suite 500
Santa Barbara, CA 93101

RECEIVED

JUL 31 2000

SAIC Santa Barbara

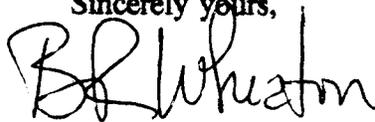
Dear Metromedia:

We note with pleasure your plans to install POPs on your fiber-optic network in our area. We should be delighted to receive technical information on a possible POP interface with our in-house fiber-optic system.

Would you kindly send our technical staff detailed specifications on what your lateral connection from your cables presently under Stannage Avenue @ Portland in Albany CA would require for connection, how responsibilities for connection to our laterals would be divided between us, and estimated costs for your part.

We would like to be ready technically for an immediate connection once that becomes feasible.

Sincerely yours,



Dr Bruce R. Wheaton
Principal

BRW:al

John Boccio, Project Manager
C/O SAIC 816 State St., Suite 500
Santa Barbara, Calif. 93101

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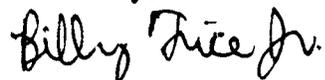
JUL 03 2000

SAIC Santa Barbara

Dear John:

I am outrage that Metro Media is laying fiber optic cable underneath the Emeryville Shellmound, without doing an environmental study or contacting the Ohlone people. The Shellmound is where the Ohlone people is buried. The burial ground should be respected. Unfortunately, it seem that you are letting the free market mentality gets over your head, by showing disrespect towards the resting place of the Ohlone people, in the name of profit.

Sincerely,



Billy Trice Jr.

**Responses to Comments on the Draft
Initial Study/Mitigated Negative Declaration**

**Responses to Comments on the Draft Initial Study/
Mitigated Negative Declaration**

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Responses to Comments on the Metromedia Draft Initial Study/ Mitigated Negative Declaration (IS/MND)

STATE AGENCIES

California Department of Fish and Game, Letter dated August 2, 2000

1. Comment noted.
2. The Storm Water Pollution Prevention Plan (SWPPP, Appendix C of the MND) addresses the risk of frac out and states that the following measures would be implemented in the event that a frac out occurs. The SWPPP is required as part of the NPDES General Permit, which Metromedia acquired in compliance with Section 402 of the Clean Water Act. A copy of the SWPPP will be located on site at all times during construction.

Directional boring activities have potential to seep or discharge drilling fluids, which can affect streams or wetlands. Drilling fluid seepage is most likely to occur near the entry point where the drill head is shallow, however, seepage can occur anywhere along the directional bore. Discharge of drilling fluids can occur from the bore and exit pits and the containment and recycling slurry system.

All directional boring activities which substantially divert or obstruct the natural flow, or substantially change the bed channel or bank of any stream, must be previously approved by the California Department of Fish and Game (CDFG; California Fish and Game Code Section 1603). Mitigation measures for habitat restoration will be addressed by the applicant and CDFG during the consultation period, where specific earthmoving and revegetation plans (as needed) will be documented. Also during this consultation, the applicant will coordinate with CDFG to determine specific thresholds under which mitigation (potentially including use of heavy equipment in streams and/or riparian corridors) will be required.

The following protective measures (a) through (d) will be applied — individually or in combination — based on sound field observations, to prevent drilling fluids from affecting streams or wetlands:

- a. A dike/berm should be constructed around the bore pit to entrap all boring fluids
 - The dike should extend around the boring equipment as necessary to contain all drilling fluids leaving equipment and the bore;
 - The bore pit should be sized to fully contain the return flow of drilling fluids;

- A receiving pit should be excavated on the far side of the bore to collect any cutting fluid that may exit the bore;
 - Drilling fluid flow controls will be available to quickly seal any leakage that may occur; ensure spill containment materials are on site;
 - A similar dike/berm should be constructed at the exit point;
 - A straw barrier (certified weed free) and/or silt fence should be installed between the bore pit dike/berm and flowing stream or wetland;
 - This protection is meant to prevent seepage occurring outside the primary dike/berm from reaching the stream or wetland, as needed; and
 - A similar barrier or silt fence should be constructed at the exit point.
- b. An 800-gallon vacuum truck should be on site to periodically remove drilling fluids from boring pit and around equipment.
- c. A 3,000-gallon vacuum truck should be available on call in case a spill or seep occurs.

As required by mitigation measures (BIO-1a, c, f, and BIO-2), drilling operations are required to have adequate set back (buffer strip) from the edge of the sensitive area. Buffers would be a minimum of 20 feet, but may be adjusted upward by the biological monitor.

Should rain be forecasted, additional protection measures may be suggested at the discretion of the Site Supervisor or Environmental Resource Coordinator.

Excess supplies of containment materials (i.e., weed-free straw bales, silt fence, shovels) will be available for use as needed.

If seepage of drilling fluids occurs:

- Directional boring will stop immediately.
- The bore stem will be pulled back to relieve pressure on the seep.
- Existing berms, barriers, or silt fence should be strengthened to contain drilling fluids.
- An 800-gallon vacuum truck will begin recovering drilling fluid immediately. Trucks will be staged from the top of the bank rather than work in the stream.

- Actions will be taken to divert drilling fluid from entering a stream or wetland.
- A 3,000-gallon vacuum truck will be called to the site, if necessary, to accommodate the amount or location of the spill or seepage.
- The Construction Foreman will report to the Site Superintendent and Site Supervisor or Environmental Resource Coordinator to ensure adequate resource protection measures are being taken.
- Site Superintendent and Environmental Resource Coordinator will have the authority to and will stop directional boring operations in the event of spills or any unforeseen event which may cause damage to the environment.
- In the event drilling fluids adversely affect wetlands or streams, the Site Superintendent or Site Supervisor will notify CDFG and consult on proper cleanup and implementation of mitigation measures.
- Mitigation measures for habitat restoration (as described in the Streambed Alteration Agreement or other consultation document produced by CDFG in coordination with the applicant) will be implemented immediately following completion of the work on a particular segment or in the first rainy season following completion of work, whichever comes first.

Upon completion of the directional bore:

- Bore pits at entry and exit should be filled and returned to natural grade;
 - Drilling fluids should be removed from area; no drilling fluid wastes should be disposed onsite; and
 - All protective measures (straw bale, silt fence, etc.) should be removed unless otherwise recommended by the Site Superintendent or Environmental Resource Coordinator.
3. As required by mitigation measures (BIO-1a and BIO-1d), monitoring will be conducted by qualified biologists familiar with sensitive resource sites including those supporting suitable habitat for sensitive wildlife and plant species. Qualified biological monitors from ESA have been retained by the applicant to monitor the project. In addition, SAIC (Los Angeles Basin Network), and Garcia and Associates (San Francisco Bay Area Network) have been retained as independent third party monitors of the project.
 4. Mitigation measures (BIO-1a, BIO-1c, BIO-1f, BIO-2) require that a minimum 20-foot setback from all riparian areas be established and staked by the qualified biological monitor(s). However, the monitors will have the authority to establish larger buffers as warranted by the sensitivity of the

resources present. In the event that sensitive species are detected during pre-construction surveys, the biological monitors will consult with CDFG, and may redirect work at a particular segment until the end of the breeding season of the species at issue, or until the species have left the area.

5. The applicant recognizes the potential for frac out occurrences. The Hydrology and Water Quality section of the MND (Section 6.8.4) indicates that a Stormwater Pollution Prevention Plan (prepared in accordance with Section 402 of the Clean Water Act) will be prepared and strictly implemented as part of the project. The SWPPP will address containment and clean-up measures for potential discharges of drilling materials as well as petroleum products used by heavy equipment. The applicant is also required to maintain a Point of Contact list for project monitoring purposes. CDFG will be included on this list, and will be contacted by the Biological Monitor in the event of a frac out. Due to the uncertainty of these occurrences, and the magnitude of the impacts, a prior authorization under a CDFG Streambed Alteration Agreement may be premature. However, the applicant acknowledges that a Stream Bed Alteration Agreement may be required in the event clean up of a frac out results in disturbances to the bed, bank or channel of project area streams, and requests CDFG to provide thresholds by which SBAA may be needed.

Currently, Section 404 Clean Water Act permits from the U.S. Army Corps of Engineers are not required for projects that involve directional boring because these projects are designed to avoid impacts to waters of the U.S. Section 404 permits are only required for discharges of dredged or fill material into waters of the U.S. The term “discharge of fill material” means the addition of fill material into waters of the U.S., where the primary purpose of the [discharge of fill] is to replace an aquatic area with dry land or to change the bottom elevation of a waterbody. The term [fill material] does not include any pollutant discharged into the water (33 CFR Part 323). Pollutant discharges are regulated by the State Water Resources Control Board under Section 402 of the Clean Water Act, therefore frac out discharges will be addressed in the SWPPP.

6. The CDFG notes it is concerned about the potential indirect impacts to sensitive species existing outside the work corridor.

The applicant has committed to mitigating impacts to sensitive species that might be outside the area of direct impact. These include 10 mitigation measures (BIO-1a through 1f, and BIO-2, MND page 1-10 to 1-15). These measures require preconstruction surveys for sensitive species, complete avoidance of all stream and wetland areas (via directional boring), and a requirement to bore six potential salmonid streams during low-flow periods or when dry.

The CDFG states that frac out of bentonite clay can cause the destruction of egg clutches of frogs and salamanders downstream from construction

activities. Bentonite covers the gravelly bottoms with a fine clay, making it unsuitable habitat for breeding reptiles and amphibians and spawning salmonids.

The applicant acknowledges that boring operations present the risk of frac out of bentonite clay. However, the risk to frogs and salamanders downstream of the construction activity is minimal. No known or suspected populations of California red-legged frog or California tiger salamander are located downstream of any stream crossing in the San Francisco Bay Area Network or the Los Angeles Basin Network. Only one drainage, San Francisquito Creek (Bay Area Network), supports populations of these sensitive species and they are located more than 1 mile upstream of the project crossing. Downstream of the project crossings, habitat quality for amphibians in most streams declines due to stream channelization, use of rock revetment, water pollution from urban runoff, and increased predation from cats, dogs, and wild animals. Despite the poor habitat quality of most project streams downstream of the project crossing, any frac out of bentonite clay would further degrade the habitat.

To further minimize the impact to amphibians downstream of boring operations, the applicant will develop a bentonite spill cleanup protocol as a component of the SWPPP. The protocol will describe the methods used to clean up spilled materials and restore creek and stream substrate to preconstruction conditions.

The CDFG notes that it recommends focused surveys for sensitive species including the San Francisco garter snake and California red-legged frog.

The MND identifies both documented and potential habitat for the San Francisco garter snake and California red-legged frog in the San Francisco Bay Area Network (MND page 5.4-24, 5.4-29, and 5.4-30). Both of these species are present at the West of Bayshore wetland complex near San Francisco International Airport. Impacts to these species at this site will be avoided by using existing conduit and causing no ground disturbance anywhere in the vicinity of the wetland complex.

At other stream and wetland areas where these species were identified as potentially present, the applicant has committed to preconstruction surveys (BIO-1a, MND page 1-10). These surveys will be focused toward identification of San Francisco garter snake and California red-legged frog.

The CDFG notes that surveys for nesting sensitive avian species present on site should include loggerhead shrike, burrowing owls, northern harrier, and white-tailed kite.

The applicant has committed to conducting preconstruction surveys for non-listed sensitive nesting raptors (BIO-2, MND page 1-15) if construction activities are scheduled to take place during the breeding season. The

applicant has also committed to preconstruction surveys for burrowing owl (BIO-1i, page 1-14) in all areas where they may potentially occur at any time of the year.

The CDFG notes that directional boring is also proposed under streams that are known habitat for two salmonid species: chinook salmon and California steelhead. The Department recommends that a qualified biologist should be on site shortly before and during construction to monitor for the possible presence of spawning salmonids and other sensitive species whenever there is wet, flowing, or ponding water. Construction activities with the need to enter streams that may harbor steelhead (e.g., San Franciscquito, Alameda, or Coyote) should not begin before June 1.

The applicant has committed to providing a qualified biological monitor prior to, and during, all boring operations at salmonid streams (BIO-1a, MND page 1-10). In addition, the applicant has designed the project to avoid all wet areas, and ponded or flowing streams. However, if construction equipment is required to operate within any watercourse with flowing or standing water, a biological resource monitor will be present at all times to alert construction crews to the presence of sensitive species (BIO-1d, MND page 1-11).

7. Mitigation measures (BIO-1a, BIO-1c, BIO-1f, and BIO-2) require that pre-project surveys for sensitive species conducted by qualified biologists and that sensitive species and riparian resources are identified and protected by construction fencing placed outside the riparian and buffer areas. The placement of protective fencing will be directed by the qualified biological monitor. In addition, the project description (MND Section 6.4.4.2) indicates that the cable at San Diego Creek would be attached to existing bridges or be directionally bored beneath the creek. With implementation of protective fencing as well as the proposed directional boring under San Diego Creek, it is unlikely that riparian habitats for the least Bell's vireo would be impacted by installation of the San Diego Creek segment. In the event that least Bell's vireo are occupying riparian habitat within 500 feet of the crossing, the Biological Monitor will consult with CDFG and determine whether work on that segment should be redirected until the end of the nesting season.

Caltrans, Transportation Planning, Letter from William Costa dated July 19, 2000

1. Comment noted with regard to the information provided on Caltrans' encroachment permit.
2. The comment also questions whether the project applicant is prepared to do additional studies that Caltrans may require. Environmental assessments were performed for the areas proposed for construction in compliance with the California Environmental Quality Act process, and appropriate mitigation measures will be implemented, as reflected in the Mitigation Monitoring and Reporting Plan (Appendix F) of this Mitigated Negative Declaration. Metromedia will do whatever additional studies Caltrans considers necessary.

3. Comment noted.

Caltrans, Transportation Planning, District 4, Letter from Jean Finney dated July 19, 2000

1. Comment noted.
2. Comment noted.

COUNTY AND CITY AGENCIES

City of Anaheim, Planning Department, Letter dated July 20, 2000

1. Comment noted.
2. As identified on MND page 6.15-4, Mitigation Measure TRANS-1 specifies that the project sponsor will obtain and comply with local and state roadway encroachment permits and railroad encroachment permits. As deemed necessary by the governing jurisdiction, the roadway encroachment permits will require the contractor to prepare a traffic control plan in accordance with professional engineering standards prior to construction. As required by the governing jurisdiction, the traffic control plan would include the development of a circulation and detour plan (see Mitigation Measure TRANS-1 for additional traffic control plan measures). This discussion more logically belongs in the Impacts and Mitigation Measures section of the document (Section 6.15), not the Environmental Setting (Section 5.15.5.2) suggested by the comment.

In response to comment 2b, 1st bullet, comment noted. Prior to construction, the traffic control plan submitted by the construction contractor would be subject to review and approval by the governing jurisdiction. This would ensure all appropriate traffic control measures would be included in the traffic control plan.

In response to comment 2b, 2nd bullet, comment noted. The project sponsor will obtain and comply with all required local and state roadway encroachment permits and railroad encroachment permits.

In response to comment 2b, 3rd bullet, impacts from the project on existing wastewater facilities and storm drain systems for the LA Network are addressed in section 6.16.4.2. Potential impacts to public utilities are assessed in Impact UTIL-1 on page 6.16-4 of the IS/MND. All underground utilities and service connections would be identified prior to beginning excavation. "Dig Alert," "One-Call," or a similar underground utility contractor would be contacted to identify the locations of subsurface utilities prior to construction. As deemed necessary by the governing jurisdictions, the roadway encroachment permits obtained prior to construction would require the construction contractor to excavate around utilities or use special trenching

techniques as necessary to avoid damage and to minimize interference with public utility operation. This would ensure the risk of damage to existing utilities would be less than significant.

3. Comment noted.
4. Comment noted.

City of Irvine, Community Development Department, Letter dated July 20, 2000

1. The commentator is correct. The nomenclature for the Fashion Island and Irvine Segments were inadvertently switched prior to the commencement of the Proponent's Environmental Assessment (PEA). All references throughout the Draft Mitigated Negative Declaration (MND) are related to the correct geographical locations; the data is only captioned incorrectly under mislabeled Segment titles. The suggested change has been made for the Final MND. Implementation of the MND will be performed under correct Segment titles, i.e., the Segment that includes the Fashion Island area will be titled the Fashion Island Segment, and the Segment that includes the City of Irvine will be titled the Irvine Segment in all subsequent documentation for the project.
2. The commentator is correct. The suggested change has been made for the Final MND.
3. Comment noted. The suggested change has been made for the Final MND.
4. Comment noted. The suggested change has been made for the Final MND.
5. Comment noted. Metromedia is aware that appropriate permits must be obtained from the City of Irvine prior to commencement of construction and is in the process of applying for these permits.
6. Comment noted.

City of Lakewood, Department of Public Works, Letter dated July 3, 2000

1. Metromedia representatives have been in contact with Mr. Scott Pomrehn of the City of Lakewood's Public Works Department during the planning stages for this project and were made aware of the 5-year moratorium on construction. These contacts with the Public Works Department occurred in March 2000, which was after the preparation of the environmental document (Proponent's Environmental Assessment) that formed the basis of this MND, and thus was not reflected in the MND document.
2. Based on contacts with Mr. Pomrehn, Metromedia had planned to re-route the alignment in the City of Lakewood to Palo Verde Street to avoid the moratorium. However, due to changing project considerations, Metromedia is not currently planning to construct this segment of the proposed route. When, and if,

Metromedia decides to go ahead with construction of this segment, Metromedia will address this issue to both representatives of the California Public Utilities Commission and local agencies, such as the City of Lakewood, at that time prior to construction.

3. Metromedia understands the City of Lakewood Public Works Department's concerns and the current moratorium and, as such, will change the proposed alignment to concur with the Public Works Department's objectives. In the event Metromedia has a requirement to construct this route at some point in the future, Metromedia will reconfirm existing moratoriums with the City of Lakewood and plan accordingly at that time.

Town of Corte Madera, Letter dated July 20, 2000

General Response

Metromedia only proposes to install fiber optic cable through existing conduit per approval under its existing Certification for Public Convenience and Necessity with the California Public Utilities Commission; it does not propose or seek to perform any new construction within the Town of Corte Madera. As listed in the Draft Mitigated Negative Declaration (MND) in Tables 4-1 and J-1 (on pages 4-2 and J-1, respectively), only the three new build (i.e., requiring actual construction) segments (within the Cities of San Rafael, Larkspur, and Sausalito) are proposed in this Negative Declaration within Marin County. The City of Corte Madera may be confused by the alignments shown within Marin County in Figure 4-2a on page 4-9. The bulk of the Marin County alignment consists of already installed conduit owned by Pacific Bell and is referred to as the Pacific Bell Network Structure. The construction proposed by Metromedia in Marin County would entail the excavation and repair of Pacific Bell conduit for Metromedia's fiber optic cable in the communities outlined above.

1. See the general response above. The Town of Corte Madera did not receive notification of the project because no new construction or conduit replacement is planned for the Metromedia network in the Town of Corte Madera. Responsible agencies contacted in Marin County include the cities of Larkspur, Sausalito, and San Rafael. In these communities, new construction is planned to lay new conduit for fiber optic cable or to repair existing conduit through which fiber optic cable would be pulled. This environmental document analyzes the potential impacts of construction due to the installation of new conduit or the repair of existing conduit through which new fiber optic cable would be pulled. Fiber pulling through existing conduit has been determined by the CPUC to have no environmental impact and to therefore not warrant environmental review. As a courtesy, adjacent landowners along the entire proposed network were notified, which includes landowners in the Town of Corte Madera. However, as stated earlier, since there is no construction to accommodate new build or repair of existing conduit in the Town of Corte Madera, there was no requirement to notice the Town.

It is the understanding of the CPUC that Metromedia's discussions with the Town of Corte Madera have been held to investigate the potential for developing future fiber optic networks. When and if Metromedia decides to request the authorization to build or construct any fiber optic conduit in the Town of Corte Madera, it is that construction which would be the subject of environment review by the CPUC and the Town of Corte Madera.

2. See the general response above. Ms. Poksay did not find any information to the contrary. It is Ms. Poksay's understanding that she would provide additional information to the Town of Corte Madera if, after her discussion with the Town, she found the determination to be otherwise.
3. Comment noted. The reference to page 3-2 refers to new builds along the network that might occur in areas that have been the subject of environmental review in this MND. Any future construction that might occur in the Town of Corte Madera would be subject to appropriate State and local agencies to determine if, and what type of, an environmental review is needed. As stated above in the response to Corte Madera comment 1, no new construction or repair of existing conduit which might require excavation is planned for the Town of Corte Madera at this time; until such time as a proposal is made by Metromedia, such an analysis would be speculative.
4. Comment noted. Please see the responses below to Corte Madera comments 5 through 8.
5. Please see the general response above. Note the three proposed new build segments in Sausalito, Larkspur, and San Rafael (see Table J-1 on page J-1 in the MND) do not go through nor cause any impact to any sensitive wetlands or other sensitive habitats.
6. Comment noted. However, based upon the Telecommunications Act of 1996 and subsequent review by the State of California, the use of public rights-of-way to provide improved telecommunications and Internet service has been determined to have an important public purpose. Therefore, the use of such public rights-of-way, although subject to State and local review and to appropriate administrative and discretionary actions, cannot be denied to private companies solely on the basis of limited space. As stated above in response to Corte Madera comment 1, there is no planned construction proposed in the Town of Corte Madera for new build or repair of conduit. Fiber optic cable would only be pulled through existing conduit, which is not subject to environmental review as determined by the CPUC.
7. The MND addresses traffic impacts, including those due to installation of cable in a trench along road rights-of-way, in Section 6.15. All roadway trenching and cable maintenance would be subject to local roadway encroachment permitting requirements and traffic management plans. At this time, however, Metromedia has no plans to install or repair any cable conduit in the Town of Corte Madera.

8. There are no CEQA (California Environmental Quality Act) requirements to address potential lessor or lessee activities; an analysis of potential impacts or mitigations would be highly speculative. Therefore, any part of the network that would be sold or leased in the future would be subject to the same approvals and local review process with which Metromedia has had to conform for the ability to install and support the proposed conduit for their fiber optic cable.
9. Comment noted. Per the general response above, there are no significant impacts from the proposed project and specifically no impacts to the Town of Corte Madera.

BUSINESSES AND INDIVIDUALS

Dubney, Oleg, Letter dated June 24, 2000

1. The commentator's Linden Street property in Hayward is located near, but not within, the existing Pacific Bell Network structure along A Street and Grove Way in Hayward through which Metromedia proposes to pull fiber (i.e., pull fiber through existing conduit); your property, however, will not be directly affected. Since Metromedia's activities will be limited to only pulling fiber at this location, the California Environmental Quality Act does not apply to your property for this activity. You received the public notice as a matter of courtesy.

The project does include fiber optic cable in Alameda, Contra Costa, and Santa Clara counties (see Table 4-1 of the Mitigated Negative Declaration), where the commentator also apparently owns property. If the project would affect or be adjacent to the commentator's properties in these other counties, the commentator's addresses in these other counties would have received an identical public notice to the one the commentator received at his Castro Valley address.

McDonough, Holland & Allen, Letter dated July 21, 2000

1. The commentator is incorrect when he states that the City of Sausalito did not receive notification. A copy of the Metromedia Fiber Network (MFN) Draft Initial Study/Mitigated Negative Declaration (IS/MND) was mailed to the City on or before June 17th; this allowed more than a month for review and comment on the document. The commentator is correct that the City of Mill Valley did not receive a copy. This is because there is no construction activity planned by MFN in Mill Valley. A letter from MFN dated July 24, 2000 to Mr. John Boccio of the California Public Utilities Commission (CPUC) categorically states that no such activities are planned in Mill Valley. That July 24 letter further states that, in Sausalito, the areas of construction which are planned are included in the IS/MND and were the subject of environmental review by the CPUC. The areas identified in the IS/MND have not changed.

The map to which the commentator refers, and which was shown to him by a Mr. Howard Young of MFN, was unfortunately confusing and lead the commentator to think that MFN proposed construction activities outside the scope and the analysis of the IS/MND. The areas outlined on that map in green and labeled “potential new build” should have been called out as “areas of unconfirmed duct or conduit.” In fact, the map otherwise accurately portrays both the proposed route alignment and the areas of construction planned by MFN and which were the subject of the environmental review undertaken by the CPUC. This map had been presented to several communities in Marin County while discussing what permits would be needed from these communities. This map was also used to confirm the availability of existing duct (e.g., conduit) through which fiber could be pulled; pulling fiber through existing duct entails no new excavation or construction. The portrayal of the areas of the alignment called out in green on this map as “new build” is incorrect. MFN fully expects to confirm that existing conduit can be used in Mill Valley. In Sausalito the areas called out in the map are identical to those analyzed in the IS/MND. There is, in fact, no inconsistency.

Concerning the issue of construction in wetlands, again MFN has no intention of constructing or excavating in any wetlands nor, in particular, the bike path within the wetlands area of Bayfront Park. There is no new build or excavation planned for this project in Mill Valley. The project as proposed in the IS/MND accurately covers all of the planned areas of new build that MFN currently proposes to construct. Any new areas of such construction in Sausalito or Mill Valley would be the subject of further environmental review which would include, if appropriate, review by the San Francisco Bay Conservation and Development Commission.

McDonough, Holland & Allen, Letter dated August 7, 2000

1. Comment noted.
2. The representation of the proposed route on the map dated July 5, 2000 (referred to below as simply the Map) is identical to the route described and analyzed in the Initial Study/Mitigated Negative Declaration (IS/MND). However, the Map was mislabeled relative to Metromedia Fiber Network’s (MFN’s) use of existing conduit. The areas indicated in red and green on the Map represent existing Pacific Bell conduit that will involve no construction or excavation and were, correctly, not the subject of environmental review. It is MFN’s intention only to pull fiber through this existing conduit. However, the availability of the conduit identified in green on the Map had not been confirmed at the time the Map was prepared. This is the only distinction between the green and red delineations on the Map.

There is no proposal or intent by MFN to construct conduit within the City of Mill Valley. There are two areas of proposed construction within the City of Sausalito (that are identified on the Map in blue) that have been analyzed in

the IS/MND (pages 4-3, 4-9, and 4-15) and mitigation measures have been proposed that will reduce any potential impacts to a level of insignificance.

If any new construction is proposed by MFN, outside of those identified in the IS/MND, then additional environmental review may be required at that time. Any potentially affected community will be properly notified and afforded the opportunity to comment on that environmental review.

3. MFN's plans do not include any construction or excavation in the City of Mill Valley; therefore, there is no impact upon the Mill Valley Community Center, Mill Valley Middle School, and any adjacent wetlands.
4. The IS/MND addresses new build segments within the City of Sausalito but not in Mill Valley. MFN has made it very clear that any new build segments are within Sausalito and other communities but are not proposed in Mill Valley.
5. Comment noted.
6. Please see the response to comment 2 above. MFN proposes only to pull fiber through existing conduit within the City of Mill Valley, as well as other areas within Marin County identified in green on the Map but misidentified as "potential new build." Since the meeting of July 6th, MFN has determined that most of the conduit termed "potential new build" and labeled in green is, in fact, available. However, as stated in response 2 above, any areas in Sausalito and Mill Valley, or elsewhere, where excavation or new construction is required, may be subject to new or additional environmental review by the CPUC.
7. MFN has provided the CPUC and the cities of Sausalito and Mill Valley its assurance that no new construction is currently planned within the cities of Sausalito or Mill Valley in the portion of the route identified in green on the Map. If it is found that any excavation or new construction is required, those activities may be subject to further environmental review by the CPUC. Construction of such new work cannot begin until any additional required CEQA analysis is completed.

TAPSHA, Letter dated July 14, 2000

1. The comment addresses nothing in the environmental review of the IS/MND document; it asks for information on how to connect its in-house fiber optic system with the project's proposed Point of Presence (POP) facility in Albany, California. The commentator should contact Metromedia to obtain a response to their comment.

Trice, Billy Jr., Letter (undated) received July 3, 2000

1. The comment expresses concern that Metromedia proposes to lay fiber optic cable underneath the Emeryville Shellmound.

The Emeryville Shellmound (ALA-309) is recorded more than 2,000 feet north of the terminus of the Metromedia new build. The shellmound site will not be affected by the project because the only proposed action is to use the existing Pacific Bell conduits through which fiber optic cable would be pulled. There are no ground disturbances or excavation planned in the area of the shellmound. Monitoring is proposed near the northern terminus of the new build, approximately 2,000 feet south of the recorded Shellmound location, as a precaution.

In sum, Metromedia Fiber Network Services is not proposing to lay cable underneath the Emeryville Shellmound. In fact, no portion of the proposed project would occur within Emeryville.

Environmental and cultural resources studies have been done for all project features, including those in areas historically known to be occupied by Ohlone and Coast Miwok. Metromedia Fiber Network Services consulted with Ohlone decedents regarding these portions of the project. Mr. Andrew Galvan of the Ohlone Indian Tribe was involved in the initial cultural resources investigation. Based on this initial investigation, the California Public Utilities Commission proposes to require that Ohlone and Coast Miwok representatives be retained as monitors for any construction activities occurring within 500 feet of the boundary of known prehistoric resources, and within 500 feet of the locations of modern and historic streams. This requirement is specified on page 6.5-21 (Line 28, Mitigation Measure CR-4b) of the Draft Mitigated Negative Declaration.

**Changes to the Draft Initial Study/
Mitigated Negative Declaration**

Changes to the Metromedia Draft Initial Study and Mitigated Negative Declaration (IS/MND)

Problem/Issue	Changes to the Draft IS/MND
Aesthetics	
Impact A-2, on page 6.1-4, which discusses the design of the POPs, notes (Lines 25-26) that their design would need to comply with local architectural design requirements, but does not mention the need to also comply with applicable Covenants, Conditions, and Restrictions (CC&Rs).	Change the text on page 6.1-4, lines 23-26 to read as follows: “With respect to the POPs, these would either be located within existing buildings, and therefore would have no effect on the existing visual quality of the site, or would be newly constructed at urban locations in an architectural style designed to be unobtrusive and to comply with local architectural design requirements and applicable Covenants, Conditions, and Restrictions (CC&Rs).”
Biological Resources	
For Mitigation Measure BIO-1d in Table 1-3 on page 1-11, on page 6.4-6/Line 38, and in Appendix F on page F-8, the word “reduce” is missing and this changes the context of the sentence.	Mitigation Measure BIO-1d in Table 1-3 on page 1-11, on page 6.4-6/Lines 35-38, and in column 4 of Appendix F on page F-8 should read: “In the event that substantial disturbance of occupied aquatic habitat is observed, the biological resource monitor shall immediately and directly notify the construction supervisor to halt construction and cause construction activities to be modified to further reduce impacts to the species.”
Mitigation Measure BIO-1e in Table 1-3 on page 1-12, on page 6.4-7/Line 3, and in Appendix F on page F-9 incorrectly states October as the ending of the summer season.	The summer months indicated in Mitigation Measure BIO-1e in Table 1-3 on page 1-12, in column 4 of Appendix F on page F-9, and on page 6.4-7/Line 3 should be July through September - not through October.
Mitigation Measure BIO-1g in Table 1-3 on page 1-13, on page 6.4-7/Lines 14-17, and in Appendix F on page F-11 indicates boring is suitable if habitat is occupied, yet it also says to delay construction until juveniles have fledged.	Mitigation Measure BIO-1g in Table 1-3 on page 1-13, on page 6.4-7/Lines 14-17, and in the last sentence of column 4 in Appendix F on page F-11 should read: “If it is determined that construction within 500 feet of nesting locations would impact nests, either a) construction shall be delayed until juvenile birds have fledged, or b) nesting locations shall be avoided by boring beneath habitat with an adequate disturbance exclusion zone.”
Mitigation Measure BIO-1h in Table 1-3 on page 1-13, on page 6.4-7/Line 21, and in Appendix F on page F-12 should also refer to Pacific Bell Network Segment (PBNS) 26, not just PBNS 27.	Mitigation Measure BIO-1h in Table 1-3 on page 1-13, on page 6.4-7/Lines 20-23, and in column 4 of Appendix F on page F-12 should include Segment 27 throughout the text and read: “If construction activities at Pacific Bell Network Segments 26 and 27 is anticipated...”

Problem/Issue	Changes to the Draft IS/MND
Biological Resources	
Erroneous reference to Mitigation Measure BIO-1j on page 6.4-5/ Line 24 as BIO-1 only goes up to "i."	Reference to a Mitigation Measure on page 6.4-5/Line 24 is incorrect; the Mitigation Measure should be BIO-1i, not BIO-1j.
Cultural Resources	
The "Timing" for Mitigation Measure CR-1a on page F-17 in Appendix F should be 15 days and not 90 days.	The "Timing" for Mitigation Measure CR-1a on page F-17 in Appendix F is 15 (not 90) days.
Mitigation Measure CR-1 in column 4 of Table 1-3 on page 1-16 should be CR-1a.	Mitigation Measure CR-1 in column 4 of Table 1-3 on page 1-16 should be CR-1a.
Mitigation Measure CR-2a in Table 1-3 on page 1-17, on page 6.5-20/Lines 9-13, and in column 4 of Appendix F on page F-18 identifies procedures that must be followed if a cultural resource is discovered during construction monitoring. This measure inappropriately limits mitigation steps for the times when a monitor is present, even though unforeseen discoveries may happen when the monitor is not present.	Add as the last sentence to Mitigation Measure CR-2a in Table 1-3 on page 1-17, on page 6.5-20, and in column 4 of Appendix F on page F-18: "If a cultural resource is discovered by construction personnel in the absence of a monitor, construction within 250 feet of the find should be halted and the environmental resource coordinator contacted. Construction may begin once the cultural resource specialist has completed necessary investigations and a written authorization-to-proceed has been issued."
Mitigation Measure CR-2a in Table 1-3 on page 1-17, on page 6.5-20/Lines 9-13, and in column 4 of Appendix F on page F-18 calls for monitoring along historic railroads to document potential effects on railroad features. This monitoring can be reduced to spot-checking if Metromedia records them prior to construction, plots them as avoidance areas on the construction maps, and avoids disturbing them during construction. Any that cannot be avoided would be evaluated prior to construction impact, as per Mitigation Measure CR-1c.	Include as the final sentence for Mitigation Measure CR-2a in Table 1-3 on page 1-17, on page 6.5-20/Line 13, and in column 4 of Appendix F on page F-18: "Note: Monitoring for impacts to railroad features could be reduced to spot-checking if Metromedia agrees to record them prior to construction and avoid affecting them during construction. All cultural resources that are to be avoided would be plotted and identified as avoidance areas on detailed construction maps. Any feature that cannot be avoided would be evaluated and documented prior to construction impact, as per Mitigation Measure CR-1c."

Problem/Issue	Changes to the Draft IS/MND
Cultural Resources	
<p>Figures 6.5-1 through 6.5-2c illustrate the general areas of monitoring, but may not show all specific areas that will require monitoring.</p>	<p>Add as a last sentence to Section 6.5.4 on page 6.5-2/Line 22: “(Note: More precise monitoring locations will be plotted on detailed construction maps prior to construction.)”</p>
Hazards and Hazardous Materials	
<p>“Conduct a list search of all network segments requiring excavation” is Mitigation Measure HAZ-2a in Table 1-3 on page 1-19, on page 6.7-5/Line 19, and in Appendix F on page F-22. The associated Environmental Impact for this Mitigation Measure is HAZ-2 in Table 1-3 on page 1-19, on page 6.7-5/Lines 6-7, and in Appendix F on page F-22: “The project could require disposal of potentially contaminated soils (Less than Significant with Identified Mitigation).”</p> <p>Phase I-related activities should be conducted primarily for the purpose of contaminated site avoidance via pre-construction route alignment planning, i.e., for the benefit of construction worker health and safety - not primarily for the benefit of expediting remedial activities after contamination is encountered. In addition, avoidance of contaminated sites aids in keeping construction activities on schedule.</p>	<p>Environmental Impact HAZ-2 described on page 6.7-5/Lines 6 and 7 and listed in the “Environmental Impact” columns in Table 1-3 on page 1-19 and in Appendix F on page F-22 should read: “The project may be planned in locations of known hazardous waste sites; construction in these areas could 1) pose a threat to the health and safety of construction workers and 2) require the disposal of potentially contaminated soils.”</p> <p>The “Monitoring/Reporting Action” for Mitigation Measure HAZ-2a in Appendix F on page F-22 should read: “Submit to the PUC a summary report with maps indicating areas of high potential for contamination so that alternative routing can be established and the areas can be avoided. Should construction encounter areas identified in the summary report, excavated material will be assessed prior to disposal per the summary report findings. The summary report shall contain a description of the assessment methodology and a response procedure to be followed if contaminated soil or groundwater is encountered.”</p> <p>Insert a sentence in “Effectiveness Criteria” column for Mitigation Measure HAZ-2a in Appendix F on page F-22: “Protect worker health and safety by re-routing alignment outside of the areas indicated in the summary report.”</p>
Noise	
<p>Construction hours listed for the City of Irvine are incorrect in column 2 of Table 5.11-2 on page 5.11-13.</p>	<p>The construction hours on weekdays and on Saturdays in the City of Irvine, as shown in column 2 of Table 5.11-2 on page 5.11-13, should read:</p> <ul style="list-style-type: none"> ▪ “7:00 a.m. to 6:00 p.m. or dusk, whichever comes first weekdays; ▪ “9:00 a.m. to 6:00 p.m. or dusk, whichever comes first Saturdays; and”.

Problem/Issue	Changes to the Draft IS/MND
Recreation	
<p>Mitigation Measure REC-1a applies to both the LA Basin and the SF Bay Area Networks, yet the text description of Mitigation Measure REC-1a in Table F on page F-27 limits the application to the Bay Trail in Menlo Park, a location in the SF Bay Area Segment.</p>	<p>Mitigation Measure REC-1a in column 4 of both Table 1-3 on page 1-22 and Appendix F on page F-27 should read: “Limit construction to weekday non-peak hour use periods. This restriction would minimize short-term disruptions to recreational facilities that would occur during construction.” This more general mitigation, no longer specific to the San Francisco Bay Area Network, would thus apply to both the San Francisco and the Los Angeles Basin Network.</p>
Non-Resource Specific	
<p>Irvine Center Drive is incorrectly termed Irvine Center Road in columns 2 and 3 of Table 4-6 on page 4-26.</p>	<p>The street name Irvine Center Road is incorrect and should be changed to the correct street name, Irvine Center Drive, in columns 2 and 3 of Table 4-6 on page 4-26.</p>
<p>The nomenclature for the Fashion Island and Irvine Segments is confusing. The Fashion Island area is in Newport Beach, yet this is termed the Irvine Segment, and the Irvine Segment includes the Fashion Island area of Newport Beach. The “labels” for these two segments were inadvertently switched before the initial environmental analysis was prepared. All data for the elements within the incorrectly titled segments was generated accordingly.</p>	<p>It has been determined that the labels for the areas encompassed by the Fashion Island and Irvine Segments in the Los Angeles Basin Network were inadvertently switched prior to preparation of the Proponent’s Environmental Assessment, which formed the basis for the Initial Study/Mitigated Negative Declaration (MND). All text and graphic data included under the Fashion Island Segment title should be titled the Irvine Segment, and all data included under the Irvine Segment should be titled the Fashion Island Segment. The analysis in the MND is accurate; it is just the segment labels that are switched and therefore confusing.</p>