

Decision 00-09-039 September 7, 2000

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

Application of Metromedia Fiber Network Services, Inc. (U-6030-C) for Modification of its Certificate of Public Convenience and Necessity to Comply with the California Environmental Quality Act.

Application 00-02-039  
(Filed February 25, 2000)

**O P I N I O N**

**1. Summary**

In this decision, we approve a Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA),<sup>1</sup> and authorize Metromedia Fiber Network Services, Inc. (MFNS or Applicant) to resume work on a fiber optic cable and conduit installation project in the San Francisco Bay Area and the Los Angeles Basin (the Project).

MFNS began the Project shortly after receiving its Certificate of Public Convenience and Necessity (CPCN) in 1998.<sup>2</sup> MFNS stopped work after being contacted by Commission staff in October 1999 and informed that CEQA review would be required before the Project could continue. The Commission issued a Stop Work Order on October 21, 1999. The Commission's staff has now conducted that review, and proposes a Mitigated Negative Declaration that

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<sup>1</sup> Cal. Pub. Res. Code § 21000 *et seq.*

<sup>2</sup> Decision (D.) 98-07-108.

would permit MFNS to resume work. Our order today approves the Mitigated Negative Declaration, lifts the Stop Work Order, and permits work to resume, provided that MFNS observes stringent mitigation measures designed to protect the environment.

## **2. Background**

On July 24, 1998, the Commission issued D.98-07-108, granting MFNS a CPCN to provide interLATA and intraLATA services in California.<sup>3</sup> Because it is a non-dominant interexchange carrier, MFNS was eligible for and used the Commission's registration process to obtain its CPCN.<sup>4</sup> MFNS did not seek CEQA review as part of this process.

MFNS commenced construction of its fiber optic network without CEQA review. After being notified by Commission staff that such review was a required prerequisite to construction, MFNS stopped work on the installation. The Commission also served MFNS with a Stop Work Order. While the Commission staff has allowed MFNS to continue with limited work on the Project, most work was stopped late in 1999.

On February 25, 2000, MFNS applied for modification of its CPCN to include CEQA review of the Project.<sup>5</sup> MFNS also submitted a two-volume

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<sup>3</sup> California is divided into 10 Local Access and Transport Areas (LATA) of various sizes, each containing numerous local telephone exchanges. "InterLATA" describes services, revenues, and functions that relate to telecommunications originating in one LATA and terminating in another. "IntraLATA" describes services, revenues, and functions that relate to telecommunications originating and terminating within a single LATA.

<sup>4</sup> Application (A.) 98-06-034 (filed June 17, 1998).

<sup>5</sup> MFNS supplemented its Application, and filed an erratum to it, on March 24, 2000.

Proponent's Environmental Assessment (PEA), which evaluated the potential environmental impact of the Project. The findings of the PEA indicate that if proper mitigation measures are in place, the Project will not create significant adverse effects on the environment. There were no protests to the Application.

Meanwhile, the Commission's environmental staff, with the help of environmental consultant SAIC, Inc., conducted on-site inspections and reviewed MFNS' PEA. On June 20, 2000, staff issued for comment a Draft Initial Study and Mitigated Negative Declaration (Draft Mitigated Negative Declaration) in compliance with CEQA and Rule 17.1(f) of the Commission's Rules of Practice and Procedure.

MFNS complied with the community notification requirements of Rule 17.1(f)(1)(A) of the Commission's Rules. On July 21, 2000, MFNS made a compliance filing stating that it had mailed in excess of 64,000 notices to owners of real property adjacent to the running line of the proposed construction. MFNS also caused notice of the Draft Mitigated Negative Declaration to be published twice in 13 general circulation newspapers. Finally, approximately 140 copies of the Draft Mitigated Negative Declaration were distributed for review to libraries, county planning departments and other municipal offices.

Comments were due no later than July 20, 2000. The Commission received comment letters from seven public agencies and two private citizens, plus one comment letter from MFNS. These comments were reviewed by the environmental staff and written responses were included in the Final Initial Study and Mitigated Negative Declaration, which was issued on August 9, 2000.

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

MFNS seeks Commission approval to install conduit and related facilities to create fiber optic networks to serve the California metropolitan areas of the San Francisco Bay Area and the Los Angeles Basin.<sup>6</sup> The Project consists of (1) the installation by MFNS of new conduit for fiber optic cable, (2) the repair or replacement of existing conduit through which MFNS will pull fiber optic cable, and (3) the construction of ancillary facilities such as Point of Presence (POP) sites, which MFNS will construct at locations along the cable routes.<sup>7</sup>

The San Francisco Bay Area network will serve six Bay Area counties<sup>8</sup>; the Los Angeles Basin network will serve two counties.<sup>9</sup> The networks will connect major office buildings, industrial parks and business centers and their occupants to implement the latest applications available in the evolving data communications and Internet markets. MFNS currently has 10 customers, and anticipates having 50 customers in its fifth year of operation.

The Project will involve new underground installation of approximately 113 miles of conduit for fiber optic cable in the San Francisco Bay Area and approximately 193 miles in the Los Angeles Basin. MFNS will also pull cable

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<sup>6</sup> Maps showing the general locations of the MFNS installations are attached to this decision as Appendix A.

<sup>7</sup> A POP is the location where the cable would be connected to the Public Switched Telephone Network, and is located above-ground. The installation of fiber optic cable, which occurs after the fiber optic conduit has been installed, is not included as part of the Project; cable installation is covered under MFNS' existing CPCN.

<sup>8</sup> These counties are San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa and Marin.

<sup>9</sup> These counties are Los Angeles and Orange.

through approximately 200 miles of Pacific Bell conduit for the San Francisco Bay Area network; and approximately 38 miles of Pacific Bell/GTE conduit, and 161 miles of Level 3 conduit, for the Los Angeles Basin network.

While most of the construction will be underground, certain above-ground construction will also be necessary. POPs will vary in size from approximately 10,000-15,000 square feet (Type I facilities), to 4,000-7,000 square feet (Type II facilities), to 1,000-2,000 square feet (Type III facilities). MFNS will only construct Type II and III facilities as part of the Project – one Type II POP and eight Type III POPs for the San Francisco Bay Area, and four Type II POPs and eleven Type III POPs for the Los Angeles Basin. POPs will house personnel and equipment necessary to support, test, power and maintain the fiber optic networks. MFNS will also locate manholes, handholes, pull boxes and assist points – all of which afford access to buried fiber cable and conduit – partially above ground.<sup>10</sup> Most of the construction will occur in disturbed rights-of-way. However, a small portion of the construction, including portions of the fiber optic network and POP facilities, will occur outside these rights-of-way.

MFNS will use two primary construction techniques to create underground space for the conduit: open trenching and directional boring. MFNS will dig open trenches along railroad rights-of-way, and it will bore holes to cross intersections and natural features such as streams, sensitive biological

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<sup>10</sup> Manholes have street-level concrete or iron covers flush with the street, and cover underground fiberglass boxes measuring no more than 4' x 6' x 6'. Pull boxes and manholes are the same thing. Handholes are fiberglass boxes measuring 36" x 24" x 36". Assist points are manholes through which fiber optic cable is spooled.

habitat, or cultural resources. After trenching/boring, MFNS will install conduit, pull fiber optic cable through the conduit, close up the trenches and bore holes, and restore the original surfaces and contours of the land.

In the future, MFNS will construct and install fiber optic loops connecting the fiber optic backbone we approve in this decision to individual customer premises. It does not seek approval of such construction in this Application, but requests that the Commission adopt a process for approving minor construction so that MFNS is not required to file a formal application each time it must construct distribution loops. Because we do not now know the extent of construction MFNS will seek to engage in, we decline to adopt such a process at this time. If, when MFNS seeks Commission approval to install local loop facilities, an abbreviated approval process appears consistent with environmental protection, we will revisit MFNS' request.

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

CEQA requires the Commission, as the designated lead agency, to assess the potential environmental impact of the Project. The objective is to avoid or mitigate adverse effects and to preserve, restore or enhance environmental quality. Rule 17.1 of the Commission's Rules requires the proponent of any such project to submit with its Application an environmental assessment, or PEA. The PEA is used by the Commission to focus on environmental impacts and to prepare an initial study to determine whether the project will need a Negative Declaration or an Environmental Impact Report.

MFNS was under the mistaken impression that the CPCN authority issued to it in 1998 allowed it to construct the Project without further CEQA review. When it realized this was not the case, it stopped work on the Project pending the outcome of the CEQA review we approve here.

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

The Commission's environmental staff in its Draft Mitigated Negative Declaration determined that MFNS' project would not have a significant impact on the environment provided that specific mitigation measures are implemented in the construction and operation of the project.

The proposed Final Mitigated Negative Declaration, containing the mitigation measures, was mailed to all parties on August 9, 2000. Because of its volume, the final document is not made part of this decision, but a summary of some of its provisions is provided below.<sup>11</sup> MFNS has agreed to comply with and incorporate the mitigation measures as part of the Project.

## **6. Mitigation Measures**

The Final Mitigated Negative Declaration finds that MFNS' proposed construction methods (*e.g.*, installation in previously disturbed rights-of-way) and practices (*e.g.*, environmental training of construction crews, implementation of a storm water pollution prevention plan) will avoid or minimize the physical impacts of the Project. It also details several mitigation measures to which MFNS has committed to minimize environmental effects on wildlife, waterways, plants, air quality, traffic and Native American and paleontological resources.

The principal mitigation measures are as follows:

- Identification, staking and/or flagging of all sensitive biological resources (wildlife, plants, habitat, waterways) prior to construction. The Project crosses many streams, rivers, canals and other waterways, as well as sensitive wetlands; MFNS will

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<sup>11</sup> The complete Final Negative Declaration is available on the Commission's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Interested persons may also contact SAIC at (805) 966-0811 to obtain a copy of the document.

either route the Project around them, time construction to a low-sensitivity time of year, bore under the resources or attach the fiber optic cable to overhead facilities such as bridges.

- Protection of cultural resources such as Native American burial sites, sites of paleontological or archaeological significance, and historic buildings over 45 years old. MFNS will use a project archaeologist to identify such resources, and when they are found will test and evaluate the resources, and propose and implement avoidance measures designed to preserve them.
- Compliance with local plans, zoning and permitting requirements prior to construction.
- Design of Project facilities to be unobtrusive and not conflict with the character of the surrounding setting, and restoration of construction sites to pre-construction conditions.

Additional mitigation measures will be designed to preserve air quality; ensure proper labeling, storage, handling and use of hazardous materials; abate noise; and minimize traffic disruptions.<sup>12</sup>

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

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

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<sup>12</sup> A complete summary of mitigation requirements is affixed to this decision as Appendix B.

## 7. Commission Analysis

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

Exhibit 1 – Application by MFNS

Exhibit 2 – Applicant’s PEA

Exhibit 3 – Draft Initial Study and Mitigated Negative Declaration, dated June 2000

Exhibit 4 – Final Mitigated Negative Declaration, dated August 9, 2000

In view of the recommendations of our environmental staff, as well as Applicant’s response to third party objections and comments filed in response to the Draft Mitigated Negative Declaration, we will grant Applicant’s request to modify its CPCN to include the Final Mitigated Negative Declaration, and to authorize the construction set forth in the Application.

We recognize that our Stop Work Order has effectively shut this project down for many months, with attendant financial loss to Applicant. We also recognize that Applicant has taken steps to mitigate environmental damage. Nevertheless, we believe that further consideration must be given to whether this Commission should levy fines or other sanctions against Applicant and its officers.<sup>13</sup> Our concern is that carriers may not have adequate incentives to comply with the law if the only penalty they face for non-compliance is the possibility of delays in construction. These delays would have occurred in the early stages of the Project anyway if MFNS had complied with the law and submitted to environmental review and mitigation.

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<sup>13</sup> See, e.g., *In Re Coral Communications*, D.99-08-017, 1999 Cal. PUC Lexis 519 (1999).

Accordingly, we will keep this proceeding open to investigate whether and the extent to which fines or other sanctions should be imposed on MFNS. We direct the assigned Administrative Law Judge to issue a ruling setting a second phase of this proceeding to consider penalties and other sanctions.

**8. Motion for Protective Order**

On February 25, 2000, MFNS filed a motion seeking to keep confidential the estimated cost of construction of the Project (Motion). MFNS alleged that disclosure of this figure could allow competitors to “determine MFNS competitive strategies and in some cases . . . quickly determine whether they could under price MFNS and by how much.” No party approved the Motion. In view of MFNS’ claim of the need for confidentiality and the fact that the issue before us here is the environmental impact, rather than the cost, of the Project, we will grant the Motion.

**9. Category/Need for Hearing**

In Resolution ALJ 176-3035, dated March 21, 2000, the Commission preliminarily categorized this Application as ratesetting, and preliminarily determined that hearings were necessary. Based on this record, our order today changes the preliminary determination and concludes that hearings are not necessary.

**10. Comments to Draft Decision**

The draft decision of the ALJ Sarah Thomas in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311(g) and Rule 77.7 of the Rules and Practice and Procedure. On August 7, 2000, MFNS stipulated, through its counsel, to reduce the 30-day public review and comment period for the draft decision to 15 days. No comments were filed.

### **Findings of Fact**

1. Applicant sought a CPCN in A.98-06-034 (filed June 17, 1998).
2. The Commission granted Applicant a CPCN in D.98-07-108, dated July 24, 1998.
3. Applicant did not seek and did not obtain CEQA review as part of A.98-06-034.
4. Applicant has begun installation of a new fiber optic conduit and cable network in the San Francisco Bay Area and the Los Angeles Basin.
5. MFNS stopped work after being contacted by Commission staff in October 1999 and informed that CEQA review would be required before the Project could continue.
6. On February 25, 2000, Applicant applied for modification of its CPCN to include a review of the Project for compliance with CEQA. Applicant supplemented its Application on March 24, 2000.
7. No party protested the Application for modification of the CPCN.
8. The Commission's environmental staff conducted a review of applicant's project and issued a Draft Initial Study and Mitigated Negative Declaration in June 2000. In compliance with Commission Rule 17.1(f), MFNS caused notices to the Draft Mitigated Negative Declaration to be mailed to adjacent real property owners and to be published in numerous newspapers of general circulation. The comment period on the foregoing document ended on July 20, 2000.
9. Following comments, the Commission's staff issued a Final Mitigated Negative Declaration on August 9, 2000.

**Conclusions of Law**

1. A hearing is not required.
2. The Application should be granted, subject to the environmental requirements set forth in the Final Mitigated Negative Declaration.
3. Because of the public interest in fiber optic communications services, the following order should be effective immediately.
4. The assigned ALJ should proceed to address the issue of whether MFNS should be subject to fines or other sanctions for its non-compliance with its authority and the law.
5. We will not adopt an abbreviated process for approving MFNS' installation of distribution loops at this time because we do not now know the magnitude of construction activities.
6. MFNS' Motion for a protective order should be granted.

**INTERIM ORDER**

**IT IS ORDERED** that:

1. The Application of Metromedia Fiber Network Services, Inc. (U-6030-C) (MFNS or Applicant) for modification of its Certificate of Public Convenience and Necessity to Review Proponent's Environmental Assessment for Compliance with the California Environmental Quality Act is granted.
2. The Final Mitigated Negative Declaration identified in the formal record as Exhibit 4 is adopted by this Commission.
3. The determination in Resolution ALJ 176-3035 with respect to this Application is amended to determine that no hearings are necessary.
4. Applicant shall fully implement the mitigation measures described in Exhibit 4.

5. The Commission's Stop Work Order issued on October 21, 1999, is withdrawn.

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

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

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

9. The assigned Administrative Law Judge (ALJ) shall consider whether a fine or other sanction should be imposed on Applicant and its officers for commencing work without appropriate authority and in violation of the law. The ALJ shall issue a ruling commencing a second phase of this proceeding to consider such matters.

10. Application 00-02-039 remains open for consideration of possible sanctions.

11. MFNS' motion for a protective order is granted to the extent set forth below.

- a. MFNS' Estimated Cost Of Construction, which has been filed under seal as Exhibit E to the Application, shall remain under seal for a period of two years from the date of this ruling. During that period, the Estimated Cost Of Construction shall not be made accessible or be disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned ALJ, or the ALJ then designated as Law and Motion Judge.
- b. If MFNS believes that further protection of this information is needed after two years, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

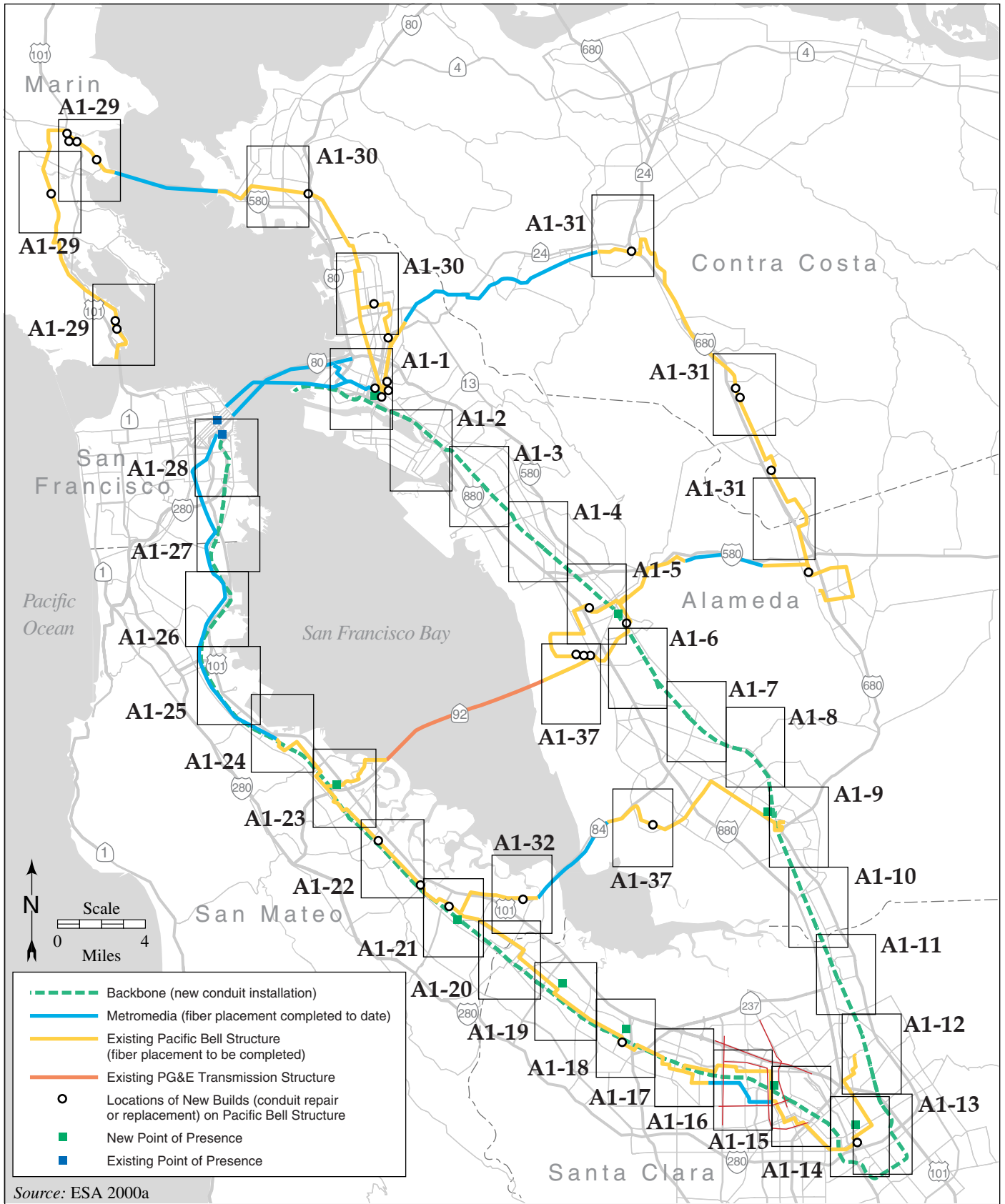
12. MFNS request for an expedited Commission process for approving distribution loop installation is denied.

This order is effective today.

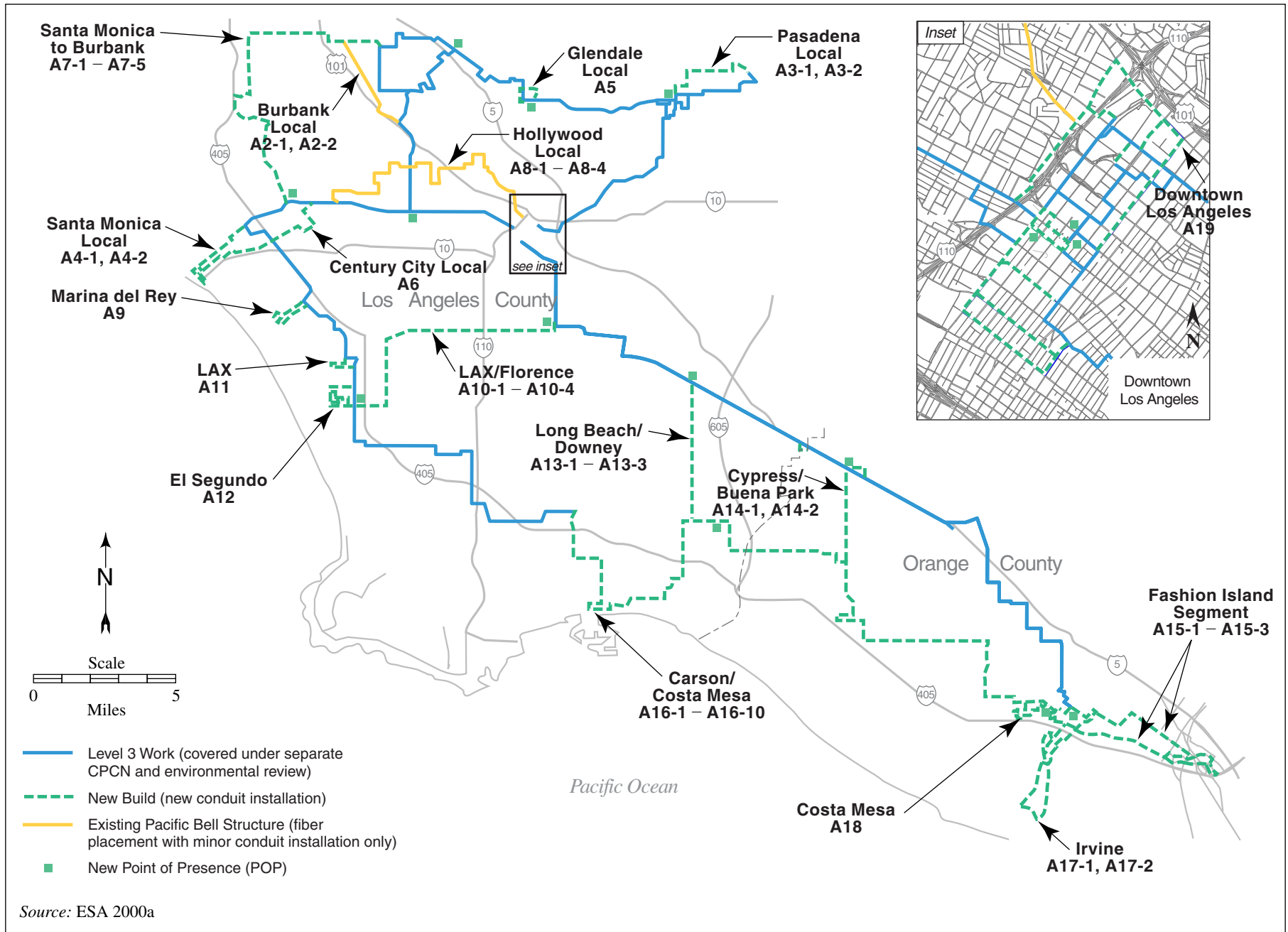
Dated September 7, 2000, at San Francisco, California.

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

## **Appendix A**



**Figure A1-0. Index Map for Metromedia's San Francisco Bay Area Network**



**Figure A2-0. Index Map for Metromedia's Los Angeles Basin Network**

## **Appendix B**

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

(Page 1 of 17)

<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>AESTHETICS</b>					
<b>AES-1:</b> Possible temporary, minor changes to the resources visible from a designated State Scenic Highway might result from project construction and operation. (Less than Significant with Identified Mitigation)	✓		<b>AES-1:</b> Metromedia would comply with local regulations regarding State Scenic Highway corridors, keep construction and staging areas orderly, free of trash and debris, and would restore areas disturbed by project construction along the proposed route to their pre-project condition.	✓	
<b>AES-2:</b> Possible minor changes in the existing visual character or quality of a site might result from project construction and operation. (Less than Significant with Identified Mitigation)	✓	✓	<b>AES-2:</b> Metromedia would minimize visual impacts of project facilities and comply with local regulations concerning architectural design and landscaping, keep construction and staging areas orderly and free of trash and debris, and would restore areas disturbed by project construction along the proposed route to their pre-project condition.	✓	✓
<b>AGRICULTURAL RESOURCES</b>					
The project would have no impacts on agricultural resources.					
<b>AIR QUALITY</b>					
<b>AQ-1:</b> Introduction of additional emissions sources in a region for which air quality plans have been developed. (Less than Significant with Identified Mitigation)	✓		<b>AQ-1:</b> Metromedia would submit a letter to the permit services division of the BAAQMD prior to project construction indicating that five back-up generators would be installed as part of the project and where those generators would be located.	✓	

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

(Page 2 of 17)

<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>AIR QUALITY</b>					
<b>AQ-2:</b> Increase in local pollutant concentrations. (Less than Significant with Identified Mitigation)	✓		<b>AQ-2:</b> Metromedia would require the construction contractors to water all active construction areas at least twice daily; cover all trucks hauling soil, sand, and other loose materials; pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; sweep daily all paved access roads, parking areas and staging areas at construction sites; and sweep streets daily if visible soil material is carried onto adjacent public streets.	✓	
<b>AQ-3:</b> Increase in nonattainment pollutant emissions. (Less than Significant)	✓		No mitigation is required		
<b>AQ-4:</b> Expose sensitive receptors to substantial pollutant concentrations. (Less than Significant with Identified Mitigation)	✓		<b>AQ-4:</b> Metromedia would use "California" diesel fuel to power the back-up generator at the Hayward and Santa Clara POPs.	✓	
<b>AQ-5:</b> Introduction of additional emissions sources in a region for which air quality plans have been developed. (Less than Significant with Identified Mitigation)		✓	<b>AQ-5:</b> Metromedia would comply with all SCAQMD permit requirements and SCAQMD Rule 403.		✓
<b>AQ-6:</b> Increase in local pollutant concentrations. (Less than Significant)		✓	No mitigation is required.		

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

Problem/Issue	Changes to the Draft IS/MND
<b>Aesthetics</b>	
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).”
<b>Biological Resources</b>	
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
<b>Biological Resources</b>	
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.
<b>Cultural Resources</b>	
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
<b>Cultural Resources</b>	
<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>
<b>Hazards and Hazardous Materials</b>	
<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>
<b>Noise</b>	
<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"> <li>▪ “7:00 a.m. to 6:00 p.m. or dusk, whichever comes first weekdays;</li> <li>▪ “9:00 a.m. to 6:00 p.m. or dusk, whichever comes first Saturdays; and”.</li> </ul>

<b>Problem/Issue</b>	<b>Changes to the Draft IS/MND</b>
<b>Recreation</b>	
<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>
<b>Non-Resource Specific</b>	
<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>

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>AIR QUALITY</b>					
<b>AQ-7:</b> Increase in nonattainment pollutant emissions. (Less than Significant with Identified Mitigation)		✓	<b>AQ-7:</b> Metromedia would require its construction contractors to use California on-road diesel fuel for all diesel-powered construction equipment; use construction equipment that is properly tuned and maintained in accordance with manufacturer's specifications; employ a maximum of 10 work crews on any given workday with a maximum of 6 work crews using the street trenching technique; use a schedule based on a 5-day work week; use best management construction practices to avoid unnecessary emissions; and to suspend the emissions-generating construction activities during " Stage 2" smog alerts.		✓
<b>AQ-8:</b> Expose sensitive receptors to substantial pollutant concentrations. (Less than Significant)		✓	No mitigation is required.		
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1:</b> The project may result in temporary, adverse impacts on up to 20 sensitive wildlife species potentially present adjacent to the route. Potential impacts could include direct mortality from equipment, entrapment in open trenches, temporary loss of cover due to removal of vegetation, and harassment due to noise or vibration. Harassment to nesting birds could result in nest failure or increased exposure to predators. The sensitive species potentially impacted are predominantly associated with wetland or stream habitat adjacent to the railroad ROW.	✓		<b>BIO-1a:</b> Qualified biologists retained by the project applicant for resource monitoring shall perform pre-construction surveys, staking of resources, on-site monitoring, documentation of violations and compliance, coordination with contract compliance inspectors and post-construction documentation. Biological resource monitors shall also inspect areas to ensure that barrier fencing, stakes, and required setback buffers are maintained	✓	

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1</b> (above)	✓		<b>BIO-1b:</b> Pre-construction meetings conducted by Metromedia shall include a biological resource education program for project construction crews. The education program shall include review of the potential locations of sensitive biological resources, methods of resource avoidance to be utilized, applicable permit conditions and applicable fines for violations of state or federal environmental laws regulating sensitive biological resources.	✓	
	✓		<b>BIO-1c:</b> The project applicant shall avoid all riparian and wetland habitats that support sensitive species by establishing and observing exclusion zones. Such zones shall be identified, located on construction drawings and staked, flagged or fenced in the field by a qualified biologist prior to commencement of project construction activities.	✓	

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1</b> (above)	✓		<b>BIO-1d:</b> If construction equipment is required to operate within any watercourse with flowing or standing water, the designated biological resource monitor shall be present at all times to alert construction crews to the possible presence of California red-legged frog, salmonids or other sensitive aquatic species potentially at risk. If 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. In the case of an accidental substance release into one of these streams, the regulating resource authorities shall be contacted within 24 hours of the incident's occurrence.	✓	
	✓		<b>BIO-1e:</b> Construction activities at the six identified potential salmonid streams, including San Leandro Creek, Alameda Creek, Coyote Creek, Los Gatos Creek, San Francisquito Creek and the Guadalupe River, shall occur during the summer months (July through September) when flows are minimal or subterranean, aquatic species are least likely to be present, and the inadvertent release of materials such as bentonite clay, a substance used for directional boring as proposed by the project applicant, would least impact sensitive species.	✓	

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1</b> (above)	✓		<b>BIO-1f:</b> Woody riparian vegetation close to the network routes that could be affected by installation activities shall be protected by installation of temporary fencing or staking. Protective fencing shall remain in place until all construction activities in the area are complete. No woody vegetation shall be removed from stream corridors.	✓	
	✓		<b>BIO-1g:</b> Surveys for nesting tricolored blackbird at Stiver's Lagoon shall be conducted between May and July by a qualified biologist no more than two weeks prior to the commencement of construction. If pre-nesting or nesting activity is identified, a determination shall be made in consultation with CDFG as to whether or not construction would impact nests. 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.	✓	

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1</b> (above)	✓		<b>BIO-1h:</b> Construction activities at Pacific Bell Network Segments 26 and 27 shall be conducted outside of the nesting season (February 1 through August 31) of California black rail, California black rail, Western snowy plover, and California least tern. If construction activities at Pacific Bell Network Segments 26 and 27 are anticipated to occur during the nesting season, a qualified biologist shall conduct a pre-construction survey for occupied nesting habitat within 700 feet of the network route. If any of the species listed above species are determined to be present, construction shall be delayed until after the breeding season.	✓	
	✓		<b>BIO-1i:</b> The project biological resource monitor shall conduct pre-construction surveys for burrowing owl within 500 feet of the proposed network route no more than two weeks prior to the commencement of project construction, in all areas identified to provide potentially suitable nesting habitat. Survey protocol shall conform to guidelines described by the California Burrowing Owl Consortium (1993). If occupied owl burrows are found during pre-construction surveys, a determination shall be made by the biological resource monitor, in consultation with CDFG, as to whether project construction would impact the occupied burrows or disrupt reproductive behavior.	✓	

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1</b> (above)			<b>BIO-1i</b> (con'd): If construction would physically impact occupied burrows or disrupt reproductive behavior during the nesting season (February 1 through August 31), construction shall be delayed within 250 feet of occupied burrows until it is determined that owls are not longer nesting or until the biological resource monitor determines that juvenile owls are self-sufficient or no longer using the natal burrow as their primary source of shelter.		
<b>BIO-2:</b> Potential impacts on non-listed sensitive nesting raptors. Potential nesting habitat for several raptor species occurs within or adjacent to most of the San Francisco Bay Area network alignment. While no nesting habitat would be directly affected by installation of the conduit or regeneration facilities, indirect project-related impacts could include nest abandonment and reproductive failure.	✓		<b>BIO-2:</b> If project construction activities are proposed to take place during the breeding season of raptors identified as potentially present along or adjacent to the network alignment (between February 1 and August 31), the project biological resource monitor shall conduct pre-construction surveys for nesting raptors within 500 feet of the network route no more than 2 weeks before the start of project construction, in all areas identified to provide potentially suitable nesting habitat. If active nests are found, a no-disturbance buffer zone averaging 500 feet in width shall be established around active nests during the breeding season for the duration of construction. The size of individual buffers shall be adjusted upward or downward based on site evaluation by the biological resource monitor in coordination with CDFG.	✓	

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia’s Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-3:</b> The project could contribute to short-term disturbance of “waters of the U.S.,” including wetlands. While proposed construction methods specify directional boring beneath sensitive waterways, two small wetlands lacking riparian vegetation may be trenched.	✓		<b>BIO-3:</b> Minimize disturbance of “other waters of the U.S.,” including wetlands, and restore such resources to pre-project conditions. Construction activities shall avoid saturated or ponded wetlands during the wet season (spring and winter) to the maximum extent possible. Where such activities are unavoidable, protective practices, such as use of padding, or vehicles mats or vehicles with balloon tires, geotextile cushions or other appropriate materials as determined by the biological resource coordinator, shall be used. In wetlands or unvegetated waters of the U.S. that are trenched, the top 12 inches of topsoil from the excavated site with intact roots, rhizomes, and seed bank would be stockpiled. Topsoil and subsoil shall be replaced immediately after construction activities are complete.	✓	
<b>CULTURAL RESOURCES</b>					
<b>CR-1:</b> Possible adverse changes to the significance of cultural resources. (Less than Significant with Identified Mitigation)	✓	✓	<b>CR-1a:</b> Appoint a cultural resources specialist.	✓	✓
	✓	✓	<b>CR-1b:</b> Determine boundaries of known cultural resources.	✓	✓
	✓	✓	<b>CR-1c:</b> Evaluate resources for California Register of Historical Resources eligibility; Avoid or conduct data recovery/monitor construction.	✓	✓

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>CULTURAL RESOURCES</b>					
<b>CR-2:</b> Possible substantial effects to potential, poorly recorded, or possibly badly disturbed prehistoric and historic archaeological deposits from trenching operations or from use of historic structures as POP locations (construction related impact, particularly open trenches and portals for bi-directional boring within specified sensitive areas). (Less than significant with Identified Mitigation)	✓	✓	<b>CR-2a:</b> Conduct archaeological monitoring at sites identified during construction as archaeologically sensitive. 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.  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.	✓	✓
			<b>CR-2b:</b> Inspect POP locations; avoid use of historic structures or evaluate and document.	✓	✓
<b>CR-3:</b> Potential location or disturbance of unique paleontological resources during construction. (Less than Significant with Identified Mitigation)	✓	✓	<b>CR-3:</b> Notify paleontologist of unanticipated discoveries of fossils and document as needed.	✓	✓

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>CULTURAL RESOURCES</b>					
<b>CR-4:</b> Possible substantial effects to human burials from trenching operations (construction related impact, particularly open trenches and portals for bi-directional boring within specified sensitive areas). (Less than Significant with Identified Mitigation)	✓	✓	<b>CR-4a:</b> If Native American remains are found, implement appropriate security measures, contact appropriate authorities, and follow authorities' directives concerning the remains.	✓	✓
			<b>CR-4b.</b> Conduct Native American monitoring.	✓	✓
<b>GEOLOGY AND SOILS</b>					
<b>GEO-1:</b> In the event of a major earthquake, the area within the causative Alquist-Priolo Fault Hazard Zone would be susceptible to surface fault rupture. (Less than Significant)	✓	✓	No mitigation is required.		
<b>GEO-2:</b> In the event of a major earthquake in the region, seismic groundshaking could potentially injure people and cause collapse or structural damage to proposed facilities and structures. Groundshaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and related ground failure. (Less than Significant)	✓	✓	No mitigation is required.		
<b>GEO-3:</b> Initial construction operations and periodic repair projects on the Metromedia fiber-optic cable network could result in temporary accelerated erosion and sedimentation from soil disturbance and/or vegetation removal. (Less than Significant)	✓	✓	No mitigation is required.		

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>GEOLOGY AND SOILS</b>					
<b>GEO-4:</b> The MFN Project area could be subjected to geologic hazards including settlement, and slope failure. (Less than Significant)	✓	✓	No mitigation is required.		
<b>GEO-5:</b> The proposed project area could be subjected to geologic hazards relating to expansive soils. (Less than Significant)	✓	✓	No mitigation is required.		
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>HAZ-1:</b> Possible temporary exposure to or release of hazardous materials during construction. (Less than Significant with Identified Mitigation)	✓	✓	<b>HAZ-1a:</b> Ensure proper labeling, storage, handling, and use of hazardous materials.	✓	✓
			<b>HAZ-1b:</b> Prepare hazardous materials management/spill prevention plan.	✓	✓
			<b>HAZ-1c:</b> Prepare Health and Safety Plan.	✓	✓
			<b>HAZ-1d:</b> Prepare Dust Abatement Program.	✓	✓
			<b>HAZ-1e:</b> Reduce excavation impacts.	✓	✓
<b>HAZ-2:</b> 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. (Less than Significant with Identified Mitigation)	✓	✓	<b>HAZ-2a:</b> Conduct a list search of all network segments requiring excavation.	✓	✓
			<b>HAZ-2b:</b> Characterize excavated materials for disposal.	✓	✓
			<b>HAZ-2c:</b> Test groundwater.	✓	✓
<b>HAZ-3:</b> Possible exposure of the public or environment to hazardous materials sites. (Less than Significant)	✓	✓	No mitigation is required.		
<b>HAZ-4:</b> Possible temporary limited emergency access. (Less than Significant)	✓	✓	No mitigation is required.		

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>HAZ-5:</b> Installation could encounter methane gas or hydrogen sulfide gas during excavations and borings. (Less than Significant)		✓	<b>HAZ-5:</b> Implement Mitigation Measure HAZ-1c.		✓
<b>HYDROLOGY AND WATER QUALITY</b>					
<b>HWQ-1:</b> Project construction could cause erosion and transport of sediments to local water resources during construction activities. (Less than Significant)	✓	✓	No mitigation is required.		
<b>HWQ-2:</b> Possible long-term erosion from decreased channel stability. (Less than Significant)	✓	✓	No mitigation is required.		
<b>HWQ-3:</b> Possible water quality degradation from accidental spills of construction materials and equipment fluids. (Less than Significant)	✓	✓	No mitigation is required.		
<b>HWQ-4:</b> Possible water quality degradation and siltation from accidental seepage or spillage of drilling fluids into streams. (Less than Significant)	✓	✓	No mitigation is required.		
<b>HWQ-5:</b> Excavation during project construction could encounter groundwater and require dewatering. Discharge of dewatered water could adversely affect surface water quality. (Less than Significant)	✓	✓	No mitigation is required.		
<b>LAND USE AND PLANNING</b>					
<b>LU-1:</b> Possible conflict with applicable local land use plans, policies, and regulations might occur. (Less than Significant with Identified Mitigation)	✓	✓	<b>LU-1:</b> Metromedia would comply with local plans, policies, and regulations.	✓	✓

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>MINERAL RESOURCES</b>					
The project would have no impacts on mineral resources.					
<b>NOISE</b>					
<b>NOI-1:</b> Noise levels in excess of local standards would be generated in some locations during project construction and operation. (Less than Significant with Identified Mitigation)	✓		<b>NOI-1a:</b> Metromedia shall require construction contractors to comply with the construction hours and construction equipment standards set forth in Table 5.11-1. For construction in those jurisdictions that have no specific construction-related standards, Metromedia shall require its contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.	✓	
			<b>NOI-1b:</b> Metromedia shall implement site-specific measures at the POP sites like relocating air conditioning units away from residences, installing “quiet” generators and testing generators only during daylight hours.	✓	
			<b>NOI-1c:</b> Metromedia shall implement a variety of measures to reduce noise levels from directional boring where noise levels of 60 dBA or greater would be experienced at sensitive receptor locations. For example: special mufflers can be applied to the boring rig exhaust; shielding can be erected between the noise source and the receptor; or, as an extreme measure, a temporary enclosure can be erected to house the boring operation. The applicant shall implement all reasonable and customary noise reduction measures as part of the proposed project. The applicant shall also post the name and telephone number of a person for the public to contact to resolve noise-related problems.	✓	
<b>NOI-2:</b> Exposure of sensitive receptors to localized groundborne vibration and groundborne noise. (Less than Significant)	✓		No mitigation is required.		

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>NOISE</b>					
<b>NOI-3:</b> Permanent increases in ambient noise levels from use of equipment at POPs. (Less than Significant with Identified Mitigation)	✓		<b>NOI-3:</b> Metromedia shall implement the measures listed under Mitigation Measure NOI-1b.	✓	
<b>NOI-4:</b> Temporary and intermittent noise increases during project construction. (Less than Significant with Identified Mitigation)	✓		<b>NOI-4:</b> Metromedia shall implement the measures listed under Mitigation Measures NOI-1a and NOI-1c.	✓	
<b>NOI-5:</b> Noise levels in excess of local standards would be generated in some locations during project construction. (Less than Significant with Identified Mitigation)		✓	<b>NOI-5:</b> Metromedia shall implement the measures listed under Mitigation Measures NOI-1a and NOI-1c, except that the construction hours and construction equipment standards set forth in Table 5.11-2 shall be observed.		✓
<b>NOI-6:</b> Exposure of sensitive receptors to localized groundborne vibration and groundborne noise. (Less than Significant)		✓	No mitigation required.		
<b>NOI-7:</b> Permanent increases in ambient noise levels from use of equipment at POPs. (Less than Significant)		✓	No mitigation required.		
<b>NOI-8:</b> Temporary and intermittent noise increases during project construction. (Less than Significant with Identified Mitigation)		✓	<b>NOI-8:</b> Metromedia shall implement the measures listed under Mitigation Measures NOI-1a and NOI-1c.		✓
<b>POPULATION AND HOUSING</b>					
The project would have no impacts on population or housing.					
<b>PUBLIC SERVICES</b>					
The project would have no impacts on public services.					

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>RECREATION</b>					
<b>REC-1:</b> The project would intermittently and temporarily disrupt existing recreational facilities for the duration of project construction. (Less than Significant with Identified Mitigation)	✓	✓	<b>REC-1a:</b> Limit construction to weekday non-peak hour use periods. This restriction would minimize short-term disruptions to recreational facilities that would occur during construction.	✓	✓
			<b>REC-1b:</b> All ground surfaces will be restored as close to pre-project conditions as soon as possible or practicable.	✓	✓
<b>TRANSPORTATION AND TRAFFIC</b>					
<b>TRANS-1:</b> New conduit installation along or across streets would reduce the number of, or the available width of, travel lanes on roads, resulting in temporary disruption of traffic flows and increases in traffic congestion. (Less than Significant with Identified Mitigation)	✓	✓	<b>TRANS-1:</b> Obtain and comply with local and state roadway encroachment permits, and railroad encroachment permits.	✓	✓
<b>TRANS-2:</b> Construction would result in short-term increases in vehicle trips by construction vehicular activities and construction workers. (Less than Significant with Identified Mitigation)	✓	✓	Same as TRANS-1.	✓	✓
<b>TRANS-3:</b> New conduit installation along roadways and railroad right of ways would temporarily increase the potential for accidents. (Less than Significant with Identified Mitigation)	✓	✓	Same as TRANS-1.	✓	✓
<b>TRANS-4:</b> New conduit installation along or across streets would affect emergency access. (Less than Significant with Identified Mitigation)	✓	✓	Same as TRANS-1.	✓	✓

**Table 1-3. Summary of Impacts and Mitigation Measures for Metromedia's Proposed San Francisco Bay Area and Los Angeles Basin Network**

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<i>Environmental Impact</i>	APPLIES TO:		<i>Mitigation Measures</i>	APPLIES TO:	
	<i>SF Bay Area Network</i>	<i>LA Basin Network</i>		<i>SF Bay Area Network</i>	<i>LA Basin Network</i>
<b>TRANSPORTATION AND TRAFFIC</b>					
<b>TRANS-5:</b> Construction for all project components would generate a temporary demand for parking spaces for construction worker vehicles; in addition, cable installation would temporarily displace existing on-street parking on a number of streets. (Less than Significant with Identified Mitigation)	✓	✓	Same as TRANS-1.	✓	✓
<b>TRANS-6:</b> Cable installation could temporarily disrupt bus service along the proposed alignment. (Less than Significant with Identified Mitigation)	✓	✓	Same as TRANS-1.	✓	✓
<b>UTILITIES AND SERVICE SYSTEMS</b>					
<b>UTI-1:</b> Conduit installation, either by open trenching or directional boring, could cross or coincide with existing utility lines and could affect and disrupt delivery of those utility services. (Less than Significant)	✓	✓	No mitigation is required.	✓	✓