



COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1299

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Vero Fiber Networks, LLC Digital 299 Phase 2 - Trinidad Spur Coastal Development Permit
Assessor Parcel Number: County and State road rights-of-way
Record Number: PLN-2024-19012
McKinleyville and Westhaven areas

A Coastal Development Permit for the portion of the Vero Fiber Networks, LLC Digital 299 Phase 2 - Trinidad Spur Project within the County's jurisdiction of the Coastal Zone that includes the installation of approximately 2.9 miles of fiber optic cable within County and State road rights-of-way consisting of three 1.25" conduits and fourteen underground access vaults via horizontal directional drilling with surface disturbance limited to entry/exit pits approximately every 300-800 feet. This is part of the Digital 299 broadband project intended to support long-term connectivity for rural communities that have been identified by the California Public Utilities Commission as unserved or underserved. The Humboldt County Zoning Administrator will consider the adopted Final Environmental Assessment and Initial Study/Mitigated Negative Declaration (SCH #2022010017) the California Public Utilities Commission approved, pursuant to §15074 of the State CEQA Guidelines and the subsequent Addendum prepared for consideration per §15164 of the State CEQA Guidelines.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-__) (Attachment 1), which does the following:
 - a. Finds the Zoning Administrator has considered the Environmental Assessment and Initial Study/Mitigated Negative Declaration, and Addendum, including the environmental effects of the project, and as a Responsible Agency, agrees with the lead agency's findings; and
 - b. Makes all required findings for approval of the Coastal Development Permit; and
 - c. Approves the Vero Fiber Networks, LLC Coastal Development Permit as recommended

by staff and subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project in the northern Humboldt region within existing County and State road rights-of-way along State HWY 200 (North Bank Road), Central Avenue, Airport Road, and Clam Beach Road in McKinleyville, and Scenic Drive in Westhaven.

Present Plan Land Use Designations:

N/A

Present Zoning:

N/A

Environmental Review:

The California Public Utilities Commission is the lead agency under CEQA. The California Public Utilities Commission adopted an Environmental Assessment and Initial Study/Mitigated Negative Declaration, (EA/ISMND) (SCH #2022010017), and subsequent Addendum. The County of Humboldt is a responsible agency under CEQA. The County of Humboldt considers the environmental effects of the EA/ISMND and Addendum and agrees with the findings of the EA/ISMND and Addendum.

State Appeal Status:

Project is located within both the Appeals, and Local jurisdiction of the Coastal Zone and is therefore appealable to the California Coastal Commission.

Major Issues:

None.

Executive Summary:

A Coastal Development Permit (CDP) for the portion of the Vero Fiber Networks, LLC (Vero) Digital 299 Phase 2 - Trinidad Spur Project within the County's jurisdiction of the Coastal Zone (Proposed Project). The Vero Fiber Network's Digital 299 Project involved installation of approximately 300 miles of new conduit and fiber optic cables to provide internet to unserved or underserved communities in Humboldt, Trinity, and Shasta counties. The project alignment generally follows California State Route 299, with segments diverging from the highway to follow other State highways, and city and county roads. In December 2022, the California Public Utilities Commission approved the Environmental Assessment/Initial Study Mitigated Negative Declaration (Final EA/ISMND) ([≤ https://ceqanet.opr.ca.gov/2022010017 ≥](https://ceqanet.opr.ca.gov/2022010017)) for the Digital 299 Broadband Project, which proposes to install an approximately 300-mile fiber optic network in Humboldt, Shasta, and Trinity counties, California. The applicant began construction on Phase 1 of the Digital 299 Project in January 2023, and Phase 2 will involve construction of a fiber optic line spur from Arcata to Trinidad. Instead of

constructing the Phase 2 alignment along the originally planned route following local roads in Arcata and along the Hammond Trail, the applicant proposes to modify the approximately 14-mile alignment. The modified portion of the alignment, which comprises the CEQA Addendum (Attachment 2A) portion, is approximately 7.3 miles, while the remaining portion was reviewed as part of the Phase 1 efforts. The proposed alignment will head west along North Bank Road from the intersection with SR-299 to the intersection with Central Avenue, where the proposed alignment will then head north on Central Avenue to the intersection with Airport Road. The proposed alignment will head west along Airport Road before crossing Highway 101 and heading north up the west side of 101 South. The alignment will then head north along Highway 101 and then follow an on-ramp at Clam Beach Drive, where construction will follow the previous alignment, which follows Clam Beach Drive, Highway 101, and other local roads north to the City of Trinidad.

Approximately 2.9 miles of the alignment fall within the Humboldt County Coastal Zone, for which this application seeks permitting. Vero proposes to install fiber optic cable buried along existing road rights-of-way. This will consist of three 1.25-inch buried conduits to house the fiber optic cable. At least one conduit will be left empty for maintenance and/or future capacity. The conduit will be placed along the shoulder of existing roadways or through the existing roadway where shoulders are narrow. Horizontal directional drilling (HDD) will be the method of construction. Underground vaults will be placed along the alignment to splice the cables and provide access to the buried conduit. These vaults will be excavated and installed at the same time as conduit installation. The vaults are typically 30 inches x 48 inches x 36 inches. Fourteen vaults are proposed within the Proposed Project area and would be placed along the centerline of the conduit within the proposed temporary disturbance area (i.e., 25-foot-wide corridor). The vaults will be topped with metal access covers installed flush with the ground. The Proposed Project will utilize boring beneath waterways. No bridge crossings are within the Proposed Project area.

The process of HDD can cause drilling fluid to be released during installation, which can occur when pressure in the drill hole is not maintained and a loss of circulation of drilling fluids occurs. Drilling fluid loss is typical in small amounts when layers of soil, gravel, and rocks are encountered and the drilling fluid fills voids in the materials; however, there is a potential for the inadvertent release of drilling fluid. Drilling fluid release is usually caused by the drill hole pressure going beyond the containment capacity due to fractures in bedrock or other significant voids in geologic strata that allows fluids to surface. A Horizontal Directional Drilling Frac-out Contingency Plan (Appendix E of the Final EA/ISMND located at [≤https://ceqanet.opr.ca.gov/2022010017≥](https://ceqanet.opr.ca.gov/2022010017)) was developed for the project in order to avoid direct impacts to creek crossings during the rainy season using HDD techniques in a manner that does not result in sediment-laden discharge or hazardous materials release into waters, address procedures for containing an inadvertent release of drilling fluid during HDD activities, and coordinate HDD activities with the California Department of Fish and Wildlife (CDFW) in accordance with the Section 1602 SAA.

Air Quality

The Final EA/ISMND determined that the project would have less than significant impact on air quality. Installation of the underground conduit would result in distributed effects on air quality due to the linear nature of the project, and small crew size. When project construction would occur near urban or suburban areas, work would typically last two to three workdays in the immediate vicinity of any sensitive receptors. The Proposed Project would not cause any new significant impacts or increase the severity of previously identified air quality impacts with implementation of the applicant proposed measures (APMs) and mitigation measures identified in the Final EA/ISMND.

Biological Resources

The Final EA/ISMND determined that the project would have less than significant impact on biological resources with implementation of the identified APMs and mitigation measures. Eocene Environmental Group, Inc. biologists analyzed the whole project alignment and a 0.25-mile buffer, known as the Action Area, for biological resources that have the potential to be affected directly or indirectly by the project. Eocene biologists also surveyed a 50-foot-wide buffer on either side of the alignment along a majority of the route, known as the survey area, for potential biological resources.

As the project survey area did not extend the length of the modified alignment, Eocene completed an additional biological survey in December 2023 (Attachment 2B) along the modified alignment and a 25-foot buffer on either side, as was feasible due to the private residences and safety concerns. The area was heavily disturbed, and the vegetated portions of the Action Area contained ruderal grasses. The Proposed Project would not result in new impacts or increase the severity of previously identified impacts to biological resources. Within the County's jurisdiction, wetlands are adjacent to Clam Beach Road and North Bank Road and there is one known stream crossing of Patrick Creek on Clam Beach Road. The applicant will use HDD to bore under and fully avoid wetlands and waterways. Bore pits and access vaults will not be placed in or adjacent to wetlands or waterways. Neither permanent nor temporary impacts are expected to wetlands or waterways. Proposed Project specific APMs and mitigation measures identified in the Final EA/ISMND would be implemented for the Proposed Project to reduce potential impacts to biological resources, including nesting birds and vegetation.

Cultural Resources and Tribal Cultural Resources

The Final EA/ISMND and concurrence letters from the California State Historic Preservation Officer (SHPO) to the federal agencies and from the California Department of Transportation (Caltrans) Cultural Studies Office (CSO) to Caltrans determined that the project would have a less than significant impact to cultural resources. A 0.50-mile study area along the entire project alignment was evaluated for direct and indirect effects to cultural resources. Records searches were conducted at the Northwest and Northeast Information Centers of the California Historical Resources Information Center, and historical and geologic maps and information were reviewed to assess the potential for Historic-period and precontact Native American archaeological deposits. A portion of the project falls outside of the study area covered by the 2022 Cultural Resources Inventory Report (CRIR), therefore a supplemental records search at the Northwest Information Center (NWIC) was conducted. In November 2023, an intensive pedestrian survey of the Proposed Project's ROW and a 100-foot-wide

buffer was performed, and an inventory report was prepared. The survey identified a total of two cultural resources, comprising one resource previously identified in the 2022 CRIR, and one newly recorded resource.

All resources will be avoided by the recommended construction method. A monitoring plan will be developed for portions of the alignment that are considered to have increased probability for buried cultural deposits.

The Proposed Project would implement the APMs for cultural resources identified in the Final EA/ISMND, including measures for discovery of buried resources or human remains. The rerouted segment would not result in a new significant impact or increased severity of impacts to cultural resources.

Hazards and Hazardous Materials

The Final EA/ISMND evaluated the use of hazardous materials such as gasoline, diesel fuel, hydraulic oils, equipment coolants, and waste and determined the project would have less than significant impact. The reroute Proposed Project would result in a negligible increase in the quantity of hazardous materials used during construction activities due to the labor necessary.

The Proposed Project would not pass through any listed hazardous materials sites. The Proposed Project is located within 2 miles of the California Redwood Coast-Humboldt County Airport; however, it would have no direct impact on the facilities. The noise analysis in the EA shows that the project would not result in excessive noise, and construction activities with Best Management Practices (BMPs) would pose no safety hazards for people residing and working in the area.

Similar to the whole project, the Proposed Project would not impair implementation or interfere with an adopted emergency response plan during the operational phase. During the construction phase, traffic control plans and other BMPs would be implemented to manage traffic flow and give emergency vehicles immediate passage around and/or through construction sites. The Proposed Project would not create a new impact or increase the severity of impacts from hazardous materials with implementation of the APMs identified in the Final EA/ISMND.

Hydrology and Water Quality

The Final EA/ISMND evaluated the potential direct and indirect, short-term, minor impacts to surface waters near the project. The Proposed Project limits impact to waterways by using the HDD construction method under every waterway.

The Proposed Project has some areas within flood hazard, or tsunami zones, but inundation would not risk the release of pollutants. With implementation of the project-wide Stormwater Pollution Prevention Plan (SWPPP) prepared for the project and other BMPs, the Proposed Project would avoid impacts to run-off and stormwater drainage systems.

The Proposed Project would not cause a new impact or increase the severity of impacts to water quality with implementation of the project-wide Horizontal Directional Drilling Frac-out Contingency Plan, SWPPP, and the APMs in the Final EA/ISMND.

Noise

The Final EA/ISMND determined that the project would not result in noise levels that would generate a substantial temporary increase in ambient noise levels. Noise impacts from construction would typically last no longer than two to three days at a single location and would be restricted to daytime hours. The equipment used for construction of the Proposed Project would be the same equipment analyzed in the Final EA/ISMND.

The Proposed Project should not increase the number of workdays during which noise associated with construction is generated and would not result in a new impact or increase to the severity of noise impact with implementation of the APMs identified in the Final EA/ISMND.

Wildfire

The Final EA/ISMND determined that the project would have less than significant impact on wildfire risk. The Proposed Project is located completely within existing road rights-of-way. Vehicle or equipment sparks pose a minor risk of wildfire, and the surrounding area has low risk of wildfire. The Proposed Project would not create a new impact or increase the severity of impacts with implementation of the APMs identified in the Final EA/ISMND.

Mitigation Measures

The table below identifies mitigation measures to be implemented for the Proposed Project. These mitigation measures are detailed in Appendix G of the Final EA/ISMND located at <https://ceqanet.opr.ca.gov/2022010017> or in Attachment 2B as noted below.

<u>Air Quality</u> AQ-1 - Fugitive Dust Control Measures AQ-2 - Minimize Idling AQ-3 - Equipment Maintenance
<u>Biological Resources</u> BIO-1 - Biological Monitoring Requirements BIO-2 - Environmental Awareness Training BIO-3 - Restoration Plan BIO-4 - Intermittent Waterways & Ephemeral Drainages BIO-5 - Wetlands BIO-6 - Riparian Areas BIO-8 - Special-Status Plants BIO-9 - Invasive Species Prevention BIO-10 - Marbled Murrelet BIO-11 and 12 - Northern Spotted Owl BIO-13 - Nesting Birds BIO-14 - Aquatic Resources / Fisheries BIO-15 - Special-Status Amphibians BIO-16 - Special-Status Bats BIO-17 - Special-Status Mammals
<u>Cultural Resources and Tribal Cultural Resources</u> CR-1 - Cultural Resources Awareness Training CR-2 - Guiding Principles-CRPMs, BMPs, and IDP for Cultural and Tribal Resources CR-3 - Cultural Resource and ESA Avoidance and Management CR-4 and 5 - Best Management Practice CR-6, 7, and 9 - Inadvertent Discovery Protocol

<u>Hazards and Hazardous Materials</u> HZ-1 - Spill Prevention BMP BIO-3 - Spill Prevention and Pollution Plan (Table E-1 of Attachment 2B)
<u>Hydrology and Water Quality</u> HYD-1 - Spill Prevention HYD-2 - HDD Contingency Frac-Out Plan HYD-3 - HDD Inspection HYD-4 - Restoration HYD-5 - Erosion BMPs BMP BIO-2 - Stormwater Pollution and Prevention Plan (Table E-1 of Attachment 2B) BMP BIO-4 - HDD FRAC-OUT Plan (Table E-1 of Attachment 2B)
<u>Noise</u> NOI-1 - Equipment Noise Abatement Maintenance NOI-2 - Equipment Idling NOI-3 - Construction Timing
<u>Wildfire</u> PH-1 and 2 - Fire Prevention

Construction Schedule

The EA/ISMND describes the construction schedule, equipment, BMPs, fiber optic cable marker posts, subsurface warning tape, and traffic control for the project. The middle-mile phase of the project, of which the Proposed Project is a part, is estimated at up to 36 months with construction pacing between 500 feet and 2 miles per day, depending on terrain. Therefore, by avoiding construction of the previously approved portion along the Hammond Trail, construction of the Proposed Project will have a negligible effect on the construction schedule of the project.

ENVIRONMENTAL REVIEW:

Environmental review for the proposed project included the preparation of an Environmental Assessment and Initial Study/Mitigated Negative Declaration (EA/ISMND) and Addendum by the California Public Utilities Commission as lead agency pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The EA/ISMND was circulated from January 3, 2022, to February 2, 2022, at the State Clearinghouse.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment, or recommended approval or conditional approval. (Attachment 3)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff is confident that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit. Staff recommends that the Zoning Administrator considers the environmental effects of the EA/ISMND and Addendum and concurs with the findings of the EA/ISMND and Addendum.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Zoning Administrator could elect to add or delete conditions of approval. The Zoning Administrator could elect not to approve the project, or to require the applicant to submit further

evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Zoning Administrator is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The California Public Utilities Commission, as lead agency, prepared a thorough environmental analysis which included the preparation of an EA/ISMND and Addendum pursuant to the CEQA Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The Zoning Administrator could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Project Segment Overview Maps
 - C. Project Plans
2. Applicant's Evidence in Support of the Findings
 - A. Addendum to Final EA/ISMND
 - B. Addendum to Biological Evaluation
3. Referral Agency Comments and Recommendations

Applicant

Vero Fiber Networks, LLC
c/o Jess Alden
1023 Walnut Street
Boulder, CO 80302

Owners

County of Humboldt
1106 2nd Street
Eureka, CA 95501

State of California
1656 Union Street
Eureka, CA 95501

File #: 24-1299

Agent

Eocene Environmental Group
c/o Kristen Howard
5930 Grand Avenue
West Des Moines, IA 50266

Please contact Rodney Yandell, Senior Planner, at 707-268-3732 or by email at ryandell@co.humboldt.ca.us if you have any questions about the scheduled item.