

SECTION 3.0 - PUBLIC SCOPING AND ISSUE IDENTIFICATION

3.1 BLM SCOPING

In 2007, the Project applicant met with the Bureau of Land Management (BLM) Needles Field Office to discuss emergency replacement of an existing fiber optic cable system located on BLM-managed land, thereby initiating an informal internal scoping process. During the same year, the Project applicant conducted telephone conference calls or met with staff of the California State Lands Commission (CSLC), the California Department of Fish and Game (CDFG), United States Army Corps of Engineers (ACOE), and other responsible agencies to discuss the Proposed Project. The issues and concerns discussed during internal meetings with the BLM involved addressing the potential impacts to Air Quality; Cultural Resources; Native American Religious Values; Environmental Justice; Hazardous and Solid Wastes; Health and Safety; Invasive Nonnative Species; Sensitive Species and Unique Plant Assemblages; Surface and Ground Water Quality; and Threatened and Endangered Species.

The following federal legislation, regulations, and executive orders require government-to-government consultation between federally-recognized Native American Indian Tribes and federal agencies prior to taking action that might affect Native American Tribes:

- American Indian Religious Freedom Act
- Religious Freedom Restoration Act
- Archaeological Resources Protection Act
- Section 106 of the National Historic Preservation Act, as amended (Title 16 U.S. Code Section 470)
- Executive Orders 12898 and 13007

The purpose of the government-to-government consultation process is to discuss the issues and concerns of a project with local Native American Tribes before the project is approved. Information gathered from the Native Americans is typically used to develop project alternatives and mitigation measures that would abate or reduce potential affects from the project.

For the Proposed Project in California, discretionary permit approvals are required from the following agencies: BLM (with Section 7 consultation with the United States Fish and Wildlife Service [USFWS]); ACOE Section 404 Nationwide Permit 12; CSLC lease amendment; CDFG Streambed Alteration Agreement and Incidental Take Permit; and Regional Water Quality Control Board Section 404 Water Quality Certification.

3.1.1 Critical Elements of the Human Environment

Based on internal scoping, it was determined that the following critical elements of the human environment were either not present or would not be affected by the Proposed Project and No Action Alternative for the reason described as follows:

- Areas of Critical Environmental Concern (ACEC) – There are no designated ACEC's within or in close proximity to the Proposed Project.
- Prime or Unique Farmlands – There are no Prime or Unique Farmlands within or in close proximity to the Proposed Project.
- Wild and Scenic Rivers – There are no designated Wild and Scenic Rivers within or in close proximity to the Proposed Project.
- Wetland and Riparian Zones – There are no wetland or riparian zones within or in close proximity to the Proposed Project.
- Floodplains – The Proposed Project is not located within or in close proximity to a floodplain.
- Wilderness – The Proposed Project is not located within or in close proximity to a Wilderness Area.

3.1.2 Resources Not Present

During scoping, it was determined that the following resources are not present and would, therefore, not be affected by the Proposed Project or No Action Alternative:

- Agriculture
- Mineral Resources

3.1.3 Resources Present but Not Affected

It was determined during scoping that the following resources would not be affected by the Proposed Project or No Action Alternative based on the limited scope of the Proposed Project (i.e., replacement of an existing fiber optic cable line within existing rights-of-way [ROW]):

- Wild, Free-Roaming Horses and Burros – Although wild horses and burros are known to be present in the Proposed Project vicinity, they are unlikely to be within the Proposed Project disturbance area during construction, would likely leave the area due to the construction activities if in the vicinity, and would not be impacted due to the fact that the work is limited to existing ROWs.
- Livestock Grazing – Although the Proposed Project would cross through existing grazing allotments, impacts to livestock grazing is unlikely because their population has a limited extent and is diffused across the landscape.
- Population and Housing – Because the Proposed Project would not displace buildings or residents, no impact would occur.
- Land Use – Because the Proposed Project involves replacing an existing fiber optic cable within an existing ROW, land uses and land use regulations would not be impacted.
- Public Services – Because the Proposed Project involves replacement of existing facilities and no new housing or employment opportunities, it would not increase the need for public services in the area.

3.1.4 Issues and Resources Present and Brought Forward for Analysis

The following resources were determined to be potentially affected by the Proposed Project or the No Action Alternative and, therefore, have been analyzed in detail throughout Section 4.0 of this document:

- Soils and Geology
- Visual Resources
- Vegetation
- Wildlife
- Invasive and Noxious Weeds
- Noise
- Air Quality
- Surface and Groundwater
- Health and Safety/Hazardous Materials
- Cultural Resources
- Environmental Justice
- Transportation
- Recreation
- Utilities

3.2 CSLC SCOPING

In May 2007, the Project applicant initiated consultations with CSLC staff regarding the Proposed Project. An informal internal scoping process followed that continued through early 2008, culminating in a field

tour of the Project with a Project applicant representative on February 26 and 27. The issues and concerns identified during the internal scoping meetings and the field visit require addressing all California Environmental Quality Act (CEQA)-defined environmental topics. Therefore, a complete CEQA Environmental Checklist is included herein as Attachment A - CEQA Checklist. A more detailed discussion of the potential environmental impacts for those resource areas that would be impacted by the Project is included in the following Section 4.0 - Affected Environment, Impacts, and Mitigation.