



APPENDIX A – CEQA CHECKLIST AND RESOLUTION



FINAL DRAFT

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY CHECKLIST FOR THE
DIGITAL 395 MIDDLE MILE PROJECT**

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SECTION 1.0 – ENVIRONMENTAL CHECKLIST FOR THE DIGITAL 395 PROJECT

1.1. ORGANIZATION OF ENVIRONMENTAL ANALYSIS

Sections 1 through 18 provide a discussion of the potential environmental impacts of the Proposed Project. The evaluation of environmental impacts follows the questions provided in the Checklist provided in the CEQA Guidelines.

1.2. TERMINOLOGY USED IN THIS ANALYSIS

For each question listed in the Impact Statement checklist, a determination of the level of significance of the impact is provided. Impacts are categorized in the following categories:

- **No Impact.** A designation of no impact is given when no adverse changes in the environment are expected.
- **Less than Significant.** A less than significant impact would cause no substantial adverse change in the environment.
- **Less than Significant with Mitigation.** A potentially significant (but mitigable) impact would have a substantial adverse impact on the environment but could be reduced to a less than significant level with incorporation of mitigation measure(s).
- **Potentially Significant.** A significant and unavoidable impact would cause a substantial adverse effect on the environment, and no feasible mitigation measures would be available to reduce the impact to a less than significant level.

1.3. EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant.

“Potentially Significant Impact” is appropriate if substantial evidence exists that an effect may be significant. If one or more “Potentially Significant Impact” entries exist when the determination is made, an EIR is required.

“Less than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” Mitigation measures are identified and explain how they reduce the effect to a less than significant level (mitigation measures may be cross-referenced).

Earlier analyses may be used where, pursuant to the Program EIR or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (Section 15063[c] [3][D]). In this case, a brief discussion should identify the following:

- a) Earlier analyses used where they are available for review
- b) Which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and whether such effects were addressed by mitigation measures based on the earlier analysis
- c) The mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project for effects that are “Less than Significant with Mitigation Measures Incorporated”

References and citations have been incorporated into the checklist references to identify information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.

Source listings and other sources used or individuals contacted are cited in the discussion.

The explanation of each issue identifies:

- a) The significance criteria or threshold, if any, used to evaluate each question
- b) The mitigation measure identified, if any, to reduce the impact to less than significant.

1. AESTHETICS

a) Would the Project have a substantial adverse effect on a scenic vista?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.8 and 4.8 of the Draft EA/IS.

b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.8 and 4.8 of the Draft EA/IS.

c) Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant with Mitigation Incorporation. If construction staging areas are visible from residences, public gathering areas, recreational areas, facilities, and/or trails, then construction staging areas shall be visually screened using temporary screening fencing of appropriate design and color (MM-AVR-1). Implementation of this Mitigation Measure will result in less than significant impacts to existing visual character or quality.

d) Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.8 and 4.8 of the Draft EA/IS.

2. AGRICULTURE AND FORESTRY RESOURCES

a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.9.2 and 4.9.2 of the Draft EA/IS.

b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.9.2 and 4.9.2 of the Draft EA/IS.

c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.9.2 and 4.9.2 of the Draft EA/IS.

d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.9.2 and 4.9.2 of the Draft EA/IS.

e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.9.2 and 4.9.2 of the Draft EA/IS.

3. AIR QUALITY

a) Would the Project result in conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.2 and 4.2 of the Draft EA/IS. Since the Preferred Alternative will produce primarily temporary construction activity and will not directly disturb the Owens Valley Planning Area and construction activity was not identified as a source that required mitigation in any of the AQMPs, it is expected that the Preferred Alternative will have a less than significant impact on applicable air quality plans.

b) Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.2 and 4.2 of the Draft EA/IS.

c) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.2 and 4.2 of the Draft EA/IS.

d) Would the Project expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.2 and 4.2 of the Draft EA/IS.

e) Would the Project create objectionable odors affecting a substantial number of people?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.2 and 4.2 of the Draft EA/IS.

4. BIOLOGICAL RESOURCES

a) Would the Project have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact with Mitigation Incorporated. Refer to Sections 3.6 and 4.6 of the Draft EA/IS. With implementation of the Mitigation Measures MM-Bio-1 through MM-Bio-27, described in detail in Appendix B, the Proposed Project will not result in significant adverse effects to special status plant or animal species.

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporated <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.6 and 4.6 of the Draft EA/IS.

c) Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant with Mitigation Incorporated <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.6 and 4.6 of the Draft EA/IS.

d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.6 and 4.6 of the Draft EA/IS.

e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.6 and 4.6 of the Draft EA/IS.

f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.6 and 4.6 of the Draft EA/IS.

5. CULTURAL RESOURCES

a) Would the Project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	Potentially Significant Impact <input checked="" type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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~~Less than Significant with Mitigation Incorporated.~~ Refer to sections 3.7 and 4.7 of the Draft EA/IS. ~~With the implementation of Mitigation Measures MM-CR-1 and MM-CR-2, discussed in Appendix B, potential impacts to Cultural Resources will be less than significant.~~ **Potentially Significant Impact.** The undertaking is a phased project for Section 106 Compliance. Project construction blocks are dealt with separately as per inventory and impacts to cultural resources. If avoidance is not possible, then applicable parties will consult to find ways to minimize effects. If it is determined an adverse effect will occur, the parties will consult to develop a treatment plan to avoid, minimize, or mitigate those effects.

Mitigation and/or minimization measures may include but are not limited to extended phase I testing, evaluation testing, and/or data recovery for archaeological sites eligible under Criterion D only. Mitigation measures for properties eligible under other criteria than D will be individually addressed with all applicable parties. Refer to Sections 3.7 and 4.7 of the Draft EA/IS. With the implementation of Mitigation Measures MM-CR-1 and MM-CR-2, discussed in Appendix B, potential impacts to Cultural Resources will be less than significant.

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	Potentially Significant Impact <input checked="" type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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~~Less than Significant with Mitigation Incorporated.~~ ~~With the implementation of Mitigation Measures MM-CR-1 and MM-CR-2, discussed in Appendix B, potential impacts to Cultural Resources will be less than significant. Refer to sections 3.7 and 4.7 of the Draft EA/IS.~~ **Potentially Significant Impact.** The undertaking is a phased project for Section 106 Compliance. Project construction blocks are dealt with separately as per inventory and impacts to cultural resources. If avoidance is not possible, then applicable parties will consult to find ways to minimize effects. If it is determined that an adverse effect will occur, the parties will consult to develop a treatment plan to avoid, minimize, or mitigate those effects. Mitigation and/or minimization measures may include but are not limited to extended phase I testing, evaluation testing, and/or data recovery for archaeological sites eligible under Criterion D only. Mitigation measures for properties eligible under other criteria than D will be individually addressed with all applicable parties. Refer to Sections 3.7 and 4.7 of the Draft EA/IS. With the implementation of Mitigation Measures MM-CR-1 and MM-CR-2, discussed in Appendix B, potential impacts to Cultural Resources will be less than significant.

c) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant with Mitigation Incorporated. With the implementation of Mitigation Measures MM-CR-4, discussed in Appendix B, potential impacts to paleontological resources will be less than significant. Refer to Sections 3.7 and 4.7 of the Draft EA/IS. ~~With the implementation of Mitigation Measures MM-CR-1 and MM-CR-2, discussed in Appendix B, potential impacts to Cultural Resources will be less than significant. Refer to sections 3.7 and 4.7 of the Draft EA/IS.~~

d) Would the Project disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant with Mitigation Incorporated. With the implementation of MM-CR-3, potential impacts to human remains will be less than significant. Refer to Sections 3.7 and 4.7 of the Draft EA/IS.

6. GEOLOGY AND SOILS

a) Would the Project result in exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>

Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

ii) Strong seismic ground shaking?				
	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>

Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

iii) Seismic-related ground failure, including liquefaction?				
	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>

Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

iv) Landslides?				
	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>

Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

b) Would the Project result in substantial soil erosion or the loss of topsoil?				
	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>

Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

c) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

d) Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.4 and 4.4 of the Draft EA/IS.

e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project would not result in new or increased demand for the use of septic tanks or alternative wastewater disposal systems. No impact would occur.

7. GREENHOUSE GAS EMISSIONS

a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.3 and 4.3 of the Draft EA/IS.

b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.3 and 4.3 of the Draft EA/IS.

8. HAZARDS AND HAZARDOUS MATERIALS

a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.12 and 4.12 of the Draft EA/IS. Proper handling, storage, and disposal of all hazardous materials in accordance with applicable regulations would reduce impacts to a less than significant level

b) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.12 and 4.12 of the Draft EA/IS. With the implementation of the Applicant Proposed Measure APM-HHS-1, potential impacts to Human Health and Safety will be less than significant

c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project route is located within the vicinity of existing schools along the Project route as seen in Table 1 (Google Earth, 2010). The Proposed Project would involve the short-term use of heavy equipment during construction that would emit emissions associated with internal combustion engines, (i.e., diesel and gasoline); however, such emissions are considered to have low toxicity. Furthermore, proper handling, storage, and disposal of all hazardous materials in accordance with applicable regulations would reduce impacts to area schools to a less-than-significant level. The emissions would be associated with construction activities and would cease upon completion of construction. The Proposed Project would not involve the use of hazardous or acutely hazardous materials once operational.

Table 1: Schools in the Vicinity of the Proposed Project Route

County	School Name	Approximate Distance from Route
San Bernardino	Central High School	0.18 mi
	Waterman School	0.22 mi
	Buena Vista Community School	0.23 mi
	Henderson Elementary School	0.21 mi
	Head Start	0.14 mi
	Ingels School	0.18 mi

Table 1: Schools in the Vicinity of the Proposed Project Route

County	School Name	Approximate Distance from Route
Kern	Boron High School	0.15 mi
	Wind in the Willows Preschool	< 0.10 mi
	West Boron Elementary School	< 0.10 mi
	Randsburg Elementary School	< 0.10 mi
	Cerro Coso Community College	< 0.10 mi
	Embry Riddle Aeronautical University	< 0.10 mi
	James Monroe Middle School	< 0.10 mi
	St. Anne's Catholic School	< 0.10 mi
	Ridgecrest Charter School	< 0.10 mi
	Liberty Christian School	0.17 mi
	Faller Elementary School	< 0.10 mi
	Pilgrim Christian	< 0.10 mi
	Opportunities for Learning	< 0.10 mi
	Ridgecrest Learning Center	< 0.10 mi
	Gateway Elementary School	< 0.10 mi
	Inyokern Elementary School	0.11 mi
	Bridge Learning Center	0.15 mi
	Immanuel Christian School	< 0.10 mi
	Vieweg Elementary School	< 0.10 mi
	Las Flores Elementary School	< 0.10 mi
	Burroughs High School	< 0.10 mi
	Mesquite High School	0.11 mi
	Inyo County	Olancha Elementary School
Lo-Inyo Elementary School		< 0.10 mi
Mt. Whitney Preschool		< 0.10 mi
Warren E. Hanson Preschool		0.11 mi
Imaca Headstart Lonepine		< 0.10 mi
Opportunity School		< 0.10 mi
Lone Pine High School		< 0.10 mi
Big Pine High School		< 0.10 mi
Big Pine Elementary School		< 0.10 mi
Eureka Dunes High School		< 0.10 mi
Bristlecone Community Day School		< 0.10 mi
Bishop High School		< 0.10 mi
Country School House		< 0.10 mi
Home Street Middle School		< 0.10 mi
Pine Street School		< 0.10 mi
Calvary Christian School		< 0.10 mi
Jill Kinmont Booth School		< 0.10 mi
Mono	Inyo County Community School	< 0.10 mi
	Cero Coso Community College	< 0.10 mi
	Bishop Independent Study School	< 0.10 mi
	White Mountain Research Station	< 0.10 mi
	Edna Beaman Elementary School	< 0.10 mi

Table 1: Schools in the Vicinity of the Proposed Project Route

County	School Name	Approximate Distance from Route
	High Desert Academy	< 0.10 mi
	Mammoth Elementary School	< 0.10 mi
	Cerro Coso Community College	< 0.10 mi
	Mammoth High School	< 0.10 mi
	Sierra High School	< 0.10 mi
	Mammoth Middle School	< 0.10 mi
	Lee Vining Elementary School	< 0.10 mi
	Healthy Start Elementary School	< 0.10 mi
	Imaca Lee Vining State Preschool	< 0.10 mi
	Lee Vining High School	< 0.10 mi
	Lee Vining Community Day School	< 0.10 mi
	Eastern Sierra Academy	0.12 mi
	Bridgeport Elementary School	0.16 mi
	USMC Mountain Warfare School	< 0.10 mi
	AMACA Headstart-Coleville	< 0.10 mi
	Antelope Elementary School	< 0.10 mi
	Coleville High School	< 0.10 mi
Douglas	Crossroads Learning Center	< 0.10 mi
	Western Nevada Community College	< 0.10 mi
	Minden Elementary School	0.14 mi
	Grace Christian Academy	< 0.10 mi
Carson City	Capital Christian School	< 0.10 mi
	Carson Montessori School	0.20 mi
Washoe	New Beginnings Child Development Center	0.17 mi
	Pleasant Valley Elementary	0.20 mi
	Brown Elementary School	< 0.10 mi
	Bishop Monague High School	0.23 mi
	Sierra Vista Children’s Academy	0.16 mi
	Lakeside Kindercare	0.21 mi
	Sunflower Preschool	0.14 mi
	My First School	< 0.10 mi
	Our Lady of the Snows School	0.15 mi
	Mount Rose Elementary School	0.21 mi
	Munchkinland Preschool	0.20 mi
	Little Learners II	< 0.10 mi

<p>d) Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.12 and 4.12 of the Draft EA/IS.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project route is located within the vicinity of both public and private airports along the Project route as seen in Table 2 (Google Earth, 2010); however, workers will be in the vicinity of the airports temporarily, only during Project construction; and the Project would not result in a safety hazard for people working in the Project area. Therefore, impacts related to public airports would be less than significant.

Table 2: Airports in the Vicinity of the Proposed Project Route

County	Airport Name	Approximate Distance from Route
Kern	Boron Airstrip (private)	0.18 mi
	Borax Airport (private)	2.0 mi
Inyo	Inyokern Airport (public)	< 0.1 mi
	China Lake Naval Airfield (military)	1.6 mi
	Independence Airport (public)	0.14 mi
	Lone Pine Airport (public)	0.5 mi
Mono	Eastern Sierra Regional Airport, Bishop (public)	< 0.1 mi
	Mammoth Yosemite Airport (public)	< 0.1 mi
	Lee Vining Airport (public)	0.38 mi
	Bryant Field Airport, Bridgeport (public)	< 0.1 mi
Douglas	Minden-Tahoe Airport (public)	< 0.1 mi
Carson City	Carson City Airport (public)	0.17 mi
Washoe	Reno/Tahoe International (public)	1.9 mi

f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project route is located within the vicinity of both public and private airports along the Project route as seen in Table 2 (Google Earth, 2010); however, workers will be in the vicinity of the airports temporarily, only during Project construction; and the Project would not result in a safety hazard for people working in the Project area. Therefore, impacts related to private airports or airstrips would be less than significant.

g) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less than Significant Impact. The proposed action involves the installation of optical fiber underground within the Caltrans right-of-way (ROW), County maintained dirt roads, or Nevada Department of Transportation (NDOT) ROW; and buildings would be constructed within existing land use areas that are zoned for utilities. During the construction of the Preferred Alternative, ROWs and possibly lanes of roadways would be temporarily closed. While any closures of roadways during construction activities would be temporary, such closures could increase traffic levels and constrain circulation in the area, resulting in potentially significant impacts. With the implementation of minimization measures defined in Appendix B of the Draft EA/IS (Infrastructure Measures), including APM I-1 (Roadway Capacity Maintenance) and APM I-2 (Prepare Transportation Management Plans) effects on emergency response plans or emergency evacuation plans would be less than significant.

h) Would the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project route is located in some areas that are prone to occurrences of wildland fires; however, no residences are being built as part of the Proposed Project, and construction crews would be in the area only temporarily. All construction and operation activities would be conducted in compliance with standard safety protocols, which would minimize the potential release of flammable materials (including fuel, lubricants, paint, and solvents). No significant impacts are expected.

9. HYDROLOGY AND WATER QUALITY

a) Would the Project violate any water quality standards or waste discharge requirements?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

b) Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

c) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or offsite?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

d) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

e) Would the Project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

f) Would the Project otherwise substantially degrade water quality?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant with Mitigation Incorporated. The Proposed Project is not expected to degrade water quality; MM-W-1 and MM-W-2 would be implemented in the event of a leak or spill of fluids, resulting in less than significant impact with mitigation incorporated. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

g) Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

h) Would the Project place within a 100-year flood hazard area structures that would impede or redirect flood flows?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

i) Would the Project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.5 and 4.5 of the Draft EA/IS.

j) Would the Project result in inundation by seiche, ¹ tsunami, ² or mudflow? ³	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project is located in an inland area and would not be at risk for a tsunami. Risks from seismic hazards, such as seiches, are considered low, as only a small portion of the Project route is adjacent to a large body of water (Mono Lake). Due to the terrain of the Proposed Project site, mudflows could occur at certain mountainous areas along the Proposed Project route. In the event of a mudflow, the portions of the Proposed Project site could be inundated with mud, which may cause a delay in work; however, due to the infrequent potential for mudflows to occur, and the short-term nature of the Project, a less than significant impact would occur.

10. LAND USE AND PLANNING

a) Would the Project physically divide an established community?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project would not physically divide an established community. The purpose of the Proposed Project is to provide broadband capability to currently underserved communities. The Proposed Project involves the installation of fiber-optic cable and associated infrastructure. The pre-fabricated buildings (nodes) will be placed within the communities to provide broadband service to these communities. Neither the construction nor the placement of infrastructure will divide an established community. No impacts will occur.

¹ Seiche: Surface wave created when a body of water is shaken
² Tsunami: Large ocean waves generated by major seismic events
³ Mudflow: Hillside slippage

b) Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.9 and 4.9 of the Draft EA/IS.

c) Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact with Mitigation Incorporated. Refer to Sections 3.9 and 4.9 of the Draft EA/IS. Section 4.9.1 includes the following significance criterion: Directly or indirectly disrupt an established or recently approved land use. This is not a criterion required under Appendix G of CEQA; however, analysis of this impact is provided since there is the potential for the Proposed Project to disrupt surrounding land uses. As such, Mitigation Measure LU-1 would be required, which involves notification regarding construction activities and a procedure for responding to construction complaints or questions, will reduce these temporary construction impacts to less than significant.

11. MINERAL RESOURCES

a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project would conform to all governing agency standards and not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur.

b) Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

12. NOISE

Existing Conditions

Refer to Section 3.1 of the Draft EA/IS.

a) Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Section 4.1 of the Draft EA/IS. The Proposed Project will be in conformance with all codes and ordinances with the exception of pneumatic tools that may be utilized during installation of proposed buildings. The operation of pneumatic tools, however, is expected to occur only during building installation within existing industrial areas. Therefore, impacts will be less than significant.

b) Would the Project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input checked="" type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant with Mitigation Incorporated. Impacts of excessive groundborne vibration or noise will be less than significant with the implementation of MM-N-1; if Project construction activities with ground borne vibration activities occur within 100 feet of sensitive receptors, the occupants and property owners shall be notified of the construction activities 15 days prior to construction. Refer to Section 4.1 of the Draft EA/IS.

c) Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Section 4.1 of the Draft EA/IS.

d) Would the Project cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Section 4.1 of the Draft EA/IS.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project route is located within the vicinity of both public and private airports along the Project route as seen in Table 2 (Google Earth, 2010); however, people residing or working in the vicinity of the airports would be exposed to project-related noise only during Project construction in the specific area temporarily. The Proposed Project would not result in excessive noise levels to those residing or working within two miles of a public airport or public use airport; therefore, impacts would be less than significant.

f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project route is located within the vicinity of both public and private airports along the Project route as seen in Table 2 (Google Earth, 2010); however, people residing or working in the vicinity of the airports would be exposed to project-related noise only during Project construction in the specific area temporarily. The Proposed Project would not result in excessive noise levels to those residing or working within two miles of a public airport or public use airport; therefore, impacts would be less than significant.

13. POPULATION AND HOUSING

a) Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project will involve the extension of broadband infrastructure into communities that are currently underserved. Unlike the provision of water or roads, broadband capacity would not be a defining growth factor for Eastern Sierra communities. The Preferred Alternative will not involve the extension of any other utility services or roads to underdeveloped areas, and no new infrastructure facilities are required for the Proposed Project. No direct growth-inducement would result from the extension of growth-defining utilities or service systems or roads.

b) Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project would not displace any existing housing units, necessitating the construction of replacement housing elsewhere. The Proposed Project would not displace any people, necessitating the construction of replacement housing elsewhere. No impact would occur.

c) Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. See response to 13.b).

14. PUBLIC SERVICES

a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>

Less than Significant Impact. Refer to Sections 3.12 and 4.12 of the Draft EA/IS. Since construction activities will be temporary in nature, and public services will not be needed after project completion, there will be less than significant impacts to fire and police protection facilities.

b) Police Protection?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.12 and 4.12 of the Draft EA/IS.

c) Schools?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Table 1 in Section 8 (c) presents all school facilities within 0.25 mile of the Project route. While construction activities could occur in the vicinity of existing schools along the Project route, the Proposed Project would not cause a need for new or physically altered facilities. Most of the workers for the Proposed Project are expected to commute to the Project site daily or already reside in the local area. The impact of these workers on the area’s school facilities would be negligible or already factored due to their current place of residence; therefore, the Proposed Project would have a less than significant impact on schools.

d) Parks?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 4.9.1 of the Draft EA/IS.

e) Other public facilities?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project would not result in any impacts to other public facilities.

15. RECREATION

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Most of the workers for the Proposed Project are expected to commute to the Project site daily or already reside in the local area. The impact of these workers on the area’s recreational facilities would be negligible or already factored into due to their current place of residence. Of the remaining workers, these would generally establish transient residence in the area during the work week and return to their permanent place of residency during their days off. While these workers may make some use of the recreational facilities in the vicinity of the Proposed Project route or visit nearby recreation areas, a temporary increase of workers to a much larger population pool in the area, averaged over all the recreational facilities available in the project area, would have little, if any, measureable impact on the existing facilities or result in the need for expansion or new facility construction. Neither construction nor operation of the Proposed Project is expected to result in an increase in the local populations. A less than significant impact would occur.

b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less than Significant Impact. The Proposed Project involves the installation of fiber-optic cable and associated infrastructure; it does not include any recreational facilities. Neither construction nor operation of the Proposed Project is expected to result in an increase in the local populations. Therefore, the Proposed Project will not require the construction or expansion of recreational facilities. A less than significant impact would occur.

16. TRANSPORTATION/TRAFFIC

a) Would the Project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.10 and 4.10 of the Draft EA/IS. APM I-1 (Roadway Capacity Maintenance) and APM I-2 (Prepare Transportation Management Plans), in addition to APM LU-1, will be implemented to ensure that potentially significant impacts associated with short-term lane closures during construction are reduced to less-than-significant levels

b) Would the Project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.10 and 4.10 of the Draft EA/IS.

c) Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. The Proposed Project route is located within the vicinity of both public and private airports along the Project route as seen in Table 2 (Google Earth, 2010); however, impacts from construction will be temporary in nature and will not affect air traffic patterns. Both the height of construction activity and the height of any structures to be installed as part of the Proposed Project would be similar to the

height of existing infrastructure and buildings. The Preferred Alternative will not result in a change in air traffic patterns.

d) Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. Refer to Sections 3.10 and 4.10 of the Draft EA/IS.

e) Would the Project result in inadequate emergency access?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.10 and 4.10 of the Draft EA/IS.

f) Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant with Mitigation Incorporated <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project could have the potential to impact alternative transportation programs during construction; however, most of the Proposed Project route is located on major highways or county maintenance roads. Any impacts to public transit, bicycle, or pedestrian facilities will occur within established communities; however, construction activity is temporary in nature, and Applicant Proposed Measures I-1 and I-2 are in place to minimize any potential effects on roadways. No conflicts with alternative transportation would occur once the Project is operational. Impacts would be less than significant.

17. UTILITIES AND SERVICE SYSTEMS

a) Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Portable toilets brought to staging areas for construction crews would be emptied into septic tanks or municipal sewage systems. No part of construction or operation of the Proposed Project would generate wastewater in amounts exceeding the capacity of local facilities. The buildings associated with the Proposed Project would be un-manned and would not require a hookup to any sewage or septic systems. Therefore, the Project would not exceed wastewater treatment requirements or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. A less than significant impact would occur.

b) Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
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No Impact. See response to 17.a).

c) Would the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Compaction of soils as a result of project construction might cause site specific increases in runoff rates during rain events. Because of the localized nature of the soil compaction, any changes in runoff rates would be minor. The Proposed Project includes the preparation of a Stormwater Pollution Prevention Plan (SWPPP), which includes BMPs to control stormwater runoff and runoff quality. The Proposed Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. No stormwater drainage facilities are required for the operation of the fiber-optic cable.

d) Would the Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. The Proposed Project requires minimal water use for dust control during the construction period. The amount of water used per day for dust suppression would depend on location, weather conditions, road surface conditions, and other site-specific conditions. Water use during Proposed Project construction will be coordinated such that there would be no change in the ability of the water suppliers to serve Proposed Project area demands. Water sources are anticipated include local available resources, such as municipal water facilities and local private land owners and entities. No water is required for the operation of the fiber-optic cable. A less than significant impact would occur.

e) Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input type="checkbox"/>	No Impact <input checked="" type="checkbox"/>
--	--	---	--	--

No Impact. See response to 17.a).

f) Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
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Less than Significant Impact. Refer to Sections 3.10 and 4.10 of the Draft EA/IS.

g) Would the Project comply with federal, state, and local statutes and regulations related to solid waste?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
---	--	---	---	---------------------------------------

Less Than Significant Impact. The Proposed Project would comply with all relevant federal, state, and local statutes and regulations related to solid waste. In addition, APM I-3 (Prepare Recycling Program) would be implemented as part of the Proposed Project. APM I-3 (Prepare Recycling Program) will be implemented to ensure that potentially significant impacts associated with short-term waste disposal during construction are reduced to less-than-significant levels. Compliance would include designated storage areas, trash containers, and recycling bins within the staging areas.

18. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
---	--	---	---	---------------------------------------

Less than Significant Impact. Refer to Sections 3.6, 4.6, 3.8 and 4.8 of the Draft EA/IS.

b) Does the Project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Potentially Significant Impact <input type="checkbox"/>	Less than Significant With Mitigation Incorporation <input type="checkbox"/>	Less than Significant Impact <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>
---	--	---	---	---------------------------------------

Less than Significant Impact. Refer to ~~section~~ Section 5.04.13 of the Draft EA/IS.

c) Does the Project have environmental effects that	Potentially Significant	Less than Significant	Less than Significant	No
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	Impact	With Mitigation Incorporation	Impact	Impact
will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Less than Significant Impact. Refer to Section 4.12 of the Draft EA/IS.

SECTION 2.0 – REFERENCES AND DATA SOURCE LIST

The following is a list of references used in the preparation of this document. References to Publications prepared by Federal or State agencies may be found with the agency responsible for providing such information.

Google Earth, 2010. Accessed November 2010.

For other References, refer to Section [109.0](#) of the Draft EA/IS.

SECTION 3.0 – REPORT AUTHORS AND CONSULTANTS

Refer to Section 98.0 of the Draft EA/IS.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMUNICATIONS DIVISION

**RESOLUTION T-17347
November 10, 2011**

Resolution T-17347
California Broadband Cooperative (CBC)

PROPOSED OUTCOME: This Resolution adopts a Mitigated Negative Declaration pursuant to the California Environmental Quality Act for the CBC ARRA/CASF funded broadband project.

On the Communications Division's own motion and in Compliance with Resolution T-17232 Filed on December 3, 2009

SUMMARY

The California Broadband Cooperative (CBC) has applied to the National Telecommunications Information Administration (NTIA) for funding under the American Recovery and Reinvestment Act (ARRA) and to the Commission (CPUC) for California Advanced Service Fund (CASF) funding to plan and install a fiber optic communications network in portions of California. The CPUC's decision to grant or deny funding under the CASF triggers the requirement for environmental review under the California Environmental Quality Act (CEQA)¹, and the CPUC is the lead state agency for compliance with CEQA. This Resolution adopts the Final Mitigated Negative Declaration (MND) prepared for the CBC project in accordance with the CEQA Guidelines, the Public Resources Code, and CPUC Resolution T-17232.

¹ Section 21000 et seq. of the California Public Resources Code [PRC]) and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations [14 CCR 15000 et seq].

BACKGROUND

As authorized under the ARRA, the NTIA is administering grant funds through the Broadband Technology Opportunities Program (BTOP) to expand access to broadband services in unserved and underserved areas of the United States and to expand broadband infrastructure. CBC has applied to NTIA for ARRA funding to plan and install a fiber optic communications network in portions of California (proposed project). CBC proposes to install approximately 583 miles of middle-mile fiber-optic network and infrastructure, providing broadband service to unserved and underserved areas in the Eastern Sierra. This project is known as the Digital 395 Project.

The Digital 395 network will be located between Carson City, Nevada, and Barstow, California, providing broadband services to the area commonly referred to as the Eastern Sierra. The route mainly follows the US 395 highway, a major transportation corridor between southern California and northern Nevada. The project route crosses through San Bernardino, Kern, Inyo, and Mono Counties in California, and Douglas, Carson City, and Washoe Counties in Nevada. The service area contains 36 communities as well as six Indian reservations. In addition to these civilian areas, the region is host to two military bases: Naval Air Weapons Station China Lake and the United States Marine Corps Mountain Warfare Training Center. The Digital 395 Route consists of a main backbone and various spurs that lead away from the main backbone. The various spurs along the project route branch from the main backbone to connect to nodes within communities along the route.

Because the proposed fiber optic communications network project would use federal funds and would also require grant approval by the CPUC, it is subject to environmental review under both the National Environmental Policy Act (NEPA) and CEQA. The Department of Commerce, National Telecommunications and Information Administration, is the Federal lead agency responsible for compliance with NEPA and the California Public Utilities Commission is the lead agency responsible for compliance with CEQA.

As stated in CPUC Resolution T-17232: "The CBC Digital 395 project is subject to California Environmental Quality Act (CEQA) review. Thus, the Commission cannot award a CASF grant for project construction without completing CEQA review. The CBC would be required to comply with all the guidelines, requirements and conditions associated with the granting of CASF funds as specified in Resolution T-17143 including the submission of Form 477 and

compliance with CEQA.”² In addition, Resolution T-17232 at finding number 17 states: “The Digital 395 project is subject to California Environmental Quality Act (CEQA) review. The Commission must complete California Environmental Quality Act (CEQA) review before dispersing CASF funds to Inyo Networks, fiscal agent for CBC for the construction of the proposed facilities. At this time, the physical components of this project are too speculative for the Commission to conduct meaningful environmental review. Inyo Networks or CBC should submit a Proponent’s Environmental Assessment (PEA) to Commission staff as soon as the detailed project information is known.”³ In satisfaction of the foregoing requirements of Resolution T-17232, as well as Ordering Paragraph No.s 3, 6 and 7 of Resolution T-17232, this Resolution adopts the Final Mitigated Negative Declaration (MND) prepared for the CBC proposed project in accordance with the CEQA Guidelines, the Public Resources Code, and CPUC Resolution T-17232.

NOTICE

No Advice Letter or formal application has been filed with the CPUC seeking adoption of a Mitigated Negative Declaration for the CBC broadband project; rather, this Resolution has been prepared on the Communications Division’s own motion. The Commission’s preparation and adoption of a Mitigated Negative Declaration pursuant to CEQA is in response to a requirement that CBC comply with CPUC Resolution T-17232 filed on December 3, 2009.

The Commission staff provided notice to the public, Responsible and Trustee agencies, and other interested parties of the availability of the Draft Mitigated Negative Declaration for 30 days of comment on August 29, 2011. That notice also indicated the intent of the CPUC to adopt the Mitigated Negative Declaration at a subsequent business meeting.

² Commission Resolution T-17232, page 5.

³ Commission Resolution T-17232, page 16.

PROTESTS

The award of matching CASF funding was originally granted to CBC in Resolution T-17232. That award was not protested and there were no requests for rehearing of Resolution T-17232. The Mitigated Negative Declaration prepared by the CPUC was available for comment from August 29, 2011 to September 27, 2011. All comments received during the comment period have been addressed in the Final Mitigated Negative Declaration. Because no Advice Letter or formal application has been filed with the CPUC seeking adoption of a Mitigated Negative Declaration for the CBC broadband project, this Resolution has been prepared on the Communications Division's own motion and there was no formal protest period.

DISCUSSION

CEQA requires the Commission to consider the environmental consequences of its discretionary decisions. Pursuant to CEQA and Rule 2.4 of the Commission's Rules of Practice and Procedure, the Commission examines projects to determine any potential environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible under CEQA. In this instance, the Commission is the lead agency under CEQA with respect to the environmental review of the CBC broadband project and preparation of both the Draft and Final Mitigated Negative Declaration (MND). The Commission, as the lead agency, must adopt the Final MND and impose conditions of project approval before the conditions of the CASF grant award are satisfied per Resolution T-17232.

A "Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration" was prepared for the proposed project in accordance with CEQA. The CPUC prepared the Draft Initial Study and MND to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed project. A draft Environmental Assessment was also prepared under NEPA, concurrently with this Draft Initial Study and MND. In addition to environmental review under NEPA and CEQA, other federal, state, regional, and local permits and approvals are required. The Draft Mitigated Negative Declaration may be viewed at:

http://www.digital395.com/environmental_assessment.html

All environmental issues identified in Appendix G of the State CEQA Guidelines are discussed in the Draft Initial Study and MND. In addition to applicant-proposed measures, environmental protection measures to protect sensitive environmental resources have been incorporated into the project and will be made conditions of project approval by the CPUC (under CEQA) and NTIA (under the concurrent but separate NEPA process). Because these measures would be incorporated into project design, construction and operation, impacts to sensitive environmental resources will be avoided or minimized to less than significant levels. Federal and state resource agencies may add further mitigation measures to the project, reducing the environmental impacts even further, as a result of their separate permit application and consultation process.

The Commission has reviewed the Draft MND as part of our consideration of whether CBC has complied with the requirements of Resolution T-17232, which awarded CBC a CASF grant. That review includes changes to the Draft MND made by staff in response to comments received. Based on that review, we find that the Draft MND, as modified, represents our independent judgment regarding the environmental impact of the proposed project. Therefore, we will adopt the Draft MND, including the Mitigation Monitoring and Reporting Program (MMRP), with modifications as the Final MND for the proposed project pursuant to and in compliance with CEQA. The Final Mitigated Negative Declaration may be viewed at:

http://www.digital395.com/environmental_assessment_final.html

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(3) provides that this 30-day period may be reduced/waived by Commission adopted rule. The 30-day comment period has been reduced by a decision where the Commission has determined that public necessity, as defined in Rule 14.6(c)(9), requires reduction/waiver of the 30-day period.

Rule 14.6(c)(9) reads in pertinent part that a comment period may be reduced or waived:

"...for a decision in a proceeding in which no hearings were conducted where the Commission determines, on the motion of a party or on its own motion, that public necessity

requires reduction or waiver of the 30-day period for public review and comment. For purposes of this subsection, "public necessity" refers to circumstances in which the public interest in the Commission adopting a decision before expiration of the 30-day review and comment period clearly outweighs the public interest in having the full 30-day period for review and comment. [...] When acting pursuant to this subsection, the Commission will provide such reduced period for public review and comment as is consistent with the public necessity requiring reduction or waiver."

Here the Commission must balance the interests of providing a comment period with the public interest in expediting the adoption of the Final Mitigated Negative Declaration for the CBC proposed project. In this case, no hearings were conducted; the Commission has already conditionally approved the matching CASF grant award; and there is a strong public interest in adopting the Final Mitigated Negative Declaration prior to the end of the normal 30-day comment period.

The CBC proposed project provides for a 80% match of federal stimulus funds with a 20% match of CASF funds. In order to leverage the CASF funds to the maximum, the federal ARRA grant requirements must be adhered to, and these involve essentially two deadlines: 67% of the project funding and project construction must be completed within two years of the grant award; and 100% of the funding and construction must be completed within three years. The federal ARRA stimulus award was made to CBC in the fall of 2010.

In order to meet these deadlines, CBC must begin construction of the proposed project in the fall of 2011 prior to the rainy season, or as soon thereafter as possible. This requires that both construction permits and contracts have been obtained and resolved prior to the fall of 2011. This is problematic because both the permit-issuing agencies and construction contractors must know what the requirements and standards of the Final Mitigated Negative Declaration will be with respect to resource avoidance and mitigation prior to issuing permits or bidding on contracts. Therefore, in order to begin construction prior to the rainy season of 2011/2012, the Final Mitigated Negative Declaration must be formally adopted by the Commission on an expedited basis.

Clearly there is a public interest in adopting the Final Mitigated Negative Declaration on an expedited timeframe. In addition, there are three other factors weighing in favor of a shortened comment period: (1) the Draft Mitigated Negative Declaration has already undergone a separate 30-day public review and comment period; (2) we are reducing the comment period for this Resolution by only a few days in this case -- we are not eliminating it; and (3) we have

granted the majority of the requests made during the public review period. Therefore, balancing the interests of public comment with the clear public interest in a shortened review period, we find that approving this Resolution and adopting the Final Mitigated Negative Declaration is in the public interest and outweighs a full comment period.

FINDINGS AND CONCLUSIONS

1. Commission Resolution T-17232 directed CBC to conduct an environmental review of its proposed project pursuant to CEQA as a condition of receiving a CASF grant award to match federal ARRA grant funding.
2. The Commission is the lead agency under CEQA with respect to the environmental review of the CBC broadband project and preparation of the Draft and Final Mitigated Negative Declaration.
3. A Draft Mitigated Negative Declaration was published for public comment between August 29, 2011, and September 27, 2011, pursuant to CEQA Guidelines.
4. Subsequent to a 30-day public comment period, a Final Mitigated Negative Declaration was prepared by the Commission staff pursuant to the CEQA Guidelines.
5. All comments received during the comment period have been responded to in the Draft Mitigated Negative Declaration, as modified – or Final MND.
6. With the implementation of the applicant-proposed and other mitigation measures identified in the Draft Mitigated Negative Declaration, all environmental impacts are reduced to less-than-significant.
7. Federal and state resource agencies may add further mitigation measures to the project, reducing the environmental impacts even further, as a result of their permit application and consultation process.
8. We conclude that the Draft MND, as modified, is competent, comprehensive and has been completed in compliance with CEQA and the Public Resources Code.
9. We find that the Draft MND, as modified, reflects our independent judgment.
10. We have reviewed and considered the Draft MND, as modified, prior to adopting it as a Final MND.
11. The Final Mitigated Negative Declaration should be adopted by the Commission as adequate for our decision-making purposes pursuant to CEQA.

12. All applicant-proposed mitigation and other mitigation measures identified in the Mitigation Monitoring and Reporting Program should be made conditions of project approval and the MMRP should be adopted.
13. With this Resolution CBC has satisfied the requirements of Ordering Paragraph No.s 3, 6 and 7 of Resolution T-17232.
14. For the CBC proposed project, no hearings were conducted; the Commission has already conditionally approved the matching CASF grant award; and there is a strong public interest in adopting the Final Mitigated Negative Declaration prior to the end of the normal 30-day comment period for Commission Resolutions.
15. In order to leverage the CASF funds to the maximum, the federal ARRA grant requirements must be adhered to, and these involve essentially two deadlines: 67% of the project funding and project construction must be completed within two years of the grant award; and 100% of the funding and construction must be completed within three years.
16. In order to meet these deadlines, CBC must begin construction of the proposed project in the fall of 2011 prior to the rainy season, or as soon thereafter as possible. This requires that both construction permits and contracts have been obtained and resolved prior to the fall of 2011.
17. In order to begin construction prior to the rainy season of 2011/2012, the Final Mitigated Negative Declaration must be formally adopted by the Commission on an expedited basis.
18. An additional three factors weigh in favor of a shortened comment period: (1) the Draft Mitigated Negative Declaration has already undergone a separate 30-day public review and comment period; (2) we are reducing the comment period for this Resolution by only a few days, but we are not eliminating it; and (3) we have granted the majority of the requests made during the public review period.
19. Approving this Resolution and adopting the Final Mitigated Negative Declaration is in the public interest and outweighs a full comment period.
20. This Final Mitigated Negative Declaration is available for consideration by all Responsible Agencies who must issue permits pursuant to CEQA Guidelines Section 15050(b).

THEREFORE IT IS ORDERED THAT:

1. The Final Mitigated Negative Declaration (Attachment A) for the CBC Digital 395 Middle-Mile Project is adequate for the Commission's decision-making

purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.

2. All applicant-proposed mitigation and other mitigation measures identified in the Mitigation Monitoring and Reporting Program (Attachment B) are adopted and hereby imposed and made conditions of project approval.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on November 10, 2011; the following Commissioners voting favorably thereon:

/s/ Paul Clanon

PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
President

TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners

CBC – Digital 395

Resolution T-17347

Attachment A

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Mitigated Negative Declaration

California Broadband Cooperative's Digital 395 Middle Mile Project CPCN Application No. A.09-07-023

Introduction

Pursuant to California Public Utilities Commission (CPUC) Code Section 1001, Inyo Networks, fiscal agent and member of the California Broadband Cooperative, Inc. (CBC), filed an application (A.09-07-023) with the CPUC for a Certificate of Public Convenience and Necessity (CPCN) for the Digital 395 Middle Mile Project (or "Proposed Project"). The application was filed on July 16, 2009, and included a request for California Advanced Services Fund grant funding for the Proposed Project. The grant funding was approved and awarded to CBC pursuant to California Public Utilities Commission (CPUC) Resolution T-17232 on December 3, 2009.

A Draft Environmental Assessment (August 2011) was prepared for the Proposed Project by the Department of Commerce, National Telecommunications and Information Administration (NTIA), pursuant to the requirements of the National Environmental Policy Act (NEPA). In accordance with Section 15063(a)(2) of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA), a NEPA Environmental Assessment may be used to determine if a proposed project would have a significant impact on the environment, thereby satisfying CEQA's requirement for preparation of an Initial Study. The information about environmental impacts presented in the Environmental Assessment was supplemented by preparation of a CEQA Environmental Checklist form, which was included as an appendix to the Environmental Assessment. Impact significance determinations were made using the significance criteria outlined in Appendix G of the *State CEQA Guidelines*. If the Initial Study for the project were to indicate that a significant adverse impact could occur, the CPUC would be required to prepare an Environmental Impact Report.

Inyo Networks originally submitted a California Advanced Services Fund (CASF) application on July 16, 2009, to provide wholesale middle mile broadband/backhaul services to an area of the State that is underserved by middle mile broadband networks with the intent to transfer the project to a non-profit cooperative at some future point prior to project completion. However, after the application deadline and at the urging of the county governments of Mono, Inyo, and Kern Counties, Inyo Networks accelerated the creation of a different entity, a non-profit organization named the CBC, of which Inyo Networks is a member, and submitted an application for American Recovery and Reinvestment Act (ARRA) funds for the Digital 395 Middle Mile network on August 14, 2009, under that name. As a result, on September 28, 2009, Inyo Networks requested that their original CASF application for the Digital 395 Middle Mile network be transferred to the CBC. As a member of the CBC, Inyo Networks will serve as the fiscal

agent for the CBC. Inyo Networks submitted an application for a CPCN to the CPUC on July 16, 2009. Therefore, the CBC CASF application is being considered by the CPUC in conjunction with Inyo Networks' CPCN application as this will have a bearing as to whether Inyo Networks can fulfill its role as the fiscal agent for the CBC.

According to Article 6 (Negative Declaration Process) and Section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration) of the *State CEQA Guidelines*, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) *The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or*
- (b) *The initial study identifies potentially significant effects, but:*
 - (1) *Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
 - (2) *There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

Based on the analysis in the NEPA Environmental Assessment and CEQA Initial Study, the CPUC has determined that all project-related environmental impacts could be reduced to a less-than-significant level with the incorporation of feasible Applicant Proposed Measures (APMs) and mitigation measures. Therefore, adoption of a Mitigated Negative Declaration (MND) will satisfy the requirements of CEQA. The measures included in this MND are designed to reduce or eliminate the potentially significant environmental impacts described in the Initial Study. Mitigation measures are structured in accordance with the criteria in Section 15370 of the *State CEQA Guidelines*.

Project Description

The Digital 395 Middle Mile Project would build a new, 593-mile fiber network between Barstow, California and Carson City, Nevada. The Digital 395 route consists of a main backbone and various spurs that lead away from the main backbone. The various spurs along the project route branch from the main backbone to connect to nodes within communities along the route. The optical fiber would be installed underground within California Department of Transportation right-of-way (ROW)/easements, county-maintained dirt roads, Nevada Department of Transportation ROW/easements, as well as a number of other agencies and jurisdictions, including Bureau of Land Management, Native American tribal reservations, Inyo and Humboldt-Toiyabe National Forests, City of Los Angeles Department of Water and Power, Department of Defense (including Naval Air Weapons Station China Lake and the United States Marine Corps Mountain Warfare Training Center), State-owned lands, and City, County, and Regional lands. Buildings to be constructed are proposed within existing land use types zoned for utilities. The Project would not change any land use or zoning types.

The major components of the Proposed Project include the following:

- Construction of a new, approximately 479-mile backbone fiber route;
- Construction of approximately 62 miles of new distribution lines;
- Placement of approximately 52 miles of fiber in existing utility conduit; and
- Construction of 16 nodes or pre-fabricated buildings to support wireless systems.

The Digital 395 Middle Mile Project would make middle-mile fiber available for broadband service providers to bring cost effective, high-speed broadband services to areas that do not have access to it today. This middle-mile infrastructure would provide access to (1) unserved communities; (2) underserved communities; (3) schools, libraries, community colleges, and other institutions of higher education; (4) public safety agencies and healthcare providers; and would (5) stimulate demand for broadband, economic growth, and job creation. The goal of the Proposed Project is to make broadband capacity in the Eastern Sierra equal to that available in major metropolitan areas and more populated areas of California and Nevada.

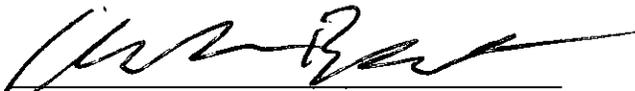
Alternatives

The purpose of an alternatives analysis pursuant to CEQA is to identify options that would feasibly attain the project's objectives while reducing the significant environmental impacts resulting from the Proposed Project. CEQA does not require the inclusion of an alternatives analysis in MNDs because the Initial Study concludes that, with incorporation of mitigation measures, there would be no significant adverse impacts resulting from the Proposed Project. Therefore, no alternatives analysis needs to be provided in the Initial Study. However, in accordance with NEPA, the EA/IS considers several alternatives, including a no action alternative, evaluation of alternate technology, and an alternate method of fiber installation. The EA/IS discusses each of these alternatives and why these alternatives would not meet the project's purpose and need.

Environmental Determination

The Environmental Assessment/Initial Study (EA/IS) was prepared to identify the potential environmental effects resulting from implementation of the Proposed Project and to evaluate the level of significance of these effects. The EA/IS identifies mitigation measures to address potentially significant impacts, as well as APMs which are considered to be part of the description of the Proposed Project.

Based on the EA/IS analysis, the Proposed Project would have no significant impacts on the environment in the areas of aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.



Andrew Barnsdale
Project Manager
Energy Division
California Public Utilities Commission

11/7/11
Date

CBC – Digital 395

Resolution T-17347

Attachment B

MITIGATION MONITORING AND REPORTING PLAN (MMRP)



MITIGATION MONITORING AND REPORTING PLAN (MMRP)

This Mitigation Monitoring and Reporting Program (MMRP) has been developed in accordance with requirements of the California Environmental Quality Act (CEQA) for the Digital 395 Middle Mile Project. When adopting a Mitigated Negative Declaration containing mitigation measures, an agency must adopt a program for reporting or monitoring mitigations measures identified in the document as a condition of approval (CEQA guidelines Section 15091(d) and 15097).

The Mitigation Monitoring and Reporting Program includes:

- Identification of the person or Agency responsible for implementing the mitigation;
- Brief description of the monitoring methods;
- Timing of monitoring activities; and
- Explanation of how compliance with the mitigation will be verified and documented (such as the type of report that documents what type of monitoring occurred and the results of that monitoring).

In an effort to avoid and minimize the potential for Project-related impacts, Applicant Proposed Measures (APMs) also are provided as a part of the Proposed Project and are included as part of the MMRP. The APMs and Mitigation Measures (MMs) are listed according to resource area. Specific avoidance, minimization, and mitigation measures with respect to special-status species will be modified in cooperation with the appropriate agencies. The Project will incorporate these environmental protection measures and shall be carried forward and implemented in accordance with Project activities.

MITIGATION MONITORING AND REPORTING PROGRAM			
APPLICANT PROPOSED MEASURES			
California Broadband Cooperative - Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
AIR QUALITY RESOURCES			
<p>APM-AQ-1: For land preparation and excavation, the following dust control measures should be implemented:</p> <ul style="list-style-type: none"> ▪ All soil excavated or graded should be sufficiently watered to prevent excessive dust. Watering should occur as needed with complete coverage of disturbed soil areas. Watering should be a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations. ▪ All clearing, grading, earth moving and excavation activities should cease <ul style="list-style-type: none"> a) During periods of winds greater than 20 mph (averaged over one hour), if disturbed material is easily windblown, or b) When dust plumes of 40% or greater opacity impact public roads, occupied structures, or neighboring property. ▪ All fine material transported offsite should be either sufficiently watered or securely covered to prevent excessive dust. ▪ If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks should be required to exit the site via an access point where a gravel pad or grizzly has been installed. ▪ Areas disturbed by clearing, earth moving, or excavation activities should be minimized at all times. ▪ Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown, fugitive dust. ▪ Where acceptable to the fire department, weed control should be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering. 	Throughout active construction	Engineering Inspector to verify during construction.	Throughout active construction
<p>APM-AQ-2: For building construction, the following dust control measures should be implemented:</p> <ul style="list-style-type: none"> ▪ Once initial leveling has ceased all inactive soil areas within the construction site should either be seeded and watered until plant growth is evident, treated with a dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emission. ▪ All active disturbed soil areas should be sufficiently watered to prevent excessive dust, but no less than twice per day. 	Throughout active construction	Engineering Inspector to verify during construction.	Throughout active construction
NOISE			
<p>APM-N-1: A Type 1 sound level meter and acoustic calibrator shall be used to acquire noise data. The sound level meter shall be calibrated and certified by the manufacturer or other independent acoustical laboratory. Annual recalibration by the manufacturer or other independent acoustical laboratory is required. The sound level meter shall be capable of taking measurements using the A-weighting</p>	During construction.	Construction Monitor to verify noise levels are not excessive at sensitive receptors.	During construction activities.

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative - Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
network and the slow response settings. The measurement microphone shall be fitted with a windscreen.			
WATER RESOURCES			
<p>APM-W-1: To avoid impacts to streams, the conduit will be installed using horizontal directional drilling at stream crossings. Horizontal directional drilling uses a bentonite/water mixture that is pumped down the drill stem to run the drill head, lubricate the drill pipe, maintain the borehole, and remove bore cuttings. Bentonite is a fine clay that, mixed with water, provides the lubricant and operating fluid for the horizontal directional drilling process. Directional drilling eliminates disturbance to streams; however, if a fracture of the rock (substrate) occurs during horizontal directional drilling (frac-out), drilling fluids have the potential to be released into the stream. To protect stream resources in the event of a frac-out, the California Broadband Cooperative will prepare and implement a Horizontal Directional Drilling Contingency and Resource Protection Plan. Resource protection measures in the plan shall include:</p> <ul style="list-style-type: none"> ▪ During drilling operations, visual inspection along the bore path of the alignment shall take place at all times. In addition, at stream crossings with flowing water the stream shall be monitored upstream and downstream of the crossing; ▪ Specification of onsite equipment required to clean up and contain a drilling fluid release; ▪ Designation of responsibilities and reporting procedures in the event of a drilling fluid release; and/or ▪ Specific response procedures in the event of a drilling fluid release. 	Included in Project specifications; prior to and during construction activities.	Construction Monitor to identify stream crossings. Engineering Inspector to verify horizontal directional drilling method is implemented and that Best Management Practices in the Horizontal Directional Drilling Contingency and Resource Protection Plan are implemented.	Horizontal directional drilling method documentation following horizontal directional drilling implementation.
<p>APM-W-2: To minimize the potential that water bodies crossed by or adjacent to the Project route would be degraded by leaks and spills from fuels and lubricants used in Project equipment, the California Broadband Cooperative will prepare a Spill Prevention and Pollution Plan and will implement the Best Management Practices specified in the plan in order to avoid introducing pollutants to water bodies. The Spill Prevention and Pollution Plan will include:</p> <ul style="list-style-type: none"> ▪ Measures to ensure that petroleum products are not discharged into drainages or bodies of water; ▪ A description of potentially hazardous and non-hazardous materials that could accidentally be spilled during construction (fuels, equipment lubricant, human waste and chemical toilets, and bentonite), potential spill sources, potential spill causes, proper storage and transport methods, spill containment, spill recovery, Agency notification, and responsible parties; ▪ Hazardous substances shall be stored in staging areas that are located at 	Included in Project plans and specifications; prior to and during construction activities.	The Engineering Inspector will be responsible for the daily inspection of Spill Prevention and Pollution Plan implementation and Best Management Practices effectiveness, and if necessary provide input and recommendations for increased effectiveness.	Best Management Practices of an approved Spill Prevention and Pollution Plan will be installed prior to the start of construction for that day.

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<p>least 100 feet from ephemeral and intermittent streams and 300 feet from perennial streams, lakes and wetlands. Refueling and vehicle maintenance shall be performed at least 100 feet from ephemeral and intermittent streams and 300 feet from perennial streams, lakes and wetlands (i.e., hazardous substances, refueling, and vehicle maintenance will occur outside of Riparian Conservation Areas); and</p> <ul style="list-style-type: none"> Sedimentation fences, certified weed-free hay bales, sand bags, water bars, and baffles will be used as additional sources of protection for waters and ditches. 			
<p>APM-W-3: To minimize the potential that water bodies crossed by or adjacent to the Proposed Project route would be degraded by pollutants and sediment erosion associated with Project construction the California Broadband Cooperative will prepare and implement a Storm Water Pollution Prevention Plan. The Storm Water Pollution Prevention Plan addresses, at a minimum:</p> <ul style="list-style-type: none"> Identification of potential sources of pollutants and toxic materials; Identification of Best Management Practices for storm water contact minimization, construction material distribution and access, equipment storage, vehicle maintenance and cleaning areas; Erosion and sediment control measures for wet- and dry-season activities; Temporary and permanent erosion control techniques, sediment control on public roads, wind erosion, and non-stormwater management techniques; and Waste management/disposal methods. 	Included in Project plans and specifications; prior to and during construction activities.	The Engineering Inspector will be responsible for the daily inspection of Storm Water Pollution Prevention Plan implementation and Best Management Practices effectiveness, and if necessary provide input and recommendations for increased effectiveness.	Best Management Practices of an approved Storm Water Pollution Prevention Plan will be installed prior to the start of construction for that day.
BIOLOGICAL RESOURCES			
<p>APM-Bio-1: The Applicant shall designate one or more Project Biologists. Project Biologist refers to the qualified, authorized, or approved person assigned to monitor measures identified in the Mitigation Monitoring and Reporting Plan and to document compliance with these measures. The biologist must be qualified in the respective field of biology and must be acceptable to the appropriate jurisdictional Agency. The Project Biologist also will oversee other biologists, including biological monitors.</p> <p>Within the range of the desert tortoise, at least one designated Project Biologist shall meet the current United States Fish and Wildlife Service Authorized Biologist qualifications criteria, demonstrate familiarity with protocols and guidelines for the desert tortoise, be approved by the United States Fish and Wildlife Service, obtain training such as that offered through the Desert Tortoise Conservation Center in Las Vegas; and possess a California Endangered Species Act Memorandum of Under-</p>	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals.

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<p>standing pursuant to Section 2081(a) for desert tortoise.</p> <ul style="list-style-type: none"> ▪ Project Biologist(s) or Biological Monitor(s) shall inspect work sites daily, and shall be on site as needed according to Applicant Proposed Measures and Mitigation Measures in this Mitigation Monitoring and Reporting Plan. Project Biologists and Biological Monitors shall be familiar with sensitive species and the minimization measures for this Proposed Project. The Project Biologist(s) shall be responsible for overseeing and training Biological Monitors; advise the Applicant and Contractor on compliance with biological mitigation measures; notify the Applicant of non-compliance with biological resources conditions; respond directly to inquiries of the lead Agencies or resource Agencies regarding biological resource issues; maintain written records of tasks related to compliance and reporting for biological resource measures; prepare monthly, annual, and final compliance reports; establish and enforce speed limits at Project work areas; and maintain the ability for regular, direct communication with representatives of California Department of Fish and Game, United States Fish and Wildlife Service, Bureau of Land Management, and United States Forest Service, including notifying these Agencies of dead or injured special-status species and reporting special-status species observations. 			
<ul style="list-style-type: none"> ▪ Daily logs. The Project Biologist(s) and Biological Monitor(s) shall maintain written records of daily activities, observations, and communications with the Applicant or construction personnel in a bound log book. These log books shall be made available for review to the lead Agencies, California Department of Fish and Game, United States Fish and Wildlife Service, Bureau of Land Management, and United States Forest Service at any time during or following Project implementation. 	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals
<ul style="list-style-type: none"> ▪ Stop Work Authority. The Project Biologist(s) and Biological Monitor(s) shall have written authority to require a halt to activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued. 	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals
<p>APM-Bio-2: Project Biologist(s) or Biological Monitor(s) shall clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with mitigation measures; inspect active construction areas for trench closure and any needed installation of structures that prevent wildlife entrapment or allow escape at the end of each work day and during periods of construction inactivity; inspect areas where animals may have become trapped prior to construction commencing each day; monitor vehicle speeds in and around work areas for conformance with posted speed limits; direct construction personnel on</p>	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals

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appropriate buffer areas around work sites to minimize wildlife disturbance; periodically inspect areas with high vehicle activity (e.g., equipment and materials staging areas, construction personnel parking lots) for animals in harm's way.			
APM-Bio-3: The Contractor shall undertake the following measures to manage construction sites and related facilities to avoid or minimize impacts to biological resources:			
<ul style="list-style-type: none"> ▪ Limit Disturbance Areas. The boundaries of areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be clearly delineated with stakes and flagging prior to construction activities in consultation with the Project Biologist. Spoils and topsoil shall be stockpiled in areas already disturbed or to be disturbed by construction, so that stockpile sites do not add to total disturbance footprint. Disturbances, Project vehicles, and equipment shall be confined to the designated work areas. Parking areas, staging and disposal site locations shall similarly be located in areas without native vegetation or special-status species habitat. 	Prior to and during construction	The Contractor shall identify and clearly mark in the field areas of disturbance.	This shall be ongoing as the Proposed Project progresses along the alignment,
<ul style="list-style-type: none"> ▪ Minimize Access Impacts. Where new access routes may be needed, or existing routes may need improvements, the improvements shall not extend beyond the flagged impact area as described above. Vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction. 	Prior to and during construction	The Contractor shall identify and clearly mark in the field areas of disturbance.	This shall be ongoing as the Proposed Project progresses along the alignment,
<ul style="list-style-type: none"> ▪ Minimize Traffic Impacts. Vehicular traffic during Project construction and operation shall be confined to existing designated routes of travel to and from work sites, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit within any part of the Project area shall be designated and enforced by the Project Biologist. 	Prior to and during construction	Project personnel are responsible for implementing this measure. The Contractor shall post the appropriate speed limit as determined by the Project Biologist.	This shall be ongoing as the Proposed Project progresses along the alignment,
<ul style="list-style-type: none"> ▪ Minimize Impacts of Alignments, Roads, Staging Areas. Staging areas for construction equipment, supplies, personnel parking, and other ancillary functions shall be designed and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Sites within the range of the desert tortoise shall be either fenced to exclude desert tortoises from entering the area, or shall be inspected periodically to determine whether a tortoise is within the area. Equipment and supplies (e.g., conduit) shall be inspected for desert tortoise prior to moving. The Project Biologist or Biological Monitor shall evaluate potential for special-status plants or wildlife at every potential disturbance site; specifically, site 	Included in Project plans and specifications. Surveys for biological resources shall be performed prior to and during construction.	The Engineering Inspector to determine and verify the appropriate disturbance. The Project Biologist and Biological Monitors shall perform surveys for biological resources.	Documentation of the Alignments, Roads, Staging Areas. Staging areas for construction equipment, supplies, personnel parking, and other ancillary functions shall be made by the Engineering Inspector. The Project Biologist shall report the findings of surveys.

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selection of an area to be permanently or temporarily disturbed shall avoid streambeds, washes, or sensitive habitat types wherever feasible. Where these sites cannot feasibly be avoided, the Project Biologist shall outline site-specific requirements to minimize impacts to habitat and wildlife. These requirements shall include, but would not be limited to, pre-construction clearance surveys, onsite monitoring, and post-construction remediation.			
<ul style="list-style-type: none"> ▪ Avoid Use of Toxic Substances. Any soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. 	Included in Project plans and specifications.	The Engineering Inspector to determine and verify the appropriate substance use.	Documentation of the implemented substances.
<ul style="list-style-type: none"> ▪ Minimize Standing Water. Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. A Biological Monitor shall patrol these areas to ensure water does not puddle and shall take appropriate action to reduce water application where necessary. 	During times of active construction.	The Contractor will be responsible for implementing watering measures and using the proper amount. The Project Biologist will be responsible for providing direction as-needed for watering amounts.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations.
<ul style="list-style-type: none"> ▪ Monitor Ground-Disturbing Activities Prior to Pre-Construction Site Mobilization. If pre-construction site mobilization requires ground-disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife. 	Included in Project plans and specifications. Prior to the start of construction.	The Engineering Inspector to determine necessary pre-construction methods. The Project Biologist and Biological Monitors shall be present during such activities.	The Engineering Inspector to document pre-construction activities that occur. The Project Biologist shall report observations as they relate to biological resources.
<ul style="list-style-type: none"> ▪ Cover all open trenches. All open trenches will be covered at the end of the work day. 	During construction activities.	The Contractor is responsible for implementing the covering of trenches while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the trench coverings upon completion of the end of the day inspection.
APM-Bio-4: The Project Biologist shall be responsible for preparing and submitting monthly compliance memos, annual compliance reports, and completion compliance report to the lead Agencies, Applicant, California Department of Fish and Game, United States Fish and Wildlife Service, Bureau of Land Management, and United States Forest Service. Each report shall summarize work progress during the report period; discuss implementation of all biological avoidance and minimization measures, summarize observations of special-status plants or animals, Applicant and contractor communications addressing biological resources, Agency	Throughout active construction and until final compliance report completed and accepted.	Project Biologist	Monthly compliance memos shall be submitted no later than two weeks following the end of each calendar month. Annual compliance reports shall be submitted no later than the 30 th of January following the end of each

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communications, and describe measures taken to avoid or minimize impacts to biological resources.			calendar year. The Project completion report shall be submitted no later than 30 days following the completion of Project construction.
APM-Bio-5: Trash and food items wrappers, cans, bottles, and ALL food scraps will be contained in closed containers in a manner that wildlife cannot access it and removed daily to reduce attractiveness to opportunistic predators such as common ravens (<i>Corvus corax</i>), coyotes (<i>Canis latrans</i>), and feral dogs. Feeding of wildlife is strictly prohibited.	During construction activities.	Project personnel are responsible for implementing this measure.	The Biological Monitor will document upon completion of the daily inspection.
APM-Bio-6: Pets and firearms shall be prohibited from the construction site. If guard dogs are to be used, the Contractor shall ensure that such animals do not affect any special-status species.	During construction.	The Contractor will be responsible for assuring that domestic animals that could harm special-status species are not on site during construction.	The Biological Monitor will verify that no dogs or other domestic animals that could harm special-status species are on site.
APM-Bio-7: California Broadband Cooperative staff and contractors as well as appropriate Caltrans personnel will complete an environmental awareness training on the protected species in and around the Project route and on required environmental protection measures. Training shall explain the need for and implementation of minimization measures. The format of the training seminar shall be discussed with the California Broadband Cooperative beforehand. The Project Biologist or Biological Monitor shall provide the necessary training, including a course outline and supplementary materials, for the California Broadband Cooperative staff and contractors, and a class roster to the California Broadband Cooperative to certify which persons completed the training. The training shall include: supporting written material and electronic media, including photographs of protected species; the locations and types of sensitive biological resources within the Project alignment and adjacent areas, and explain the reasons for protecting these resources; inform participants that no snakes, other reptiles, bats, or any other wildlife shall be harmed or harassed, with special emphasis on special-status species; including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures; a discussion of fire prevention measures to be implemented by workers during Project activities; specific requirements regarding smoking and disposal of cigarettes; identify the Project Biologist(s) and Biological Monitor(s) for contact or	Prior to and as-needed for new personnel during construction activities.	A Biologist familiar with special-status species and the minimization measures for this Project would perform the training.	The training would be conducted prior to all personnel working on Project site.

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further comments and questions about the material discussed in the program; direct trainees to report all observations of listed species and their sign to the Project Biologist for inclusion in the compliance reports; a discussion of the Project Biologist's and Biological Monitor's stop work authority; and a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines.			
APM-Bio-8: Horizontal directional drilling or bridge attachments will be used to install the conduit at locations where the route crosses perennial water bodies. Wetlands, including transmontane alkali marsh, will be avoided. If avoidance is not feasible, conduit will be installed using horizontal directional drilling, as described in the Project description of the Joint Environmental Assessment/Mitigated Negative Declaration.	Included in Project plans and specifications.	The Engineering Inspector is to determine and verify the appropriate method, either horizontal directional drilling or bridge attachment.	Documentation of the implemented construction method for a perennial waterbody.
APM-Bio-9: No in-stream construction is proposed. No trenching or plowing activities are proposed to occur within seasonal or perennial aquatic habitat containing protected fish species. The selected construction techniques would be limited to horizontal directional drilling operations under water ways and ephemeral streams with the potential to support these species.	Included in Project plans and specifications.	The onsite Biological Monitor will identify the appropriate Best Management Practices for individual locations. The Engineering Inspector is to verify appropriate techniques.	Documentation of the implemented construction method upon completion.
APM-Bio-10: Where work is required in the vicinity of seasonal or perennial aquatic habitats, the Spill Prevention and Pollution Plan will include Best Management Practices to avoid introducing contaminants into water bodies.	Included in Project specifications and during construction.	The Contractor will prepare the Spill Prevention and Pollution Plan and provide appropriate Best Management Practices for stream protection.	Engineering Inspector to verify in the field upon completion of installation of Best Management Practices.
APM-Bio-11: Within 100 feet of the upper limit of the bank of an aquatic habitat containing protected fish, mollusk and crustacean species, a Biological Monitor shall be present on the site during construction. Daily inspections of construction Best Management Practices shall occur, and the Biological Monitor shall report deficient sediment control devices to the Contractor for prompt repair. Horizontal directional drilling or bridge attachments would be used to install conduit where the route crosses water bodies. A Spill Prevention and Pollution Plan will be prepared that shall include Best Management Practices to avoid introducing contaminants into water bodies.	Prior to and during construction activities.	Biological Monitor to submit daily inspection logs, and provide recommendations to the Contractor. The Contractor will prepare the Spill Prevention and Pollution Plan and provide appropriate Best Management Practices for aquatic habitat protection. The Engineering Inspector is to verify appropriate techniques for responses.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring within 100 feet of aquatic habitat containing protected fish species. The Biological Monitor would notify the appropriate resource agencies immediately if a

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			special-status fish species were observed in the immediate vicinity of the day's construction area.
APM-Bio-12: The contractor will implement the following control measures for invasive and noxious weeds (non-native vegetation):	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> Contractor vehicles and equipment will be cleaned inside and out prior to arrival at the work site in an effort to limit the introduction of non-native vegetation onto the Project corridor. Exterior cleaning will consist of pressure washing vehicles and equipment, with attention paid to the tracks, feet, and/or tires and on the undercarriage, with special emphasis on axles, frame, cross members, motor mounts, and on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out, and refuse will be disposed of in waste receptacles to be disposed of at an approved offsite location. The Contractor, with oversight from the Monitoring Biologist, will inspect vehicles and equipment in an effort to increase the potential that they are free of soil and debris capable of transporting non-native vegetation seeds, roots, or rhizomes. Seeds and plant parts that result from the cleaning will be collected and bagged for disposal at an approved offsite location. If noxious or invasive weeds are within the Project area, vehicles will be cleaned before moving on to areas that are weed free. 	Prior to and during construction activities.	The Biological Monitor will be responsible to oversee and provide recommendations for the purposes of decreasing the likelihood that non-native vegetation enters the Project.	The Biological Monitor will record cleaning methods and if non-native vegetation debris was collected from vehicles, equipment, or construction personnel, and where disposal of the materials will occur, following cleaning.
<ul style="list-style-type: none"> Project personnel will inspect, remove, and dispose of non-native vegetation seeds and plant parts found on their clothing and personal equipment. Plant materials gathered from Project personnel will be bagged to be disposed of at an approved offsite location. 	Prior to and during construction activities.	The Biological Monitor will be responsible to oversee and provide recommendations for the purposes of decreasing the likelihood that non-native vegetation enters the Project.	The Biological Monitor will record if non-native vegetation debris was collected from vehicles, equipment, or construction personnel and where disposal of the material will occur, following cleaning.
<ul style="list-style-type: none"> Contractors will avoid or minimize all types of off-road travel that may result in the collection and dispersion of non-native vegetation by construction vehicles and equipment. 	During construction activities.	The Biological Monitor will be responsible to oversee and provide recommendations for the purposes of decreasing the likelihood that non-native vegetation enters the Project.	The Biological Monitor will record instances of off-road vehicle use.
<ul style="list-style-type: none"> The Contractor will select unvegetated areas or paved areas or other incidental disturbance for equipment staging. In order to minimize spread of 	During construction activities.	The Biological Monitor will be responsible for identifying	The Biological Monitor will document recommendations

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weed seed or propagules from weedy areas into native vegetation, the contractor will begin daily Project operations in unvegetated areas or areas vegetated by native plants, as identified by the Biological Monitor, whenever feasible prior to operating in areas dominated by non-native vegetation. If this is not feasible, vehicles will be cleaned of any non-native vegetation seeds and plant parts, as described in sections of APM-Bio-10 above before moving to areas vegetated by native plants.		areas containing non-native vegetation and provide recommendations for delayed work in that area.	made to the Contractor and when the Contractor implements the recommendations.
<ul style="list-style-type: none"> The Contractor will limit the size of vegetation and/or ground disturbance to the amount necessary to perform the activity safely and as designed so as to minimize exposed soil to non-native vegetation establishment. 	During construction activities.	The Contractor will be responsible for oversight of Project activities being conducted in a safe manner and as designed.	The Biological Monitor will record daily logs of ground-disturbing activities.
<ul style="list-style-type: none"> The Contractor, in conjunction with the Biological Monitor, will evaluate where native vegetation needs to be established and/or protected. 	During construction activities.	The Biological Monitor will be responsible for identifying and recommending areas of native vegetation to be protected.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations.
<ul style="list-style-type: none"> Resource Agencies will be consulted regarding measures to prevent the spread of non-native vegetation. This coordination will include identification of species on the involved Agency non-native lists (e.g., Inyo National Forest). 	During construction activities.	The Biological Monitor will be responsible for coordination with resource agencies.	The Biological Monitor will document coordination with resource agencies.
<ul style="list-style-type: none"> The Contractor will utilize straw and/or hay bales for Best Management Practices, such as sediment control or mulch distribution, from State-cleared sources that are free of primary noxious weeds. 	During construction activities.	The Contractor will be responsible for purchasing the appropriate straw and/or hay bales.	Records of sale from State-cleared sources will be submitted to California Broadband Cooperative by the Contractor.
APM-Bio-13: The Project Biologist shall conduct a clearance survey for special-status plant species immediately prior to construction in appropriate habitat. If planned construction activities may result in an impact to special-status plant species, the following measures will be taken: (1) a minor re-route of the cable would be made to avoid the plant(s) and a suitable buffer area to prevent root damage or other incidental damage; or (2) in areas that cannot be avoided by a minor re-route, the cable shall be installed using horizontal directional drilling methods to eliminate surface disturbance. A biological monitor shall be present during construction activities occurring within the vicinity of these special-status plant populations and shall be responsible for designating an appropriate buffer area or bore depth to minimize potential adverse impacts to the plants and their roots.	Prior to construction activities in areas with documented special-status plant species.	The Biological Monitor would verify that special-status plant species are present and recommend realignment or the use of horizontal directional drilling in that area.	Following the documentation of special-status plant occurrence on or adjacent to the alignment and subsequent decision that potential impacts to rare plant species cannot be avoided.

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APM-Bio-14: Nesting bird surveys will be conducted during the nesting season within 100 feet (500 feet for raptors) of the proposed construction corridor, access routes, and staging areas, and an appropriate buffer determined by the onsite Project Biologist or Biological Monitor to these areas prior to the commencement of equipment operation.	Nesting bird surveys would be performed within 48 hours prior to the onset of construction. The typical nesting season is between March 15 and September 15 with most nesting activities occurring between March and July.	A biologist familiar with the avian species that may nest within the Project corridor.	Active bird nests that are located will be identified on a map following the nesting bird surveys.
APM-Bio-15: The following measures will be taken to minimize and avoid impacts to the greater sage-grouse:	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> ▪ Prior to the initiation of any construction within the range of the greater sage-grouse, the Project Biologist will contact California Department of Fish and Game and United States Fish and Wildlife Service biologists to identify any known or potential greater sage-grouse lekking or breeding habitat within the Project alignment; the Project Biologist shall identify those areas and establish specific seasonal and daily work procedures to avoid or minimize any potential impacts to greater sage-grouse. 	Prior to and during construction activities.	The Project Biologist will be responsible for California Department of Fish and Game and United States Fish and Wildlife Service consultation and work with the Contractor to implement appropriate avoidance and minimization measures.	The Project Biologist will document the results of the California Department of Fish and Game and United States Fish and Wildlife Service consultation and document the implemented avoidance and minimization measures.
<ul style="list-style-type: none"> ▪ To protect nesting greater sage-grouse no work or staging shall occur from February 15 through July 30 in areas of known sage-grouse lekking, to include: <ul style="list-style-type: none"> ▪ along the backbone from Conway Summit to the intersection of US 395 and Green Creek Road. ▪ along Burcham Flat Road, within 3 miles of an active lek. 	During construction activities.	The Contractor will be responsible for avoiding construction from February 15 to July 30 along the backbone from Conway Summit to the intersection of US 395 and Green Creek Road and within 3 miles of an active lek along Burcham Flat Road.	Location of construction between February 15 and July 30 will be documented by the Contractor.
<ul style="list-style-type: none"> ▪ Prior to construction activities at work sites, the Project Biologist will conduct pre-construction wildlife surveys at the site and surrounding buffer area. 	Prior to the start of construction.	The Project Biologist and/or Biological Monitor shall perform pre-construction surveys.	The Project Biologist will be responsible for the documentation of the findings of those surveys.
<ul style="list-style-type: none"> ▪ Speed limits within greater sage-grouse habitat and known breeding areas (i.e., Burcham Flat Road, a known lek and nesting area for the species) will be limited to a pace that does not interfere with breeding displays or breeding and nesting activities. Speed limits will be clearly identified in these areas. Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	During construction activities.	The Project Biologist will provide recommendations for speed limits based on the biology and mobility of this species. The Contractor will be responsible for posting	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to

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		those speed limits and making Project personnel aware of the posted speed limits. The Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	record daily activities occurring in greater sage grouse habitat.
<ul style="list-style-type: none"> All open trenches will be covered at the end of the workday. 	During construction activities.	The Contractor is responsible for implementing the covering of trenches, while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the trench coverings upon completion of the end of the day inspection.
<ul style="list-style-type: none"> No vegetation removal activities within 3 miles of an active lek will take place during greater sage-grouse lekking/nesting season between February 15 and July 30. 	During construction activities.	The Biological Monitor is to provide identification of greater sage-grouse habitat. The Contractor is responsible for avoiding vegetation removal within 3 miles of an active lek between February 15 and July 30.	Location of vegetation removal between February 15 and July 30 will be documented by the Contractor.
<ul style="list-style-type: none"> Any greater sage-grouse nest encountered during Project activities will be protected under the guidelines of local, State, and Federal laws. 	During construction activities.	The Project Biologist will be responsible for the oversight of greater sage-grouse nests that are encountered and provide recommendations for protection.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in the vicinity of greater sage-grouse nests.
<p>APM-Bio-16: Prior to ground-disturbing activities at work sites, the Project Biologist or Biological Monitor will conduct pre-construction wildlife surveys at the site and surrounding buffer area. Pre-construction surveys address potential occurrence of mammalian species, with particular attention afforded to burrowing species. Wherever possible, any mammal species, whether a sensitive species or not, will be allowed to leave the work site prior to construction.</p>	Prior to ground-disturbing construction activities.	The Project Biologist and/or Biological Monitor shall perform pre-construction surveys.	The Biological Monitor to record observations and interactions with mammalian species.

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<p>APM-Bio-17: Populations of Sierra Nevada bighorn sheep are known to occur along the Proposed Project route on the western slopes of the mountains in Owens Valley in Inyo County. The following measures will be taken to minimize and avoid impacts to Sierra Nevada bighorn sheep:</p> <ul style="list-style-type: none"> Speed limits within known Sierra Nevada bighorn sheep breeding areas will be limited to a pace that does not interfere with breeding displays or breeding and will be clearly identified within these areas. Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	During construction activities.	Biological Monitor to submit daily monitoring logs.	Biological Monitor to verify in the field.
<ul style="list-style-type: none"> Construction within or in the vicinity of Sierra Nevada bighorn sheep herds during the lambing season and/or near lambing herds will be postponed until after the lambing season. 	During construction activities.	The Biological Monitor will provide recommendations for speed limits based on the biology and mobility of this species. The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in Sierra Nevada bighorn sheep breeding areas.
<p>APM-Bio-18: The following measures will be taken to minimize and avoid impacts to mule deer:</p> <ul style="list-style-type: none"> Speed limits within known mule deer breeding areas and migration routes will be limited to a pace that does not interfere with breeding or migration and will be clearly identified within these areas. Construction personnel will obey posted speed limit signs for the Project at all times when on the 	During construction activities.	The Project Biologist or Biological Monitor will be responsible for providing avoidance recommendations to the Contractor.	The Project Biologist will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Project Biologist or Biological Monitor shall record all Sierra Nevada bighorn sheep observations throughout the Project alignment and daily Project activities occurring in Sierra Nevada bighorn sheep lambing areas for inclusion of Project compliance reports.
<ul style="list-style-type: none"> Speed limits within known mule deer breeding areas and migration routes will be limited to a pace that does not interfere with breeding or migration and will be clearly identified within these areas. Construction personnel will obey posted speed limit signs for the Project at all times when on the 	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> Speed limits within known mule deer breeding areas and migration routes will be limited to a pace that does not interfere with breeding or migration and will be clearly identified within these areas. Construction personnel will obey posted speed limit signs for the Project at all times when on the 	During construction activities.	The Project Biologist will provide recommendations for speed limits based on the biology and mobility of this	The Biological Monitor will document recommendations made to the Contractor and when the Contractor imple-

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Project.		species. The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	ments the recommendations. The Biological Monitor to record daily activities occurring in mule deer breeding areas.
<ul style="list-style-type: none"> Where feasible, construction activities within migration corridors for mule deer will be avoided during the winter season (i.e., November 1-March 31). 	During construction activities.	The Project Biologist and Contractor will be responsible for identifying and avoiding mule deer migration corridors during the winter season.	The Biological Monitor to document avoidance, where feasible.
APM-Bio-19: Prior to initiating conduit installation on any bridge, the Project Biologist will conduct pre-construction bat roost surveys at the bridge site.	Prior to construction activities.	The Project Biologist or Biological Monitor and the Agency would determine the course of action in an effort to minimize impacts to special-status bats or roost site.	Biological Monitor to verify in the field.
APM-Bio-20: The following measures will be taken to minimize and avoid impacts to the desert tortoise, following guidance by the "Best Management Practices for New Construction in Tortoise Habitat" (Appendix I in the West Mojave Plan):	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> Speed limits within desert tortoise habitat will be limited to a pace that does not endanger the desert tortoise and in no circumstances will exceed 20 mph on any unpaved road. Under no circumstances, except an emergency, will any Project personnel drive off-road in desert tortoise habitat. Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	During construction activities.	The Project Biologist will provide recommendations for speed limits. The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Project Biologist and Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in desert tortoise habitat.
<ul style="list-style-type: none"> Pre-construction surveys for desert tortoise shall be conducted within the Proposed Project Right of Way and the required buffer areas. The Project 	Between February 15 and November 15, the survey	The Project Biologist will conduct the survey.	The Project Biologist will document the methodology

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Biologist and desert tortoise monitors shall walk parallel 30-foot wide linear transects covering 100 percent of the site and within a 50-foot buffer.	shall occur within 48 hours prior to ground disturbance. Between November 16 and February 14, the survey may be performed several days or several weeks prior to disturbance.		and results of the survey and will identify the location of any tortoises or borrows observed.
<ul style="list-style-type: none"> Special habitat features, such as burrows/pallets, identified during pre-construction surveys shall be marked, recorded, and avoided to the extent possible. Burrows that are found shall be checked for desert tortoises and eggs by the Project Biologist. When desert tortoises are found, the burrows shall be flagged so that equipment operators and drivers shall clearly see the flagging and avoid the burrows. Unoccupied burrows shall be flagged in a manner that contrasts with occupied burrows. 	Prior to construction	The Project Biologist shall conduct the survey.	The Project Biologist shall document the flagging of borrows and any other actions taken to ensure borrows are avoided by construction activities.
<ul style="list-style-type: none"> Encounters with desert tortoises shall be immediately reported to the Project Biologist. The Project Biologist shall maintain a record of desert tortoises encountered during Project activities. Information recorded for each desert tortoise shall include: the location (narrative, vegetation type, and maps); date of observation; general condition of health, including apparent injuries and state of healing; whether the desert tortoise voided its bladder; if moved, location moved from and location moved to; digital photographs of each handled tortoise; and diagnostic markings (i.e., identification numbers or marked lateral scutes). 	During construction	The Project Biologist shall keep record.	The Project Biologist shall record all encounters with desert tortoises and the actions resulting from those encounters.
<ul style="list-style-type: none"> All open holes shall be covered, fenced, or inspected by the Biological Monitor at the beginning, middle, and end of each day. Ramps shall be constructed at the ends of trenches, and, where feasible, at about 100-foot intervals along the trench to allow entrapped tortoises to escape. The Biological Monitor will inspect trench/hole closures each night after they have been filled or covered to verify no refuge for desert tortoise remains. 	During construction activities.	The Contractor is responsible for implementing the covering of trenches while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the trench coverings upon completion of the end of the day inspection.
<ul style="list-style-type: none"> If trenches/holes cannot be closed (covered) and are located in habitat appropriate for desert tortoise, silt fencing will be installed around the area to prevent desert tortoise from entering the construction area. The Biological Monitor will perform an inspection of a completed silt fence. Following construction and removal of the silt fence, the ground will be returned to its pre-disturbance condition. 	During construction activities.	The Project Biologist will provide the recommendation for silt fence installation. The Contractor is responsible for implementing the installation of silt fencing while it will be the Biological Monitor who is responsible for an end of the	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor will document the silt fence installations upon completion

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<ul style="list-style-type: none"> Any conduit or similar structure with a diameter greater than 3 inches, stored less than 8 inches aboveground for one or more nights, shall be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored or placed on pipe racks. 	During construction.	day inspection of the trench coverings. The Biological Monitor is responsible for inspecting structures for the presence of tortoises; the Contractor is responsible for capping and/or storing materials above 8 inches above ground.	of the inspection. The Biological Monitor will document at the end of each day.
<ul style="list-style-type: none"> The Biological Monitor will perform daily inspections for the presence of desert tortoise in each trench/hole wherever silt fence is installed for desert tortoise protection. Priority of inspections will occur for areas scheduled for construction activities that day, then followed by areas not scheduled for construction. Encounters with desert tortoises shall immediately be reported to the Project Biologist. 	During construction activities.	The Contractor is responsible for implementing the installation of silt fencing, while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the silt fence installations upon completion of the daily inspection.
<ul style="list-style-type: none"> In an effort to mitigate impacts to the desert tortoise, California Broadband Cooperative will install new desert tortoise exclusionary fencing in locations along the Proposed Project route identified by the United States Fish and Wildlife Service as preferred locations for fence installation. The exact length, location, and responsibility of maintenance of this new exclusionary fencing will be determined in a collaborative effort with the California Broadband Cooperative, National Telecommunication and Information Administration, United States Fish and Wildlife Service, California Department of Fish and Game, and Caltrans based on experience, expertise, and available funding. New exclusionary fencing will be attached to existing Caltrans right-of-way fencing. 	Prior to construction activities.	The Contractor is responsible for implementing the installation of exclusionary fencing, while it will be the Biological Monitor who is responsible for a daily inspection of the exclusion coverings.	The Biological Monitor will document the exclusionary fence installations upon completion of the daily inspection.
<ul style="list-style-type: none"> Desert tortoise fencing is present along portions of the Proposed Project. Desert tortoise fence located along the Proposed Project will be inspected on a daily basis. 	During construction.	The Project Biologist to conduct fence inspections. In areas where desert tortoise fence has been inspected and determined to be intact, a Biological Monitor will not be required. However, if there is a breach in the desert tortoise fence, a Biological Monitor will be required.	The Project Biologist shall document the inspection of desert tortoise fencing.

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<ul style="list-style-type: none"> Project-related damage to existing desert tortoise fencing shall be repaired immediately following construction in that area so that tortoises do not travel through damaged sections and into the highway. 	During construction.	The Project Biologist to conduct fence inspections. The Contractor is responsible for repairing damages to existing tortoise fencing.	The Project Biologist shall document the inspection of desert tortoise fencing including observations of trapped animals, repairs, tortoises, tortoise burrows, and carcasses observed.
<ul style="list-style-type: none"> A written status report shall be submitted to the California Department of Fish and Game and United States Fish and Wildlife Service every 30 days until construction in desert tortoise habitat is completed 	Every 30 days during construction in desert tortoise habitat.	The Project Biologist is responsible for the report.	The report will document all actions taken to protect desert tortoise and all observations and interactions with desert tortoise during the prior 30-day period.
<ul style="list-style-type: none"> A summary report describing the effectiveness and practicality of mitigation measures; the number of desert tortoises observed, moved from site, and accidentally killed or injured; and the specific information on each tortoise encountered shall be prepared after the completion of construction in desert tortoise habitat. 	90 days after the completion of construction in desert tortoise habitat.	The Biological Monitor is responsible for the report.	The report shall describe the effectiveness and practicality of mitigation measures; the number of desert tortoises observed, moved from site, and accidentally killed or injured; and the specific information on each tortoise.
<ul style="list-style-type: none"> Desert tortoises commonly seek shade during the hot portions of the day. Employees working within the geographic range of this species will be required to check under their equipment or vehicle before it is moved. If desert tortoises are encountered, the vehicle is not to be started/ moved until such animals have voluntarily moved to a safe distance away from the parked vehicle. If a desert tortoise is present and has not moved voluntarily after time, construction will be immediately halted and the Biological Monitor will be contacted. 	During construction activities.	All Project personnel are responsible for implementing this measure.	The Biological Monitor will document upon completion of the daily inspection.
CULTURAL RESOURCES			
APM-CR-1: Construction will occur only in portions of the Project Area that have been surveyed or a record search has been completed in compliance with Section 106 of the National Historic Preservation Act.	Included in Project specifications and during construction activities.	Cultural Resources Monitor.	Cultural Resources Monitor to identify prior to construction activities.
APM-CR-2: Impacts to identified cultural resources within the Project area shall be minimized through avoidance and minimization measures which include: re-routing of the fiber-optic line and associated components or directional boring beneath the site with an archaeological monitor present at the bore rig site, as feasible.	Included in Project specifications and during construction activities.	Cultural Resources Monitor to submit daily monitoring logs.	Cultural Resources Monitor to verify in the field.

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APM-CR-3: Site boundaries and a buffer zone, as defined and agreed upon by the lead or jurisdictional Agency, will be provided for insuring avoidance of impacts to archaeological sites by designating these boundaries and buffer zones using flagging tape. Flagging will not occur too far in advance of construction activities; timing will be coordinated with the appropriate land managing Agency. Monitoring will be conducted prior to construction to insure flagging has not been removed and will be conducted by a qualified archaeologist.	Prior to construction activities.	Cultural Resources Monitor to submit daily monitoring logs.	Cultural Resources Monitor to verify in the field.
APM-CR-4: A qualified archaeological monitor will be present during ground-disturbing activities within the Project area in areas determined likely to contain cultural resources. The monitor will be empowered to temporarily halt or redirect construction activities until the deposit is recorded and evaluated by a qualified archaeologist and the appropriate avoidance and minimization measures have been agreed upon in conjunction with the lead Agency and local Agency jurisdiction.	During construction activities; and in the event of discovery.	Cultural Resources Monitor to submit daily monitoring logs.	Cultural Resources Monitor to verify in the field.
APM-CR-5: The Programmatic Agreement currently is in revision after a 30-day review period with the listed parties. Signatories and invited signatories received a copy of the Programmatic Agreement the week of June 13, 2011. The review period ended the week of July 18, 2011. Comments will be incorporated into the Programmatic Agreement, and the Programmatic Agreement will be returned to listed parties for reading and signatures. Phased mitigation procedures to meet Section 106 review and compliance will be outlined in the finished Programmatic Agreement.	Prior to and during construction.	The Applicant and appropriate Agencies will complete and follow procedures outlined in the final Programmatic Agreement.	The Project Archaeologist will document compliance with the final Programmatic Agreement.
APM-CR-6: Prior to construction, the Applicant shall designate a certified Project Paleontologist to supervise monitoring of construction excavations and to produce a Paleontological Resource Management Plan for the Proposed Project. This Paleontological Resource Management Plan shall be prepared and implemented under the direction of the Project Paleontologist and would address and incorporate measures identified in this Mitigation Monitoring and Reporting Plan. Paleontological monitoring shall include inspection of exposed rock units and microscopic examination of matrix to determine if fossils are present. The monitor shall have authority to temporarily divert grading away from exposed fossils in order to recover the fossil specimens. The Paleontological Resource Management Plan may require field surveys for specific areas along the Project route based on the sensitivity of the area. The Paleontological Resource Management Plan may require the Applicant to have a formal agreement with a recognized museum repository and the Project Paleontologist to curate any fossil collections, maintain appropriate field and laboratory documentation, and prepare the final Paleontological Resource Recovery Report in a timely manner following construction. More specific guide-	Prior to construction.	To be designated by Applicant. Project Paleontologist to prepare and implement measures from the Paleontological Resource Management Plan.	Throughout active construction and at reporting intervals.

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lines for paleontological resource monitoring will be identified in the Project Paleontological Resource Management Plan. The Project Paleontologist shall document interim results of the construction monitoring program with monthly progress reports.			
APM-CR-7: Workers Environmental Awareness Program training shall be provided to construction supervisors and crew for awareness of requirements regarding the protection of paleontological resources and procedures to be implemented in the event fossil remains are encountered by ground-disturbing activities.	Prior to and as-needed for new personnel during construction activities.	The Project Paleontologist familiar with the minimization measures for this Project would perform the training.	The training would be conducted prior to all personnel working on Project site in areas of concern.
APM-CR-8: Ground-disturbing activities shall be monitored on a full-time basis by a paleontological construction monitor only in those parts of the Project area where these activities may disturb previously undisturbed strata in rock units of high sensitivity. The areas that will require full-time monitoring include: <ul style="list-style-type: none"> ▪ Segment Hinkly to Kramer Junction: older alluvium; ▪ Segment Kramer Junction to Atolia-Quaternary: older alluvium north of Kramer Junction Quaternary nonmarine terrace deposits; ▪ Segment Searles to Ridgecrest: Quaternary lake deposits and alluvium one mile on either side; ▪ Segment Ridgecrest to Inyokern: Quaternary lake deposits and alluvium one mile on either side of Quaternary lake deposits; ▪ Segment Inyokern to Little Lake: Quaternary nonmarine deposits; ▪ Segment Little Lake to Olancha: Quaternary alluvium adjacent to Owens Lake; ▪ Segment Olancha to Keeler: Quaternary alluvium adjacent to Owens Lake; ▪ Segment Keeler to Owenyo: Quaternary lake deposits; ▪ Quaternary alluvium adjacent to Owen Lake; ▪ Segment Lone Pine Quaternary lake deposits; ▪ Segment Owenyo to Independence: Quaternary alluvium where route crosses Owens River; and ▪ Segments in the Mono Basin-Quaternary lake deposits. <p>The Project Paleontologist, upon conferring with the Paleontological Monitor(s), can reduce the amount of monitoring if it is determined that a large portion of a segment is in top soil or fill. The areas that will require part-time or spot checking monitoring:</p> <ul style="list-style-type: none"> ▪ All areas with Quaternary alluvium <p>The areas that will require no monitoring:</p> <ul style="list-style-type: none"> ▪ Areas where volcanic, granitic, or metamorphic rocks are present. 	During construction	The Project Paleontologist to decide the level of monitoring required for the area.	Level of monitoring to be identified prior to construction activities. Project Paleontologist to keep notes regarding monitoring.

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AESTHETIC AND VISUAL RESOURCES			
APM-AVR-1: Staging and material and equipment storage areas, including storage sites for excavated materials will be appropriately located away from areas of high public visibility to the extent possible.	Included in Project specifications, prior to construction activities.	Engineering Inspector.	Prior to construction activities.
LAND USE			
APM-LU-1: Prepare Construction Notification Plan. Prior to construction, California Broadband Cooperative shall prepare and submit a Construction Notification Plan to the National Telecommunications and Information Administration and the California Public Utilities Commission for approval. The Plan shall identify the procedures that address at a minimum the following components:	Prior to construction activities.	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities.
<ul style="list-style-type: none"> ▪ Public notice mailer. Prior to construction, a public notice mailer shall be prepared. The notice shall identify construction activities that would restrict, block, or require a detour to access existing residential properties, retail and commercial businesses, wilderness and recreation facilities, and public facilities (e.g., schools and reserves). The notice shall state the type of construction activities that will be conducted and the location and duration of construction. California Broadband Cooperative shall mail the notice to all residents or property owners within 300 feet of the right-of-way and to specific public Agencies with facilities that could be impacted by construction. If construction delays of more than seven days occur, an additional notice shall be prepared and distributed. 	Prior to construction activities.	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities.
<ul style="list-style-type: none"> ▪ Newspaper advertisements. Prior to construction within a route segment, one round of newspaper advertisements shall be placed in local newspapers and bulletins. The advertisement shall state when and where construction will occur and provide information on the public liaison person and hotline identified below. If construction is delayed as noted above, an additional round of newspaper ads shall be placed to discuss the status and schedule of construction. 	Prior to construction activities.	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities.
<ul style="list-style-type: none"> ▪ Public venue notices. Prior to construction, notice of construction shall be posted at public venues such as trail crossings, rest stops, resource management offices, and other public venues to inform residents and visitors of the purpose and schedule of construction activities. For public road closures, California Broadband Cooperative shall post information about the road detour at applicable resource management offices and post the notice within two miles north and south of the detour. For recreation facilities and reserves, the notice shall be posted along the access routes to known recreational destinations that would be restricted, blocked, or detoured and shall provide information on alternative recreation areas that may be used 	Prior to construction activities.	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities.

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<p>during the closure of these facilities.</p> <ul style="list-style-type: none"> Public liaison person and toll-free information hotline. California Broadband Cooperative shall identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching the public liaison officer via telephone or in person shall be included in notices distributed to the public. California Broadband Cooperative shall also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls shall be addressed in the Construction Notification Plan. 	Prior to construction activities.	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities.
INFRASTRUCTURE			
<p>APM-I-1: Roadway Capacity Maintenance. California Broadband Cooperative and its construction contractors shall maintain the maximum possible amount of travel lane capacity on roads during non-construction periods and shall provide traffic control during construction along public roads and highways.</p>	During construction activities.	Engineering Inspector.	During construction activities.
<p>APM-I-2: Prepare Transportation Management Plans. Prior to the start of construction, California Broadband Cooperative shall submit Traffic Management Plans to all Agencies with jurisdiction over public roads that would be affected by construction activities. Traffic Management Plans shall define the locations of all roads that would need to be temporarily closed due to construction activities. The Traffic Management Plans shall define the use of flag persons, warning signs, lights, barricades, cones, etc. according to standard guidelines outlined in the Caltrans Traffic Manual, the Standard Specifications for Public Works Construction, and the <i>Work Area Traffic Control Handbook (WATCH)</i>.</p> <p>Shoulder or lane closures shall be accomplished in accordance with the 2010 Caltrans Standard Plans.</p> <p>A lane closure shall be required when personnel are working or equipment is operated within six feet of the traveled way. A shoulder closure shall be used when personnel or equipment for the work are located outside of six feet from the traveled way. Any traffic control plan that deviates from 2010 Caltrans Standard Plans shall require a traffic control plan being submitted for approval 14 days prior to the start of work.</p>	Prior to and during construction activities.	Engineering Inspector.	Prior to and during construction activities.
<p>APM I-3: Prepare Recycling Program. Prior to the start of construction, California Broadband Cooperative will create a recycling program to be implemented that will require that the Project meet specified diversion goals.</p>	Prior to and during construction activities.	Engineering Inspector.	Prior to and during construction activities.

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HUMAN HEALTH/SAFETY			
APM-HHS-1: An environmental health and safety professional who is 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) trained shall be present during the trenching and cable installation in the vicinity of the three active Leaking Underground Storage Tank (LUST) sites listed in Section 3.12 to monitor the construction to minimize these risks.	During construction activities.	Health and Safety Monitor to submit monitoring logs.	Health and Safety Monitor to verify in field.
APM-HHS-2: The Project Applicant and contractor shall be subject to the Occupational Safety Health Administration (OSHA) which sets forth mandatory health and safety standards for construction sites. These standards include mandatory incident reporting, daily tailgate meetings, and monthly safety meetings with the contractor to discuss potential health and safety issues. In addition, the construction superintendent shall be responsible for verifying that all construction personnel working on the Project site is a legal citizen or possesses an employment visa.	During construction activities.	Project Applicant/ Contractor.	Health and Safety Monitor to verify in field.

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NOISE			
MM-N-1: If Project construction activities with ground borne vibration activities occur within 100 feet of sensitive receptors, the occupants and property owners shall be notified of the construction activities 15 days prior to construction.	Prior to construction activities.	Construction Monitor to identify areas of sensitive receptors. Engineering Inspector to verify occupants and property owners are notified.	Immediately prior to construction activities in areas with sensitive receptors.
WATER RESOURCES			
MM-W-1: If a fracture of the substrate occurs during horizontal directional drilling (frac-out), drilling fluids have the potential to be released into the stream or dry streambed. In the event of a frac-out, the California Broadband Cooperative will implement response measures in the Horizontal Directional Drilling Contingency and Resource Protection Plan.	Included in Project plans specifications; implemented during construction activities.	The Engineering Inspector would verify that the Horizontal Directional Drilling Contingency and Resource Protection Plan was implemented.	Following the event of a frac-out.
MM-W-2: If a leak or spill from fuels and lubricants enters or threatens to enter a stream crossed or immediately adjacent to the Proposed Project Right of Way, the California Broadband Cooperative will implement response procedures specified in the Spill Prevention and Pollution Plan.	Included in Project plans and specifications; during construction activities.	The Engineering Inspector would verify that the Spill Prevention and Pollution Plan measures were implemented.	Following a fuel or lubricant leak into a stream.
BIOLOGICAL RESOURCES			
MM-Bio-1: If the contractor suspects that invasive and/or noxious weeds have been brought to the site, the contractor would notify the Biological Monitor to resolve the issue using similar practices identified in APM-Bio-12 and best professional judgment.	During construction activities.	A Biological Monitor would determine the necessary course of action to remedy the potential introduction of invasive and/or noxious weeds and provide recommendations for further prevention of such cases.	The Biological Monitor would document the actions taken to remove the invasive and/or noxious weeds upon completion of the action.
MM-Bio-2: If special-status plant species, such as Joshua trees, cacti, and succulents are within an impact area and cannot be avoided, the restoration specialist shall remove and temporarily relocate the species ahead of construction, to a "nursery area" until safe to return to the immediate area where the special-status vegetation was originally found. If unforeseen circumstances require disturbance of vegetation beyond the final Proposed Project route, California Broadband Cooperative shall notify the appropriate Agencies immediately. Surface stabilization and reclamation within and along the boundaries of the Proposed Project right-of-way shall be accomplished by removing construction debris from the Project area and returning the soil to its original grade.	During and after construction.	The Biological Monitor.	The Biological Monitor shall verify that vegetation is not cleared outside existing roads. The Biological Monitor would verify that the special-status plant species within the construction impact area is temporarily relocated and then restored.

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MM-Bio-3: If an active native bird nest were found within 100 feet (500 feet for raptors) of the Project corridor, an appropriate buffer will be assigned by the Monitoring Biologist. The biologist shall have the discretion to adjust the buffer area (upward or downward) as appropriate according to proposed construction activity, the bird species involved, and the status of the nest and nesting activity.	During the bird breeding season of March 15 through September 15, 48-hours prior to and during construction activities.	Biological Monitor to submit daily monitoring logs.	The nesting species and the assigned buffer will be documented upon discovery of nest.
MM-Bio-4: The Proposed Project does not directly cross any known greater sage-grouse lekking or breeding areas. If a greater sage-grouse is observed within 100 feet of an active construction site, construction activities will be limited or temporarily halted until the animal has left the area. If the sage-grouse does not leave the area on its own, the Project Biologist would contact the appropriate Agency to determine the best course of action. If any construction activities were to occur within a newly identified lekking or breeding area, the activities shall be conducted outside the breeding season.	Prior to and during construction activities.	The Project Biologist or Biological Monitor and the appropriate Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to maintain construction activity would be documented immediately upon completion of biologist and Agency discussions. The Biological Monitor to record greater sage-grouse observations and interactions.
MM-Bio-5: A survey shall be conducted within 30 days prior to the initiation of construction by a qualified biologist to determine the presence or absence of the burrowing owl in the construction zone plus 250 feet beyond.	30 days prior to start of construction and during construction activities.	The Biological Monitor will be responsible for the oversight of burrowing owl surveys and burrows that are encountered and provide recommendations for protection.	The Biological Monitor to record burrowing owl observations and interactions.
MM-Bio-6: If the burrowing owl is present, no disturbance shall occur within 50 meters (approximately 160 ft) of occupied burrows from September 1 through January 31 or within 75 meters (approximately 250 ft) of occupied burrows from February 1 through August 31.	During construction activities.	Biological Monitor to submit daily monitoring logs.	Biological Monitor to verify in the field.
MM-Bio-7: Pipes or similar construction materials that are stored on site for one or more nights shall be inspected for burrowing owls by a Biological Monitor before the material is moved, buried, or capped.	During construction activities.	The Contractor is responsible for closing and capping pipes and similar construction materials. The Biological Monitor is responsible for inspections and submitting monitoring logs of inspections performed.	Biological Monitor to verify in the field.
MM-Bio-8: Passive relocation of burrowing owls shall be implemented prior to construction only at the direction of the California Department of Fish and Game and only if the above-described occupied burrow disturbance absolutely cannot be avoided (e.g., due to physical or safety constraints). Relocation of owls shall be implemented only during the non-breeding season.	Prior to the start of construction activities and only during September 1 to January 31.	The Biological Monitor will be responsible for the oversight of burrowing owl surveys and burrows, and will coordinate accordingly with the California Department of Fish and	The Biological Monitor to record burrowing owl relocation activities.

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MM-Bio-9: When conducting construction activities during the bird breeding season of March 15 through September 15 within 500 feet of habitat in which least Bell's vireos and/or southwestern willow flycatchers are known to occur or have potential to occur, a Project Biologist shall survey for least Bell's vireos and southwestern willow flycatchers within 48 hours prior to initiating activities in an area. If least Bell's vireos or southwestern willow flycatchers are present, then construction would be temporarily halted; and the Biological Monitor and appropriate Agency would be contacted to determine the best course of action.	48 hours prior to construction (and during construction) in least Bell's vireo and southwestern willow flycatcher habitat between March 15 and September 15.	Game. The Project Biologist will conduct the survey and coordinate with the appropriate Agency, if necessary.	The Project Biologist shall submit a report documenting survey methodology and all least bell's vireo and southwestern willow flycatcher observations.
MM-Bio-10: If a special-status mammalian species were detected or directly observed within 100 feet of a construction area that may result in direct disturbance to that animal, then construction would be temporarily halted until the mammal left; if it does not leave on its own, the Biological Monitor would contact the appropriate Agency to determine the best course of action.	During construction activities.	A Biological Monitor and the Agency would determine the course of action in an effort to allow construction activities to resume. A Biological Monitor would be present to monitor for potential disturbance to special-status mammalian species.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions. Biological Monitor would submit daily monitoring logs.
MM-Bio-11: If a Sierra Nevada bighorn sheep is observed within 100 feet of an active construction site, then construction would be temporarily halted until the animal leaves the area. If the animals does not leave the area within a short time; or if it appears to be injured or ill; or if a lamb, with or without a ewe, is present in the area, then the Project Biologist, if necessary, shall contact the appropriate Agency to determine the best course of action. All verified bighorn sheep observations will be recorded in daily field notes and reported in the Project compliance reports.	During construction activities.	The Project Biologist and the Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.
MM-Bio-12: If a mule deer is observed within 100 feet of an active construction site, then construction would be temporarily halted until the animal leaves the area. If the mule deer does not leave the area within a short time; or if it appears to be injured or ill; or if a fawn, with or without a doe, are present in the area, the Project Biologist or Biological Monitor will be contacted and, if necessary, the appropriate Agency would be contacted to determine the best course of action.	During construction activities.	An on-call Biological Monitor and the Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.
MM-Bio-13: Mohave ground squirrel are assumed to be present in the Proposed Project area. The Mohave ground squirrel shall be looked for opportunistically as part of other surveys and monitoring required during Project construction. Mitigation measures will be coordinated with the California Department of Fish and Game, and an incidental take permit will be obtained by California Broadband Cooperative prior to construction occurring in Mohave ground squirrel habitat.	During construction activities.	The Biological Monitor will be responsible for the oversight of Mohave ground squirrel and burrows that are encountered and provide recommendations for protection.	The Biological Monitor to record Mohave ground squirrel observations and interactions.

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MM-Bio-14: The Project Biologist shall immediately notify the Contractor and the California Department of Fish and Game of any Mohave ground squirrel encountered. Notification to the California Department of Fish and Game shall follow the requirements identified in the incidental take permit.	Prior to and during construction activities.	The Biological Monitor will be responsible for notifying the Contractor and California Department of Fish and Game of a Mohave ground squirrel encounter. The Biological Monitor will be responsible for the preparation of an incident report for a Mohave ground squirrel encounter.	The Biological Monitor will notify the California Department of Fish and Game within the same day or by the following business day as described in this measure. The Biological Monitor will prepare an incident report following a Mohave ground squirrel encounter.
MM-Bio-15: The Project Biologist will survey for bats and/or bird nests prior to installing of conduit at bridges. Construction at any bridges with active bird nests or bat colonies would be avoided during the breeding season. The appropriate Agency would be consulted should a bridge appear to serve as a bat roost.	A bird nest and bat survey would be performed within two weeks of installing conduit on a bridge. The typical bird nesting season is between February 15 and August 31, with most nesting activities occurring between March and July. The typical bat breeding season is May to July.	The Project Biologist will conduct the survey.	Active bird nests and bat colonies will be identified on a map following the nesting bird surveys.
MM-Bio-16: If roosting bats may be present, then the Project Biologist shall identify the species and contact the California Department of Fish and Game or the Nevada Department of Wildlife to determine the best course of action. Where bridges may serve as maternity roosts, Project construction will be delayed until conclusion of the breeding season.	Prior to and during construction activities.	The Project Biologist or Biological Monitor and the Agency would determine the course of action in an effort to minimize impacts to special-status bats or roost site and allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.
MM-Bio-17: The Project Biologist shall conduct pre-construction surveys for American badger dens in the Project Area, including areas within 100 feet of all Project right-of-way staging areas and access roads. If dens are detected, each den will be classified as inactive, potentially active, or definitely active.	Prior to construction activities.	The Biological Monitor will be responsible for the oversight of badger surveys and burrows that are encountered and provide recommendations for protection.	The Biological Monitor to record badger observations and interactions.
MM-Bio-18: Disturbance to all American badger dens will be avoided to the maximum extent possible. Dens determined to be occupied between March 1 and June 30 will be avoided to protect adults and nursing young. If a potentially active den is	During construction activities	The Biological Monitor will be responsible for the oversight of badger surveys and	The Biological Monitor to record badger observations and interactions.

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found in a construction area, the appropriate Agency would be contacted to determine the best course of action.		burrows that are encountered and coordinate with the appropriate Agency to provide recommendations for protection.	
MM-Bio-19: To prevent badger burrows from possible collapse from equipment vibration, speed limits shall be reduced to no more than 20 mph when within 200 feet from an active American badger den.	During construction activities	The Contractor will be responsible for oversight of construction crews vehicle operations.	During construction activities.
MM-Bio-20: A pre-construction survey shall be conducted for pygmy rabbit in suitable habitat by the Project Biologist. To the greatest extent possible, construction activities shall be restricted to the road; and vehicles and equipment shall avoid driving in pygmy rabbit habitat in order to minimize impacts to pygmy rabbits, their burrows, and habitat. If a pygmy rabbit is found in a construction area and does not leave the site on its own, the appropriate Agency would be contacted to determine the best course of action.	The pre-construction survey shall be conducted within two weeks prior to construction.	A biologist qualified to survey for and handle pygmy rabbit.	The qualified biologist shall document the methodology and results of the pre-construction survey and the relocation of any rabbit colonies, if necessary. Other methods implemented to avoid or minimize impacts to pygmy rabbits shall be documented.
MM-Bio-21: If construction activities may result in adverse impacts to special-status amphibian and/or reptilian species, then construction would be temporarily halted and the Project Biologist and appropriate Agency would be contacted to determine the best course of action.	During construction activities.	A Biological Monitor and the Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.
MM-Bio-22: Surveys for special-status amphibian and/or reptile species shall be conducted prior to construction in areas with potential to support special-status reptile or amphibian species. If a special-status amphibian and/or reptilian species is confirmed to be present within 100 feet of the construction activities, then a Biological Monitor would be present to monitor for the species and alert construction crews to the possible presence of these species.	Within two weeks prior to and during construction activities.	A Biological Monitor would be present to survey and monitor for potential disturbance to special-status amphibian or reptile species.	Biological Monitor would submit survey results and daily monitoring logs.
MM-Bio-23: If a desert tortoise is observed within 100 feet of an active construction site, then construction would be temporarily halted; and the Biological Monitor would contact the appropriate Agency to determine the best course of action.	During construction activities.	A Biological Monitor and the Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions. All observations of desert tortoises within the Project vicinity will be recorded and compiled in

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			compliance reports.
MM-Bio-24: If a desert tortoise must be moved from harm's way during Project activities, the Project Biologist will follow the "Guidelines for Handling Desert Tortoises During Construction Projects" (Desert Tortoise Council 1999), or most current Agency guidelines, and will comply with the requirements identified in the Biological Opinion.	During construction	The Project Biologist.	The Project Biologist shall document all incidents in which a desert tortoise must be moved.
MM-Bio-25: If construction activities are required within 100 feet of water bodies suitable for special-status aquatic wildlife, a Biological Monitor would be present on the site during construction.	Prior to and during construction activities.	Prior to the start of each day's construction activities, a Biological Monitor will determine if activities will occur within 100 feet of a water body suitable for special-status aquatic wildlife. Daily visual inspections also would include assessment of the integrity of Best Management Practices. The biological monitor would report deficient sediment control devices to the Engineering Inspector for prompt repair.	Biological Monitor would submit daily monitoring logs.
MM-Bio-26: If habitat for special-status insects is within the construction area, and a special-status insect species is detected within or adjacent to the proposed area of direct disturbance during construction and does not leave the site on its own, the appropriate regulatory Agencies would be consulted to determine the best course of action.	During construction.	The Project Biologist will conduct the survey and coordinate with the appropriate Agency.	The Project Biologist shall prepare a report documenting the consultation with the resource agencies and recommended actions.
CULTURAL RESOURCES			
MM-CR-1: In the event that any previously unidentified or buried cultural resource materials are encountered within any part of the Project area, all ground-disturbing construction activities must be suspended in the vicinity of the find until the deposit is recorded and evaluated by a qualified archaeologist and the appropriate avoidance and minimization measure is identified. On Bureau of Land Management lands, Agency archaeologists should be contacted prior to work continuing. The field manager makes the decision when work can continue, based on the Agency archaeologists' opinion.	In the event of discovery.	Cultural Resources Monitor to submit compliance reports.	In the event of discovery.
MM-CR-2: Sites that cannot be avoided, such as those that have already been determined eligible for National Register of Historic Places or State listing, will	Prior to construction activities.	Cultural Resources Monitor to submit daily monitoring logs.	Cultural Resources Monitor to verify in the field.

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require testing and data recovery measures upon approval of a data recovery plan. A recovery plan will be in place prior to construction activities. Testing of the site and data recovery can be conducted with Agency approval.			
<p>MM-CR-3: If potential human skeletal remains are discovered, all activity in the area of discovery would cease immediately. The protocol for the inadvertent discovery of human remains is found in State Health and Safety Code Division, Part 1, Chapter 2, Section 7050.5 and Public Resource Code 5097.98. Other applicable State and Federal laws are the Archaeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA), and the Native American Graves Protection & Repatriation Act (NAGPRA). The County Coroner would be notified immediately (within 24 hours) to make a determination as to human or nonhuman skeletal remains and the circumstances, manner, and cause of death. If the Coroner determines that the remains are Native American, he or she would contact the Native American Heritage Commission to identify a Most Likely Descendent, or, if in Nevada, the Office of Historic Preservation of the Department of Cultural Affairs. In California, the Native American Heritage Commission would notify the most likely descendant who would consult with the Project proponent and the lead Agency in determining the final disposition of the remains. In Nevada, the Office of Historic Preservation would consult with the Project proponent and the lead Agency in determining the final disposition of the remains.</p> <p>Upon discovery of human remains, Native American Graves Protection & Repatriation Act procedures will be followed. In brief, the contractor will immediately notify the responsible Federal or Tribal official by telephone and provide written confirmation to the responsible Federal or Tribal official. If the inadvertent discovery occurs in connection with an on-going activity, the contractor must cease the activity in the area of the inadvertent discovery and make a reasonable effort (halt all activity within a 100-foot radius) to protect the human remains and other cultural items. The Federal or Tribal Agency official must certify receipt of the notification within three days. The Federal or Tribal official may take further action to secure and protect the human remains and other cultural items. The Federal or Tribal Agency official must prepare, approve, and sign a written plan of action to treat the inadvertent discovery. The activity that resulted in the discovery may resume 30 days after the Federal or Tribal Agency official certifies receipt of the notification. Custody must be determined in accordance with 25 USC 3002 (a), "Priority of Ownership," and 43 CFR 10.6, "Priority of Custody."</p>	In the event of discovery.	Cultural Resources Monitor to submit compliance reports.	In the event of discovery.
MM-CR-4: If fossils are encountered during construction, construction activities shall be temporarily diverted from the discovery, and the Paleontological Monitor shall notify the appropriate parties/Agencies and collect matrix for testing and	During construction.	Project Paleontologist to conduct appropriate recovery and testing.	In the event of discovery.

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<p>processing as directed by the Project Paleontologist. In order to expedite removal of fossil-bearing matrix, the Paleontological Monitor may request heavy machinery to assist in moving large quantities of matrix out of the path of construction to designated stockpile areas. Construction shall resume at the discovery location once the all necessary matrix is stockpiled, as determined by the Paleontological Monitor. Testing of stockpiles shall consist of screen washing small samples to determine if important fossils are present. If such fossils are present, the additional matrix from the stockpiles shall be water screened to ensure recovery of a scientifically significant sample. Samples collected would be limited to a maximum of 6,000 pounds per locality. At each fossil locality, field data forms shall record the locality, stratigraphic columns would be measured, and appropriate scientific samples submitted for analysis.</p> <p>The Project Paleontologist shall direct identification, laboratory processing, cataloging, analysis, and documentation of the fossil collections. When appropriate, and in consultation with California Broadband Cooperative and the appropriate parties/Agencies, splits of rock or sediment samples shall be submitted to commercial laboratories for microfossil, pollen, or radiometric dating analysis. After analysis, the collections shall be prepared for curation. A final technical report shall be prepared to summarize construction monitoring and present the results of the fossil recovery program. The report shall be prepared in accordance with California Public Utilities Commission, Society of Vertebrate Paleontology guidelines, and lead Agency requirements. The final report shall be submitted to the Applicant, lead Agencies, and the curation repository.</p>			
AESTHETIC AND VISUAL RESOURCES			
<p>MM-AVR-1: If construction staging areas are visible from residences; public gathering areas; and/or recreational areas, facilities, or trails, then construction staging areas shall be visually screened using temporary screening fencing of appropriate design and color.</p>	<p>Included in Project plans and specifications, and implemented prior to construction activities.</p>	<p>The Engineering Inspector is to verify that appropriate screening techniques were implemented.</p>	<p>Upon completion of the installation of visual barriers.</p>