FINDINGS OF FACT

TO: Santa Barbara County Association of Governments (SBCAG)

FROM: Fred Luna, Director of Project Delivery and Construction

DATE: February 13, 2025

SUBJECT: CEQA-Required Findings of Fact for the Santa Barbara County Last-Mile Broadband Program, State Clearinghouse No. 2024051301

I. Project Description

The Santa Barabara County Last-Mile Broadband Program (Broadband Program or Project) would facilitate the future expansion of high-speed broadband internet network throughout the County of Santa Barbara (County). The Project would facilitate the implementation of future broadband infrastructure installations in various communities across the County that are currently underserved or unserved by high-speed broadband internet services. The Project involves last-mile broadband installations that have already been designed for nine such communities identified as Priority Areas for broadband service under the Broadband Program. The broadband facility installations could include both underground and aerial fiber optic cable as part of proposed "last-mile" broadband facilities, which are intended to reach end users in these affected communities. These last-mile facilities would provide connections to end users in communities across the County and connect from the State of California's "middle-mile" broadband network (Statewide Middle Mile Network) currently being implemented by the California Department of Technology (CDT).

In general, the new fiber optic lines would be installed underground following public or private roadways with the intention to minimize or avoid disturbance of roadway surfaces wherever feasible. However, it is possible some fiber optic lines could be installed directly under roadways in areas with limited shoulder space or where existing conduit under the road may be used, thus avoiding new surface disturbance. The Project also includes installation and construction activities within those areas where lateral lines are installed between public or private roadways and individual businesses or residences. Individual residence or business connections typically would be installed within previously disturbed and/or developed areas (e.g., adjacent to driveways or in landscaped areas), and generally would avoid drainages and sensitive habitats. Lateral alignments would typically follow other utility installations. Although not anticipated, where subsurface installation of fiber optic cable is infeasible, aerial installation along existing utility poles will be undertaken.

Components to be installed/constructed within the nine Priority Areas include the following: broadband conduit (i.e., rigid casing to protect fiber optic cables from physical damage and the elements) with diameters between ¾-inch and 2 inches to be installed within road rights-of-way (ROWs); aboveground, prefabricated walk-in hut/shelters made of aggregate wall materials; small aboveground steel distribution cabinets/enclosures; distribution fiber, splice points, and drops; drop hubs; and small underground structures such as hand holes. Additional Project components that may be necessary to connect end-users to the middle-mile broadband network may include utility poles with aerial fiber and connection points; underground fiber markers; and signage.

Once constructed, the broadband network components would generally operate passively, with only incidental maintenance typically consisting of weed abatement and periodic accessing of hand holes and splice cases from the ground surface along a given alignment.

II. The Record

The Santa Barbara County Association of Governments (SBCAG) is the custodian of the documents and other material which constitute the record of the proceedings upon which its decision is based. The SBCAG offices are located at 260 N. San Antonio Road, Suite B, Santa Barbara, CA 93110. The documents can also be found on their website at: https://www.sbcag.org/project/santa-barbara-county-last-mile-broadband-program-environmental-impact-report/.

For the purposes of California Environmental Quality Act (CEQA) and the required Findings for the Programmatic Environmental Impact Report (EIR), the record of SBCAG relating to the Project includes:

1. The Santa Barbara County Last-Mile Broadband Program Initial Study/Notice of Preparation (2024)

2. The Santa Barbara County Last-Mile Broadband Program Draft PEIR (2024)

3. The Santa Barbara County Last-Mile Broadband Program Final PEIR (2025)

III. Certification of the Final Programmatic Environmental Impact Report

SBCAG certifies the following with respect to the Santa Barbara County Last-Mile Broadband Program Final PEIR:

A. SBCAG has reviewed and considered the Santa Barbara County Last-Mile Broadband Program Draft PEIR and Final PEIR.

B. The Final Program Environmental Impact Report for the Santa Barbara County Last-Mile Broadband Program has been completed in compliance with the California Environmental Quality Act.

C. The Final Program Environmental Impact Report, and all related public comments and responses have been presented to SBCAG, and they have reviewed and considered the information

contained in the Final Program Environmental Impact Report prior to approving the Santa Barbara County Last-Mile Broadband Program.

D. The Santa Barbara County Last-Mile Broadband Program Final PEIR reflects the independent judgment of SBCAG, acting as the lead agency for the Project.

IV. Findings for Impacts Identified as Less Than Significant

The findings below are less than significant impacts. Less than significant impacts are impacts that may be adverse, but do not exceed the threshold levels and does not require mitigation measures.

A. Air Quality

1. **Impact 1.** Implementation of the Proposed Project could conflict with or interfere with the applicable air quality plan if it significantly increases ROC or NOX emissions to an extent that meeting the CAAQS would be in jeopardy.

   a. **Mitigation –** No mitigation is required.

   b. **Findings –** The Project would not conflict with or obstruct implementation of the Santa Barbara County Air Pollution Control District 2022 Ozone Plan. The construction and operational impacts of the Project on attainment of state and federal air quality standards are less than significant.

   c. **Supportive Evidence –** Please refer to pages 4.1-21 through 4.1-23 of the Draft PEIR, incorporated herein by reference.

2. **Impact 2.** Implementation of the Project could result in a cumulatively considerable net increase of ROC, NOX, or PM10 for which the SCCAB is in nonattainment for an applicable federal or state ambient air quality standard.

   a. **Mitigation –** No mitigation is required.

   b. **Findings –** The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal and state ambient air quality standard. Construction and operational impacts are less than significant.

   c. **Supportive Evidence –** Please refer to pages 4.1-23 through 4.1-25 of the Draft PEIR, incorporated herein by reference.

3. **Impact 4.** Implementation of the Project could result in other emissions, such as odors, adversely affecting a substantial number of people.

   a. **Mitigation –** No mitigation is required.

   b. **Findings –** The Project would not result in other emissions, such as odors, adversely affecting a substantial number of people. Construction and operational impacts are less than significant.

c. Supportive Evidence – Please refer to pages 4.1-29 through 4.1-30 of the Draft PEIR, incorporated herein by reference.

B. Biological Resources

1. **Impact 6.** Implementation of the Project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

   a. Mitigation – No mitigation is required.

   b. Findings – The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

   c. Supportive Evidence – Please refer to page 4.2-127 of the Draft PEIR, incorporated herein by reference.

C. Energy

1. **Impact 1.** Implementation of the Project could result in a potentially significant environmental impact if energy (electricity, natural gas, or transportation) used during construction or operation results in the wasteful, inefficient, or unnecessary consumption of energy resources.

   a. Mitigation – No mitigation is required.

   b. Findings – The Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. Impacts are less than significant.

   c. Supportive Evidence – Please refer to pages 4.4-13 through 4.4-17 of the Draft PEIR, incorporated herein by reference.

2. **Impact 2.** Implementation of the Proposed Project could conflict with or obstruct a state or local plan for renewable energy or energy efficiency if during construction or operation the Project doesn't comply with applicable rules or regulations, resulting in a significant impact.

   a. Mitigation – No mitigation is required.

   b. Findings – The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency during construction or operation. Impacts are less than significant.

   c. Supportive Evidence – Please refer to pages 4.4-17 through 4.4-19 of the Draft PEIR, incorporated herein by reference.

D. Greenhouse Gas Emissions and Global Climate Change

1. **Impact 1.** Implementation of the Broadband Program could generate GHG emissions, directly or indirectly, that exceed the County of Santa Barbara or SBCAPCD screening thresholds or significance thresholds resulting in a significant impact on the environment.

   a. **Mitigation –** No mitigation is required.

   b. **Findings –** The Project would not generate GHG emissions during construction or operation, either directly or indirectly, that would exceed screening thresholds or significant thresholds. Impacts are less than significant.

   c. **Supportive Evidence –** Please refer to pages 4.5-32 through 4.4-35 of the Draft PEIR, incorporated herein by reference.

2. **Impact 2.** Implementation of the Priority Area projects and future broadband projects could contribute to cumulative GHG impacts if it would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

   a. **Mitigation –** No mitigation is required.

   b. **Findings –** The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction or operation. Impacts are less than significant.

   c. **Supportive Evidence –** Please refer to pages 4.5-35 through 4.4-40 of the Draft PEIR, incorporated herein by reference.

E. Noise and Vibration

1. **Impact 2.** Implementation of the Proposed Project, in combination with other development, would contribute to cumulative less than significant impacts in regards to ground-vibration damage to structures and human annoyance from construction and operation of past, present, and future projects.

   a. **Mitigation –** No mitigation is required.

   b. **Findings –** The Project would not generate excessive groundborne vibration or groundborne noise levels. Impacts are less than significant.

   c. **Supportive Evidence –** Please refer to pages 4.6-18 through 4.6-21 of the Draft PEIR, incorporated herein by reference.

2. **Impact 3.** Implementation of the Proposed Project would not result in the Project being located within the vicinity of a private airstrip or airport land use plan. Therefore, the Airport operations would result in a less than significant impact.

   a. **Mitigation –** No mitigation is required.

b. Findings – The Project would not expose people residing or working in the Project area to excessive noise levels. Impacts are less than significant.

c. Supportive Evidence – Please refer to pages 4.6-21 through 4.6-22 of the Draft PEIR, incorporated herein by reference.

F. Utilities and Service Systems

1. Impact 1. Implementation of the Proposed Project would not result in relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, or natural gas facilities. The Proposed Project would result in less than significant impacts to expanded electric power or telecommunication facilities.

a. Mitigation – No mitigation is required.

b. Findings – The Project would not require the installation of storm water drainage facilities, construction of new water or wastewater treatment facilities, or construction or extension of electric power or natural gas facilities. The nature of the proposed Project itself would be an expansion of telecommunication facilities within Santa Barbara County and is analyzed within the PEIR. Impacts are less than significant.

c. Supportive Evidence – Please refer to pages 4.8-4 through 4.8-7 of the Draft PEIR, incorporated herein by reference.

V. Findings for Impacts Identified as Less Than Significant with Mitigation Incorporated

These impacts are those which are significant but can be reduced to below the significance threshold level with implementation of reasonably available and feasible mitigation measures.

A. Air Quality

1. Impact 3. Implementation of the Project could expose sensitive receptors to substantial pollutant concentrations of DPM and CO.

a. Mitigation –

AQ-1: Valley Fever. During heavy grading where the top 12 inches of soil would be disturbed, and in locations with potential Valley Fever fungal spores (i.e., disturbance of the top soil of undeveloped land to a depth of about 12 inches; dry, alkaline, sandy soils; virgin, undisturbed, non-urban areas; windy areas; and archaeological resources probable or known to exist in the area (Native American midden sites), construction contractors will comply with the following measures as feasible to reduce potential Valley Fever impacts:

- Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.

- Require that the cabs of grading and construction equipment be air-conditioned or enclosed with sufficient ventilation and particulate matter filtration systems.

- Require crews to work upwind from excavation sites where possible.

- Where acceptable to the fire department, control weed growth by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.

- During rough grading and construction, ensure that the access way into the project site from adjoining paved roadways is paved or treated with environmentally safe dust control agents.

b. Findings – The Project has the potential to expose sensitive receptors to substantial pollutant concentrations such as fugitive dust and valley fever. Implementation of Mitigation Measure AQ-1 would reduce potential impacts to workers and the surrounding community receptors. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.1-25 through 4.1-28 of the Draft PEIR, incorporated herein by reference.

B. Biological Resources

1. Impact 1. Implementation of the Project could have a substantial adverse effect, either directly or through habitat modifications, or any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

a. Mitigation –

BIO-01: Vegetation Mapping and Habitat Assessment. For construction within the Priority Areas and/or the County, vegetation mapping and a habitat assessment shall be conducted prior to ground-disturbing activities within 500 feet of work areas. Vegetation mapping shall be conducted using The Manual of California Vegetation, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009). Any sensitive natural communities or suitable habitat identified to support special-status plants, invertebrates, fish, amphibians, reptiles, and/or mammals shall be identified and mapped. If no sensitive natural communities or suitable habitat to support special-status plant species, special-status wildlife species, or nesting bird species occurs, then no further mitigation is necessary. If any sensitive natural communities or suitable habitat for any special-status plant or wildlife species is determined to be present, then one or more of the following mitigation measures shall be implemented, as applicable.

BIO-02: Special-Status Plant Species. For construction within the Priority Areas and/or the County, if suitable habitat for special-status plant species is identified during the Habitat

Assessment (conducted pursuant to Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment), a special-status plant survey focusing on the special-status plant species with a moderate to high potential to occur within the Priority Areas and/or the County shall be conducted by a qualified biologist(s) prior to construction. The surveys shall take place during the appropriate blooming period for each species in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (2018). If any special-status plant species are observed during the focused surveys, an appropriate setback buffer of at least 50 feet, shall be established and these species shall be avoided by construction activities.

If avoidance of the special-status plant species is not feasible and impacts to special-status plants may be significant, a mitigation strategy for special-status plant species that may be impacted shall be developed by a qualified biologist. The mitigation strategy may include partial avoidance; preservation; and/or on-site or off-site restoration, translocation, and/or seed collection to create a similar population (e.g., based on number of individual plants, similar density over area, or both). If restoration and/or translocation is needed, a restoration/revegetation plan must be prepared and approved by CDFW. At a minimum, the plan shall specify the following:

- A summary of impacts;
- The location of the mitigation site;
- Methods for harvesting seeds or salvaging and transplanting individuals to be impacted;
- Measures for propagating plants or transferring living plants from the salvage site to the mitigation site;
- Site preparation procedures for the mitigation site;
- A schedule and action plan to maintain and monitor the mitigation site;
- Performance standards by which to measure the success of the mitigation; and
- Contingency measures, such as replanting or weeding, if mitigation efforts are not successful.

The upper four inches of topsoil during excavations shall be stockpiled separately and used to restore any disturbed areas. Actions shall be taken to ensure seedbank and topsoil remains viable for plant propagation (i.e., return to area in the same season as was removed, height of stockpiles minimized to the extent feasible, protect stockpiles from wind erosion or other damage, soil not treated with pesticides, and/or any cover, if added, would not result in soil sterilization).

If construction results in potential direct or indirect impacts to endangered/ threatened plant species, the Project Applicant shall consult with USFWS and/or CDFW to ensure compliance with the Federal Endangered Species Act and/or California Endangered Species Act, which may include obtaining a “take” permit (e.g., Biological Opinion from USFWS, CESA Section 2081

Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts (e.g., at a minimum mitigation-to-impact ratio of 1:1 or greater).

BIO-03: Construction Worker Environmental Awareness Program (WEAP). For construction within the Priority Areas and/or the County, if any sensitive biological resources (i.e., special-status species, sensitive natural communities, or aquatic resources) are determined to be present within work areas and/or 500-foot buffer during the Habitat Assessment, the Project Applicant shall retain a qualified biologist(s) to conduct a pre-construction WEAP training for all personnel entering the work area where sensitive species and/or their habitats may be present. The WEAP shall inform workers in recognizing special-status species, their habitat, regulated biological resources known to occur or potentially occur within the work areas, avoidance buffers and measures necessary to avoid and/or minimize potential impacts to biological resources, and what to do if the species is observed.

- All personnel associated with construction shall attend the WEAP training prior to initiation of construction activities (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/ trimming, grading, and excavation). The training shall include information about the special-status species potentially occurring within the work areas, identification of special-status species and their habitats, a description of the regulatory status and general ecological characteristics of special-status species, and a review of the limits of construction and measures required to avoid and/or minimize impacts to biological resources within the work area. A fact sheet conveying this information and pertinent Project contacts shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction.

- Interpretation shall be provided for non-English speaking workers.

- The same instructions shall be provided for any new workers prior to entering the work area where sensitive species and or sensitive species habitats may be present.

All employees entering the work areas shall be required to sign a form provided by the qualified biologist(s) documenting they have attended the WEAP and understand the information presented to them. The signed form shall be provided to the Project Applicant as documentation of training completion. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special status species and other regulated biological resources. If new personnel are brought onto the work area after completion of the initial WEAP training, the training shall be conducted for all new personnel before they enter the work area where sensitive species and/or their habitats may be present.

BIO-04: Qualified Biological Monitor. For construction within Priority Areas and/or the County, if any sensitive biological resources (i.e., special-status species, sensitive natural communities, or aquatic resources) are determined to be present within or near work areas during the Habitat Assessment, the Project Applicant shall retain a qualified biological monitor(s) with relevant experience with the biological resources and regulations in the County. The qualified biologist(s) shall be onsite during all ground-disturbing and vegetation removal activities. The

qualified biologist(s) shall conduct daily clearance surveys of all equipment, vehicles, and stockpiled materials at the beginning of each day and regularly throughout the workday, and during ground disturbing activities. The qualified biologist(s) shall also monitor any implemented exclusion buffers for work occurring near sensitive biological resources weekly or as needed, and check potential, atypical, and known burrows/burrow complexes/dens every two weeks while construction activities are occurring within suitable habitat for special-status species. The qualified biologist(s) shall recommend appropriate setback buffers for protection of sensitive biological resources, where necessary, and shall have the authority to temporarily stop work if special-status species are observed that may be impacted by construction activities.

BIO-05: Invasive Plant Species Control Measures. For construction within the Priority Areas and/or the County, the Project Applicant shall conduct activities in a manner that prevents the introduction, transfer, and spread of invasive species, including lants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one work area and/or watershed to another. Prevention best practices and guidelines for controlling the spread of invasive plants can be found on the California Invasive Plant Council's website and for practices for controlling the spread of invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website (https://www.cal-ipc.org/ and https://stopaquatichitchhikers.org/).

If any sensitive biological resources (i.e., special-status species, sensitive natural communities, or aquatic resources) are determined to be present within or near construction areas during the Habitat Assessment, the Project Applicant shall require construction contractors to ensure that equipment is free of invasive plant seeds, propagules, and any material which may contain them (e.g., soil). For purposes of this mitigation measure, invasive plant species shall include all species with a Cal-IPC rating of moderate or high. Prior to entering the work areas, equipment shall be inspected to confirm it is free of mud, dirt, and debris. For larger work areas that would be accessed via non-paved roads, tire track stations shall be installed at the work area entrances and exits, where appropriate. Staging areas and access routes shall avoid weed infestations, and infestations within the work area(s) shall be flagged and avoided to the maximum extent feasible. Only certified weed-free materials (e.g., fiber rolls, straw, and fill) shall be used during construction of future broadband facilities.

BIO-06: General Construction Best Management Practices. For construction within the Priority Areas and/or the County, if any sensitive biological resources (i.e., special-status, sensitive natural communities, or aquatic resources) are determined to be present within or near construction areas during the Habitat Assessment, the Project Applicant shall require construction contractors to adhere to the following general construction best management practices during construction of future broadband network facilities:

- Construction vehicles shall limit speed to 10 miles per hour within the unpaved limits of construction.

- All open trenches or excavations shall be fenced and/or sloped to prevent entrapment of wildlife species or have wildlife ramps available to allow for escape.

- All food-related trash items such as wrappers, cans, bottles, and food scraps generated during construction activities shall be disposed of in closed containers only and removed daily from the work area.

- No deliberate feeding of wildlife shall occur.

- No pets shall be allowed within work areas.

- No firearms shall be allowed within work areas.

- All vehicle and equipment maintenance shall be performed in designated staging areas.

- Access to the construction area shall be limited to established work hours.

- Construction activities shall not be conducted at night (i.e., between dusk and dawn) within 500 feet of sensitive biological resources or wildlife corridors. Any nighttime lighting needed (e.g., security lighting) shall be shielded and directed downwards to minimize light spillover and/or glare.

- All construction equipment used within work areas shall be properly maintained to avoid leaks of oil, fuel, or residues.

- Construction contractors will equip construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards to reduce construction equipment noise to the maximum extent possible. The construction contractor will place all stationary construction equipment so that emitted noise is directed away from sensitive biological resources, and stage equipment in areas that will create the greatest distance between construction-related noise sources and sensitive biological resources.

- Provisions shall be in place to remediate accidental spills from construction equipment or other construction activities. All vehicle maintenance/fueling/staging shall occur a minimum of 100 feet away from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.

- No equipment shall be permitted to enter wetted portions of any affected drainage channel.

- If the construction of future broadband network installations have the potential to degrade water quality, water sampling shall be implemented to identify the pre-construction baseline, and to monitor during construction for comparison to the baseline.

- Any worker who inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped shall immediately report the incident to the construction foreman or biological monitor (recommended under Mitigation Measure BIO-01: Vegetation

Mapping and Habitat Assessment). The construction foreman or biological monitor shall immediately notify the Project Applicant, who then shall immediately inform CDFW.

Upon completion of construction of the future broadband network facilities, a qualified biologist(s) shall prepare a Final Compliance report documenting compliance activities implemented during construction, including the pre-construction survey results.

BIO-07: Revegetation Plan(s). For construction within the Priority Areas and/or the County, for temporary impacts to natural communities to be returned to pre-construction conditions, a Revegetation Plan(s) (one or more) shall be prepared by a qualified biologist(s) prior to starting construction of the future broadband network facilities and shall be implemented by the Project Applicant following completion of construction. The Revegetation Plan shall guide and ensure successful restoration of self-sustaining habitats, and shall include, at a minimum, the following:

- A native planting palette appropriate for each vegetation type being restored and appropriate to local conditions.

- Qualitative and quantitative monitoring methods to ensure that performance standards are tracked and met for a minimum 3-year period or until pre-construction conditions are restored to equivalent or better condition.

BIO-08: Listed Endangered/Threatened Wildlife Species within the County. Listed endangered and/or threatened wildlife species may be impacted by construction of future broadband network facilities within the County, if present within work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for listed endangered or threatened special-status wildlife species including Crotch's bumble bee, vernal pool fairy shrimp, monarch butterfly, Kern primrose sphinx moth, black abalone, tidewater goby, unarmored threespine stickleback, steelhead trout, California tiger salamander, arroyo toad, foothill yellow-legged frog, California red-legged frog, western spadefoot, blunt-nosed leopard lizard, tricolored blackbird, Swainson's hawk, western snowy plover, southwestern willow flycatcher, California condor, bald eagle, California black rail, Belding's savannah sparrow, light-footed Ridgway's rail, bank swallow, California least tern, Scripp's murrelet, least Bell's vireo, Nelson's antelope squirrel, Guadalupe fur-seal, giant kangaroo rat, San Miguel island fox, Santa Cruz island fox, Santa Rosa island fox, and San Joaquin kit fox, then prior to construction within 500 feet of areas that could support endangered/threatened wildlife species, protocol surveys shall be conducted by a qualified biologist(s) in accordance with the most recent applicable USFWS and/or CDFW protocol guidelines, if applicable (see CDFW's Survey and Monitoring Protocols and Guidelines (CDFW n.d.)). For listed special-status species that do not have established protocol survey guidelines, focused survey methodology shall be established by a qualified biologist(s) in accordance with industry best practices and in coordination with USFWS and/or CDFW. Special status species observed will be reported to the California Natural Diversity Database (CNDDB).

If endangered/threatened wildlife species are observed during the protocol or focused surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the

qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of these endangered/threatened wildlife species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required, including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS and/or CDFW).

- Requiring construction monitoring (e.g., conducting weekly surveys within suitable habitat and a 50-foot buffer for western snowy plover, and conducting daily preconstruction surveys and/or consistent monitoring for light-footed Ridgway's rail).

- Establishing a suitable avoidance buffer around known territories (e.g., establishing a 250-foot avoidance buffer around suitable vernal pools and seasonal wetlands/swale habitat for California tiger salamander and/or western spadefoot, establishing a 700-foot avoidance buffer around tidal marsh area for the protection of light-footed Ridgway's rail, and establishing 100-foot buffers for dens and 200-foot buffers around natal dens for San Joaquin kit fox).

- Restricting construction activities within suitable habitat (e.g., limiting construction activities within 250 feet of intermittent or perennial waterways suitable for California tiger salamander and/or arroyo toad to compacted soils immediately adjacent to the roadway with no burrows, and prohibiting disturbance of substrates within California tiger salamander and/or arroyo toad suitable habitat).

- Restricting activities around certain times of year (e.g., limiting construction to May 1-Janurary 15 within suitable habitat for Kern primrose sphinx moth, limiting construction to May 1-October 31 within suitable upland and aquatic habitat for California tiger salamander and western spadefoot, limiting construction to June 1-October 15 within 250-feet of suitable vernal pool and seasonal wetland/swale habitat for California tiger salamander and western spadefoot, limiting construction to May 1-October 31 within suitable habitat for California red-legged frog, limiting construction to September 1-January 31 within suitable habitat light-footed Ridgway's rail, limiting construction to September 1-March 1 within suitable habitat for southwestern willow flycatcher, and limiting construction to September 1-February 28 within suitable habitat for western snowy plover).

- Restricting activities during certain conditions (e.g., prohibiting construction activities in or adjacent to suitable light-footed Ridgway's rail habitat within two hours before or after high tides).

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to endangered/threatened wildlife species and/or occupied habitats, the Project Applicant shall consult with USFWS and CDFW to ensure compliance with the Federal Endangered Species Act and/or California Endangered Species Act, which may include obtaining a "take"

permit (e.g., Biological Opinion from USFWS, CESA Section 2081 Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts to occupied habitat (e.g., at a minimum mitigation-to-impact ratio of 2:1 or greater).

BIO-09: Non-Listed Special-Status Wildlife Species within the County. State Fully Protected, Species of Special Concern, Birds of Conservation Concern, and Watch List species may be impacted by construction of future broadband network facilities within the County, if present within work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for non-listed special-status wildlife species including American bumble bee, arroyo chub, Coast Range newt, northern California legless lizard, California legless lizard, California glossy snake, coastal whiptail, southwestern pond turtle, coast horned lizard, coast patch-nosed snake, two-striped gartersnake, island night lizard, Cooper's hawk, southern California rufous-crowned sparrow, grasshopper sparrow, golden eagle, Bell's sparrow, short-eared owl, ferruginous hawk, rhinoceros auklet, yellow rail, white-tailed kite, California horned lark, American peregrine falcon, tufted puffin, ashy storm-petrel, black storm-petrel, Channel Island song sparrow, double-crested cormorant, California brown pelican, purple martin, yellow warbler, pallid bat, Townsend's big-eared bat, Stellar sea lion, western mastiff bat, western red bat, San Diego desert woodrat, big free-tailed bat, Tulare grasshopper mouse, Channel Islands spotted skunk, and American badger and impacts may be potentially significant, then prior to construction within 500 feet of areas that could support non-listed special-status wildlife species, the following measures shall be applicable to the future broadband network facilities:

- Pre-construction clearance surveys shall be conducted by a qualified biologist(s) within 7 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire work area plus a minimum 200-foot buffer, if feasible, and shall identify all special-status wildlife species that may occur within work areas and/or 200-foot buffer.

- If any special-status animal species are present within or near construction areas, a WEAP training shall be implemented by the qualified biologist(s) during construction activities to avoid and/or minimize potential impacts to these species (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program).

- If any special-status animal species are present within or near construction areas, an appropriate setback buffer, as recommended by the qualified biologist, shall be established.

- A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal.

- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.

- Any non-listed special-status species observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way or shall be relocated from the work area either through direct capture or through passive exclusion by a qualified biologist(s) with appropriate permits.

Any special-status species observed will be reported to the CNDDB.

BIO-10: Crotch's Bumble Bee within Priority Areas. Crotch's bumble bee may be impacted by construction of future broadband network facilities in the Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for Crotch's bumble bee, then prior to construction within 500 feet of areas that could support this species, protocol surveys shall be conducted by a qualified entomologist with the appropriate take authorization to determine presence/absence in accordance with the requirements set forth in the CDFW Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Protocol surveys shall be conducted in coordination with CDFW.

If Crotch's bumble bee is detected during protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS and/or CDFW).

- Requiring construction monitoring.

- Restricting construction activities within suitable habitat.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to Crotch's bumble bee and/or occupied habitats, the Project Applicant shall consult with CDFW to ensure compliance with the California Endangered Species Act, which may include obtaining a "take" permit (e.g., CESA Section 2081 Incidental Take Permit from CDFW) and mitigation for permanent impacts to habitat.

BIO-11: Vernal Pool Fairy Shrimp within Priority Areas. Vernal pool fairy shrimp may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for vernal pool fairy shrimp including vernal pools, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) with the appropriate take authorization to determine presence/absence in accordance with the requirements set forth in the USFWS Survey Guidelines

for the Listed Large Branchiopods (USFWS 2017). Protocol surveys shall be conducted in coordination with USFWS.

If vernal pool fairy shrimp is observed during protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required such as requiring construction monitoring.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to vernal pool fairy shrimp and/or occupied habitat, the Project Applicant shall consult with USFWS to ensure compliance with the federal Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS) and mitigation for permanent impacts to habitat.

BIO-12: Tidewater Goby within Priority Areas. Tidewater goby may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for tidewater goby including slow moving water bodies, generally less than 3 meters in depth, with suitable substrate and appropriate water quality parameters, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine presence/absence in accordance with the requirements set forth in the USFWS Tidewater Goby Survey Protocol (USFWS n.d.). Protocol surveys shall be conducted in coordination with USFWS.

If tidewater goby is observed during protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS).
- Requiring construction monitoring.
- Establishing a suitable avoidance buffer around known territories.
- Restricting construction activities within suitable habitat.
- Restricting activities around certain times of year, and restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to tidewater goby and/or occupied habitat, the Project Applicant shall consult with USFWS to ensure compliance with the federal Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS) and mitigation for permanent impacts to habitat.

BIO-13: California Red-Legged Frog within Priority Areas. California red-legged frog may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for California red-legged frog, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine presence/absence in accordance with the requirements set forth in the USFWS Revised Guidance on Site Assessments and Field Surveys for the California red-legged frog (USFWS 2005). Protocol surveys shall be conducted in coordination with USFWS.

If California red-legged frog is observed during the protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS).
- Requiring construction monitoring.
- Establishing a suitable avoidance buffer around known territories.
- Restricting construction activities within suitable habitat, restricting activities around certain times of year (e.g., limiting construction to May 1-October 31 within suitable habitat).
- Restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to California red-legged frog and/or occupied habitat, the Project Applicant shall consult with USFWS to ensure compliance with the federal Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS) and mitigation for permanent impacts to habitat.

BIO-14: California Tiger Salamander within Priority Areas. California tiger salamander may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results

of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for California tiger salamander, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine presence/absence in accordance with the requirements set forth in the USFWS Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS 2003). Protocol surveys shall be conducted in coordination with USFWS and CDFW.

If California tiger salamander is observed during protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS and/or CDFW).

- Requiring construction monitoring, establishing a suitable avoidance buffer around known territories (e.g., establishing a 250-foot avoidance buffer around suitable vernal pools and seasonal wetlands/swale habitat).

- Restricting construction activities within suitable habitat (e.g., limiting construction activities within 250 feet of intermittent or perennial waterways suitable for to compacted soils immediately adjacent to the roadway with no burrows, and prohibiting disturbance of substrates within suitable habitat).

- Restricting activities around certain times of year (e.g., limiting construction to May 1-October 31 within suitable upland and aquatic habitat, and limiting construction to June 1-October 15 within 250-feet of suitable vernal pool and seasonal wetland/swale habitat).

- Restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to California tiger salamander and/or occupied habitat, the Project Applicant shall consult with USFWS and CDFW to ensure compliance with the Federal Endangered Species Act and/or California Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS, CESA Section 2081 Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts to habitat.

BIO-15: Arroyo Toad within Priority Areas. Arroyo toad may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for arroyo toad, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine

presence/absence in accordance with the requirements set forth in the USFWS Survey Protocol for the Arroyo Toad (USFWS 1999). Protocol surveys shall be conducted in coordination with USFWS.

If arroyo toad is observed during the protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS).
- Requiring construction monitoring.
- Establishing a suitable avoidance buffer around known territories.
- Restricting construction activities within suitable habitat (e.g., limiting construction activities within 250 feet of suitable intermittent or perennial waterways to compacted soils immediately adjacent to the roadway with no burrows, and prohibiting disturbance of substrates within suitable habitat).
- Restricting activities around certain times of year.
- Restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to arroyo toad and/or occupied habitat, the Project Applicant shall consult with USFWS to ensure compliance with the federal Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS) and mitigation for permanent impacts to habitat.

BIO-16: Burrowing Owl within Priority Areas. Burrowing owl may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for burrowing owl, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine presence/absence in accordance with the requirements set forth in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Protocol surveys shall be conducted in coordination with CDFW.

If burrowing owl is observed during the protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent

feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by CDFW)
- Requiring construction monitoring
- Establishing a suitable avoidance buffer around known territories.
- Restricting construction activities within suitable habitat.
- Restricting activities around certain times of year.
- Restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to burrowing owl and/or occupied habitats, the Project Applicant shall consult with CDFW to ensure compliance with the California Endangered Species Act, which may include obtaining a "take" permit (e.g., CESA Section 2081 Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts to habitat.

BIO-17: Southwestern Willow Flycatcher within Priority Areas. Southwestern willow flycatcher may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for southwestern willow flycatcher, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine presence/absence in accordance with the requirements set forth in the USFWS Survey Protocol for the Southwestern Willow Flycatcher (USGS, Bureau of Reclamation, and USFWS 2010). Protocol surveys shall be conducted in coordination with USFWS and CDFW.

If southwestern willow flycatcher is observed during the protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS and/or CDFW).
- Requiring construction monitoring.

- Establishing a suitable avoidance buffer around known territories.
- Restricting construction activities within suitable habitat.
- Restricting activities around certain times of year (e.g., limiting construction to September 1-March 1 within suitable habitat).
- Restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to southwestern willow flycatcher and/or occupied habitat, the Project Applicant shall consult with USFWS and CDFW to ensure compliance with the Federal Endangered Species Act and/or California Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS, CESA Section 2081 Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts to habitat.

BIO-18: San Joaquin Kit Fox within Priority Areas. San Joaquin kit fox may be impacted by construction of future broadband network facilities in Priority Areas where it has a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for San Joaquin kit fox, then prior to construction, protocol surveys shall be conducted by a qualified biologist(s) to determine presence/absence in accordance with the requirements set forth in the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance. Protocol surveys shall be conducted in coordination with USFWS and CDFW.

If San Joaquin kit fox is observed during the protocol surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of this species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS and/or CDFW)
- Requiring construction monitoring.
- Establishing a suitable avoidance buffer around known territories.
- Restricting construction activities within suitable habitat.
- Restricting activities around certain times of year.
- Restricting activities during certain conditions.

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to San Joaquin kit fox and/or occupied habitat, the Project Applicant shall consult with USFWS and CDFW to ensure compliance with the Federal Endangered Species Act and/or California Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS, CESA Section 2081 Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts to habitat.

BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas. Kern primrose sphinx moth, unarmored threespine stickleback, steelhead trout, western spadefoot, foothill yellow-legged frog, coast horned lizard, tricolored blackbird, Swainson's hawk, western snowy plover, white tailed kite, California condor, bald eagle, bank swallow, California least tern, Nelson's antelope squirrel, and giant kangaroo rat may be impacted by construction of future broadband network facilities in Priority Areas where they have a moderate to high potential to occur (see Appendix C), if present within work areas. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for any of these listed species, then prior to construction, focused surveys shall be conducted by a qualified biologist(s) to determine presence/absence. Focused survey methodology shall be established by a qualified biologist(s) in accordance with industry best practices and available agency guidance documents (e.g., CDFW Considerations for Conserving the Foothill Yellow-Legged Frog guidance (CDFW 2018)), and shall be conducted in coordination with USFWS and/or CDFW.

If these species are observed during the protocol or focused surveys, an appropriate setback buffer (e.g., 500 feet or other appropriate buffer), as recommended by the qualified biologist, shall be established and direct and indirect impacts to occupied habitat shall be avoided to the maximum extent feasible. In addition to avoiding direct mortality of these threatened/ endangered wildlife species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required including:

- Conducting pre-construction surveys (e.g., within 7 days prior to initial ground disturbance or vegetation clearing, or multiple pre-construction surveys may be required if recommended by USFWS and/or CDFW).

- Requiring construction monitoring (e.g., conducting weekly surveys within suitable habitat and a 50-foot buffer for western snowy plover).

- Establishing a suitable avoidance buffer around known territories (e.g., establishing a 250-foot avoidance buffer around suitable vernal pools and seasonal wetlands/swale habitat for western spadefoot).

- Restricting construction activities within suitable habitat.

- Restricting activities around certain times of year (e.g., limiting construction to May 1-Janurary 15 within suitable habitat for Kern primrose sphinx moth, limiting construction to May 1-October 31 within suitable upland and aquatic habitat for western spadefoot, limiting construction to June 1-October 15 within 250-feet of suitable vernal pool and

seasonal wetland/swale habitat for western spadefoot, and limiting construction to September 1-February 28 within suitable habitat for western snowy plover).

If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to Kern primrose sphinx moth, unarmored threespine stickleback, steelhead trout, western spadefoot, foothill yellow-legged frog, coast horned lizard, tricolored blackbird, Swainson's hawk, western snowy plover, white tailed kite, California condor, bald eagle, bank swallow, California least tern, Nelson's antelope squirrel, and giant kangaroo rat and/or occupied habitat for these species, the Project Applicant shall consult with USFWS and CDFW to ensure compliance with the Federal Endangered Species Act and/or California Endangered Species Act, which may include obtaining a "take" permit (e.g., Biological Opinion from USFWS, CESA Section 2081 Incidental Take Permit or CESA Section 2080.1 Consistency Determination from CDFW) and mitigation for permanent impacts to habitat.

BIO-21: Non-Listed Special-Status Amphibians within Priority Areas. Non-listed special-status amphibians, including Coast Range newt, may be impacted by construction of future broadband network facilities within Priority Areas where they have a moderate to high potential to occur (see Appendix C), if present within the work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-1, determine that suitable habitat may be present for Coast Range newt, then prior to construction within 500-feet of areas that could support this species, the following measures shall be applicable to construction of future broadband network facilities within Priority Areas:

- If suitable breeding habitat for special-status amphibians is observed during the Habitat Assessment, the habitat and a 250-foot no-disturbance buffer shall be delineated by a qualified biologist(s).

- Pre-construction clearance surveys shall be conducted by a qualified biologist(s) within 7 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire work area plus a minimum 250-foot buffer, if feasible, and shall identify all non-listed special-status amphibians that may occur within the work areas. This includes a thorough investigation of burrows, rocks, soil cracks, vegetation, logs, and any other debris or species-appropriate habitat features that could serve as refugia.

- If potential aestivation burrows are discovered, the qualified biologist(s)qualified biologist(s) shall monitor burrows during all construction activities.

- If any special-status amphibian species are present within or near construction areas, a WEAP training shall be implemented by the qualified biologist(s) during construction activities to avoid and/or minimize potential impacts to these species (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program).

- If any special-status amphibians are present within or near construction areas, an appropriate setback buffer, as recommended by the qualified biologist, shall be established.

- A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal.

- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.

- Any special-status amphibians observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way or shall be relocated from the work areas either through direct capture or through passive exclusion by a qualified biologist(s) with appropriate permits.

- Any special-status amphibians observed shall be reported to the CNDDB.

BIO-22: Non-Listed Special-Status Reptiles within Priority Areas. Non-listed special-status reptiles including California glossy snake, coast horned lizard, coast patch-nosed snake, and two-striped gartersnake may be impacted by construction of future broadband network facilities within Priority Areas where they have a moderate to high potential to occur (see Appendix C), if present within the work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-1, determine that suitable habitat may be present for these species, the following measures shall be applicable to the construction of future broadband network facilities within Priority Areas:

- Pre-construction clearance surveys shall be conducted by a qualified biologist(s) within 7 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire work area plus a minimum 200-foot buffer, if feasible, and shall identify all non-listed special-status reptiles that may occur within the work areas.

- If any special-status reptiles are present within or near construction areas, a WEAP training shall be implemented by the qualified biologist(s) during construction activities to avoid and/or minimize potential impacts to these species (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program).

- If special-status reptiles are present within or near construction areas, an appropriate setback buffer, as recommended by the qualified biologist, shall be established.

- A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal.

- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.

- Any non-listed special-status reptiles observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way or shall be relocated from

the work areas either through direct capture or through passive exclusion by a qualified biologist(s) with appropriate permits.

- Any special status reptiles observed will be reported to the CNDDB.

BIO-23: Non-Listed Special-Status Fish within Priority Areas. Non-listed special-status fish, including arroyo chub, may be impacted by construction of future broadband network facilities within Priority Areas where they have a moderate to high potential to occur (see Appendix C), if present within the work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-1, determine that suitable habitat may be present for arroyo chub, then prior to construction within 250 feet of areas that could support this species, the following measures shall be applicable to construction of future broadband network facilities within Priority Areas:

- Suitable habitat for arroyo chub and a 250-foot no-disturbance buffer shall be delineated by a qualified biologist(s).

- Disturbance to upland areas shall be limited adjacent to or over any identified aquatic features that may provide suitable habitat for non-listed special-status fish.

- Any special status fish observed will be reported to the CNDDB.

BIO-24: Non-Listed Special-Status Birds within Priority Areas. Non-listed special-status birds, including Cooper's hawk, southern California rufous-crowned sparrow, grasshopper sparrow, golden eagle, ferruginous hawk, white-tailed kite, California horned lark, American peregrine falcon, double-crested cormorant, purple martin, bank swallow, yellow warbler, may be impacted by construction of future broadband network facilities within Priority Areas where they have a moderate to high potential to occur (see Appendix C), if present within work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-1, determine that suitable habitat may be present for non-listed special-status birds, then prior to construction within 500-feet of areas that could support his species, the following mitigation measures shall be applicable to construction of future broadband network facilities within Priority Areas:

- Pre-construction clearance surveys shall be conducted by a qualified biologist(s) within 7 days prior to the start of construction (including staging and mobilization) and avoidance and minimization measures shall be implemented (see Mitigation Measure BIO-27: Nesting Birds).

- Following the start of construction, weekly pre-activity clearance surveys shall be conducted within the work area and a 50-foot buffer for non-listed special-status nesting birds. If one or more special-status birds are detected, daily pre-activity clearance surveys shall be started. If special-status birds are detected during pre-activity surveys, work shall stop immediately and not begin again until a qualified biologist(s) has determined that the species has vacated the work area. If no special-status birds are detected for 7 consecutive

days, daily pre-activity surveys shall be replaced by weekly pre-activity surveys until special-status birds are detected again.

- If any special-status birds are present within or near construction areas, a WEAP training shall be implemented by the qualified biologist(s) during construction activities to avoid and/or minimize potential impacts to these species (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program).

- If any special-status birds are present within or near construction areas, an appropriate setback buffer, as recommended by the qualified biologist, shall be established.

- A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal.

- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.

- Any non-listed special-status birds observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way or shall be relocated from the work areas either through direct capture or through passive exclusion by a qualified biologist(s) with appropriate permits.

- Any special-status birds observed will be reported to the CNDDB.

BIO-25: Non-Listed Special-Status Mammals within Priority Areas. Non-listed special-status mammals, including pallid bat, Townsend's big eared bat, western mastiff bat, western red bat, San Diego desert woodrat, Tulare grasshopper mouse, and American badger, may be impacted by construction of future broadband network facilities within Priority Areas where they have a moderate to high potential to occur (see Appendix C), if present within work areas and/or 500-foot buffer. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-1, determine that suitable habitat may be present for non-listed special-status mammals, then prior to construction within 500-feet of areas that could support his species, the following mitigation measures shall be applicable to construction of future broadband network facilities within Priority Areas:

- Presence/absence surveys for bats shall occur during each season prior to the start of construction and appropriate avoidance and minimization measures shall be implemented (see Mitigation Measure Bio-28: Bats).

- Pre-construction clearance shall be conducted by a qualified biologist(s) within 7 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire work area plus a minimum 200-foot buffer, if feasible, and shall identify all special-status mammal species and potential burrows/burrow complexes/dens that may occur within work areas.

- If any potential burrows/burrow complexes/dens are present within or near construction areas, a 250-foot no-disturbance buffer shall be delineated by a qualified biologist(s) until it is confirmed that burrows/burrow complexes/dens are not occupied by special-status mammals.

- If any special-status mammal species and potential burrows/burrow complexes/dens are present within or near construction areas, a WEAP training shall be implemented by the qualified biologist(s) during construction activities to avoid and/or minimize potential impacts to these species (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program).

- If any special-status mammal species are present within or near construction areas, an appropriate setback buffer, as recommended by the qualified biologist, shall be established.

- A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal.

- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.

- Any non-listed special-status mammal species observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way or shall be relocated from the work areas either through direct capture or through passive exclusion by a qualified biologist(s) with appropriate permits.

- Any special status species observed will be reported to the CNDDB

BIO-26: Monarch Butterfly. Prior to completion of the final design of future broadband facilities within the County, a qualified biologist(s) shall review the planned future broadband network facilities for potential to impact monarch butterflies. If known or potential winter roost sites may be impacted, the biologist shall make recommendations to avoid impacts including, but not limited to, establishment of an appropriate setback buffer, as recommended by the qualified biologist, relocation/redesign of features to avoid roost sites, guidance regarding tree removal and trimming at roost sites, and recommendations regarding planting additional roost trees.

Between October 1 and March 1, construction shall not occur within 100 feet of known or potential roost sites, if feasible. If construction must occur during this period, a qualified biologist(s) shall survey known and potential roost sites to confirm occupancy by monarch butterflies prior to the start of any construction within 100 feet. Multiple surveys may be necessary, and the closest known roost sites shall be used as voucher sites to confirm the timing of butterfly arrival. If monarch butterflies are found at a roost site, construction shall not occur within 100 feet of the roost site until the biologist has determined that the butterflies have left the area. The biologist shall visit the voucher sites to confirm that butterflies have left the region.

BIO-27: Nesting Birds. For construction within the Priority Areas and/or the County, if the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat for nesting birds is identified within work areas and/or 500-foot buffer and construction is scheduled to commence during the avian nesting season (February 1–August 31 for songbirds, and January 15 to August 31 for raptors), a qualified biologist(s) shall conduct two nesting bird surveys to identify any active nests within 500 feet of the work areas. The first survey shall occur within 7 days of initiation of construction activities and the second survey shall occur no more than 72 hours prior to construction activities. Surveys shall be conducted at the appropriate time of day during appropriate weather conditions.

Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the work area; density and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient for complete and accurate data collection. Pre-construction surveys shall focus on both direct and indirect evidence of nesting including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors that indicate nesting).

If a nest is suspected but not confirmed, the qualified biologist(s) shall establish a no-disturbance buffer until additional surveys can be completed or until the location can be inferred based on observations. The qualified biologist(s) shall not risk failure of the nest to determine the exact location or status of the nest and will make every effort to limit potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near nest, scan the work areas for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed, but thought to be inactive, the qualified biologist(s) shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The qualified biologist(s) shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.

If an active nest is detected, a suitable avoidance buffer shall be established by the qualified biologist(s) in the field. Construction activities shall not occur within the buffer until a qualified biologist(s) determines that the nest is no longer active (e.g., chicks have fledged). Appropriate buffer distances are generally 300 feet for passerine species and up to 500 feet for listed special-species and raptors; however, these may be increased or reduced at the discretion of the qualified biologist(s) depending on site-specific factors such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that are expected occur. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the qualified biologist(s) shall document baseline behavior, stage of reproduction, expected fledge date, and existing work area conditions including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. The qualified biologist(s) shall monitor the nest daily at the onset of

construction activities and at the onset of any changes in construction activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficiency of the buffer. If the qualified biologist(s) determines that construction activities may be causing an adverse reaction, the qualified biologist(s) shall adjust the buffers accordingly.

If construction temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the work areas and 500-foot buffer shall be resurveyed. If nesting birds are present within 500 feet of the work areas, construction WEAP training shall be implemented by the qualified biologist(s) during construction activities to avoid or minimize potential impacts to nesting birds (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program) and monitoring may be recommended for any work in the vicinity of nest avoidance buffers if determined necessary by the qualified biologist(s) (per Mitigation Measure BIO-04: Qualified Biological Monitor).

The Project Applicant, under the direction of the qualified biologist(s), may also take steps to discourage nesting within the work areas including moving equipment and materials daily, covering material with tarps or fabric, and securing open pipes and construction materials. The qualified biologist(s) shall ensure that none of the deterrent materials pose an entanglement risk to birds or other species.

BIO-28: Bats. For construction within the Priority Areas and/or the County, if the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment, determine that suitable habitat may be present for special-status bat species, then, prior to construction within 500 feet of areas that could support bat species, the following measures shall be applicable to the future broadband network facilities:

- To determine if daytime, nighttime, wintering (hibernacula), and/or maternity roost sites are present, a CDFW-approved qualified biologist(s) shall conduct presence/absence surveys for bats during each season prior to the start of construction. Surveys shall be conducted during favorable weather conditions to understand the extent of bat usage. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours) and one daytime visual inspection of all potential roosting habitats within work areas. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks, and/or bats squeaking and chattering). Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence surveys.

- If active hibernacula or maternity roosts are identified in the work areas and/or 500-foot buffer, Project construction shall only occur between September 1 and March 31, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roosts. Maternity roosts shall not be evicted, excluded, removed, or disturbed. A minimum 500-foot no-disturbance buffer shall be provided around hibernacula. Buffers shall remain in place until the end of construction activities or until a qualified bat biologist determines that the hibernacula are no longer active, construction activities

shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.

- Exclusion devices may be installed to discourage bats from occupying the work areas outside of the maternity season in consultation with the CDFW. Netting shall not be used as an exclusion material. If a roost is determined by a qualified biologist(s) to be used by a large number of bats (large hibernaculum), bat boxes shall be installed near the work areas prior to installing exclusion devices. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist(s) that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.

- Any exclusion devices shall be designed to avoid entrapment of birds or bats and allow exit from, but not entry to, the exclusion area. Exclusion devices shall be installed between September 30 and February 1 and removed at the end of construction. A qualified bat biologist(s) shall be present upon exclusion installation and repair to survey for and ensure that birds and bats are not trapped behind exclusion devices.

- Exclusion monitoring shall occur daily by a qualified biologist(s)to determine effectiveness of devices. Any exclusion repair must be completed within three days of observation under supervision of a qualified biologist(s) to ensure that bat entrapment does not occur.

BIO-29: Critical Habitat. For construction within the Priority Areas and/or the County, if critical habitat will potentially be impacted by construction, but there is no "federal nexus" (e.g., impacts to a federally listed species, impacts to USACE waters or wetlands, federal funding), then no further mitigation is necessary. However, if critical habitat will potentially be impacted by construction; there is a federal nexus; and the habitat to be impacted contains PCEs to support the federally-listed species (as defined in the Federal Register designating critical habitat for that species), then consultation with the USFWS shall be required and may include mitigation for permanent impacts critical habitat (e.g., at a minimum mitigation-to-impact ratio of 1:1 or greater, or as determined by the USFWS).

b. Findings – The Project has the potential to have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Implementation of Mitigation Measures BIO-1 through BIO-29 would reduce potential impacts to species identified as a candidate, sensitive, or special-status species identified in a local or regional plan. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.2-82 through 4.2-110 of the Draft PEIR, incorporated herein by reference.

2. **Impact 2.** Implementation of the Project could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

   a. **Mitigation** –

   BIO-01: Habitat Assessment. See Impact 1.

   BIO-03: Construction Worker Environmental Awareness Program (WEAP). See Impact 1.

   BIO-05: Invasive Plant Species Control Measures. See Impact 1.

   BIO-06: General Construction Best Management Practices. See Impact 1.

   BIO-07: Revegetation Plan(s). See Impact 1.

   BIO-30: Sensitive Natural Communities. For construction within the Priority Areas and/or the County, sensitive natural communities, as defined by CDFW, shall be mapped within the vicinity of future broadband facilities per Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment. This map will be used during project design to determine if sensitive natural communities can be avoided.

   Sensitive natural communities identified for avoidance shall be demarcated (e.g., using brightly colored flagging) and avoided during construction. The marked boundaries shall be maintained for the duration of construction activities in each work area and shall be clearly visible to personnel on foot and by heavy equipment operators. If sensitive natural communities can be avoided, then no further mitigation is necessary.

   If future broadband facilities cannot be sited to avoid temporary impacts to sensitive natural communities, sensitive natural communities shall be returned to pre- construction conditions (i.e., pre- construction elevation contours and revegetation initiated) within six months after the construction is completed, and will be monitored for three years, or until a qualified biologist(s) determines that affected natural communities have been restored to equivalent or better condition as compared to pre- construction conditions. A Revegetation Plan shall be prepared which would include implementation requirements for re-seeding/re-planting the area with locally indigenous native species, performance standards, success criteria, maintenance requirements, and monitoring requirements.

   If future broadband facilities cannot be sited to avoid permanent impacts to sensitive natural communities, impacts to sensitive natural communities shall be mitigated at a 1:1 impact-to-mitigation ratio. This may include, but is not limited to:

   - The purchase of credits from a mitigation bank or in-lieu fee program;
   - On- and/or off-site land acquisition and preservation; and/or

- On- and/or off-site creation, restoration, and/or enhancement of sensitive natural communities.

If compensatory mitigation is to occur on- or off-site (i.e., not a mitigation bank or in-lieu fee program), a Sensitive Natural Community Mitigation and Monitoring Plan shall be prepared by a qualified biologist/restoration ecologist. The plan shall include details related to implementation requirements (e.g., seeding, planting, and/or staking of sensitive natural community species; salvage/dispersal of duff and seed bank; and/or removal of invasive, non-native species), performance standards, maintenance requirements, and future monitoring requirements.

BIO-31: Aquatic Resources. For construction within the Priority Areas and/or the County, an aquatic resources delineation shall be conducted to determine the limits of potential jurisdictional aquatic resources within the vicinity of future broadband facilities. The results of the aquatic resources delineation will be used during project design to determine if aquatic resources can be avoided.

Aquatic resources identified for avoidance shall be demarcated (e.g., using brightly colored flagging) and avoided during construction. The marked boundaries shall be maintained for the duration of construction activities in each work area and shall be clearly visible to personnel on foot and by heavy equipment operators. If aquatic resources can be avoided, then no further mitigation is necessary.

If aquatic resources will potentially be impacted by construction, then the appropriate regulatory permits shall be obtained (e.g., CWA Section 404 Nationwide Permit from the USACE, CWA Section 401 Water Quality Certification or Porter-Cologne Act Waste Discharge Requirement permit from the RWQCB, and Streambed Alteration Agreement permit under Section 1602 of the California Fish and Wildlife Code from the CDFW). The following would be incorporated, as a minimum, into the permitting, subject to approval by the regulatory agencies:

- On- and/or off-site creation, restoration and/or enhancement of USACE/RWQCB jurisdictional wetlands, waters of the U.S., and/or waters of the State at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-construction conditions (i.e., pre- construction contours and revegetate with native species, where appropriate). Off-site creation, restoration, and/or enhancement at a ratio no less than 2:1 may include the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program.

- On- and/or off-site creation, restoration, and/or enhancement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre- construction conditions (i.e., pre- construction contours and revegetate with native species, where appropriate). Off-site creation, restoration, and/or enhancement at a ratio no less than 2:1 may include the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program.

b. Findings – The Project has the potential to have a substantial adverse effect on sensitive natural communities and/or riparian habitat identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Implementation of Mitigation Measures BIO-01, BIO-03, BIO-05 through BIO-07, and BIO-30 through BIO-31 would reduce impacts to riparian habitat or other sensitive natural community. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.2-110 through 4.2-117 of the Draft PEIR, incorporated herein by reference.

3. Impact 3. Implementation of the Project could have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

a. Mitigation –

BIO-01: Habitat Assessment. See Impact 1.

BIO-03: Construction Worker Environmental Awareness Program (WEAP). See Impact 1.

BIO-04: Qualified Biological Monitor. See Impact 1.

BIO-05: Invasive Plant Species Control Measures. See Impact 1.

BIO-06: General Construction Best Management Practices. See Impact 1.

BIO-31: Aquatic Resources. See Impact 2.

b. Findings – The Project has the potential to have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Implementation of Mitigation Measures BIO-1, BIO-03 through BIO-06, and BIO-31 would reduce impacts to state or ferally protected wetlands. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.2-117 through 4.2-120 of the Draft PEIR, incorporated herein by reference.

4. Impact 4. Implementation of the Project could 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.

a. Mitigation –

BIO-01: Habitat Assessment. See Impact 1.

BIO-03: Construction Worker Environmental Awareness Program (WEAP). See Impact 1.

BIO-06: General Construction Best Management Practices. See Impact 1.

BIO-07: Revegetation Plan(s). See Impact 1.

BIO-27: Nesting Birds. See Impact 1.

BIO-32: Wildlife Connectivity. CDFW and the California Department of Transportation will improve wildlife connectivity along several roadway segments in Santa Barbara County. For construction within the Priority Areas and/or the County, the Project Applicant shall collaborate with CDFW prior to adding any permanent structures or temporarily or permanently altering the habitat at these locations:

- Highway 1 Vandenberg to Burton Mesa post-miles (PM) 23.7 to 27.40
- Highway 1 Vandenberg Road PMs 29.9 to 36.10
- State Route 246 Purisima Hills to Santa Rosa Hills PMs 18 to 24
- Highway 154 PMs 10 to 24.5

Gaviota Pass PMs 44.8 to 51.1

b. Findings – The Project has the potential to interfere substantially with the movement of native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Implementation of Mitigation Measures BIO-1, BIO-03, BIO-06, BIO-7, BIO-27, and BIO-32 would reduce impacts to the movement of a migratory native resident or migratory fish or wildlife species. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.2-120 through 4.2-124 of the Draft PEIR, incorporated herein by reference.

5. Impact 5. Implementation of the Project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

a. Mitigation –

BIO-01: Habitat Assessment. See Impact 1.

BIO-02: Special-Status Plant Species. See Impact 1.

BIO-03: Construction Worker Environmental Awareness Program (WEAP). See Impact 1.

BIO-04: Qualified Biological Monitor. See Impact 1.

BIO-05: Invasive Plant Species Control Measures. See Impact 1.

BIO-06: General Construction Best Management Practices. See Impact 1

BIO-07: Revegetation Plan(s). See Impact 1.

BIO-08: Endangered/Threatened Wildlife Species. See Impact 1.

BIO-09: Non-Listed Special-Status Wildlife Species. See Impact 1.

BIO-10: Crotch's Bumble Bee within Priority Areas. See Impact 1.

BIO-11: Vernal Pool Fairy Shrimp within Priority Areas. See Impact 1.

BIO-12: Tidewater Goby within Priority Areas. See Impact 1.

BIO-13: California Red-Legged Frog within Priority Areas. See Impact 1.

BIO-14: California Tiger Salamander within Priority Areas. See Impact 1.

BIO-15: Arroyo Toad within Priority Areas. See Impact 1.

BIO-16: Burrowing Owl within Priority Areas. See Impact 1.

BIO-17: Southwestern Willow Flycatcher within Priority Areas. See Impact 1.

BIO-18: San Joaquin Kit Fox within Priority Areas. See Impact 1.

BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas. See Impact 1.

BIO-20: Non-Listed Special Status Invertebrates within Priority Areas. See Impact 1.

BIO-21: Non-Listed Special-Status Amphibians within Priority Areas. See Impact 1.

Bio-22: Non-Listed Special Status Reptiles within Priority Areas. See Impact 1.

BIO-23: Non-Listed Special-Status Fish within Priority Areas. See Impact 1.

BIO-24: Non-Listed Special-Status Birds within Priority Areas. See Impact 1.

BIO-25: Non-Listed Special-Status Mammals within Priority Areas. See Impact 1.

BIO-26: Monarch Butterfly. See Impact 1.

BIO-27: Nesting Birds. See Impact 1.

BIO-28: Bats. See Impact 1.

BIO-29: Critical Habitat. See Impact 1.

BIO-30: Sensitive Natural Communities. See Impact 2.

BIO-31: Aquatic Resources. See Impact 2.

BIO-32: Wildlife Connectivity. See Impact 4.

BIO-33: Tree Protection. For construction within the Priority Areas and/or the County, if it is determined that construction may impact oak trees protected by the County's Deciduous Oak Tree Protection and Regeneration Ordinance included in Appendix IX of Chapter 35 of the Santa Barbara County Code, the Project Applicant shall procure an Oak Tree Removal Permit, if required by Section 35-909 of the County's Deciduous Oak Tree Protection and Regeneration Ordinance. Should an Oak Tree Removal Permit be required, the Project Applicant shall be required to implement the following, in addition to all other requirements as described within the County's Deciduous Oak Tree Protection Ordinance (Santa Barbara County 2003):

- An Oak Tree Management Plan shall be developed by an oak tree specialist for the work areas on which any oak tree removal will take place and any lot used for off-site replacement. The plan shall comply with the requirements included in Section 35-911 of the County Deciduous Oak Tree Protection and Regeneration Ordinance, as included in Article IX of Chapter 35 of the County Code.

- Oak trees that are removed shall be compensated at a 15:1 ratio by replacement planting, or protection of naturally occurring oak trees between six inches and six feet tall within the work areas.

- Replacement trees shall be nurtured for five years. At the end of the five years, ten trees for every protected tree removed shall be alive, in good health as defined by the oak tree specialist, and capable of surviving without nurturing and protection.

- Valley oak tree removal over an area of five acres or greater shall require valley oak replanting of an area of comparable size in an area of existing or historic valley oak habitat.

b. Findings – The Project has the potential to conflict with the County Environmental Thresholds and Guidelines Manual, City of Guadalupe General Plan, and the City of Guadalupe Municipal Code. Implementation of Mitigation Measures BIO-1 through BIO-33 would reduce impacts to a local policy or ordinance protecting biological resources. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.2-124 through 4.2-130 of the Draft PEIR, incorporated herein by reference.

C. Cultural Resources

1. Impact 1. The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

a. Mitigation –

CR-1: Historical Resources Impact Minimization. Prior to individual permit issuance, the implementing agency of the Last-Mile Broadband Project shall prepare a map defining a proposed fiber optic cable alignment involving ground and aerial disturbance for fiberoptic cable. This map will help to determine whether known historical resources and/or potential historic districts are located within the proposed fiber optic cable alignment. If a structure greater than 45 years in age is within the identified proposed fiber optic cable alignment, study recommendations shall be implemented, which may include, but would not be limited to, the following:

- At the program level, realign or redesign projects to avoid impacts on known historic resources where possible. Project shall be designed in such a way that ground disturbance, and physical connections to the building will be minimally intrusive to historic resources. When possible, new fiberoptic cables should utilize existing mechanical housing to avoid visual intrusion at the property. New mechanical housing should be affixed to historic resources in such that will not damage or destroy historic fabric and will be minimally intrusive.

- At the program level, if avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings.

- At the project level, if a structure and/or property greater than 45 years that has not yet been formally evaluated for historic significance is located within a proposed fiber optic cable alignment, a survey and historic resources evaluation of the structure and/or property would be conducted to determine eligibility for listing on State, federal, or local historic registers. The evaluation shall be prepared by a qualified architectural historian, or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with CEQA Guidelines section 15064.5(b). Structures and/or properties potentially eligible for significance as historic resources would follow the above guidance for program level avoidance and/or plan review to ensure that the proposed project is designed in such a way that it avoids potential impacts to historical resources.

- Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.

b. Findings – The Project has the potential to cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5. Implementation of Mitigation Measure CR-1 would reduce impacts to a historical resource. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.3-18 through 4.3-19 of the Draft PEIR, incorporated herein by reference.

2. **Impact 2.** Implementation of the Proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to§15064.5.

   a. **Mitigation** –

   CR-2: Archaeological Resources Impact Minimization. The implementing agency shall retain a Qualified Archaeologist under the Secretary of the Interior Standards to carry out all mitigation related to archaeological resources as required for each project. Prior to the start of ground-disturbing activities, the Qualified Archaeologist or their designee shall conduct construction worker archaeological resources sensitivity training for all construction personnel. Construction personnel shall be informed on how to identify the types of precontact and historic archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources, and safety precautions to be taken when working with archaeological monitors. The Implementing agency shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance. In addition, a cultural resource impact mitigation program (CRIMP) shall be filed with the County prior to site grading. The CRIMP shall specify the steps to be taken to mitigate impacts to cultural resources and shall include all of the program area projects and be amended if necessary at a project level.

   The CRIMP will also outline protocols to follow for unanticipated discoveries. Impacts to known archaeological resources that are within or directly adjacent to project CEQA significance evaluation and mitigation for avoidance or when avoidance is not possible, controlled archaeological data recovery.

   Within the planned projects there are 10 archaeological sites which have been determined to be within or directly adjacent to known archaeological sites and two districts. All 12 sites and districts have been determined to be eligible, potentially eligible, or have not been evaluated. As such they need to be mitigated under CEQA with evaluation and data recovery once the alignments and various components of the known projects are planned. Project planning should include design to avoid these sites whenever possible. When avoidance is not possible, testing and data recovery must be completed in advance of construction. The qualified Archaeologist shall coordinate with the implementing agency to develop a formal testing and data recovery plan which specifies all necessary notification and final reporting of the findings will be prepared and would serve to reduce impacts to the resources once the final design is available. To minimize disturbance to these sites, testing and data recovery should be planned within the planned alignment. For locations where directional boring will be conducted, data recovery should focus on entrance and exit pit locations.

   CR-3: The qualified Archaeologist shall oversee an archaeological monitor who shall be present during construction activities on the projects deemed by the qualified Archaeologist to have the potential for encountering archaeological resources, such as demolition, excavation of boring entrance and exist pits, clearing/grubbing, drilling/auguring, grading, trenching, excavation, or other ground disturbing activity associated with the project where the ground disturbance can be observed. The archaeological monitor shall have the authority to direct the pace of construction

equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of archaeological resources in coordination with the qualified Archaeologist. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the qualified Archaeologist.

In the event that historic-period (e.g., bottles, foundations, early infrastructure, refuse dumps/privies, railroads, etc.) or precontact (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 50-foot buffer shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work may continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the implementing agency to develop a formal treatment plan that would serve to reduce impacts to the resources. If any precontact archaeological sites are encountered within the Project area, consultation with consulting Native American tribes will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources.

The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment and shall be explored to see if project activities can avoid archaeological resources, such as: if the archaeological site can be deeded into a permanent conservation easement, if the resources can be capped with chemically stable soil or if the resource can be incorporated within open space.

If, in coordination with the implementing agency, it is determined that preservation in place is not feasible, and in order to mitigate potential impacts to significant resources pursuant to Section 15064.5 of CEQA, data recovery is feasible. Appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the implementing agency and a data recovery plan shall be implemented. A data recovery plan will make provision for adequately recovering the scientifically consequential information from and about the historical resources. and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing, analysis, reporting, and commemoration in the form of signage or other public education and awareness. This process will be in accordance with and further outlined in the CRIMP.

Precontact or tribal cultural resources will be offered to consulting tribes after analysis is complete to be curated or reburied if the tribes wish to accept the material. Any archaeological material collected not returned to the tribes, shall be curated after analysis is complete, at a public, non-profit institution with a research interest in the materials, if such an institution agrees

to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

CR-4: At the conclusion of the archaeological monitoring, the qualified Archaeologist shall prepare a technical report that follows the format and content guidelines provided in California Office of Historic Preservation's Archaeological Resource Management Reports (ARMR). The technical report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Appropriate California Department of Parks and Recreation Site Forms (Site Forms) shall also be prepared and provided in an appendix to the report. The technical report shall be prepared under the supervision of the qualified Archaeologist and submitted to the implementing agency within 150 days of completion of the monitoring. The final draft of the report shall be submitted to the CCIC.

CR-5: Should any future projects be planned within the program area, or if any of the currently planned projects move location, the qualified archaeologist shall assess construction plans and geotechnical reports, as well as reviewing record search data (which should be updated every 2 to 3 years as applicable) and they or their designee shall survey the new project alignment as well as a buffer, for the Project to determine whether any archaeological sites could be impacted by the Project, and to make recommendations for testing and/or monitoring. The archaeologist will amend the CRIMP as appropriate and prepare a treatment plan as described in Mitigation Measure CR-2.

b. Findings – The Project has the potential to cause a substantial change in the significance of an archaeological or unique archaeological resource pursuant to §15064.5. Implementation of Mitigation Measures CR-2 through CR-5 would reduce impacts to an archeological resource. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.3-20 through 4.3-23 of the Draft PEIR, incorporated herein by reference.

3. Impact 3. Implementation of the Proposed Project could potentially disturb human remains; and cause a significant impact.

a. Mitigation –

CR-6: Inadvertent Discovery of Human Remains. If human skeletal remains are uncovered during ground disturbance the implementing agency shall immediately halt work, contact the Santa Barbara County coroner to determine whether the remains are human, and follow the procedures and protocols outlined in the CRIMP (see CUL-MM-1 through 5) and those set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, they shall contact the Native American Heritage Commission (NAHC), in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section (PRC) 5097.98 (as amended by AB 2641). The NAHC shall then identify the person(s) thought to be the Most Likely Descendant (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the

remains. Per PRC 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

b. Findings – The Project has the potential to disturb human remains, including those interred outside of formal cemeteries. Implementation of Mitigation Measure CR-6 would reduce impacts to human remains. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to page 4.3-24 of the Draft PEIR, incorporated herein by reference.

4. Impact 4. Implementation of the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature causing a significant impact.

a. Mitigation –

PALEO-1: The Implementing agency shall retain a paleontologist who meets the Society of Vertebrate Paleontology's (SVP 2010) definition for Qualified Professional Paleontologist (Qualified Paleontologist) to carry out all mitigation related to paleontological resources as required for each project. The Qualified Paleontologist will implement a paleontological monitoring program for construction excavations that would encounter the potentially fossiliferous Eocene-Pliocene marine units, the Pliocene-Pleistocene transitional units, and the older Pleistocene alluvium prior to the start of ground-disturbing activities, the Qualified Paleontologist or their designee shall conduct construction worker paleontological resources sensitivity training for all construction personnel. Construction personnel shall be informed on how to identify the types of paleontological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of paleontological resources, and safety precautions to be taken when working with paleontological monitors. The Implementing agency shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

PALEO-2: Paleontological monitoring shall be conducted as specified in the monitoring program developed per Mitigation Measure PALEO-1. Monitoring shall be conducted by a qualified paleontological monitor (SVP 2010) working under the direct supervision of the Qualified Paleontologist. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting sediment samples to wet or dry screen to test promising horizons for smaller fossil remains. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the Qualified Paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely.

PALEO-3: If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the monitor's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock/sediment samples for initial processing and evaluation. If a fossil is determined to be significant, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from their location, following the guidelines of the SVP (2010). Any fossils encountered and recovered shall be prepared to the point of identification, catalogued, and curated at an accredited repository.

If construction personnel discover any potential fossils during construction while the paleontological monitor is not present, regardless of the depth of work or location, work at the discovery location shall cease in a 25-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery and recommended and implemented appropriate treatment as described in this measure.

PALEO-4: At the conclusion of paleontological monitoring, the Qualified Paleontologist shall prepare a report summarizing the results of the monitoring and any salvage efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Qualified Paleontologist to the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the proposed project and required mitigation measures.

PALEO-5: If fossils are found on a project/formation that does not require monitoring, the qualified paleontologist will be contacted for evaluation and recommendations for salvage. The paleontologist shall prepare a report summarizing the results of the monitoring program including methods of fossil recovery and curation, and a description of the fossils collected and their significance. A copy of the report shall be provided to the Implementing agency. The fossils and a copy of the report shall be deposited in an accredited curation facility such as the Los Angeles Natural History Museum.

b. Findings – The Project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic features. Implementation of Mitigation Measures PALEO-1 through PALEO-5 would reduce impacts to paleontological resources. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.3-25 through 4.3-26 of the Draft PEIR, incorporated herein by reference.

D. Noise and Vibration

1. Impact 1. Implementation of the Project, in combination with other development, would contribute to cumulative less than significant impacts in regards to construction and operational noise for past, present, and future development.

a. Mitigation –

NOI-1: The applicant, including all contractors and subcontractors, shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays.

b. Findings – The Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance. Implementation of Mitigation Measure NOI-1 would reduce impacts to in ambient noise levels. Therefore, impacts would be less than significant with mitigation incorporated.

c. Supportive Evidence – Please refer to pages 4.6-13 through 4.6-17 of the Draft PEIR, incorporated herein by reference.

E. Tribal Cultural Resources

1. Impact 1. The Project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to PRC Section 21074.

a. Mitigation –

TCR-1: The implementing agency shall retain a Native American monitor from the Santa Ynez Band of Chumash Indians (Tribe) to carry out all mitigation related to tribal cultural resources as required for each project. Prior to the commencement of ground disturbing activities, a Tribal Cultural Resources Sensitivity Training session shall be held for those construction personnel who will be directly involved in the ground disturbing activities. The training session shall be carried out by the Native American Monitor and shall focus on how to identify tribal cultural resources that may be encountered during ground disturbing activities and the procedures to be followed in such an event.

Within the planned projects there are 10 archaeological sites (which have been determined to be within or directly adjacent to known archaeological sites) and two districts. All 12 sites and districts have been determined to be eligible, potentially eligible, or have not been evaluated. Project planning should include design to avoid these sites whenever possible. When avoidance is not possible, testing and data recovery must be completed in advance of construction by a Qualified Archaeologist identified in Mitigation Measure CR-2. The Tribe shall provide a Native American monitor who shall be present during testing/data recovery, and construction activities on the projects deemed by the qualified Archaeologist and the consulting tribe to have the potential for encountering archaeological resources, that could be considered tribal cultural resources by the Tribe and under CEQA, such as demolition, excavation of boring entrance and exist pits, clearing/grubbing, drilling/auguring, grading, trenching, excavation, or other ground disturbing activity associated with the project where the ground disturbance can be observed. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Qualified Archaeologist and the Tribe.

TCR-2: The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the implementing agency upon written request to the Tribe.

TCR-3: In the event of a discovery of potential tribal cultural resources, the Qualified Archaeologist identified in Mitigation Measure CR-2 [after consultation with the Native American Monitor] shall have the authority to temporarily divert, redirect, or halt ground-disturbance activities to allow identification, evaluation, and potential recovery of such potential resources. After consulting with the Native American Monitor and the implementing agency, the Qualified Archaeologist shall establish an appropriate buffer area in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making an evaluation and potential recovery of the discovery. This buffer area shall be established around the find where ground-disturbing activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Qualified Archaeologist, the Tribe, and the implementing agency to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe and the Qualified Archaeologist, the implementing agency determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, the Qualified Archaeologist shall develop a reasonable and feasible treatment plan, with input from the Tribe as necessary, and with the concurrence of the implementing agency. The treatment measures in the treatment plan shall be in compliance with any applicable federal, State, or local laws, rules or regulations. The treatment plan shall also include measures regarding the curation of the recovered resources.

The lead agency may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in the above paragraphs.

The recovered tribal cultural resources may be placed in the custody of the Tribe, who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Tribe nor an institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

Notwithstanding the above paragraph, any information determined to be confidential in nature by the implementing agency, shall be excluded from submission to the CCIC or the general public under the applicable provisions of the California Public Records Act, Sections 7927.000 and 7929.005.

a. Findings – The Project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of Mitigation Measures TCR-1 through TCR-3 would reduce impacts to tribal cultural resources. Therefore, impacts would be less than significant with mitigation incorporated.

b. Supportive Evidence – Please refer to pages 4.7-6 through 4.7-8 of the Draft PEIR, incorporated herein by reference.

VI. Findings for Impacts Identified as Significant and Unavoidable

Chapter 4, *Environmental Impacts and Mitigation Measures,* of the Draft PEIR concludes that the proposed Project would not result in significant unavoidable impacts, either at the project-level or cumulatively.

VII. Findings for Identified Project Alternatives

The Santa Barbara County Association of Governments finds that the following project alternatives were identified in the Environmental Impact Report. Alternatives 1, 2, and 3, although feasible from a technical standpoint, compared to the proposed project were environmentally inferior and rejected for the following reasons stated below. The proposed project is the environmentally superior project, but in comparison of just the alternatives, the environmentally superior alternative is the No Project Alternative. Therefore, the EIR identified an environmentally superior alternative among the other alternatives, that being Alternative 2.

A. Alternative 1: No Project Alternative

As required by CEQA, the No Project Alternative is evaluated in the Draft PEIR. Under the No Project Alternative, no activities would take place in order to expand the broadband availability and the service area would remain unchanged from current conditions. Although it is acknowledged that, with the No Project Alternative, there would be no discretionary action by SBCAG, and thus no impact, for purposes of comparison with the other action alternatives, conclusions for each technical area are characterized as "impacts" that are greater, similar, or less, to describe conditions that are worse than, similar to, or better than those of the proposed Project. The No Project Alternative would not meet any of the nine Project objectives.

B. Alternative 2: Reduced Area/Priority Areas Only Alternative

The Reduced Area/Priority Areas Only Alternative would focus on providing rural broadband infrastructure in the identified Priority Areas. It would include: the City of Guadalupe and unincorporated communities including portions of Cuyama/New Cuyama, Casmalia, Los Alamos, Los Olivos, Jonata Park, Refugio Canyon, Highway 246 Corridor (five neighborhoods between Lompoc and Buellton), and East of Santa Maria (including the Garey, Sisquoc, and Tepusquet Road communities). The Reduced Area/Priority Areas Only Alternative would not allow additional broadband installations beyond these identified communities. This alternative would reduce the total amount of construction that would occur under the Project and would avoid all effects related to the construction or operation of broadband

infrastructure within the other yet-to-be identified unserved and underserved communities in the County. In all other respects, this alternative would be the same as the Project. It would include the same connections to existing facilities, new facilities, and construction methods as the Project (See Chapter 2, *Project Description*, of the Draft PEIR), except these activities would occur only in the identified Priority Areas. This alternative is intended to reduce the extent of the Project's less than significant impacts after mitigation.

The Reduced Area/Priority Areas Only Alternative would not provide expanded broadband infrastructure outside of the Priority Areas. As such, it would only partially meet Project Objective 1 since it would not provide high-speed broadband internet service to residents and businesses within additional unserved and underserved communities in Santa Barbara County in order to improve communication capabilities throughout the County. The Reduced Area/Priority Areas Only Alternative would also achieve Project Objectives 2 to 4 by providing the Priority Areas with new broadband infrastructure, but to a lesser extent such infrastructure would be made available in a smaller program area. Despite its smaller service, the Reduced Area/Priority Areas Only Alternative and the Project would both similarly identify and facilitate funding opportunities for future broadband infrastructure installations under the Program (Project Objective No. 5). For any given infrastructure improvement, both the Reduced Area/Priority Areas Only Alternative and the Project would similarly seek to reduce the potential environmental effects of broadband installation projects by utilizing minimally impactful construction techniques and equipment and avoiding construction within or near sensitive environmental resources to the extent feasible (Project Objective No. 6). Finally, both the Reduced Area/Priority Areas Only Alternative and the Project would similarly provide a reliable foundation of data and acceptable methodology to assess impacts for future broadband deployment projects, and streamline the environmental review process for individual broadband projects (Project Objective No. 7) and allocate resources to efficiently process broadband projects and avoiding duplication of applicant costs (Project Objective No. 8).

C. Alternative 3: Existing Infrastructure Alternative

The Existing Infrastructure Alternative would seek to minimize construction-related impacts by prioritizing the use of existing utility poles or underground conduit wherever it exists. New underground conduit would only be installed in areas where no existing aboveground or belowground infrastructure exists. In all other respects, this alternative would be the same as the Project. It would include the same types of connections to Middle-Mile facilities, construction of new buried facilities, and construction methods as Project (See Chapter 2, *Project Description*, of the Draft PEIR), except these activities would occur only when no existing infrastructure is present, thereby limiting the physical footprint of construction while achieving comparable levels of service to the affected communities. This alternative would result in less construction activity and new infrastructure than the Project. It would also result in more aboveground fiber optic line because much of the line would be attached to existing utility poles, rather than being placed in new underground conduit as would occur under the Project. The Existing Infrastructure Alternative is intended to reduce the extent of the Project's less than significant impacts after mitigation.

The Existing Infrastructure Alternative would result in the same long-term expanded broadband capabilities and infrastructure as the Project. As such, it would Project Objective Nos. 1-5, 7 and 8 to a similar extent as the Project. However, with regard to Project Objective No. 6, the Existing

Infrastructure Alternative would result in less ground disturbing construction and as such, for any given infrastructure improvement, both the Existing Infrastructure Alternative would reduce the potential environmental effects during construction activities with less impactful construction techniques when compared to the Project, although all of the resulting construction impacts would be less significant after mitigation similar to the Project.

VIII. CEQA General Findings

A. SBCAG finds that changes or alterations have been incorporated into the Project to mitigate, avoid and substantially lessen the significant impacts identified in the Draft PEIR to the greatest degree feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Santa Barbara County Last-Mile Broadband Program Draft PEIR.

B. SBCAG finds that the Project, as approved, includes an appropriate Mitigation Monitoring and Reporting Program. This mitigation monitoring program ensures that measures that avoid or substantially lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. Mitigation Monitoring and Reporting Program

1. The CEQA Lead Agency will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures will be programmed to occur at, or prior to, the following milestones:

   - ***During individual environmental review.*** These are measures that need to be undertaken during individual project-level environmental review. These measures include items such as ensuring mitigation measures for cultural resources.

   - ***Prior to issuance of a grading permit.*** These are measures that need to be undertaken before earth moving activities begin. These measures include items such as ensuring implementation of mitigation measures for biological resources.

   - ***Prior to project construction.*** These are measures that need to be undertaken after grading permits are issued and before construction begins. These measures would ensure that mitigation measures for biological resources, cultural resources, and noise and vibration occur prior to project construction.

   - ***During project construction.*** These measures are those that need to occur as the project is being constructed. They include monitoring the construction site for the proper implementation of mitigation measures for air quality, biological resources, cultural resources, and noise and vibration.

   - ***Following project construction.*** These measures apply to project components that would go into effect at completion of the project construction phase, including mitigation measures for cultural resources.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing SBCAG processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

2. As lead agency for the proposed Project, the Santa Barbara County Association of Governments hereby certifies that the approved Mitigation Monitoring and Reporting Program is adequate to ensure the implementation of the mitigation measures described herein.