SANTA BARBARA COUNTY LAST-MILE BROADBAND PROGRAM

Final Program Environmental Impact Report

Prepared for
Santa Barbara County Association of Governments

February 2025

ESA

SANTA BARBARA COUNTY LAST-MILE BROADBAND PROGRAM

Final Program Environmental Impact Report

Prepared for
Santa Barbara County Association of Governments

February 2025

633 West 5th Street
Suite 830
Los Angeles, CA 90071
213.599.4300
esassoc.com

ESA

Atlanta	Pasadena	San Francisco
Bend	Pensacola	San Jose
Irvine	Petaluma	Santa Barbara
Los Angeles	Portland	Sarasota
Mobile	Rancho Cucamonga	Seattle
Oakland	Sacramento	Tampa
Orlando	San Diego	Thousand Oaks
Palm Beach County		

OUR COMMITMENT TO SUSTAINABILITY | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

CONTENTS

Final Program Environmental Impact Report

List of Tables

CHAPTER 1
Introduction

1.1 Final EIR Contents

This Final Program Environmental Impact Report (Final PEIR) is an informational document prepared by the Santa Barbara County Association of Governments (SBCAG) to evaluate the potential environmental impacts of the Santa Barbara County Last-Mile Broadband Program (Broadband Program or Project).

As prescribed by the California Environmental Quality Act (CEQA) Guidelines Sections 15088 and 15132, the lead agency, SBCAG, is required to evaluate comments on environmental issues received from persons/agencies who have reviewed the Draft PEIR and to prepare written responses to those comments. This document, together with the Draft PEIR, as revised, comprise the Final PEIR for this Project. This Final PEIR includes individual responses to each letter received during (or after) the public review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The Final PEIR also includes amendments to the Draft PEIR consisting of changes suggested by certain comments, as well as minor clarifications, corrections, or revisions to the Draft PEIR. The Final PEIR includes the following contents:

- Chapter 1: Introduction
- Chapter 2: Responses to Comments on the Draft PEIR, which also includes a list of all commenters and public comment letters
- Chapter 3: Amendments to the Draft PEIR
- Chapter 4: Mitigation Monitoring and Reporting Program
- Chapter 5: List of Preparers

1.2 Draft EIR Public Review Process

The Draft PEIR was circulated for a 45-day public review period in accordance with CEQA Guidelines Section 15087 on November 22, 2024. The public comment period closed on January 10, 2025. The Draft PEIR was made available on the SBCAG website. Additional options were made available to the public to view the Draft PEIR in person during business hours and online at https://www.sbcag.org/.

1.3 EIR Certification Process and Project Approval

In accordance with the requirements of CEQA (CEQA Guidelines Section 15090), SBCAG will consider certifying the Final PEIR as having been prepared in compliance with CEQA. Following Final PEIR certification, SBCAG will consider making findings of fact for each significant impact (CEQA Guidelines Section 15091) and approving the Project or an alternative (CEQA Guidelines Section 15092).

1.4 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft PEIR revisions presented in this document do not constitute such "significant new information." Instead, they clarify, amplify, or make insignificant modifications to the Draft PEIR. For example, none of the comments, responses, and Draft PEIR amendments disclose new or substantially more severe significant environmental effects of the Project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft PEIR that would clearly lessen the Project's significant effects but that the Project's proponents decline to adopt.

CHAPTER 2
Responses to Comments on the Draft PEIR

This chapter includes comments received during the circulation of the Draft PEIR prepared for the Project.

The Draft PEIR was circulated for a 45-day public review period that began on November 22, 2024, and ended on January 10, 2025. SBCAG received three (3) comment letters on the Draft PEIR, one of which was a late comment letter received after the close of the public comment period. The commenters and the page number on which each commenter's letter appear are listed below.

TABLE 2-1
COMMENTS RECEIVED IN RESPONSE TO THE DRAFT PEIR

Letter No.	Commenter	Date Received
Agency Comments		
A	California Department of Transportation (Caltrans)	January 9, 2025
B	California Department of Fish and Wildlife (CDFW) (Late)	January 17, 2025
Individual Comments		
C	Steven Johnson	November 22, 2024

SOURCE: ESA, 2025.

Written responses to each comment letter received on the Draft PEIR are provided in this chapter. All letters received during the public review period on the Draft PEIR are provided in their entirety. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the letter identifier of the comment letter, and then the number assigned to each issue (Response A-2, for example, indicates that the response is for the second issue raised in comment Letter A).

Revisions to the Draft PEIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft PEIR, are provided in Chapter 3, Amendments to the Draft PEIR, of this Final PEIR.

California Department of Transportation

LETTER A

CALTRANS DISTRICT 5
50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415
(805) 549-3101 | FAX (805) 549-3329 TTY 711
www.dot.ca.gov

January 9, 2025

Attn: Fred Luna
Director of Project Delivery and Construction
Santa Barbara County Association of Governments
Sent via email: fluna@sbcag.org

RE: Caltrans Comments on the Santa Barbara County Last-Mile Broadband Program Draft Programmatic EIR – SCH # 2024051301

Dear Mr. Luna

Caltrans has reviewed the November 2024 Draft Programmatic Environmental Impact Report (DpEIR) for the proposed Santa Barbara County Last-Mile Broadband Program and offers the following comments: A-1

Any proposed work within State right of way (including conduit installation, temporary traffic control, construction area signs, etc.) will require an encroachment permit. Multiple locations may be combined into a permit.

Attention is directed to the Caltrans Encroachment Permit Manual (EPM; https://dot.ca.gov/programs/traffic-operations/ep/ep-manual) Sections 603.2A and 603.6 for broadband installations and trenchless technology, respectively. Broadband within State right of way should be installed as close to the right of way as possible and be done using trenchless technology.

Attention is also directed to the Caltrans Highway Design Manual (HDM; https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm) Section 309 for acceptable horizontal clearances. Any proposed above-ground facility that is not shielded or breakaway must be installed at least 52' from the edge of traveled way. A-2

Engineered plans are required for any facilities proposed in State right of way. These plans should include State right of way lines, route numbers, edge of pavement, edge of traveled way, and existing utilities. The District Utility Engineering Workgroup (UEW) is now requiring all submitted plans to show details for the existing utilities. On the plans,

please callout for each existing utility the utility owner and information obtained from the utility atlas maps (such as size, pressure, etc.). The engineered plans should include both a plan and engineered profile for the entire length of underground installation within State right of way (a typical detail is not sufficient).

A traffic control plan stamped and signed by a Civil Engineer registered in CA will be required, unless the Caltrans Standard Plans work for your project

(https://dot.ca.gov/programs/design/october-2024-ccs-standard-plans-and-standard-specifications; traffic control starts on T9). Please note no work may be done within 6' of live traffic above 45mph and within 3' of live traffic 45mph and below. If work is within these distances, a lane must be closed.

A-2 (cont.)

The encroachment permit application form, directions to complete the form and plan requirements can be found at the following web address: https://dot.ca.gov/programs/traffic-operations/ep/applications. When the application package is complete, it may either be emailed to d5.permits@dot.ca.gov or submitted through the Caltrans Encroachment Permit System (CEPS) public portal.

Thank you for the opportunity to provide comment, and Caltrans looks forward to continued coordination with the City of San Luis Obispo on this and future projects.

A-3

Sincerely,

Shelby Fredrick

Shelby Fredrick
Local Development Review Coordinator
Caltrans, District 5

Cc: Veronica Lezama, Branch Chief, Caltrans D5 Regional Planning South
Cc: David Crook, Principal Planner Environmental Science Associates

Letter A

COMMENTER: Shelby Fredrick, Local Development Review Coordinator, Caltrans, District 5

DATE: 1/9/2025

Response A-1

This comment serves as an introduction to the comments that follow.

Response A-2

As described in Section 2, Project Description, of the Draft EIR, an encroachment permit from Caltrans may be needed for implementation of the Project. The Caltrans Encroachment Permit Manual and Caltrans Highway Design Manual will be reviewed, and it is understood that engineering plans and a traffic control plan will be needed. This comment does not raise a substantial issue regarding the Draft EIR, the Project's impact on the physical environment under CEQA, or the analysis provided therein. No further response is necessary.

Response A-3

This comment provides a closing statement regarding the comments provided in this letter and does not raise any issues related to the Project's impact on the physical environment under CEQA. No further response is necessary.

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

LETTER B

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

January 17, 2024

Fred Luna
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110
info@sbcag.org

Subject: Draft Programmatic Environmental Impact Report for the Santa Barbara County Last-Mile Broadband Program Project, SCH No. 2024051301, Santa Barbara County, CA

Dear Fred Luna:

The California Department of Fish and Wildlife (CDFW) reviewed the draft Programmatic Environmental Impact Report (PEIR) from Santa Barbara County Association of Governments (SBCAG; Lead Agency) for the Santa Barbara County Last-Mile Broadband Program (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

B-1

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

B-2

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

B-2 (cont.)

PROJECT DESCRIPTION SUMMARY

Proponent: Santa Barbara County Association of Governments (SBCAG)

Objective: The objective of the Project is to install fiber optic cable in various locations throughout Santa Barbara County (County) to facilitate the future expansion of the County's high-speed broadband internet network. Primary Project activities include installing underground and aerial fiberoptic cable. Underground cable will be installed within road rights-of-way and may also require the installation of underground fiber markers and signage. Aerial cable installation may require the installation of utility poles and signage. The Project will also install prefabricated walk-in hut/shelters, steel distribution cabinets/enclosures, distribution fiber, splice points, drops, drop hubs, and small underground structures. The initial nine priority area installations (Priority Areas) would involve installing a total of approximately 52.57 miles of underground conduit/fiber.

Location: The Project as described within the PEIR includes the entire County because the specific locations of most future broadband facilities are currently not known. However, nine locations have been identified as Priority Areas where construction will occur for the Project. These Priority Areas are titled Guadalope, Casmalia, Los Alamos, Cuyama and New Cuyama, East of Santa Maria, Highway 246 Corridor, Jonata Park, Los Olivos, and Refugio Canyon within the PEIR.

Timeframe: Specific timing of future, unidentified projects is unknown, but construction for five of the nine Priority Area projects is anticipated to begin in Spring 2025 and last approximately 24 months.

B-3

Biological Setting: The Project area crosses the following watersheds according to the United States Geological Survey's hydrologic unit maps: Cuyama, Central Coastal, Santa Maria, San Antonio, Santa Barbara Coastal, Santa Ynez, and Ventura. The

B-4

[2] "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

County includes chaparral, grassland, coastal sage scrub, foothill pine woodland, valley oak woodland and forest, and valley oak riparian forest and woodland. B-4 (cont.)

Although the PEIR is intended for the whole County, the PEIR only analyzed the nine Priority Areas. SBCAG's Priority Areas include 11,078.7 acres of valley grassland, 7,165.7 acres of agriculture, 6,906.4 acres of forest land, 5,194.1 acres of coastal sage scrub, 1,948 acres of urban area, 1,258.1 acres of ceanothus mixed chaparral, 657.8 acres of scrub oak mixed chaparral, 424.2 acres of barren land, 188.6 acres of chamise chaparral, 25.7 acres of north coastal scrub, and 2.3 acres of montane meadows. B-5

Within the County, there are 12 special-status plant species (Table 1) and 42 special-status animal species (Table 2) that have moderate to high potential to occur in the Project area.

Table 1. Special-status plant species that have moderate to high potential to occur in the Project area

Common name	Scientific name	Status
Hoover's bent grass	*Agrostis hooveri*	California Native Plant Species (CNPS) rank 1B.2
Aphanisma	*Aphanisma blitoides*	CNPS rank 1B.2
Sand mesa manzanita	*Arctostaphylos rudis*	CNPS rank 1B.2
Late-flowered mariposa-lily	*Calochortus fimbriatus*	CNPS rank 1B.3
Island white-felted paintbrush	*Castilleja hololeuca*	CNPS rank 1B.2
Santa Barbara ceanothus	*Ceanothus impressus var. impressus*	CNPS rank 1B.2
La Graciosa thistle	*Cirsium scariosum var. loncholepis*	Endangered Species Act (ESA) endangered, CESA threatened, CNPS rank 1B.1, critical habitat present in Project area
Gaviota tarplant	*Deinandra increscens ssp. villosa*	ESA endangered, CESA endangered, CNPS rank 1B.1, critical habitat present in Project area
Umbrella larkspur	*Delphinium*	CNPS rank 1B.3
Vandenberg monkeyflower	*Diplacus vandenbergensis*	ESA endangered, CNPS rank 1B.1, critical habitat present in Project area
Lompoc yerba santa	*Eriodictyon capitatum*	ESA endangered, CESA rare, CNPS rank 1B.2, critical habitat present in Project area
Blushing layia	*Layia erubescens*	CNPS rank 1B.2

B-6

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Vandenberg monkeyflower	*Diplacus vandenbergensis*	ESA endangered, critical habitat present in Project area
Ventura marsh milk-vetch	*Astragalus pycnostachyus var. lanosissimus*	ESA endangered, CESA endangered, critical habitat present in Project area

Table 2. Special-status animal species that have moderate to high potential to occur in the Project area.

Common name	**Scientific name**	**Status**
Crotch's bumble bee	*Bombus crotchii*	CESA candidate
vernal pool fairy shrimp	*Branchinecta lynchi*	ESA endangered, critical habitat present in Project area
monarch-California overwintering population	*Danaus plexippus plexippus pop. 1*	ESA candidate
Kern primrose sphinx moth	*Euproserpinus euterpe*	ESA threatened
tidewater goby	*Eucyclogobius newberryi*	ESA endangered, Species of Special Concern (SSC), critical habitat present in Project area
unarmored threespine stickleback	*Gasterosteus aculeatus williamsoni*	ESA endangered, CESA endangered, fully protected (FP)
arroyo chub	*Gila orcuttii*	SSC
steelhead - southern California Distinct Population Segment (DPS)	*Oncorhynchus mykiss irideus pop. 10*	ESA endangered, CESA candidate endangered
California tiger salamander - Santa Barbara County DPS	*Ambystoma californiense pop. 2*	ESA endangered, CESA threatened, critical habitat present in Project area
arroyo toad	*Anaxyrus californicus*	ESA endangered, SSC, critical habitat in Project area
foothill yellow-legged frog - south coast DPS	*Rana boylii pop. 6*	ESA endangered, CESA endangered
California red-legged frog	*Rana draytonii*	ESA threatened, SSC, critical habitat present in Project
Western spadefoot	*Spea hammondii*	Federally proposed for listing as threatened (FPT), SSC

B-6 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Coast Range newt	*Taricha torosa*	SSC
Northern California legless lizard	*Anniella pulchra*	SSC
California legless lizard	*Anniella spp.*	SSC
California glossy snake	*Arizona elegans occidentalis*	SSC
coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC
southwestern pond turtle	*Actinemys pallida*	FPT, SSC
blunt-nosed leopard lizard	*Gambelia sila*	ESA endangered, CESA endangered, FP
coast horned lizard	*Phrynosoma blainvillii*	SSC
coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC
two-striped gartersnake	*Thamnophis hammondii*	SSC
tricolored blackbird	*Agelaius tricolor*	CESA threatened, SSC
grasshopper sparrow	*Ammodramus savannarum*	SSC
golden eagle	*Aquila chrysaetos*	FP
short-eared owl	*Asio flammeus*	SSC
burrowing owl	*Athene cunicularia*	CESA candidate
Swainson's hawk	*Buteo swainsoni*	CESA threatened
western snowy plover	*Charadrius nivosus nivosus*	ESA threatened, SSC, critical habitat present in Project area
white-tailed kite	*Elanus leucuru*	FP
southwestern willow flycatcher	*Empidonax traillii extimus*	ESA and CESA endangered, critical habitat present in Project area
California condor	*Gymnogyps californianus*	ESA and CESA endangered, FP, critical habitat present in Project area
bald eagle	*Haliaeetus leucocephalus*	CESA endangered, FP
Belding's savannah sparrow	*Passerculus sandwichensis beldingi*	CESA endangered
light-footed Ridgway's rail	*Rallus obsoletus levipes*	ESA and CESA endangered, FP
yellow warbler	*Setophaga petechia*	SSC

B-6 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

California least tern	*Sternula antillarum brown*	ESA and CESA endangered, FP
least Bell's vireo	*Vireo bellii pusillus*	ESA and CESA endangered, critical habitat present in Project area
pallid bat	*Antrozous pallidus*	SSC
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC
western mastiff bat	*Eumops perotis californicus*	SSC
western red bad	*Lasiurus frantzii*	SSC
San Diego desert woodrat	*Neotoma lepida intermedia*	SSC
Tulare grasshopper mouse	*Onychomys torridus tularensis*	SSC
American badger	*Taxidea taxus*	SSC
San Joaquin kit fox	*Vulpes macrotis mutica*	ESA endangered, CESA threatened

B-6 (cont.)

Project History: CDFW commented on the Project's Notice of Preparation document on June 28, 2024.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Santa Barbara County Association of Governments (SBCAG) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

B-7

Recommended Potentially Feasible Mitigation Measure(s)

COMMENT # 1: Impacts of noise and vibration

Issue: Construction will increase noise and vibration, which may cause adverse impacts to special-status species.

Specific impact: Project activities including horizontal directional drilling (HDD), trenching, and the operation of heavy equipment will increase noise and vibration in the Project area. This may alter wildlife behavior, including disrupting communication and decreasing breeding success.

B- 8

Why impact would occur: HDD, trenching, and the operation of heavy equipment will increase noise and vibration in the Project area. Heavy equipment that will be used in the Project includes, but is not limited to, boring rigs, bulldozers, excavators, rollers, and

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

back hoes (page 4.6-14, pages 2-23 to 2-24). The PEIR identifies much of this equipment as having “high noise-level characteristics” (page 4.6-14) and does address how Project-induced noise and vibration may impact humans and structures (ES-32). However, the PEIR does not address the impacts that noise and vibration may have on wildlife. The maximum noise level produced by the equipment used for the Project will be 80 to 90 A-weighted decibels (dBA, page 4.6-14), and terrestrial wildlife begins to respond to noise levels of approximately 40 dBA (Shannon et al., 2016). Therefore, the PEIR should disclose, analyze, minimize and/or mitigate for impacts to wildlife may be caused by noise created by the Project.

Increased noise has been documented to decrease immune responses (Kight and Swaddle, 2011) and decrease reproductive success (Tennessen et al., 2014). Acoustic pollution can also cause wildlife to reduce foraging behaviors (Shannon et al., 2016) and negatively impact intraspecific communication for birds, bats, and frogs (Shannon et al., 2016; Sun and Narins, 2005; Patricelli and Blickley, 2006; Gillam and McCracken, 2007; Slabbekoorn and Ripmeester, 2008). Arroyo toad, foothill yellow-legged frog, California red-legged frog, western spadefoot, tricolored blackbird, grasshopper sparrow, golden eagle, burrowing owl, western snowy plover, white-tailed kite, southwestern willow flycatcher, bald eagle, Belding's savannah sparrow, light-footed Ridgway's rail, yellow warbler, California least tern, least Bell's vireo, pallid bat, Townsend's big-eared bat, western mastiff bat, and western red bat are special-status species that may be present in the Project area and therefore may be subject to effects of noise pollution, such as decreased immune response, decreased reproductive success, and communication disruption.

B-8
(cont.)

Amphibians in the Project area may also be negatively impacted by substrate-borne vibrations created by HDD and other construction activities. Substrate-borne vibrations can reduce anuran call rate, resulting in decreased reproductive success (Caorsi et al., 2019). This may affect several special-status species in the Project area, such as arroyo toad, foothill yellow-legged frog, California red-legged frog, and western spadefoot.

Evidence impact may be significant: The Project area supports a variety of special status species, including CESA-listed species, ESA-listed species, and SSC. The Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or United States Fish and Wildlife Service (USFWS).

Impacts to special-status species should be considered significant. CDFW considers impacts to CESA-listed species and species which are candidates for CESA-listing under CEQA significant unless they are clearly mitigated below a level of significance. CEQA provides protection not only for ESA and CESA-listed species, but for any species, including but not limited to SSC, which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Furthermore, take of any endangered,

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish and Game Code, §§ 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, title 14, § 786.9). Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or United States Fish and Wildlife Service (USFWS).

In addition, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

B-8 (cont.)

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Seasonal Avian Work Windows. In areas identified as suitable habitat for the light-footed Ridgway's rail, SBCAG shall limit all project activities to September 1 to January 31. In areas identified as suitable habitat for the southwestern shallow flycatcher, SBCAG shall limit all project activities to September 1 to March 1. In areas identified as suitable habitat for the western snowy plover, SBCAG shall limit all project activities to September 1 to February 28.

B-9

Mitigation Measure #2: California Tiger Salamander and Western Spadefoot Habitat Work Windows. Depending on the type of suitable habitat identified during habitat assessments, SBCAG shall apply the following seasonal work windows.

- All construction activities in areas identified as suitable upland and aquatic habitat, excluding vernal pools, seasonal wetlands, or swales, for California tiger salamander or western spadefoot during habitat assessments be limited to May 1 to October 31.
- All construction activities within 250 feet of identified suitable vernal pool and seasonal wetland/swale habitat for California tiger salamander or western spadefoot during the habitat assessments and/or pre-construction California tiger salamander and western spadefoot habitat surveys shall be limited to June 1 to October 15. Within this work window, work is only allowed if vernal pools remain dry for 72 hours consistent with Rain Limitations as defined in Mitigation Measure 29.

B-10

Mitigation Measure #3: Western Snowy Plover Surveys. A qualified biologist shall conduct surveys within all suitable wintering habitat for western snowy plover in the project footprint and within a 50-foot buffer around the project footprint no more than 7 days prior to proposed work activities. If no plovers are detected, work shall proceed without restrictions. Surveys shall be conducted weekly thereafter, and work may

B-11

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

proceed without restrictions if plovers are not detected. If one or more plovers are detected during a weekly survey, daily pre-activity plover surveys shall be started. If no plovers are detected during a daily pre-work survey, work may proceed without restrictions during that day. If plovers are detected, work shall stop immediately and not begin again until a qualified biologist has determined that the plovers have vacated the survey area. If no plovers are detected for seven consecutive days, daily surveys shall be replaced by weekly surveys until plovers are detected again. B-11 (cont.)

Mitigation Measure #4: California Light-footed Ridgway's Rail Monitoring. A qualified biologist shall be present for all activities and conduct daily pre-construction surveys for light-footed Ridgway's rail, and when work occurs within suitable habitat during the non-breeding season (September 1 to January 31). B-12

Mitigation Measure #5: California Light-footed Ridgway's Rail Surveys. A qualified biologist shall conduct a pre-construction survey for suitable light-footed Ridgway's rail habitat within seven days prior to the commencement of construction activities. B-13

Mitigation Measure #6: Least Bell's Vireo Nest Buffers. A qualified biologist shall establish a minimum buffer distance of 500 feet around least Bell's vireo nests. B-14

Mitigation Measure #7: Noise-Reducing Features. Between February 15 and October 1, all heavy equipment shall have installed and maintained mufflers or other noise-reducing features when working adjacent to riparian vegetated areas. B-15

COMMENT # 2: Wildlife connectivity

Issue: Installation of fiber optic cable and construction of broadband facilities may increase barriers to wildlife connectivity.

Specific impact: Project activities may impede the movement of special-status species, including coast live newt, California tiger salamander, southwestern pond turtle.

Why impact would occur: The PEIR states that the Project could interfere substantially with wildlife connectivity (pages 4.2-118 and 119). While fiber optic cable installation will usually be installed in previously disturbed areas and avoid drainages and sensitive habitats, SBCAG has not yet determined specific locations and designs for all future broadband facilities (page 4.2-119). Therefore, the construction and operation of the Project could negatively impact wildlife corridors (page 4.2-119). The PEIR states that these impacts will be less than significant with the mitigation measures described in the PEIR (page 4.2-120) and with site-specific environmental review for future projects (page 4.2-121). CDFW appreciates the opportunity to make recommendations at this point in Project design to circumvent potential connectivity issues prior the determination of specific locations and designs for future broadband facilities. B-16

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

The PEIR identifies two essential connectivity areas within the County: one near the coastline in the western portion of the County from south of Guadalupe to south of Lompoc and one over a large area of the mountainous regions in the southern portion of the County (page 4.2-55). The PEIR also identifies three movement corridors in the Project area. These movement corridors are in the western part of the County and are associated with the Santa Ynez River, San Antonio Creek/Purissima Hills and along the south coast near Gaviota (Penrod et al. 2001; page 4.2-55). Two Priority Areas overlap with these movement corridors. Therefore, construction in these areas may temporarily impede wildlife movement during construction. The Highway 246 Corridor Priority Area overlaps the Santa Ynez River movement corridor (CDFW, 2024). This is a riparian corridor and a point of constriction; it is essential to maintaining connectivity. The Refugio Canyon Priority Area overlaps the Gaviota Coast movement corridor (CDFW, 2024), which is also a point of constriction in the Project area. Temporary disruption of wildlife movement could substantially reduce connectivity in the Project area.

During construction, the Project may impede the movement of coast live newt, California tiger salamander, and southwestern pond turtle, all of which perform breeding or nesting migrations (Thomson et al., 2016; Zeiner et al., eds. 1988-1990). Limiting movement of these species can lead to the reduction of genetic fitness in populations, making them more vulnerable to changing or extreme conditions (CDFW, 2009; Haddad et al., 2015). Limiting movement can also lead to the inability of populations to recolonize habitat after disturbance events such as fires, floods, and droughts, and it can lead to the loss of resident wildlife populations by altered community structure (e.g. species composition, distribution), and/or partial or complete loss of populations of migrant species due to blocked access to critical habitats (Haddad et al., 2015).

B-16 (cont.)

Evidence impact would be significant: Habitat conversion and fragmentation force many California species to migrate in search of replacement habitat, and it also risks continued survival of species by compromising genetic diversity, among other things. (Fish & G. Code, § 1955 (b).) California wildlife is losing the ability to move as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors (Fish & G. Code, § 1955 (c).) Habitat connectivity and wildlife migratory corridors are essential to the continued survival of many California species. (Fish & G. Code, § 1955 (d).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 711.7.)

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #8: Consultation with CDFW. CDFW's Restoring California's Wildlife Connectivity report[3] highlighted several roadway segments in Santa Barbara County where CDFW and the California Department of Transportation will improve

B-17

[3] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=204648&inline

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

wildlife connectivity. SBCAG shall consult with CDFW when 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-17 (cont.)

Mitigation Measure #9: Nighttime construction. Nighttime construction in areas important to wildlife connectivity should be avoided to minimize the indirect impacts of increased activity and noise levels during the hours that wildlife are more active and more likely to traverse the Project site and/or roadway.

B-18

COMMENT # 3: Revised and additional protection measures for fish and wildlife

Issue: Proposed avoidance and minimization measures do not provide adequate protections for existing and potential fish and wildlife resources.

Specific impact: Without comprehensive avoidance and minimization measures, fish and wildlife resources, including special-status species, may be impacted.

Why impact would occur: Appendix C of the PEIR acknowledges the presence of several special-status species in the Project area and Table ES-1 in the PEIR proposes avoidance and minimization measures to protect biological resources. However, the proposed measures do not meet CDFW's standards for protection of fish and wildlife resources. Additionally, while the PEIR stated that the following special-status species have a moderate to high likelihood of occurring in the Project area, the PEIR does not propose avoidance minimization measures for these species: San Joaquin kit fox, light-footed Ridgway's rail, California red-legged frog, arroyo toad, California tiger salamander, western spadefoot, Kern primrose sphinx moth, and Vandenberg monkey flower. Furthermore, the PEIR does not propose avoidance and minimization measures which specify pre-construction surveys, habitat buffers, and relocation plans for some of the wildlife in the Project area. Without these additional measures, wildlife may experience direct impacts such as injury and mortality and/or indirect impacts through habitat disturbance. These impacts may occur during construction if Project activities do not avoid key habitat areas or sensitive time periods.

B-19

CDFW is available to meet with SBCAG ahead of the preparation of tiered CEQA documents for this Project to discuss potential impacts and possible mitigation measures, including site specific impacts and mitigation measures, for some or all the resources that may be analyzed in the tiered CEQA documents.

Evidence impact may be significant: The Project area supports a variety of special status species, including CESA-listed species, ESA-listed species, and SSC. The Project may have a substantial adverse effect, either directly or through habitat

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or United States Fish and Wildlife Service (USFWS). The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of several special-status species. The Project may also reduce the number and range of the species without considering the likelihood that special-status species on adjacent and nearby natural lands may rely upon the habitat that occurs in the Project area.

Impacts to special-status species should be considered significant. CDFW considers impacts to CESA-listed species and species which are candidates for CESA-listed under CEQA significant unless they are clearly mitigated below a level of significance. CEQA provides protection not only for ESA and CESA-listed species, but for any species, including but not limited to SSC, which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Furthermore, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish and Game Code, §§ 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, title 14, § 786.9). Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or United States Fish and Wildlife Service (USFWS). B-19 (cont.)

In addition, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #10: Construction Worker Environmental Awareness Program. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language and removing the language in strikethrough:

If any sensitive biological resources (i.e., special-status species with a moderate to high potential to occur, sensitive natural communities, or aquatic resources) are determined to be present within or near construction areas during the Habitat Assessment, the Project Applicant shall retain a qualified biologist to conduct a pre-construction WEAP training for all personnel ~~working at the construction site~~ entering the Project area where sensitive habitats and/or species may be present. The WEAP should inform workers in recognizing special-status species, their habitat, ~~and~~ regulated biological resources known to occur or potentially occur on the site, ~~and~~ avoidance buffers and measures B-20

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

necessary to avoid and/or minimize potential impacts to biological resources, and what to do if the species is observed.

- All personnel associated with Project construction should attend the WEAP training prior to initiation of Project construction activities (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/trimming, grading, and excavation). The training should include information about the special-status species potentially occurring within the Project Site, 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 should also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the Project.
- Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.
- All employees working at the Project Site shall be required to sign a form provided by the qualified biologist documenting they have attended the WEAP and understand the information presented to them. The signed form should be provided to the Project Applicant as documentation of training completion. The crew foreman should 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 Project after completion of the initial WEAP training, the training should be conducted for all new personnel before they ~~can participate in construction activities~~ enter the Project area where sensitive habitats and/or species may be present.

B-20 (cont.)

Mitigation Measure #11: Invasive Plant Species Control Measures. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language:

The Project Applicant shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or watershed to another. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website[4] and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website[5]. If any sensitive biological resources (i.e., special-status species with a moderate to high potential to occur, sensitive natural communities, or aquatic resources) are determined to be

B-21

[4] https://www.cal-ipc.org/
[5] https://stopaquatichitchhikers.org/

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

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 should include all species with a Cal-IPC rating of moderate or high. Prior to entering the construction site, equipment should be inspected to confirm it is free of mud, dirt, and debris. For larger sites that would be accessed via non-paved roads, tire track stations should be installed at the construction site entrances and exits, where appropriate. Staging areas and access routes should avoid weed infestations, and infestations within the work area(s) should be flagged and avoided to the maximum extent feasible. Only certified weed-free materials (e.g., fiber rolls, straw, and fill) should be used during construction of future broadband facilities.

B-21 (cont.)

Mitigation Measure #12: General Construction Best Management Practices. CDFW recommends SBCAG revise the following section of Mitigation Measure BIO-06: General Construction Best Management Practices by adding the underlined language:

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

B-22

Mitigation Measure #13: Nesting Birds. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language and removing the language in strikethrough:

If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat for nesting birds is identified at future broadband facility sites 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 shall conduct two ~~a~~ nesting bird surveys ~~within 7 days of the anticipated start date~~ to identify any active nests within 500 feet of the Project Site. The first survey shall occur during the one week period prior to initiation Project activities and vegetation disturbance, and the second survey occur no more than 72 hours prior to Project activities. Surveys shall be conducted at the appropriate time of day during appropriate weather conditions within and adjacent to the Project site.

Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of area subject to this Agreement; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior

B-23

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

(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).

If a nest is suspected, but not confirmed, the qualified biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. The qualified biologist 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 the nest, scan the site 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 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 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 in the field. Construction activities shall not occur within the buffer until a qualified biologist 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 raptors; however, these may be reduced at the discretion of the qualified biologist 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 shall document baseline behavior, stage of reproduction, expected fledge date, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. The qualified biologist shall monitor the nest daily at the onset of Project activities, and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall adjust the buffer accordingly.

B-23
(cont.)

The qualified biologist shall document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is suspected to have been abandoned or failed, the qualified biologist shall monitor the nest for a minimum of one hour (four hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the qualified biologist may approach the nest to assess the status. The Project Applicant under the direction of the qualified biologist, may also take steps to discourage nesting on the Project site, including moving equipment and materials daily, covering material with tarps or fabric, and securing all

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

open pipes and construction materials. The qualified biologist shall ensure that none of the deterrent materials pose an entanglement risk to birds or other species.

If construction temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the Project Site (including surrounding 500 feet) shall be resurveyed. If nesting birds are present within 500 feet of the Project Site, construction WEAP training shall be implemented by the qualified biologist 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 (per Mitigation Measure BIO-04: Qualified Biological Monitor).

B-23 (cont.)

Mitigation Measure #14: Bats. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language and removing the language in strikethrough:

If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: 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 maternity roost sites are present ~~A~~ a qualified CDFW-approved biologist shall conduct presence/absence surveys for bats during each season ~~within 30 days~~ prior to the start of construction. Surveys shall be conducted during favorable weather conditions at each season 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 habitat on the Project site. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and 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 roosts are located, the roost shall be avoided and Project construction activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement of activities or provision of a suitable buffer (of no less than 100 feet) around the roost until roosting activities cease.~~ If active hibernacula or maternity roosts are identified in the work area or 500 feet extending from the work area, for maternity roosts, Project construction will 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 roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. A

B-24

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and 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 ~~such as netting~~ may be installed to discourage bats from occupying the site outside of maternity season in consultation with the CDFW. Netting shall not be used as exclusion material. If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), bat boxes shall be installed near the Project Site 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 that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.

- Exclusion devices shall be designed not to entrap birds or bats and allow exit from, but not entry to, the exclusion. Exclusion devices shall be installed between September 30 and February 1 and removed at the end of construction. A qualified bat biologist shall be present upon exclusion installation and repair to survey for and ensure that birds and bats are not trapped behind devices.
- Exclusion monitoring shall occur daily by a qualified biologist to determine effectiveness of devices. Any exclusion repair must be completed within 3 days of observation under supervision of a qualified bat biologist to ensure bat entrapment does not occur.
- If night work is necessary, it shall be limited, and light shall be shielded from the bat roosts, hibernacula, and adjacent habitat. Lighting shall be directed away from non-active work areas.

B-24 (cont.)

Mitigation Measure #15: San Joaquin Kit Fox Protection. The Project shall avoid suitable San Joaquin kit fox habitat, burrow complexes, and dens. A qualified biologist shall establish the following exclusion buffers around dens: 50 feet for potential dens, 100 feet for known dens, 200 feet for natal dens.

B-25

Mitigation Measure #16: Work Periods and Avoidance Buffer for Light-footed Ridgway's Rail Habitat. SBCAG shall not perform project activities within 700 feet of a tidal marsh area, or activities in or adjacent to suitable light-footed Ridgway's rail habitat year-round within two hours before or after high tides, defined as 6.5 feet or above measured at the nearest tide gauge and adjusted to the timing of local high tides.

B-26

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Current and predicted tides and currents measured at the nearest monitoring station can be accessed via CO-OPS Map - NOAA Tides & Currents[6]. B-26 (cont.)

Mitigation Measure #17: Habitat Assessments and Species-Specific Surveys. SBCAG shall conduct habitat assessments and species-specific surveys for California tiger salamander, red-legged frog, arroyo toad, and western spadefoot. These surveys shall occur during the appropriate season prior to construction. If special-status species are detected, SBCAG shall consult with CDFW on appropriate measures to avoid impacts and/or apply for permits as appropriate. B-27

Mitigation Measure #18: California Red-Legged Frog Work Windows. SBCAG shall limit all activities to May 1 – October 31 in areas identified as suitable habitat for California red-legged frog. B-28

Mitigation Measure #19: California Tiger Salamander and Arroyo Toad Habitat Avoidance. SBCAG shall require construction activities within 250 feet of intermittent or perennial waterways to occur only in compacted soils immediately adjacent to the roadway (e.g., shoulder) which contain no burrow openings. Construction activities in suitable California tiger salamander or arroyo toad habitat shall not disturb substrate (e.g., trenching in pavement, HDD, etc.). B-29

Mitigation Measure #20: California Tiger Salamander and Western Spadefoot Vernal Pool Surveys. A qualified biologist shall conduct a pre-construction survey along the project alignment plus a 250-foot radius if access is available prior to the date of initial ground disturbance and vegetation clearing. The qualified biologist shall assess all potential aquatic features identified during habitat assessments and species-specific surveys of Priority Areas. Potential vernal pools and seasonal wetlands shall be assumed present unless appropriate surveys during the wet season (i.e., when ponding is most likely to be evident) or other evidence demonstrates the aquatic feature is not present. B-30

Mitigation Measure #21: California Tiger Salamander and Western Spadefoot Avoidance Buffer. To limit impacts to suitable vernal pools and seasonal wetland/swale habitat, a qualified biologist shall delineate a 250-foot avoidance buffer as an environmentally sensitive area on plans and in the field and monitor these buffers, as necessary. No work shall occur within the avoidance buffers. B-31

Mitigation Measure #22: Kern Primrose Sphinx Moth Protection. In areas identified as habitat for Kern primrose sphinx moth, all activities shall be limited to May 1 to January 15. B-32

[6] https://tidesandcurrents.noaa.gov/map/index.shtml?lat=36.37410569300005&lng=-%20119.27022999999997&zoom=10

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure #23: Protection of Vandenberg Monkeyflower. To protect Vandenberg monkeyflower when working on SR-1 near Vandenberg Air Force Base, all work will occur within the pavement or east of SR-1. B-33

Mitigation Measure #24: Qualified Biologist. A qualified biologist shall be onsite during all ground-disturbing and vegetation removal activities. The qualified biologist shall conduct daily clearance surveys at the beginning of each day and regularly throughout the workday, and during ground disturbing activities. The qualified biologist shall conduct daily clearance surveys of all equipment, vehicles, and stockpiled materials at the beginning of each day and regularly throughout the workday when construction activities are occurring. The qualified biologist shall monitor any implemented exclusion buffers and check potential, atypical, and known burrows/burrow complexes/dens every two weeks when construction activities are occurring in suitable habitat for special-status species. B-34

Mitigation Measure #25: Wildlife Exclusion Fencing. SBCAG shall install wildlife exclusion fencing in stationary work areas where special-status species are present and construction activities or materials staging is anticipated to occur for greater than 72 hours, including trenchless/horizontal directional drilling (HDD) locations and jack and drill pits. Fencing shall be buried two feet underground in areas where the qualified biologist deems necessary. The qualified biologist shall inspect the fencing before the start of each workday. The fencing shall be maintained until the completion of the activity and shall be removed upon completion of the activity. To prevent species from becoming entangled, trapped, or injured, plastic mono-filament netting, jute netting, and any material with cross joints in the netting that are bound or stitched shall not be used for wildlife fencing. B-35

Mitigation Measure #26: Rain Limitations. SBCAG shall cease project activities on days with rainfall equal to or greater than 0.5 inch during a 24-hour period, or a forecast predicting this level of rain within areas identified as habitat for special-status species. Construction activities halted due to precipitation may resume when precipitation ceases, and when the National Weather Service 72- hour weather forecast indicates less than a 50 percent chance of 0.5 inch of rain or less during a 24-hour period. Before construction activities resume, the qualified biologist shall inspect the project area and all equipment/materials for the presence of special-status species. B-36

Mitigation Measure #27: Pre-Construction Mammalian Surveys. No more than seven days prior to the date of initial ground disturbance and vegetation clearing, a qualified biologist shall conduct a pre-construction survey, pedestrian and/or visual surveys as appropriate, for mammalian species suitable habitat and potential burrows/burrow complexes/dens along the project footprint, plus a 200-foot radius if access is available. B-37

Mitigation Measure #28: Pre-Construction Amphibian Surveys. A qualified biologist shall conduct a pre-construction survey for amphibians within the project footprint no more than seven days prior to the date of initial ground disturbance and vegetation B-38

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

clearing. This includes a thorough investigation of burrows, rocks, soil cracks, vegetation, logs, and any other debris or other species-appropriate habitat features that could serve as potential refuge habitat. If potential aestivation burrows are discovered, the qualified biologist shall monitor burrows during all project activities. B-38 (cont.)

Mitigation Measure #29: Plant Surveys During Blooming Period. A qualified biologist shall conduct pre-construction surveys for special-status plant species in areas identified as habitat for these plants during appropriate blooming periods. Surveys for La Graciosa thistle shall occur between May and August. Surveys for Vandenberg monkeyflower shall occur between April and June. Surveys for Ventura marsh milk-vetch shall occur between August and October. B-39

Mitigation Measure #30: Fish Aquatic Habitat Avoidance Buffer. SBCAG shall avoid suitable habitat for special-status fish determined during habitat assessments. A qualified biologist shall designate a 250-foot buffer around these areas as environmentally sensitive areas. A qualified biologist shall delineate these environmentally sensitive areas in the field and shall monitor these areas to limit disturbance to upland habitat adjacent to or over aquatic features. B-40

Mitigation Measure #31: Avoidance Buffer of Special-Status Plants. If surveys confirm the presence of special-status plants, then a qualified biologist shall establish a minimum 50-feet avoidance buffer around all special-status plant occurrences or their suitable habitat. Any vegetation clearing or ground disturbance within the avoidance buffer and/or their suitable habitat shall be minimal and only conducted under the observation of a qualified biologist. Direct disturbance to individual plants or seedbanks, and/or permanent alterations or degradation of habitat shall not occur. The upper four inches of topsoil during excavations shall be stockpiled separately and used to restore the disturbed areas. Actions shall be taken to ensure seedbank protection and topsoil remains viable for plant propagation (i.e., return to area in same season as removed, height of stockpiles kept as low as possible, 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). B-41

Mitigation Measure #32: Amphibian Aquatic Habitat Buffer. To avoid impacts to suitable aquatic breeding habitat for special-status amphibians, SBCAG shall designate a 250-foot avoidance buffer of these areas as an environmentally sensitive area on plans and in the field. The qualified biologist shall establish these buffers in the field and SBCAG shall not conduct construction activities within these buffers. B-42

ADDITIONAL COMMENTS

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § B-43

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A). B-43 (cont.)

CEQA Document Tiering. The draft PEIR states that specific locations of future broadband facility installations are not known at the time of document circulation (page ES-5), and future facilities could be built on currently undeveloped land and therefore may impact special-status plants or wildlife (page 4.2-82). Therefore, all Project impacts cannot be completely and accurately assessed using the draft PEIR. CDFW recommends that, for individual Projects nested under the proposed Project, the development of detailed site-specific information be deferred until a until SBCAG prepares future environmental document for those undefined projects (see CEQA Guidelines § 15151). CDFW recommends that SBCAG follow CEQA Guidelines sections 15162 and 15163 when preparing Subsequent or supplemental CEQA documents CEQA Guidelines sections 15162 and 15163. In addition to this recommendation, CDFW would appreciate the opportunity to review and comment on CEQA addendums associated with this draft PEIR. B-44

Survey Results. CDFW requests that the Project Proponent provide CDFW with the results of all pre-construction biological surveys conducted for the Project prior to Project initiation. B-45

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB website[7] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms. B-46

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[8].

SBCAG should ensure data collected for the preparation of the draft PEIR is properly submitted.

[7] https://wildlife.ca.gov/Data/CNDDB
[8] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.) B-47

CONCLUSION

CDFW appreciates the opportunity to comment on the draft PEIR to assist SBCAG in identifying and mitigating Project impacts on biological resources. CDFW is available to consult with SBCAG on wildlife connectivity, species impacts, and other topics related to the Project. CDFW welcomes the opportunity to discuss these matters further before SBCAG finalizes the PEIR. CDFW requests an opportunity to review and comment on any response that the SBCAG has to our comments prior to adoption of the PEIR and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)). B-48

Questions regarding this letter or further coordination should be directed to Victor Torres[9], Environmental Scientist.

Sincerely,

DocuSigned by:
Heather A. Pert
DF423498814B441...

Heather A. Pert
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Heather A. Pert, Environmental Program Manager
Jennifer Turner, Senior Environmental Scientist (Supervisory)
Erika Cleugh, Senior Environmental Scientist (Supervisory)

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

[9] Phone: 858-203-5873; Email: victor.torres@wildlife.ca.gov

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

REFERENCES

CDFW. (2009). Salmonid Stream Habitat Restoration Manual (Volume 2, 4th Edition), Part XII: Fish Passage Design and Implementation. CDFW.

CDFW. (2024). Missing Linkages in California's Landscape. Available at https://apps.wildlife.ca.gov/bios6/Default.aspx?al=ds2&col=proid&val=44269. Accessed December 2024.

Gillam, E. H. and McCracken, G. F. (2007). Variability in the echolocation of Tadarida brasiliensis: effects of geography and local acoustic environment. *Animal Behaviour*. 74:277–286.

Haddad, N. M., Brudvig, L. A., Clobert, J., Davies, K. F., Gonzalez, A., Holt, R. D., & Lovejoy, T. E. (2015). Habitat fragmentation and its lasting impact on Earth's ecosystems. *Applied Ecology*. 1(2).

Kight, C. R. and Swaddle, J. P. (2011). How and why environmental noise impacts animals: An integrative, mechanistic review. *Ecology Letters*. 14:1052–1061.

Patricelli, G. and Blickley, J. J. L. (2006). Avian communication in urban noise: causes and consequences of vocal adjustment. *Ornithology*. 123(3), 639.

Shannon, G., McKenna, M. F., Angeloni, L. M., Crooks, K. R., Fristrup, K. M., Brown, E., Warner, K. A., Nelson, M. D., White, C., Briggs, J., McFarland, S., and Wittemyer, G. (2016). A synthesis of two decades of research documenting the effects of noise on wildlife. *Biological Reviews*. 91:982-1005.

Slabbekoorn, H. and Ripmeester, E. A. P. (2008). Birdsong and anthropogenic noise: Implications and applications for conservation. *Molecular Ecology*. 17:72–83.

Sun, J. W. C. and Narins, P. M. (2005). Anthropogenic sounds differentially affect amphibian call rate. *Biological Conservation*. 121:419–427

Tennessen, J.B., Parks, S.E., and Langkilde, T. (2014). Traffic noise causes physiological stress and impairs breeding migration behaviour in frogs. *Conservation Physiology*. 2(1).

Thomson, R. C., Wright, A. N., and Shaffer, H. B. (2016). California Amphibian and Reptile Species of Special Concern. University of California Press.

Zeiner, D.C., W.F. Laudenslayer, Jr., K.E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Vol. I-III. California Depart. of Fish and Game, Sacramento, California.

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Seasonal Avian Work Windows. In areas identified as suitable habitat for the light-footed Ridgway's rail, SBCAG shall limit all project activities to September 1 to January 31. In areas identified as suitable habitat for the southwestern shallow flycatcher, SBCAG shall limit all project activities to September 1 to March 1. In areas identified as suitable habitat for the western snowy plover, SBCAG shall limit all project activities to September 1 to February 28.	During Project Construction	Lead Agency
Mitigation Measure #2: California Tiger Salamander and Western Spadefoot Habitat Work Windows. Depending on the type of suitable habitat identified during habitat assessments, SBCAG shall apply the following seasonal work windows. • All construction activities in areas identified as suitable upland and aquatic habitat, excluding vernal pools, seasonal wetlands, or swales, for California tiger salamander or western spadefoot during habitat assessments be limited to May 1 to October 31. • All construction activities within 250 feet of identified suitable vernal pool and seasonal wetland/swale habitat for California tiger salamander or western spadefoot during the habitat assessments and/or pre-construction California tiger salamander and western spadefoot habitat surveys shall be limited to June 1 to October 15. Within this work window, work is only	During Project Construction	Lead Agency

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
allowed if vernal pools remain dry for 72 hours consistent with Rain Limitations as defined in Mitigation Measure 29.		
Mitigation Measure #3: Western Snowy Plover Surveys. A qualified biologist shall conduct surveys within all suitable wintering habitat for western snowy plover in the project footprint and within a 50-foot buffer around the project footprint no more than 7 days prior to proposed work activities. If no plovers are detected, work shall proceed without restrictions. Surveys shall be conducted weekly thereafter, and work may proceed without restrictions if plovers are not detected. If one or more plovers are detected during a weekly survey, daily pre-activity plover surveys shall be started. If no plovers are detected during a daily pre-work survey, work may proceed without restrictions during that day. If plovers are detected, work shall stop immediately and not begin again until a qualified biologist has determined that the plovers have vacated the survey area. If no plovers are detected for seven consecutive days, daily surveys shall be replaced by weekly surveys until plovers are detected again.	Prior to Project Initiation	Lead Agency
Mitigation Measure #4: California Light-footed Ridgway's Rail Monitoring. A qualified biologist shall be present for all activities and conduct daily pre-construction surveys for light-footed Ridgway's rail, and when work occurs within suitable habitat during the non-breeding season (September 1 to January 31).	During Project Construction	Qualified Biologist

B-49 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #5: California Light-footed Ridgway's Rail Surveys. A qualified biologist shall conduct a pre-construction survey for suitable light-footed Ridgway's rail habitat within seven days prior to the commencement of construction activities.	Prior to Project Construction	Qualified Biologist
Mitigation Measure #6: Least Bell's Vireo Nest Buffers. A qualified biologist shall establish a minimum buffer distance of 500 feet around least Bell's vireo nests.	Prior to Project Construction	Qualified Biologist
Mitigation Measure #7: Noise-Reducing Features. Between February 15 and October 1, all heavy equipment shall have installed and maintained mufflers or other noise-reducing features when working adjacent to riparian vegetated areas.	During Project Construction	Lead Agency
Mitigation Measure #8: Consultation with CDFW. CDFW's Restoring California's Wildlife Connectivity report[10] highlighted several roadway segments in Santa Barbara County where CDFW and the California Department of Transportation will improve wildlife connectivity. SBCAG shall consult with CDFW when adding any permanent structures or temporarily or permanently altering the habitat at these locations: • Highway 1 Vandenberg to Burton Mesa post-mile (PM) 23.7-27.40	Prior to Project Initiation	Lead Agency

B-49 (cont.)

[10] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=204648&inline

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
• Highway 1 Vandenberg Road PM 29.9-36.10 • State Route 246 Purisima Hills to Santa Rosa Hills PM 18-24 • Highway 154 PM 10-24.5 • Gaviota Pass PM 44.8-51.1		
Mitigation Measure #9: Nighttime construction. Nighttime construction in areas important to wildlife connectivity should be avoided to minimize the indirect impacts of increased activity and noise levels during the hours that wildlife are more active and more likely to traverse the Project site and/or roadway.	During Project Construction	Lead Agency
Mitigation Measure #10: Construction Worker Environmental Awareness Program. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language and removing the language in strikethrough: If any sensitive biological resources (i.e., special-status species with a moderate to high potential to occur, sensitive natural communities, or aquatic resources) are determined to be present within or near construction areas during the Habitat Assessment, the Project Applicant shall retain a qualified biologist to conduct a pre-construction WEAP training for all personnel ~~working at the construction site~~ entering the Project area where sensitive habitats and/or species may be present. The WEAP should inform workers in recognizing special-status species, their habitat, ~~and~~ regulated biological resources known to occur or potentially occur on	Prior to Finalizing CEQA document	Lead Agency

B-49 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
the site, ~~and~~ 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 Project construction should attend the WEAP training prior to initiation of Project construction activities (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/trimming, grading, and excavation). The training should include information about the special-status species potentially occurring within the Project Site, 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 should also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the Project. • Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site. • All employees working at the Project Site shall be required to sign a form provided by the qualified biologist documenting they have attended the WEAP and understand the information presented to them. The signed form should be provided to the Project Applicant as documentation of training completion. The crew foreman should 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 Project after completion of the initial WEAP training, the training should be conducted for all new personnel		

B-49 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
before they ~~can participate in construction activities~~ enter the Project area where sensitive habitats and/or species may be present.		
Mitigation Measure #11: Invasive Plant Species Control Measures. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language: The Project Applicant shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or watershed to another. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website[11] and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website[12]. If any sensitive biological resources (i.e., special-status species with a moderate to high potential to occur, 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 should include all species with a Cal-IPC rating of moderate or high. Prior to entering the construction site, equipment should be inspected to confirm it is free of mud, dirt, and debris. For larger sites that would be accessed via non-paved roads, tire track stations should be installed at the construction site entrances and exits, where appropriate. Staging areas and	Prior to Finalizing CEQA document	Lead Agency

B-49 (cont.)

[11] https://www.cal-ipc.org/
[12] https://stopaquatichitchhikers.org/

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
access routes should avoid weed infestations, and infestations within the work area(s) should be flagged and avoided to the maximum extent feasible. Only certified weed-free materials (e.g., fiber rolls, straw, and fill) should be used during construction of future broadband facilities.		
Mitigation Measure #12: General Construction Best Management Practices. CDFW recommends SBCAG revise the following section of Mitigation Measure BIO-06: General Construction Best Management Practices by adding the underlined language: 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: Habitat Assessment). The construction foreman or biological monitor shall immediately notify the Project Applicant, <u>who then shall immediately inform CDFW</u>.	Prior to Finalizing CEQA document	Lead Agency
Mitigation Measure #13: Nesting Birds. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language and removing the language in strikethrough: If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat for nesting birds is identified at future broadband facility sites and construction is scheduled to commence during the avian nesting season (February 1–August 31 for songbirds,	Prior to Finalizing CEQA document	Lead Agency

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
and January 15 to August 31 for raptors), a qualified biologist shall conduct <u>two</u> ~~a~~ nesting bird surveys ~~within 7 days of the anticipated start date~~ to identify any active nests within 500 feet of the Project Site. <u>The first survey shall occur during the one week period prior to initiation Project activities and vegetation disturbance, and the second survey occur no more than 72 hours prior to Project activities. Surveys shall be conducted at the appropriate time of day during appropriate weather conditions within and adjacent to the Project site.</u> <u>Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of area subject to this Agreement; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. 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).</u> <u>If a nest is suspected, but not confirmed, the qualified biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. The qualified biologist 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 the nest, scan the site 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 shall monitor the nest for one hour (four hours		

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
for raptors during the non-breeding season) prior to approaching the nest to determine status. The qualified biologist 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 in the field. Construction activities shall not occur within the buffer until a qualified biologist 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 raptors; however, these may be reduced at the discretion of the qualified biologist 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 shall document baseline behavior, stage of reproduction, expected fledge date, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. The qualified biologist shall monitor the nest daily at the onset of Project activities, and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall adjust the buffer accordingly. The qualified biologist shall document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is suspected to have been abandoned or failed, the qualified biologist shall monitor the nest for a		

B-49 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
minimum of one hour (four hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the qualified biologist may approach the nest to assess the status. The Project Applicant under the direction of the qualified biologist, may also take steps to discourage nesting on the Project site, including moving equipment and materials daily, covering material with tarps or fabric, and securing all open pipes and construction materials. The qualified biologist shall ensure that none of the deterrent materials pose an entanglement risk to birds or other species. If construction temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the Project Site (including surrounding 500 feet) shall be resurveyed. If nesting birds are present within 500 feet of the Project Site, construction WEAP training shall be implemented by the qualified biologist 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 (per Mitigation Measure BIO-04: Qualified Biological Monitor).		
Mitigation Measure #14: Bats. CDFW recommends SBCAG revise the following mitigation measure by adding the underlined language and removing the language in strikethrough: If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat may be present for special-status bat species, then, prior to construction within 500 feet of	Prior to Finalizing CEQA document	Lead Agency

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
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 maternity roost sites are present ~~A~~ a qualified CDFW-approved biologist shall conduct presence/absence surveys for bats during each season ~~within 30 days~~ prior to the start of construction. Surveys shall be conducted during favorable weather conditions at each season 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 habitat on the Project site. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and 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 roosts are located, the roost shall be avoided and Project construction activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement of activities or provision of a suitable buffer (of no less than 100 feet) around the roost until roosting activities cease.~~ If active hibernacula or maternity roosts are identified in the work area or 500 feet extending from the work area, for maternity roosts, Project construction will 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 roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. A minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in		

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and 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 ~~such as netting~~ may be installed to discourage bats from occupying the site outside of maternity season in consultation with the CDFW. Netting shall not be used as exclusion material. If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), bat boxes shall be installed near the Project Site 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 that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. • Exclusion devices shall be designed not to entrap birds or bats and allow exit from, but not entry to, the exclusion. Exclusion devices shall be installed between September 30 and February 1 and removed at the end of construction. A qualified bat biologist shall be present upon exclusion installation and repair to survey for and ensure that birds and bats are not trapped behind devices. • Exclusion monitoring shall occur daily by a qualified biologist to determine effectiveness of devices. Any exclusion repair must be completed within 3 days of observation under supervision of a qualified bat biologist to ensure bat entrapment does not occur.		

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
• If night work is necessary, it shall be limited, and light shall be shielded from the bat roosts, hibernacula, and adjacent habitat. Lighting shall be directed away from non-active work areas.		
Mitigation Measure #15: San Joaquin Kit Fox Protection. The Project shall avoid suitable San Joaquin kit fox habitat, burrow complexes, and dens. A qualified biologist shall establish the following exclusion buffers around dens: 50 feet for potential dens, 100 feet for known dens, 200 feet for natal dens.	Prior to Project Initiation/During Project Construction	Lead Agency/Qualified Biologist
Mitigation Measure #16: Work Periods and Avoidance Buffer for Light-footed Ridgway's Rail Habitat. SBCAG shall not perform project activities within 700 feet of a tidal marsh area, or activities in or adjacent to suitable light-footed Ridgway's rail habitat year-round within two hours before or after high tides, defined as 6.5 feet or above measured at the nearest tide gauge and adjusted to the timing of local high tides. Current and predicted tides and currents measured at the nearest monitoring station can be accessed via CO-OPS Map - NOAA Tides & Currents[13]	During Project Construction	Lead Agency
Mitigation Measure #17: Habitat Assessments and Species-Specific Surveys. SBCAG shall conduct habitat assessments and species-specific surveys for California tiger salamander, red-legged frog, arroyo toad, and western spadefoot. These surveys shall occur during the appropriate season prior to construction. If	Prior to Project Initiation	Qualified Biologist

B-49 (cont.)

[13] https://tidesandcurrents.noaa.gov/map/index.shtml?lat=36.37410569300005&lng=-%20119.27022999999997&zoom=10

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
special-status species are detected, SBCAG shall consult with CDFW on appropriate measures to avoid impacts and/or apply for permits as appropriate.		
Mitigation Measure #18: California Red-Legged Frog Work Windows. SBCAG shall limit all activities to May 1 – October 31 in areas identified as suitable habitat for California red-legged frog.	During Construction	Qualified Biologist
Mitigation Measure #19: California Tiger Salamander and Arroyo Toad Habitat Avoidance. SBCAG shall require construction activities within 250 feet of intermittent or perennial waterways to occur only in compacted soils immediately adjacent to the roadway (e.g., shoulder) which contain no burrow openings. Construction activities in suitable California tiger salamander or arroyo toad habitat shall not disturb substrate (e.g., trenching in pavement, HDD, etc.).	During Construction	Lead Agency
Mitigation Measure #20: California Tiger Salamander and Western Spadefoot Vernal Pool Surveys. A qualified biologist shall conduct a pre-construction survey along the project alignment plus a 250-foot radius if access is available prior to the date of initial ground disturbance and vegetation clearing. The qualified biologist shall assess all potential aquatic features identified during habitat assessments and species-specific surveys of Priority Areas. Potential vernal pools and seasonal wetlands shall be assumed present unless appropriate surveys during the wet	Prior to Project Initiation	Qualified Biologist

B-49 (cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
season (i.e., when ponding is most likely to be evident) or other evidence demonstrates the aquatic feature is not present.		
Mitigation Measure #21: California Tiger Salamander and Western Spadefoot Avoidance Buffer. To limit impacts to suitable vernal pools and seasonal wetland/swale habitat, a qualified biologist shall delineate a 250-foot avoidance buffer as an environmentally sensitive area on plans and in the field and monitor these buffers, as necessary. Vegetation shall be cleared by hand and monitored by a qualified biologist when within the aquatic habitat avoidance buffer.	During Project Construction	Qualified Biologist
Mitigation Measure #22: Kern Primrose Sphinx Moth Protection. In areas identified as habitat for Kern primrose sphinx moth, all activities shall be limited to May 1 to January 15.	During Project Construction	Lead Agency
Mitigation Measure #23: Protection of Vandenberg Monkeyflower. To protect Vandenberg monkeyflower when working on SR-1 near Vandenberg Air Force Base, all work will occur within the pavement or east of SR-1.	During Project Construction	Lead Agency
Mitigation Measure #24: Qualified Biologist. A qualified biologist shall be onsite during all ground-disturbing and vegetation removal activities. The qualified biologist shall conduct daily clearance surveys at the beginning of each day and regularly throughout the workday, and during ground disturbing activities. The qualified biologist shall conduct daily clearance surveys of all equipment, vehicles,	During Project Construction	Qualified Biologist

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
and stockpiled materials at the beginning of each day and regularly throughout the workday when construction activities are occurring. The qualified biologist shall monitor any implemented exclusion buffers and check potential, atypical, and known burrows/burrow complexes/dens every two weeks when construction activities are occurring in suitable habitat for special-status species.		
Mitigation Measure #25: Wildlife Exclusion Fencing. SBCAG shall install wildlife exclusion fencing in stationary work areas where special-status species are present and construction activities or materials staging is anticipated to occur for greater than 72 hours, including trenchless/horizontal directional drilling (HDD) locations and jack and drill pits. Fencing shall be buried two feet underground in areas where the qualified biologist deems necessary. The qualified biologist shall inspect the fencing before the start of each workday. The fencing shall be maintained until the completion of the activity and shall be removed upon completion of the activity. To prevent species from becoming entangled, trapped, or injured, plastic mono-filament netting, jute netting, and any material with cross joints in the netting that are bound or stitched shall not be used for wildlife fencing.	During Project Construction	Lead Agency
Mitigation Measure #26: Rain Limitations. SBCAG shall cease project activities on days with rainfall equal to or greater than 0.5 inch during a 24-hour period, or a forecast predicting this level of rain within areas identified as habitat for special-status species. Construction activities halted due to precipitation may resume when precipitation ceases, and when the National Weather Service 72- hour weather forecast indicates less than a 50 percent chance of 0.5 inch of rain or less during a 24-hour period. Before construction activities resume, the qualified	During Project Construction	Lead Agency

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
biologist shall inspect the project area and all equipment/materials for the presence of special-status species.		
Mitigation Measure #27: Pre-Construction Mammalian Surveys. No more than seven days prior to the date of initial ground disturbance and vegetation clearing, a qualified biologist shall conduct a pre-construction survey, pedestrian and/or visual surveys as appropriate, for mammalian species suitable habitat and potential burrows/burrow complexes/dens along the project footprint, plus a 200-foot radius if access is available.	Prior to Project Initiation	Qualified Biologist
Mitigation Measure #28: Pre-Construction Amphibian Surveys. A qualified biologist shall conduct a pre-construction survey for amphibians within the project footprint no more than seven days prior to the date of initial ground disturbance and vegetation clearing. This includes a thorough investigation of burrows, rocks, soil cracks, vegetation, logs, and any other debris or other species-appropriate habitat features that could serve as potential refuge habitat. If potential aestivation burrows are discovered, the qualified biologist shall monitor burrows during all project activities.	Prior to Project Initiation	Qualified Biologist
Mitigation Measure #29: Plant Surveys During Blooming Period. A qualified biologist shall conduct pre-construction surveys for special-status plant species in areas identified as habitat for these plants during appropriate blooming periods. Surveys for La Graciosa thistle shall occur between May and August. Surveys for	Prior to Project Initiation	Qualified Biologist

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
Vandenberg monkeyflower shall occur between April and June. Surveys for Ventura marsh milk-vetch shall occur between August and October.		
Mitigation Measure #30: Fish Aquatic Habitat Avoidance Buffer. SBCAG shall avoid suitable habitat for special-status fish determined during habitat assessments. A qualified biologist shall designate a 250-foot buffer around these areas as environmentally sensitive areas. A qualified biologist shall delineate these environmentally sensitive areas in the field and shall monitor these areas to limit disturbance to upland habitat adjacent to or over aquatic features.	Prior to Project Initiation	Lead Agency/Qualified Biologist
Mitigation Measure #31: Avoidance Buffer of Special-Status Plants. If surveys confirm the presence of special-status plants, then a qualified biologist shall establish a minimum 50-feet avoidance buffer around all special-status plant occurrences or their suitable habitat. Any vegetation clearing or ground disturbance within the avoidance buffer and/or their suitable habitat shall be minimal and only conducted under the observation of a qualified biologist. Direct disturbance to individual plants or seedbanks, and/or permanent alterations or degradation of habitat shall not occur. The upper four inches of topsoil during excavations shall be stockpiled separately and used to restore the disturbed areas. Actions shall be taken to ensure seedbank protection and topsoil remains viable for plant propagation (i.e., return to area in same season as removed, height of stockpiles kept as low as possible, protect stockpiles from wind erosion or other	During Project Construction	Qualified Biologist

B-49
(cont.)

Docusign Envelope ID: F57C147F-711C-48D1-BF7E-CF6860762A E

Mitigation Measure	Timing	Responsible Party
damage, soil not treated with pesticides, and/or any cover, if added, would not result in soil sterilization).		
Mitigation Measure #32: Amphibian Aquatic Habitat Buffer. To avoid impacts to suitable aquatic breeding habitat for special-status amphibians, SBCAG shall designate a 250-foot avoidance buffer of these areas as an environmentally sensitive area on plans and in the field. The qualified biologist shall establish these buffers in the field and SBCAG shall not conduct construction activities within these buffers.	During Project Construction	Lead Agency/ Qualified Biologist

B-49
(cont.)

Letter B

COMMENTER: Victor Torres, Environmental Scientist, South Coast Region (5), Habitat Conservation Planning

DATE: 1/17/2025

Response B-1

The comment serves as an introduction to the comments that follow. No response is necessary.

Response B-2

The comment serves as an introduction of CDFW's role as California's Trustee Agency for fish and wildlife resources, and that CDFW may serve as a Responsible Agency under CEQA. No response is necessary.

Response B-3

The comment provides a summary of the project description, location, and timeframe of the Project. No response is necessary.

Response B-4

The comment provides a summary of the biological setting of the Project. No response is necessary.

Response B-5

The commenter states that the PEIR is intended for the whole County, but that the PEIR only analyzed the nine Priority Areas. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Priority Area Projects were evaluated as well as Future Broadband Facilities, which cover future projects at a programmatic level for the entirety of the County. Thus, this comment is erroneous.

Response B-6

The comment provides a summary of the vegetation communities with the Priority Areas and the special-status plant and wildlife species within the County that have a moderate to high potential to occur. This comment also notes that CDFW commented on the Project Notice of Preparation document on June 28, 2024. No response is necessary.

Response B-7

The comment serves as an introduction to the comments that follow. No response is necessary.

Response B-8

The comment states that Project construction will increase noise and vibration, which may cause adverse impacts to special-status species. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, construction related impacts, including an increase in

noise, were analyzed, and it was acknowledged that such impacts may temporarily result in a loss of suitable habitat for special-status wildlife species. In order to avoid and/or minimize construction-related impacts to special-status wildlife species, mitigation measures (Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program; Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County) were prescribed to reduce construction-related disturbances to these species. Additionally, Mitigation Measures BIO-06, BIO-08 through BIO-28, has been revised to provide further noise minimization measures, species-specific seasonal restrictions, and avoidance buffers, which will reduce adverse noise and vibration impacts to special-status wildlife species.

Response B-9

The comment provides a suggested mitigation measure for seasonal avian work windows. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised to provide further species-specific seasonal restrictions that incorporate suggestions from this comment.

Response B-10

The comment provides a suggested mitigation measure for California tiger salamander and western spadefoot habitat work windows. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measures BIO-14: California Tiger Salamander within Priority Areas and BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas have been added to provide further species-specific seasonal restrictions that incorporate suggestions from this comment.

Response B-11

The comment provides a suggested mitigation measure for western snowy plover pre-construction surveys. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas has been added to provide further species-specific protective measures that incorporate suggestions from this comment.

Response B-12

The comment provides a suggested mitigation measure for California light-footed Ridgway rail monitoring. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised to provide further species-specific monitoring that incorporates suggestions from this comment.

Response B-13

The comment provides a suggested mitigation measure for California light-footed Ridgway rail pre-construction surveys. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised to provide further species-specific protective measures that incorporate suggestions from this comment.

Response B-14

The comment provides a suggested mitigation measure for least Bell's vireo nest buffers. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised to provide further species-specific avoidance buffers that incorporate suggestions from this comment.

Response B-15

The comment provides a suggested mitigation measure for noise-reducing features. Mitigation Measure BIO-06: General Construction Best Management Practices has been revised to require mufflers on heavy equipment to minimize noise and incorporates suggestions from this comment.

Response B-16

The comment states that Project construction may increase barriers to wildlife connectivity. As described in Section 4.2.3, Analysis, Impacts and Mitigation (pages 4.2-119 through 4.2-122), of the Biological Resources Section of the Draft EIR, the Project would focus construction along roadways and construction activities could result in localized, short-term hinderance of movement by resident or migratory wildlife due to temporary noise, lighting, dust, and human activities within the Priority Areas or for future broadband facilities within the County. Long-term loss of habitat that could support species movement would be minimal and would not hinder use of habitat linkages of wildlife movement corridors. Additionally, Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County and BIO-09: Non-Listed Special-Status Wildlife Species within the County have been revised and Mitigation Measures BIO-14: California Tiger Salamander within Priority Areas, BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas, BIO-21: Non-Listed Special-Status Amphibians within Priority Areas, as well as other species-specific mitigation measures have been added to provide further species-specific seasonal restrictions, avoidance buffers, and protection measures, which will provide further protection for specific special-status wildlife species, including Coast Range newt, California tiger salamander, and southwestern pond turtle, that may move through a project area. Furthermore, future broadband facilities would have to prepare project-specific CEQA documentation at which time CDFW would be notified as a Responsible Agency and would have the opportunity to provide further comments and recommendations as appropriate.

Response B-17

The comment provides a suggested mitigation measure requiring consultation with CDFW for projects within specific locations within the County where CDFW and the California Department of Transportation will improve wildlife connectivity. Mitigation Measure BIO-32: Wildlife Connectivity has been added to allow for collaboration with the Project Applicant and CDFW for projects within those specific locations of concern.

Response B-18

The comment provides a suggested mitigation measure for restricting nighttime construction. Mitigation Measure BIO-06 has been revised to provide prohibit nighttime construction activities within 500 feet of sensitive biological resources or wildlife corridors.

Response B-19

The comment states that proposed avoidance and minimization measures do not provide adequate protection for existing and potential fish and wildlife resources. It does not propose avoidance measures for San Joaquin kit fox, light-footed Ridgway's rail, California red-legged frog, arroyo toad, California tiger salamander, western spadefoot, Kern primrose sphinx moth, and Vandenberg monkeyflower, and it does not propose avoidance and minimization measures which specify pre-construction surveys, seasonal restrictions, habitat buffers, and relocation plans for some of the wildlife in the Project area.

As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Mitigation Measure BIO-02: Special-Status Plant Species would require that 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 the Project. If avoidance is not feasible and Project-related 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 that may include partial avoidance; preservation; and/or on-site or off-site restoration, translocation, and/or seed collection to create a similar population. If restoration and/or translocation is needed, a restoration/revegetation plan must be prepared and approved by CDFW.

Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County would require that if endangered/threatened wildlife species are 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 these endangered/threatened wildlife species and direct impacts to occupied habitats, additional avoidance and minimization measures may be required, such as constructing Project facilities outside the breeding season, establishing a suitable avoidance buffer around known territories, and restricting activities around certain times of year. If the Project results 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 occupied habitat (e.g., at a minimum mitigation-to-impact ratio of 2:1 or greater). Additionally, Mitigation Measures BIO-13, BIO-14, BIO-15, BIO-18, and BIO-19 have been added to provide further species-specific seasonal restrictions, avoidance buffers, and protection measures, which will provide further protections for specific special-status wildlife species, including San Joaquin kit fox, light-footed Ridgway's rail, California red-legged frog, arroyo toad, California tiger salamander, western spadefoot, and Kern primrose sphinx moth.

Response B-20

The comment provides suggested revisions for the mitigation measure related to the Construction Worker Environmental Awareness Program. Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program has been revised with the suggested revisions.

Response B-21

The comment provides suggested revisions for the mitigation measure related to Invasive Plant Species Control Measures. Mitigation Measure BIO-05: Invasive Plant Species Control Measures has been revised with the suggested revisions.

Response B-22

The comment provides suggested revisions for the mitigation measure related to General Construction Best Management Practices. Mitigation Measure BIO-06: General Construction Best Management Practices has been revised with the suggested revisions.

Response B-23

The comment provides suggested revisions for the mitigation measure related to Nesting Birds. Mitigation Measure BIO-27: Nesting Birds has been revised to incorporate suggestions from this comment.

Response B-24

The comment provides suggested revisions for the mitigation measure related to Bats. Mitigation Measure BIO-28: Bats has been revised to incorporate suggestions from this comment.

Response B-25

The comment provides a suggested mitigation measure for San Joaquin kit fox protection. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measure BIO-18: San Joaquin Kit Fox within Priority Areas has been added to provide further species-specific avoidance buffers that incorporate suggestions from this comment.

Response B-26

The comment provides a suggested mitigation measure for California light-footed Ridgway rail work periods and avoidance. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised to provide further species-specific protective measures that incorporate suggestions from this comment.

Response B-27

The comment provides a suggested mitigation measure for habitat assessments and species-specific surveys for California tiger salamander, red-legged frog, arroyo toad, and western spadefoot. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment requires a habitat assessment to identify suitable habitat to support special-status wildlife species, and Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County requires species-specific protocol surveys following the most recent applicable USFWS and/or CDFW protocol guidelines. If special-status wildlife species are detected, Mitigation Measure BIO-08 outlines avoidance and minimization measures may be required, or if the Project results 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 occupied habitat (e.g., at a minimum mitigation-to-impact ratio of 2:1 or greater).

Response B-28

The comment provides a suggested mitigation measure for California red-legged frog work windows. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measure BIO-13: California Red-Legged Frog within Priority Areas has been added to provide further species-specific seasonal restrictions that incorporate suggestions from this comment.

Response B-29

The comment provides a suggested mitigation measure for California tiger salamander and arroyo toad habitat avoidance. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measures BIO-14: California Tiger Salamander within Priority Areas and Mitigation Measure BIO-15: Arroyo Toad within Priority Areas have been added to provide further species-specific protective measures that incorporate suggestions from this comment.

Response B-30

The comment provides a suggested mitigation measure for California tiger salamander and western spadefoot vernal pool surveys. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment requires a habitat assessment to identify suitable habitat to support special-status wildlife species, and Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County requires species-specific protocol surveys following the most recent applicable USFWS and/or CDFW protocol guidelines. Additionally, Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measures BIO-14: California Tiger Salamander within Priority Areas and Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas have been added to provide further species-specific protective measures that incorporate suggestions from this comment.

Response B-31

The comment provides a suggested mitigation measure for California tiger salamander and western spadefoot avoidance buffer. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measures BIO-14: California Tiger Salamander within Priority Areas and Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas have been added to provide further species-specific avoidance buffers that incorporate suggestions from this comment.

Response B-32

The comment provides a suggested mitigation measure for Kern primrose sphinx moth protection. Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County has been revised and Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas has been added to provide further species-specific seasonal restrictions that incorporate suggestions from this comment.

Response B-33

The comment provides a suggested mitigation measure for Vandenberg monkeyflower protection. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Mitigation Measure BIO-02 would require that 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 the Project. If avoidance is not feasible and Project-related 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 that may include partial avoidance; preservation; and/or on-site or off-site restoration, translocation, and/or seed collection to create a similar population. If restoration and/or translocation is needed, a restoration/revegetation plan must be prepared and approved by CDFW. Additionally, Mitigation Measure BIO-02: Special-Status Plant Species has been revised to include that if the Project 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).

Response B-34

The comment provides a suggested mitigation measure for a qualified biologist. Mitigation Measure BIO-04: Qualified Biological Monitor has been revised to incorporate suggestions from this comment, including having a qualified biologist be onsite during all ground-disturbing and vegetation removal activities.

Response B-35

The comment provides a suggested mitigation measure for wildlife exclusion fencing. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Mitigation Measure BIO-06: General Construction Best Management Practices would require all open trenches or excavations to be fenced and/or sloped to prevent entrapment of wildlife species or have wildlife ramps available to allow for escape. Additionally, Mitigation Measure BIO-04: Qualified Biological Monitor requires a qualified biologist to be on-site regularly for work occurring near sensitive biological resources. 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 Project activities.

Response B-36

The comment provides a suggested mitigation measure for rain limitations to cease project activities. However, construction crews typically do not work in heavy rain conditions due to safety concerns. Furthermore, this suggested mitigation measure does not offset specific impacts to special-status species.

Response B-37

The comment provides a suggested mitigation measure for pre-construction mammalian surveys. Mitigation Measures BIO-08: Listed Endangered/Threatened Wildlife Species within the County and BIO-09: Non-Listed Special-Status Wildlife Species within the County have been revised and Mitigation Measure BIO-25: Non-Listed Special-Status Mammals within Priority Areas has been added, which

incorporate suggestions from this comment, including the timing for pre-construction surveys to occur within seven days prior to ground disturbance and vegetation clearing.

Response B-38

The comment provides a suggested mitigation measure for pre-construction amphibian surveys. Mitigation Measures BIO-08: Listed Endangered/Threatened Wildlife Species within the County and BIO-09: Non-Listed Special-Status Wildlife Species within the County have been revised and Mitigation Measure BIO-21: Non-Listed Special-Status Amphibians within Priority Areas has been added, which incorporate suggestions from this comment, including the timing for pre-construction surveys to occur within seven days prior to ground disturbance and vegetation clearing.

Response B-39

The comment provides a suggested mitigation measure for plant surveys during the appropriate blooming period. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Mitigation Measures BIO-02: Special-Status Plant Species requires special-status plant surveys during the appropriate blooming period for each species with a moderate to high potential to occur to be conducted by a qualified biologist(s) prior to construction. This includes La Graciosa thistle, Vandenberg monkeyflower, and Ventura marsh milkvetch.

Response B-40

The comment provides a suggested mitigation measure for a fish aquatic habitat avoidance buffer. Mitigation Measures BIO-08: Listed Endangered/Threatened Wildlife Species within the County and BIO-09: Non-Listed Special-Status Wildlife Species within the County have been revised and Mitigation Measure BIO-23: Non-Listed Special-Status Fish within Priority Areas has been added, which allow qualified biologists to establish suitable avoidance buffers based on special-status species present.

Response B-41

The comment provides a suggested mitigation measure for a special-status plant avoidance buffer. Mitigation Measures BIO-02: Special-Status Plant Species was revised to incorporate suggestions from this comment, including requiring a setback buffer of at least 50 feet and topsoil salvage.

Response B-42

The comment provides a suggested mitigation measure for an amphibian aquatic habitat buffer. Mitigation Measures BIO-08: Listed Endangered/Threatened Wildlife Species within the County and BIO-09: Non-Listed Special-Status Wildlife Species within the County have been revised and Mitigation Measure BIO-21: Non-Listed Special-Status Amphibians within Priority Areas has been added, which allow qualified biologists to establish suitable avoidance buffers based on special-status species present.

Response B-43

The comment recommends that the environmental document include CDFW's suggested mitigation measures. Suggested mitigation measures were incorporated as revisions where determined appropriate.

Response B-44

The comment states that all Project impacts cannot be completely and accurately assessed using the draft PEIR. CDFW recommends that, for individual Projects nested under the proposed Project, the development of detailed site-specific information be deferred until the Project Applicant prepares future

environmental documents for those undefined projects. As described in Section 4.2.3, Analysis, Impacts and Mitigation, of the Biological Resources Section of the Draft EIR, Priority Area Projects were evaluated as well as Future Broadband Facilities, which cover future projects at a programmatic level for the entirety of the County. Mitigation measures were revised, incorporating suggestions from CDFW's comment letter. Additionally, if any subsequent or supplemental CEQA documents are required, CDFW would have the opportunity to review and comment on CEQA addendums associated with this draft PEIR. Future broadband facilities would have to prepare project-specific CEQA documentation at which time CDFW would be notified as a Responsible Agency and would have the opportunity to provide further comments and recommendations as appropriate.

Response B-45

The comment states that CDFW requests the results of all pre-construction biological surveys conducted for the Project be provided to CDFW prior to Project initiation. The Project Applicant will have copies of pre-construction survey reports, which can be provided to CDFW upon request.

Response B-46

This comment notes that CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. The comment also requests that any special status species and natural communities be reported to the California Natural Diversity Database (CNDDB), and information on special status native plant populations and sensitive natural communities be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form. The Project Applicant will report all special-status species observances and sensitive natural communities to CNDDB and CDFW's Vegetation Classification and Mapping Program as appropriate.

Response B-47

This comment notes that CDFW requires an environmental filing fee. The Project Applicant will pay all applicable CDFW filing fees. Future project applicants will be responsible for their own CDFW filing fees.

Response B-48

This comment provides a closing statement regarding the comments provided in this letter and does not raise any issues related to the Project's impact on the physical environment under CEQA. No further response is necessary.

Response B-49

This comment consists of a table summarizing the suggested text changes to the Project's Mitigation Monitoring and Reporting Program (MMRP) provided by the commenter in the preceding substantive comments. As discussed in prior responses, mitigation measures have been added and existing measures modified to respond to issues raised by the commenter; however, the revised mitigation measures provided in Chapter 3, Amendments to the Draft PEIR, and contained in Chapter 4, Mitigation Monitoring and Reporting Program, of this Final PEIR, reflect the input provided by the commenter and address the range of potential impacts raised in the comment letter. Although the mitigation text may vary from that ultimately applied to the revised mitigation measures, the summary table does not provide any new information beyond what was already provided in comments B-1 through B-48, and as such, this comment does not raise any substantive issues regarding the Draft PEIR or the analysis presented therein. Refer to Responses B-2 through B-48, above. No further response is necessary.

LETTER C

From: Steve Johnson
To: SBCAG Information Requests
Subject: SANTA BARBARA COUNTY LAST-MILE BROADBAND PROGRAM
Date: Friday, November 22, 2024 7:26:16 AM

The following are comments on the
SANTA BARBARA COUNTY LAST-MILE BROADBAND PROGRAM Programmatic EIR. C-1

Chapter 5 “Alternatives" C-2

1. Starlink satellite service should be considered as an alternative

2. Alternative 5.3.1 (Wifi/5G) is improperly excluded from detailed analysis. C-3
The stated reason for its exclusion is" reliability”, but the difference in reliability is not quantified.
Wifi/5G is commercially available at many locations throughout Santa Barbara County.
An effort should be made to quantify the reliability of those services.
Further, the much lower cost of Wifi/5G should be given consideration.

Steven Johnson
steve@stevej.com
http://www.stevej.com
805-699-5364
319 W Cota, SB 93101

Letter C

COMMENTER: Steven Johnson, 319 W. Cota, Santa Barbara, CA 93101

DATE: 11/22/2024

Response C-1

This comment serves as an introduction to the comments that follow.

Response C-2

Under case law and CEQA Guidelines Section 15126.6(f), the discussion of alternatives is subject to a rule of reason, and need not be exhaustive. An EIR need not consider a project alternative whose effects cannot be reasonably ascertained, whose implementation is remote and speculative, or whose execution does not substantially lessen or avoid the significant effects of a proposed project. In determining an appropriate range of project alternatives to be evaluated in this Draft EIR, a number of possible alternatives were initially considered and then rejected. Project alternatives were rejected because they could not accomplish the basic objectives of the Project, they would not have resulted in a reduction of significant adverse environmental impacts, or they were considered infeasible to construct or operate. Given this robust alternatives evaluation, the alternatives analysis contained in the Draft EIR adequately satisfies CEQA's requirement to evaluate a reasonable range of alternatives, and the inclusion of additional alternatives, such as star link satellite service, is not necessary.

Response C-3

As discussed in Section 5, Alternatives, of the Draft EIR, the Wifi/5G alternative does not meet most of the project objectives. Therefore, this alternative was not selected for detailed analysis. No further response is necessary.

CHAPTER 3
Amendments to the Draft PEIR

This section provides a summary record of all text amendments to the Draft PEIR. Most amendments are the result of comments received during the public review period, and directly respond to those comments, or correct typographical errors within the Draft PEIR. None of the changes would warrant recirculation of the PEIR pursuant to CEQA Guidelines Section 15088.5. The amendments serve to clarify and strengthen the content of the EIR, but do not introduce significant new information. Changes in text are signified by ~~strikeout~~s where text is removed and by double underlined font where text is added. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments.

EXECUTIVE SUMMARY

Page ES-10 through ES-23

Text in the Mitigation Measures column for Impacts 1 through 5 under Biological Resources is modified as follows:

> **Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment.** For construction within the priority areas and/or the County, vegetation mapping and a ~~A~~ habitat assessment ~~should~~shall be conducted prior to ground-disturbing activities within 500 feet of ~~each project component footprint~~work areas. Vegetation mapping ~~should~~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 ~~occurs~~ to support special-status plant species, special-status wildlife species, or nesting bird species occurs, ~~or sensitive natural communities,~~ then no further mitigation is necessary. If any sensitive natural communities or suitable habitat for ~~any of these sensitive resources~~any special-status plant or wildlife species is determined to be present, then one or more of the following mitigation measures ~~may be applicable~~ shall be implemented, as applicable.
>
> **Mitigation Measure BIO-02: Special-Status Plant Species.** For construction within the priority areas and/or the County, ~~I~~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 ~~should~~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, ~~as recommended by the qualified biologist,~~ shall be established and these species ~~should~~shall be avoided by ~~the Project~~construction activities.
>
> If avoidance of the special-status plant species is not feasible and ~~Project-related~~ 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 ~~should~~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).

Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP). For construction within the Priority Areas and/or the County, if~~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~~ 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 ~~working at the construction site~~ entering the work area where sensitive species and/or their habitats may be present. The WEAP ~~should~~shall inform workers in recognizing special-status species, their habitat, ~~and~~ regulated biological resources known to occur or potentially occur ~~on the site~~ within the work areas, ~~and~~ 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 ~~Project~~ construction ~~should~~shall attend the WEAP training prior to initiation of ~~Project~~ construction activities (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/trimming, grading, and excavation). The training should include information about the special-status species potentially occurring within the ~~Project Site~~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 ~~should~~shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction ~~of the Project~~.
- 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 ~~working at the Project Site~~ 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 ~~should~~shall be provided to the Project Applicant as documentation of training completion. The crew foreman ~~should~~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 ~~Project~~work area after completion of the initial WEAP training, the training ~~should~~shall be conducted for all new personnel before they enter the work area where sensitive species and/or their habitats may be present ~~can participate in construction activities~~.

Mitigation Measure BIO-04: Qualified Biological Monitor. For construction within Priority Areas and/or the County, if~~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~~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) ~~should~~shall be present during initial ground disturbance or 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), ~~should~~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 ~~Project~~ construction activities. ~~The biologist should recommend measures for compliance with avoidance and minimization measures and applicable permit conditions related to the protection of biological resources.~~

Mitigation Measure 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 ~~should~~shall include all species with a Cal-IPC rating of moderate or high. Prior to entering the ~~construction site~~work areas, equipment ~~should~~shall be inspected to confirm it is free of mud, dirt, and debris. For larger sites that would be accessed via non-paved roads, tire track stations ~~should~~shall be installed at the construction site entrances and exits, where appropriate. Staging areas and access routes ~~should~~shall avoid weed infestations, and infestations within the work area(s) ~~should~~shall be flagged and avoided to the maximum extent feasible. Only certified weed-free materials (e.g., fiber rolls, straw, and fill) ~~should~~shall be used during construction of future broadband facilities.

Mitigation Measure BIO-06: General Construction Best Management Practices. For construction within Priority Areas and/or the County, if~~f~~ 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 ~~construction site~~work area.
- No deliberate feeding of wildlife shall occur.
- No pets shall be allowed ~~on construction sites~~within work areas.
- No firearms shall be allowed ~~on construction sites~~within work areas.
- All vehicle and equipment maintenance shall be performed in designated staging areas.
- Access to the construction area shall ~~she~~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. ~~If construction activities must be performed at night (i.e., between dusk and dawn), all lighting shall be shielded and directed downwards to minimize light spillover and/or glare.~~
- All construction equipment used ~~on-site~~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 ~~Project~~ 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.

Mitigation Measure 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-constructionProject 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-constructionProject conditions are restored to equivalent or better condition.

Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat may be present for endangered or threatened special-status wildlife species (see Appendix C for special-status species listing status) 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 mitigationminimization measures may be required, such as 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).
- constructing Project facilities outside the breeding season, eEstablishing a suitable avoidance buffer around known territories, and (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).
- rRestricting 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 ~~the Project results~~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).

Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species. ~~Several State Species of Special Concern may be impacted by construction of future broadband network facilities. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat may be present for non-listed special-status wildlife species (see Appendix C for special-status species listing status)~~ 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 ~~Project~~ 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 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire ~~disturbance footprint~~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~~on-site~~. ~~Any non-listed special-status species observed shall be relocated from the site either through direct capture or through passive exclusion.~~
- 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.
- ~~Any special-status wildlife species observed by the qualified biologist or construction crew shall be allowed to move out of harm's way.~~ 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.
- ~~Upon completion of construction of the future broadband network facilities, a qualified biologist shall prepare a Final Compliance report documenting compliance activities implemented during construction, including the pre-construction survey results. The report shall be submitted within 30 days of completion of construction.~~

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure BIO-20: Non-Listed Special-Status Invertebrates within Priority Areas. Non-listed special-status invertebrates, including American bumble bee[1], may be impacted 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 foraging habitat may be present for American bumble bee, 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:

- Focused surveys shall be conducted by a qualified biologist(s) to determine presence/absence. Surveys shall be conducted during peak flying season (between June 1-October 31) when the species is most likely to be detected above ground. The qualified biologist(s) shall utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation.

[1] Although American bumble bee is not currently federally or State listed, this species has been studied extensively and the 2021 Petition to List the American Bumble Bee Bombus pensylvanicus as a federally Endangered Species under the U.S. Endangered Species Act may result in USFWS accepting it as a Candidate for listing. Therefore, this species is being considered as special-status for the purposes of this analysis.

- If American bumble bee is detected, the qualified biologist(s) shall identify the location of all nests within and adjacent to the work areas and a 15-meter no-disturbance buffer shall be established around any identified nest(s) to reduce the risk of disturbance. The qualified biologist(s) shall expand the buffer zone as necessary to prevent disturbance.

- Any floral resource associated with American bumble bee that will be removed or damaged by construction activities shall be replaced at no less than a 1:1 ratio. Floral resources shall be replaced as close to their original location as is feasible. If active American bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.

- Preconstruction clearance surveys shall be conducted by a qualified biologist(s) within 7 days of 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 any special-status invertebrates that may occur within the work areas.

- If any non-listed special-status invertebrates 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).

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

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

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

American bumble bee has declined by as much as 89 percent in terms of this species' relative abundance in the United States. Therefore, the Center for Biological Diversity and Bombus Pollinators Association of Law Students have submitted a Petition to List the American Bumble Bee Bombus Pensylvanicus as an Endangered Species Under the U.S. Endangered Species Act. If this petition is accepted, American bumble bee may become a Candidate for listing under FESA. If American bumble bee is detected and the species is listed or identified as a candidate for listing under FESA, then the Project Applicant would be required to consult with USFWS to obtain appropriate take authorization.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure BIO-2710: Nesting Birds. 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 at future broadband facility sites 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 atwo nesting bird surveys within 7 days of the anticipated start date to identify any active nests within 500 feet of the Project Sitework 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 Project Site (including surrounding 500 feet) shall be resurveyed. If nesting birds are present within 500 feet of the work areas Project Site, 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.

Mitigation Measure BIO-2811: Bats. For construction within the Priority Areas and/or the County, if 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:

- A 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 within 30 days 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 roosts are located, an appropriate setback buffer, as recommended by the qualified biologist, shall be established, the roost shall be avoided, and Project construction activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement of activities or provision of a suitable buffer (of no less than 100 feet) around the roost until roosting activities cease.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 such as netting may be installed to discourage bats from occupying the sitework 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 devicesProject Site. 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.

Mitigation Measure BIO-2612: Monarch Butterfly. Prior to completion of the final design, 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 project 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.

Mitigation Measure BIO-2913: Critical Habitat. For construction within the Priority Areas and/or the County, if ~~If~~ critical habitat will potentially be impacted by the construction~~Project~~, but there is no "federal nexus" ~~for the Project~~ (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 the construction~~Project~~; there is a federal nexus ~~for the Project~~; 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).

Mitigation Measure BIO-3014: Sensitive Natural Communities. 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 ~~P~~project design to determine if sensitive natural communities can be avoided.

Sensitive natural communities identified for avoidance ~~should~~shall be demarcated (e.g., using brightly colored flagging) and avoided during ~~Project~~ construction. The marked boundaries ~~should~~shall be maintained for the duration of ~~Project~~ construction activities in each work area and ~~should~~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~~Project~~ conditions (i.e., pre-Project 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~~Project~~ 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.

Mitigation Measure BIO-3115: Aquatic Resources. For construction within the Priority Areas and/or the County, an~~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 ~~should~~shall be demarcated (e.g., using brightly colored flagging) and avoided during ~~Project~~ construction. The marked boundaries ~~should~~shall be maintained for the duration of ~~Project~~ construction activities in each work area and ~~should~~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~~the Project~~, 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~~Project~~ conditions (i.e., pre-construction~~Project~~ 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~~Project~~ conditions (i.e., pre-construction~~Project~~ 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.

Mitigation Measure 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.

Mitigation Measure BIO-3316: Tree Protection. For construction within the Priority Areas and/or the County, if ~~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~~Project Site~~ 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~~on the Project Site~~.
- 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.

Page ES-32

Text in the Mitigation Measures column for Impact 1 under Noise and Vibration is modified as follows:

Mitigation Measure ~~4.6~~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.

SECTION 4.2, BIOLOGICAL RESOURCES

Page 4.2-83

Text in the second to last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status plant species within the Priority Areas, **Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-02: Special-Status Plant Species; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP);**

Page 4.2-91

The text in Table 4.2-3, *Special-Status Wildlife Species With Potential To Occur In Priority Areas*, in the row for burrowing owl (*Athene cunicularia*) under the Status column, is modified as follows:

SC; BCC; SCC

Page 4.2-94

Text in the second paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status invertebrates within the Priority Areas, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; ~~**Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species**; and **Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species**~~ **Mitigation Measure BIO-10: Crotch's Bumble Bee within Priority Areas; Mitigation Measure BIO-11: Vernal Pool Fairy Shrimp within Priority Areas; Mitigation Measure BIO-19: Listed Endangered/Threatened Species within Priority Areas; and Mitigation Measure BIO-20: Non-Listed Special Status Invertebrates within Priority Areas** would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status invertebrates within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-94

Text in the last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status fish within the Priority Areas Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; **Mitigation Measure BIO-12: Tidewater Goby within Priority Areas**; Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas; **Mitigation Measure BIO-23: Non-Listed Special-Status Fish within Priority Areas.** ~~Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species~~ would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status fish within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-95

Text in the second paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status amphibians within the Priority Areas, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; ~~Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species~~ **Mitigation Measure BIO-13: California Red-Legged Frog within Priority Areas; Mitigation Measure BIO-14: California Tiger Salamander within Priority Areas; Mitigation Measure BIO-15: Arroyo Toad within Priority Areas;** Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas; and **Mitigation Measure BIO-21: Non-Listed Special-Status Amphibians within Priority Areas,** would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status amphibians within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-95

Text in the last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status reptiles within the Priority Areas Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; ~~Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species~~ Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas; **Mitigation Measure BIO-22: Non-Listed Special-Status Reptiles within Priority Areas,** would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status reptiles within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-96

Text in the second paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status birds within the Priority Areas, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; ~~Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species; and **Mitigation Measure BIO-10: Nesting Birds**~~ **Mitigation Measure BIO-16: Burrowing Owl within Priority Areas; Mitigation Measure BIO-17: Southwestern Willow Flycatcher within Priority Areas;** Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas; **Mitigation Measure BIO-24: Non-Listed Special-Status Birds within Priority Areas; and Mitigation Measure BIO-27: Nesting Birds** would be implemented. With implementation of these mitigation measures,

construction-related impacts to special-status birds within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-97

Text in the first paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status mammals within the Priority Areas Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan Mitigation Measure; **Mitigation Measure BIO-18: San Joaquin Kit Fox within Priority Areas;** Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas; **Mitigation Measure BIO-25: Non-Listed Special-Status Mammals within Priority Areas;** ~~BIO-08: Endangered/Threatened Wildlife Species; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species;~~ and **Mitigation Measure BIO-28~~10~~: Bats** would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status mammals within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-97

Text in the second to last sentence in the second paragraph on the page is modified as follows:

Therefore, **Mitigation Measure BIO-29~~13~~: Critical Habitat** would be implemented.

Page 4.2-98

Text in the third paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status plant species within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-02: Special-Status Plant Species, Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; and Mitigation Measure BIO-07: Revegetation Plan would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status species within the County would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-99

Text in the second paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status invertebrates within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation

Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County; and **Mitigation Measure BIO-2612: Monarch Butterfly** would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status invertebrates within the County would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-99

Text in the second to last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status fish within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status fish within the County would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-100

Text in the second paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status amphibians within the Conty, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status amphibians within the County would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-100

Text in the second to last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status reptiles within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; and Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County would be implemented. With implementation of these mitigation measures, construction-related impacts to special-

status reptiles within the County would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-101

Text in the second paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status birds within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County; and Mitigation Measure BIO-27~~10~~: Nesting Birds would be implemented. With implementation of the aforementioned mitigation measures, construction-related impacts to special-status birds within the County would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-101

Text in the second to last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status mammals within the County Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County; and Mitigation Measure BIO-28~~11~~: Bats would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status mammals within the County would be reduced to a **less than significant** level with mitigation incorporated.

Pages 4.2-102 through 4.2-108

Text for Mitigation Measures BIO-1 through BIO-13 is revised and other mitigation text added as follows:

> **Mitigation Measure BIO-01: Vegetation Mapping and Habitat Assessment.** For construction within the priority areas and/or the County, vegetation mapping and a~~ A~~ habitat assessment ~~should~~shall be conducted prior to ground-disturbing activities within 500 feet of ~~each project component footprint~~work areas. Vegetation mapping ~~should~~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 ~~occurs~~ to support special-status plant species, special-status wildlife species, or nesting bird species occurs, ~~or sensitive natural communities,~~ then no further mitigation is necessary. If any sensitive natural communities or suitable habitat for ~~any of these~~

~~sensitive resources~~any special-status plant or wildlife species is determined to be present, then one or more of the following mitigation measures ~~may be applicable~~ shall be implemented, as applicable.

Mitigation Measure BIO-02: Special-Status Plant Species. For construction within the priority areas and/or the County, ~~I~~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 ~~should~~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, ~~as recommended by the qualified biologist,~~ shall be established and these species ~~should~~shall be avoided by ~~the Project~~construction activities.

If avoidance of the special-status plant species is not feasible and ~~Project-related~~ 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 ~~should~~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).

Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP). For construction within the Priority Areas and/or the County, if~~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~~ 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 ~~working at the construction site~~ entering the work area where sensitive species and/or their habitats may be present. The WEAP ~~should~~shall inform workers in recognizing special-status species, their habitat, ~~and~~ regulated biological resources known to occur or potentially occur ~~on the site~~ within the work areas, ~~and~~ 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 ~~Project~~ construction ~~should~~shall attend the WEAP training prior to initiation of ~~Project~~ construction activities (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/trimming, grading, and excavation). The training should include information about the special-status species potentially occurring within the ~~Project Site~~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 ~~should~~shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction ~~of the Project~~.
- 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 ~~working at the Project Site~~ 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 ~~should~~shall be provided to the Project Applicant as documentation of training completion. The crew foreman ~~should~~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 ~~Project~~work area after completion of the initial WEAP training, the training ~~should~~shall be conducted for all new personnel before they enter the work area where sensitive species and/or their habitats may be present ~~can participate in construction activities~~.

Mitigation Measure BIO-04: Qualified Biological Monitor. For construction within Priority Areas and/or the County, if~~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~~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) ~~should~~shall be present during initial ground disturbance or 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)~~,~~ ~~should~~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 ~~Project~~ construction activities. ~~The biologist should recommend measures for compliance with avoidance and minimization measures and applicable permit conditions related to the protection of biological resources.~~

Mitigation Measure 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 ~~should~~shall include all species with a Cal-IPC rating of moderate or high. Prior to entering the ~~construction site~~work areas, equipment ~~should~~shall be inspected to confirm it is free of mud, dirt, and debris. For larger sites that would be accessed via non-paved roads, tire track stations ~~should~~shall be installed at the construction site entrances and exits, where appropriate. Staging areas and access routes ~~should~~shall avoid weed infestations, and infestations within the work area(s) ~~should~~shall be flagged and avoided to the maximum extent feasible. Only certified weed-free materials (e.g., fiber rolls, straw, and fill) ~~should~~shall be used during construction of future broadband facilities.

Mitigation Measure BIO-06: General Construction Best Management Practices. For construction within Priority Areas and/or the County, if~~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 ~~construction site~~work area.
- No deliberate feeding of wildlife shall occur.
- No pets shall be allowed ~~on construction sites~~within work areas.
- No firearms shall be allowed ~~on construction sites~~within work areas.
- All vehicle and equipment maintenance shall be performed in designated staging areas.

- Access to the construction area shall ~~she~~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. ~~If construction activities must be performed at night (i.e., between dusk and dawn), all lighting shall be shielded and directed downwards to minimize light spillover and/or glare.~~
- All construction equipment used ~~on-site~~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 ~~Project~~ 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.

Mitigation Measure 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~~Project~~ 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~~Project~~ conditions are restored to equivalent or better condition.

Mitigation Measure BIO-08: Listed Endangered/Threatened Wildlife Species within the County. ~~If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat may be present for endangered or threatened special-status wildlife species (see Appendix C for special-status species listing status)~~ 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 ~~mitigation~~minimization measures may be required, ~~such as~~ 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).

- ~~constructing Project facilities outside the breeding season, e~~Establishing a suitable avoidance buffer around known territories~~, and~~ (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).

- ~~r~~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 ~~the Project results~~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).

Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species. ~~Several State Species of Special Concern may be impacted by construction of future broadband network facilities. If the results of the Habitat Assessment, completed as required by Mitigation Measure BIO-01: Habitat Assessment, determine that suitable habitat may be present for non-listed special-status wildlife species (see Appendix C for special-status species listing status)~~ 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 ~~Project~~ 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 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire ~~disturbance footprint~~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~~on site~~. ~~Any non-listed special-status species observed shall be relocated from the site either through direct capture or through passive exclusion.~~
- 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.
- ~~Any special-status wildlife species observed by the qualified biologist or construction crew shall be allowed to move out of harm's way.~~ 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.
- ~~Upon completion of construction of the future broadband network facilities, a qualified biologist shall prepare a Final Compliance report documenting compliance activities implemented during construction, including the pre-construction survey results. The report shall be submitted within 30 days of completion of construction.~~

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure BIO-20: Non-Listed Special-Status Invertebrates within Priority Areas. Non-listed special-status invertebrates, including American bumble bee[2], may be impacted 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 foraging habitat may be present for American bumble bee, 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:

- Focused surveys shall be conducted by a qualified biologist(s) to determine presence/absence. Surveys shall be conducted during peak flying season (between June 1-October 31) when the species is most likely to be detected above ground. The qualified biologist(s) shall utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation.

- If American bumble bee is detected, the qualified biologist(s) shall identify the location of all nests within and adjacent to the work areas and a 15-meter no-disturbance buffer shall be established around any identified nest(s) to reduce the risk of disturbance. The qualified biologist(s) shall expand the buffer zone as necessary to prevent disturbance.

- Any floral resource associated with American bumble bee that will be removed or damaged by construction activities shall be replaced at no less than a 1:1 ratio. Floral resources shall be replaced as close to their original location as is feasible. If active American bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.

- Preconstruction clearance surveys shall be conducted by a qualified biologist(s) within 7 days of 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 any special-status invertebrates that may occur within the work areas.

- If any non-listed special-status invertebrates are present within or near construction areas, a WEAP training shall be implemented by the qualified biologist(s) during construction

[2] Although American bumble bee is not currently federally or State listed, this species has been studied extensively and the 2021 Petition to List the American Bumble Bee *Bombus pensylvanicus* as a federally Endangered Species under the U.S. Endangered Species Act may result in USFWS accepting it as a Candidate for listing. Therefore, this species is being considered as special-status for the purposes of this analysis.

activities to avoid and/or minimize potential impacts to these species (see Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program).

- A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal.
- Any non-listed special-status invertebrates observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way.
- Any special-status invertebrates observed shall be reported to the CNDDB.

American bumble bee has declined by as much as 89 percent in terms of this species' relative abundance in the United States. Therefore, the Center for Biological Diversity and Bombus Pollinators Association of Law Students have submitted a Petition to List the American Bumble Bee Bombus Pensylvanicus as an Endangered Species Under the U.S. Endangered Species Act. If this petition is accepted, American bumble bee may become a Candidate for listing under FESA. If American bumble bee is detected and the species is listed or identified as a candidate for listing under FESA, then the Project Applicant would be required to consult with USFWS to obtain appropriate take authorization**.**

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure BIO-2710: Nesting Birds. 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 ~~at future broadband facility sites~~ 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 ~~a~~two nesting bird surveys ~~within 7 days of the anticipated start date~~ to identify any active nests within 500 feet of the ~~Project Site~~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 ~~Project Site (including surrounding 500 feet)~~ shall be resurveyed. If nesting birds are present within 500 feet of the work areas ~~Project Site~~, 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.

Mitigation Measure BIO-28~~11~~: Bats. For construction within the Priority Areas and/or the County, if ~~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:

- ~~A~~ 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 ~~within 30 days~~ 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 roosts are located, an appropriate setback buffer, as recommended by the qualified biologist, shall be established, the roost shall be avoided, and Project construction activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement of activities or provision of a suitable buffer (of no less than 100~~

~~feet) around the roost until roosting activities cease.~~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 ~~such as netting~~ may be installed to discourage bats from occupying the ~~site~~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~~Project Site~~. 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.

Mitigation Measure BIO-26~~12~~: Monarch Butterfly. Prior to completion of the final design, 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 ~~project~~ 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.

Mitigation Measure BIO-29~~13~~: Critical Habitat. For construction within the Priority Areas and/or the County, if ~~If~~ critical habitat will potentially be impacted by the construction~~Project~~, but

there is no "federal nexus" ~~for the Project~~ (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 the construction~~Project~~; there is a federal nexus ~~for the Project~~; 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).

Page 4.2-112

The text in the first full paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to sensitive natural communities and/or riparian habitat within the Priority Areas, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; ~~**Mitigation Measure BIO-14: Sensitive Natural Communities**~~; and ~~**Mitigation Measure BIO-15: Aquatic Resources**~~ **Mitigation Measure BIO-30: Sensitive Natural Communities**; and **Mitigation Measure BIO-31: Aquatic Resources** would be implemented. With implementation of these mitigation measures, construction-related impacts to special-status species within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-112

The text in the last paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status plant species within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-30~~14~~: Sensitive Natural Communities; and Mitigation Measure BIO-31~~15~~: Aquatic Resources would be implemented. With implementation of the aforementioned mitigation measures, construction-related impacts to special-status species within the County would be reduced to a **less than significant** level with mitigation incorporated.

Pages 4.2-113 through 4.2-115

Text for Mitigation Measures BIO-14 and BIO-15 is revised as follows:

> **Mitigation Measure BIO-30~~14~~: Sensitive Natural Communities.** 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 ~~P~~project design to determine if sensitive natural communities can be avoided.

Sensitive natural communities identified for avoidance ~~should~~shall be demarcated (e.g., using brightly colored flagging) and avoided during ~~Project~~ construction. The marked boundaries ~~should~~shall be maintained for the duration of ~~Project~~ construction activities in each work area and ~~should~~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~~Project~~ conditions (i.e., pre-Project 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~~Project~~ 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.

Mitigation Measure BIO-31~~15~~: Aquatic Resources. For construction within the Priority Areas and/or the County, an~~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 ~~should~~shall be demarcated (e.g., using brightly colored flagging) and avoided during ~~Project~~ construction. The marked boundaries ~~should~~shall be maintained for the duration of ~~Project~~ construction activities in each work area and ~~should~~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~~the Project~~, 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~~Project~~ conditions (i.e., pre-construction~~Project~~ 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~~Project~~ conditions (i.e., pre-construction~~Project~~ 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.

Page 4.2-116

The text in the last full paragraph on the page is modified as follows:

In order to avoid and/or minimize construction-related impacts to special-status plant species within the Priority Areas, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; and Mitigation Measure BIO-31~~15~~: Aquatic Resources. With implementation of these mitigation measures, construction-related impacts to state or federally protec7ted wetlands within the Priority Areas would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-116

The text in the third paragraph under Future Broadband Facilities is modified as follows:

In order to avoid and/or minimize construction-related impacts to state and federally protected wetlands within the County, Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; and Mitigation Measure BIO-31~~15~~: Aquatic Resources would be implemented. With implementation of these mitigation measures, construction-related impacts to state and federally protected wetlands would be reduced to a **less than significant** level with mitigation incorporated.

Page 4.2-119

The text in the last paragraph on the page is modified as follows:

As discussed under Impact Statement 2, construction activities could result in impacts to vegetation which may support wildlife movement. However, construction of future broadband facilities within Priority Areas under the Project would implement Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-06: General Construction Best Management Practices; and Mitigation Measure BIO-07: Revegetation Plan. Therefore, long-term loss of habitat that could support species movement would be minimal and would not hinder use of habitat linkages of wildlife movement corridors. In addition, CDFW and the California Department of Transportation have identified several roadway segments within the County for wildlife connectivity improvement. Construction of future broadband facilities within the Priority Areas under the Project would implement **Mitigation Measure BIO-32: Wildlife Connectivity**, which requires collaboration with CDFW prior to implementing any permanent structures along the identified roadways. Construction-related impacts to migratory wildlife species or migratory wildlife corridors within the Priority Areas would be **less than significant** with mitigation incorporated.

Page 4.2-120

The text in the second to last sentence in the first paragraph on the page is modified as follows:

Therefore, construction of future broadband facilities within the Priority Areas would implement Mitigation Measure BIO-01: Habitat Assessment and Mitigation Measure BIO-27~~10~~: Nesting Birds.

Page 4.2-120

The text in the last paragraph on the page is modified as follows:

As discussed under Impact Statement 2, construction activities could result in impacts to vegetation which may support wildlife movement. However, construction of future broadband facilities within the County would implement Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-06: General Construction Best Management Practices; and Mitigation Measure BIO-07: Revegetation Plan. Therefore, long-term loss of habitat that could support species movement would be minimal and would not hinder use of habitat linkages of wildlife movement corridors. In addition, CDFW and the California Department of Transportation have identified several roadway segments within the County for wildlife connectivity improvement. Construction of future broadband facilities within the County under the Project would implement Mitigation Measure BIO-32: Wildlife Connectivity, which requires collaboration with CDFW prior to implementing any permanent structures along the identified roadways. Construction-related impacts to migratory wildlife species or migratory wildlife corridors within the County would be **less than significant** with mitigation incorporated.

Page 4.2-121

The text in the second paragraph on the page is modified as follows:

Therefore, construction of future broadband facilities within the Priority Areas would implement Mitigation Measure BIO-01: Habitat Assessment and Mitigation Measure BIO-27~~10~~: Nesting Birds.

Page 4.2-122

Text for new Mitigation Measure BIO-32 is added (above the Cumulative Impacts heading) as follows:

> **Mitigation Measure 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.

Page 4.2-123

Text in the last paragraph on the page is modified as follows:

~~Implementation of **Mitigation Measure BIO-16: Tree Protection** would reduce construction-related impacts to trees protected under the County Deciduous Oak Tree Protection and Regeneration Ordinance to a less-than-significant level with mitigation incorporated. In addition, the Project would implement Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-02: Special-Status Plant Species; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program; Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species; Mitigation Measure BIO-10: Nesting Birds; Mitigation Measure BIO-11: Bats; Mitigation Measure BIO-12: Monarch Butterfly; Mitigation Measure BIO-14: Sensitive Natural Communities; and Mitigation Measure BIO-15: Aquatic Resources. Implementation of these measures would avoid, reduce and minimize, and/or mitigate potential impacts to biological communities, as discussed within the County Environmental Thresholds and Guidelines Manual, to a less than significant level. Furthermore, all construction of future broadband facilities would be required to comply with local plans, policies, ordinances, and applicable permitting procedures related to the protection of biological resources.~~

Implementation of **Mitigation Measure BIO-33: Tree Protection** would reduce construction-related impacts to trees protected under the County Deciduous Oak Tree Protection and Regeneration Ordinance to a less-than-significant level with mitigation incorporated. In addition, the Project would implement

Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-02: Special-Status Plant Species; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-10: Crotch's Bumble Bee within Priority Areas; Mitigation Measure BIO-11: Vernal Pool Fairy Shrimp within Priority Areas; Mitigation Measure BIO-12: Tidewater Goby within Priority Areas; Mitigation Measure BIO-13: California Red-Legged Frog within Priority Areas; Mitigation Measure BIO-14: California Tiger Salamander within Priority Areas; Mitigation Measure BIO-15: Arroyo Toad within Priority Areas; Mitigation Measure BIO-16: Burrowing Owl within Priority Areas; Mitigation Measure BIO-17: Southwestern Willow Flycatcher within Priority Areas; Mitigation Measure BIO-18: San Joaquin Kit Fox within Priority Areas; Mitigation Measure BIO-19: Listed Endangered/Threatened Wildlife Species within Priority Areas; Mitigation Measure BIO-20: Non-Listed Special Status Invertebrates within Priority Areas; Mitigation Measure BIO-21: Non-Listed Special-Status Amphibians within Priority Areas; Mitigation Measure Bio-22: Non-Listed Special Status Reptiles within Priority Areas; Mitigation Measure BIO-23: Non-Listed Special-Status Fish within Priority Areas; Mitigation Measure BIO-24: Non-Listed Special-Status Birds within Priority Areas; Mitigation Measure BIO-25: Non-Listed Special-Status Mammals within Priority Areas; Mitigation Measure BIO-27: Nesting Birds; Mitigation Measure BIO-28: Bats; Mitigation Measure BIO-29: Critical Habitat; Mitigation Measure BIO-30: Sensitive Natural Communities; Mitigation Measure BIO-31: Aquatic Resources; and Mitigation Measure BIO-32: Wildlife Connectivity. Implementation of these measures would avoid, reduce and minimize, and/or mitigate potential impacts to biological communities, as discussed within the County Environmental Thresholds and Guidelines Manual, to a less than significant level. Furthermore, all construction of future broadband facilities would be required to comply with local plans, policies, ordinances, and applicable permitting procedures related to the protection of biological resources.

Page 4.2-124

The text in the last paragraph on the page is modified as follows:

~~Implementation of Mitigation Measure BIO-16: Tree Protection would reduce construction-related impacts to trees protected under the County Deciduous Oak Tree Protection and Regeneration Ordinance to a less-than-significant level with mitigation incorporated. In addition, the Project would implement Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-02: Special-Status Plant Species; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program; Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species; Mitigation Measure BIO-10: Nesting Birds; Mitigation Measure BIO-11: Bats; Mitigation Measure BIO-12: Monarch Butterfly; Mitigation Measure BIO-14: Sensitive Natural Communities; and Mitigation Measure BIO-15: Aquatic Resources. Implementation of these measures would avoid, reduce and minimize, and/or mitigate potential impacts to biological communities, as discussed within the County Environmental Thresholds and Guidelines Manual, to a less than significant level. Furthermore, all construction of future broadband facilities would be required to comply with local~~

~~plans, policies, ordinances, and applicable permitting procedures related to the protection of biological resources.~~

Implementation of Mitigation Measure BIO-33: Tree Protection would reduce construction-related impacts to trees protected under the County Deciduous Oak Tree Protection and Regeneration Ordinance to a less-than-significant level with mitigation incorporated. In addition, the Project would implement Mitigation Measure BIO-01: Habitat Assessment; Mitigation Measure BIO-02: Special-Status Plant Species; Mitigation Measure BIO-03: Construction Worker Environmental Awareness Program (WEAP); Mitigation Measure BIO-04: Qualified Biological Monitor; Mitigation Measure BIO-05: Invasive Plant Species Control Measures; Mitigation Measure BIO-06: General Construction Best Management Practices; Mitigation Measure BIO-07: Revegetation Plan; Mitigation Measure BIO-08: Endangered/Threatened Wildlife Species within the County; Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County; Mitigation Measure BIO-26: Monarch Butterfly; Mitigation Measure BIO-27: Nesting Birds; Mitigation Measure BIO-28: Bats; Mitigation Measure BIO-29: Critical Habitat; Mitigation Measure BIO-30: Sensitive Natural Communities; Mitigation Measure BIO-31: Aquatic Resources; and Mitigation Measure BIO-32: Wildlife Connectivity. Implementation of these measures would avoid, reduce and minimize, and/or mitigate potential impacts to biological communities, as discussed within the County Environmental Thresholds and Guidelines Manual, to a less than significant level. Furthermore, all construction of future broadband facilities would be required to comply with local plans, policies, ordinances, and applicable permitting procedures related to the protection of biological resources.

Page 4.2-126

Text for Mitigation Measure BIO-16 is revised as follows:

> **Mitigation Measure BIO-33~~16~~: Tree Protection.** For construction within the Priority Areas and/or the County, if ~~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~~Project Site~~ 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~~on the Project Site~~.

- 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.

Pages 133 – 135

The following reference sources have been added to Section 4.2, Biological Resources:

--. 2012. *Staff Report on Burrowing Owl Mitigation.* March 7, 2012. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843. Accessed February 2025.

--. 2017. *Survey Guidelines for the Listed Large Branchiopods.* Revised November 13, 2017. Available at https://www.fws.gov/sites/default/files/documents/survey-guidelines-for-large-branchiopods.pdf. Accessed February 2025.

--. 2005. *Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog.* August 2005. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83914&inline. Accessed February 2025.

--. 2003. *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander.* October 2003. Available at https://www.fws.gov/sites/default/files/documents/interim-guidance-on-site-assessment-and-field-surveys-for-determining-presence-or-a-negative-finding-of-the-california-tiger-salamander.pdf. Accessed February 2025.

--. 1999. *Survey Protocol for the Arroyo Toad.* May 19, 1999. Available at https://www.fws.gov/sites/default/files/documents/survey-protocol-for-arroyo-toad.pdf. Accessed February 2025.

--. n.d. *Tidewater Goby Survey Protocol.* Available at https://www.fws.gov/sites/default/files/documents/survey-protocol-for-tidewater-goby.pdf. Accessed February 2025.

United States Geological Survey (USGS), Bureau of Reclamation, and United States Fish and Wildlife Service (USFWS). 2010. *A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher.* Available at https://pubs.usgs.gov/tm/tm2a10/pdf/tm2a10.pdf. Accessed February 2025.

SECTION 4.6, NOISE AND VIBRATION

Page 4.6-15

Text in the last paragraph on the page is modified as follows:

Therefore, Mitigation Measure ~~4.6~~NOI -1 is included to require the Project to comply with the construction hour requirements in the County of Santa Barbara *Environmental Thresholds and Guidelines Manual* (2020) that avoids noise-sensitive times of day for noise-generating construction activities within 1,600 feet of noise-sensitive land uses. Thus, based on the temporary and short-term nature of the construction noise levels affecting any sensitive receptor location and based on compliance with the construction hour requirements in Mitigation Measure ~~4.6~~NOI -1, construction noise impacts from on-site construction activities would be mitigated to **less than significant**.

Page 4.6-17

The last sentence in the first paragraph on the page is modified as follows:

With the implementation of Mitigation Measure ~~4.6~~NOI-1 potentially significant impacts associated with future broadband projects would be reduced to **less than significant**.

Text under the Mitigation Measures heading is modified as follows:

Mitigation Measure ~~4.6~~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.

The fourth sentence in the last paragraph on the page is modified as follows:

The Project would be required to implement Mitigation Measure ~~4.6~~NOI-1, which would reduce the Project's noise impacts to less than significant.

CHAPTER 4
Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure included in the Santa Barbara County Last-Mile Broadband Program Final Program Environmental Impact Report (Final EIR), specifications are made herein that identify the action required, the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

Agencies considering approval of future projects under the Santa Barbara County Last-Mile Broadband Program would utilize the PEIR as a basis in determining potential mitigation measures for subsequent activities. The agencies responsible for implementing the mitigation measures, described as "project sponsors" in the PEIR, will be the lead agency for the individual future projects under the Santa Barbara County Last-Mile Broadband Program. The CEQA Lead Agency for individual projects is anticipated to be one or more of the following agencies: Caltrans, Santa Barbara County, or the cities of Santa Maria, Guadalupe, Buellton, Solvang, Lompoc, Santa Barbara, Goleta, or Carpinteria. The project sponsor, which will be the lead agency for individual future projects under the Broadband Program, will be responsible for monitoring mitigation measures that are required to be implemented for the project.

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Air Quality							
Mitigation Measure 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	Construction crew, equipment, and site access to follow measures to reduce impacts from Valley Fever	During project construction	Every day	Construction Contractors			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
access way into the project site from adjoining paved roadways is paved or treated with environmentally safe dust control agents.							
Biological Resources							
Mitigation Measure 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.	Conduct vegetation mapping and habitat assessment; prepare a habitat assessment report; ensure grading and construction plans avoid activities within the proposed buffer	Prior to project construction	Once	Qualified Biologist			
Mitigation Measure 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:	Conduct a special-status plant species survey if suitable habitat is present on-site; prepare mitigation strategy for special-status plant species, if avoidance is not	Prior to project construction	Once during blooming period of each species found on-site	Qualified Biologist/Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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;	feasible; prepare restoration/revegetation plan, if needed						

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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,							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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).							
Mitigation Measure 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,	WEAP Training performed for construction crew before construction activities commence	Prior to project construction	Once. Additional WEAP trainings may be required prior to new crews entering the site.	Qualified Biologist/Lead Agency/Construction Contractors			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Qualified Biologist to cease grading and construction activities if any sensitive biological resource is discovered	During project construction	Periodically	Qualified Biologist/Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Grading and construction equipment to be free of invasive species	Prior to project construction	Every day	Construction Contractors/ Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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 crew to follow BMPs as listed in this Mitigation Measure	During project construction	Every day	Construction Contractors/ Qualified Biologist			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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.	Prepare revegetation plan to reduce impacts on natural communities which are to be returned to pre-project conditions	Prior to project construction	Periodically	Qualified Biologist/ Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Mitigation Measure 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	Protocol surveys to be prepared to reduce impacts on endangered/threatened wildlife species	Prior to project construction and during construction activity.	Periodically	Qualified Biologist/Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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).							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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).							
Mitigation Measure BIO-09: Non-Listed Special-Status Wildlife Species within the County. State Fully Protected, Species of Special	Pre-construction clearance surveys shall be conducted, WEAP trainings shall be	Prior to project construction	Periodically.	Qualified Biologist			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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:	implemented, setback buffers shall be established, a qualified biological monitor shall be present, measures to prevent wildlife entrapment shall be implemented, species shall be allowed to move out of harms way.	and during construction.					

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/CDFW			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically	Lead Agency/Qualified Biologist/USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically	Lead Agency/Qualified Biologist/USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/CDFW/USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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).							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/CDFW			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/CDFW/USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Protocol surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/USFWS/CDFW			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Focused surveys, implementation of avoidance and minimization measures, and procurement of an ITP, if necessary.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist/USFWS/CDFW			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Mitigation Measure BIO-20: Non-Listed Special-Status Invertebrates within Priority Areas. Non-listed special-status invertebrates, including American bumble bee1, may be impacted 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 foraging habitat may be present for American bumble bee, 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: • Focused surveys shall be conducted by a qualified biologist(s) to determine presence/absence. Surveys shall be conducted during peak flying season (between June 1-October 31) when the species is most likely to be detected above ground. The qualified biologist(s) shall utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation. • If American bumble bee is detected, the qualified biologist(s) shall identify the location of all nests within and adjacent to the work areas and a	Focused surveys, implementation of avoidance and minimization measures.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist.			

[1] Although American bumble bee is not currently federally or State listed, this species has been studied extensively and the 2021 Petition to List the American Bumble Bee Bombus pensylvanicus as a federally Endangered Species under the U.S. Endangered Species Act may result in USFWS accepting it as a Candidate for listing. Therefore, this species is being considered as special-status for the purposes of this analysis.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
15-meter no-disturbance buffer shall be established around any identified nest(s) to reduce the risk of disturbance. The qualified biologist(s) shall expand the buffer zone as necessary to prevent disturbance. • Any floral resource associated with American bumble bee that will be removed or damaged by construction activities shall be replaced at no less than a 1:1 ratio. Floral resources shall be replaced as close to their original location as is feasible. If active American bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved. • Preconstruction clearance surveys shall be conducted by a qualified biologist(s) within 7 days of 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 any							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
special-status invertebrates that may occur within the work areas. • If any non-listed special-status invertebrates 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). • A qualified biologist(s) shall be present during all initial ground disturbing activities, including vegetation removal. • Any non-listed special-status invertebrates observed by the qualified biologist(s) or construction crew shall be allowed to move out of harm's way. • Any special-status invertebrates observed shall be reported to the CNDDB. American bumble bee has declined by as much as 89 percent in terms of this species' relative abundance in the United States. Therefore, the Center for Biological Diversity and Bombus Pollinators Association of Law Students have submitted a Petition to List the American Bumble Bee Bombus Pensylvanicus as an Endangered Species Under the U.S. Endangered Species Act. If this petition is accepted, American bumble bee may become a Candidate for listing under FESA. If American bumble bee is detected and the species is listed or identified as a							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
candidate for listing under FESA, then the Project Applicant would be required to consult with USFWS to obtain appropriate take authorization.							
Mitigation Measure 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	Focused surveys, implementation of avoidance and minimization measures.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist.			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Focused surveys, implementation of avoidance and minimization measures.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist.			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
biologist(s) with appropriate permits. • Any special status reptiles observed will be reported to the CNDDB.							
Mitigation Measure 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.	Focused surveys, implementation of avoidance and minimization measures.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist.			
Mitigation Measure BIO-24: Non-Listed Special-Status Birds within Priority Areas. Non-listed special-status birds, including Cooper's							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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-							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Focused surveys, implementation of avoidance and minimization measures.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist.			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Focused surveys, implementation of avoidance and minimization measures.	Prior to construction and during construction, if necessary.	Periodically.	Lead Agency/Qualified Biologist.			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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 to be conducted to avoid impacts on nesting birds; WEAP Trainings to be conducted	Prior to project construction; During project construction	Periodically	Qualified Biologists			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure BIO-28: Bats. For construction within the Priority Areas and/or the County, if the results	Conduct presence/absence surveys; install	Prior to project construction and during	Periodically	Qualified Biologist/CDFW			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.	exclusion devices in consultation with CDFW; install bat boxes if large number of bats are present through consultation with CDFW	construction, if necessary.					

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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;	Consultation with the USFWS is required if there is a potential for the Project to impact critical habitat	Prior to project construction; During project construction	Periodically	Lead Agency/ USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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).							
Mitigation Measure 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	Map sensitive communities within the project site to avoid impacts; return site to pre-construction conditions if sensitive natural habitat is present on-site; prepare Revegetation Plan to introduce locally indigenous native species	During project construction	Periodically; natural communities monitored for 3 years and until otherwise specified	Construction Contractor/ Qualified Biologist/ Restoration Ecologist			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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,	Prepare aquatic resources delineation to determine potential aquatic resources; if impacts are not avoided, issuance of regulatory permits are required	During project construction	Periodically	Qualified Biologist/ Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure BIO-32: Wildlife Connectivity. CDFW and the California Department of Transportation will improve wildlife connectivity along several roadway	Consultation with CDFW and California Department of Transportation	Prior to construction	Once	Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							
Mitigation Measure 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	Obtain an Oak Tree Removal Permit; Prepare Oak Tree Management Plan to remove and/or relocate any affected oak tree	Prior to project construction	Obtain permit once; monitor affected oak trees throughout the duration of survivorship	Lead Agency/ Oak Tree Specialist			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Cultural Resources							
Mitigation Measure 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	Prepare map highlighting proposed fiber optic cable alignment with ground and aerial disturbance; if impacts are to occur to historic resources, prepare study recommendations; prepare survey for	Prior to individual environmental review; during project construction	Prepare map once; study recommendations to occur periodically	Lead Agency/ Construction Contractor/ Qualified Architectural Historian, or Historical Architect			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.	historic resources not yet formally evaluated						

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
• 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.							
Mitigation Measure 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	Conduct construction worker archaeological resources sensitivity training; Prepare CRIMP	Prior to project construction	Once	Lead Agency/ Qualified Archaeologist/ Construction Contractor			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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.	Qualified Archaeologist and monitor to be present on-site and have authority to cease construction activities to avoid impacts on archaeological resources, if required;	During project construction	Every day	Qualified Archaeologist/ Archaeologist Monitor/ Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Prepare technical report outlining findings during ground disturbance and construction activities;	Following project construction	Once	Qualified Archaeologist/ Archaeologist monitor/			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
(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.							
Mitigation Measure 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.	Review existing construction plans and geotechnical reports and determine archaeological impacts if changes occur to proposed project alignment or related projects relocate	During project construction	Periodically	Qualified Archaeologists			
Mitigation Measure 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-	Implement a paleontological monitoring program; conduct construction worker paleontological resources sensitivity training	Prior to project construction	Once	Lead Agency/ Qualified Paleontologist/ Paleontologist monitor/ Construction Contractor			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							
Mitigation Measure 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	Visual inspection throughout construction activities to determine fossil discovery	During project construction	Periodically	Qualified Paleontologist			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
reduced to periodic spot-checking or cease entirely.							
Mitigation Measure 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.	If potential fossil is discovered, paleontological monitor to cease construction activities and reduce impacts on potential paleontological resources	During project construction	Periodically	Qualified Paleontologist/ Paleontological monitor			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Mitigation 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.	Prepare report of fossils discovered during ground disturbance and construction activities	Following project construction	Once	Qualified Paleontologist/ Other appropriate agencies			
Mitigation Measure 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.	Prepare report summarizing the results of the monitoring program	Following project construction	Once	Qualified Paleontologist/			
Noise and Vibration							
Mitigation Measure 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 to occur within noise ordinance hours and dates	During project construction	Periodically	Lead Agency/ Construction Contractors/ Subcontractors			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
construction shall occur on weekends or State holidays.							
Tribal Cultural Resources							
Mitigation Measure 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.	Conduct Tribal Cultural Resources Sensitivity Training for construction personnel to identify potential tribal cultural resources	Prior to project construction	Once	Lead Agency/ Native American monitor			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Mitigation Measure 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.	Complete daily monitoring logs with relevant ground disturbance activities and any tribal cultural resource discovered	During project construction	Every day	Native American monitor/ Lead Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Mitigation Measure 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.	If tribal cultural resources are found, qualified archaeologist to cease all ground disturbance and construction activities	During project construction	Periodically	Qualified Archaeologist			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Party	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
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.							

CHAPTER 5
List of Preparers

5.1 Lead Agency

The Santa Barbara County Association of Governments (SBCAG) is the CEQA lead agency for preparation of this EIR.

Santa Barbara County Association of Governments
260 N. San Antonio Road, Suite B
Santa Barbara, CA 93110

Fred Luna, Director of Project Delivery and Construction
Lauren Bianchi-Klemann, Government Affairs/Public Information Manager

5.2 Environmental Science Associates (ESA)

The following ESA staff contributed to the preparation of the Final PEIR.

David Crook, Principal Planner (Project Manager)
Tamseel Mir, Project Director
Meghan Gibson, Principal Planner
Michael Harden, Principal Planner
Alan Sako, Principal Air Quality, Climate & Acoustics Specialist
Sara Dietler, Senior Principal Archeologist
Ana Rodriguez Lomeli, Environmental Planner
Elbert Hsuing, Air Quality & Acoustics Analyst
Tim Witwer, Air Quality & Acoustics Analyst
Maile Tanaka, Principal Biologist
Bailey Setzler, Biologist
Fatima Clark, Principal Archaeologist
James Clark, Principal Archaeologist
Claudia Camacho-Trejo, Cultural Resource Specialist
Anokhi Varma, Cultural Resource Specialist
Matheson Lowe, Cultural Resource Specialist
Russell Shapiro, Technical Specialist
Stephen Geissler, Senior GIS Analyst
Chance Scott, GIS Analyst
Jaclyn Anderson, Senior GIS Analyst
Gary Gick, Senior Publications Specialist/ADA 508 Compliance

5.3 Persons Consulted

5.3.1 County of Santa Barbara

Jasmine McGinty
County Executive Office
Principal Analyst

Ben Singer
Long Range Planning Division
Planning & Development Department

5.3.2 City of Guadalupe

Jeff van den Eikhof, P.E.
City Engineer

Todd Bodem
City Administrator

5.3.3 Other Organizations

Santa Ynez Band of Chumash Indians

Wendy Giddens Teeter, PhD, RPA
Elders' Council and Culture Department