

**CALENDAR ITEM
C69**

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01/26/12
W 26511
J. Porter

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

California Broadband Cooperative, Inc.
1101 Nimitz Avenue
Vallejo, CA 94592

AREA, LAND TYPE, AND LOCATION:

0.71 acre, more or less, of State school lands located in Section 36, Township 1 South, Range 31 East, MDM, northeast of Benton Hot Springs, Mono County.

AUTHORIZED USE:

Construction, use, and maintenance of one buried high-density polyethylene duct containing four, ½-inch diameter microducts, one of which will contain one 24-strand fiber optic cable, and two buried concrete access vaults.

LEASE TERM:

20 years, beginning January 26, 2012.

CONSIDERATION:

\$100 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. California Broadband Cooperative, Inc., (Applicant) is a public-private partnership of local and State agencies, organized labor, and for-profit companies. The partnership includes the California Public Utilities Commission, the California Department of Transportation, the Nevada Department of Transportation, Inyo County, Kern County, and Mono County. The Applicant proposes to construct a 583-mile fiber optic line from Barstow, California to Carson City, Nevada. The line will run generally along U.S. Highway 395 and will provide broadband

CALENDAR ITEM NO. C69 (CONT'D)

communication service to 36 communities, seven Native American tribal reservations, and two military bases in the eastern Sierras. The majority of the funding for the project is being obtained from the federal government under the American Recovery and Reinvestment Act.

2. The proposed fiber optic right-of-way will be 20-feet wide and cross approximately 1,541 lineal feet of one school land section. The proposed improvements within the lease premises will consist of one buried high-density polyethylene duct containing four, ½-inch diameter microducts, one of which will contain one 24-strand fiber optic line. There also will be two concrete access vaults measuring approximately 24 inches by 36 inches by 42 inches in depth. These access vaults will be buried approximately two feet beneath the surface.
3. A Mitigated Negative Declaration SCH# 2011081095 was prepared by the California Public Utilities Commission (CPUC) and adopted on November 10, 2011 for this project. The California State Lands Commission's staff has reviewed such document.
4. A Mitigation Monitoring and Reporting Program was adopted by the CPUC.
5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B. Location and Site Map
- C. Mitigation Monitoring and Reporting Program

CALENDAR ITEM NO. **C69** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH# 2011081095 and a Mitigation Monitoring and Reporting Program were prepared by the California Public Utilities Commission and adopted on November 10, 2011, for this Project and that the Commission has reviewed and considered the information contained therein.

AUTHORIZATION:

Adopt the Mitigation Monitoring and Reporting Program, as shown in Exhibit C, attached and by this reference made a part hereof.

Authorize issuance of a General Lease – Right-of-Way Use to California Broadband Cooperative, Inc., beginning January 26, 2012, for a term of 20 years, for the construction, use, and maintenance of one buried high-density polyethylene duct containing four, ½-inch diameter microducts, one of which will contain one 24-strand fiber optic cable, and two buried concrete access vaults, for the land as described on Exhibit A and as shown on Exhibit B (for reference purposes only), both attached and by this reference made a part hereof; annual rent in the amount of \$100, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

**EXHIBIT A
LAND DESCRIPTION**

A portion of all that State-owned school land occupied by California State Highway 120 situate in the southwest quarter of the northwest quarter of Section 36, Township 1 South, Range 31 East, Mount Diablo Meridian, County of Mono, State of California, said State owned lands also being set forth as an exception to Patent Certificate No. 20657, recorded in Volume 304, Page 591, Official Records of said County, said portion also being a strip of land, 20.00 feet wide, lying 10.00 feet on each side of the following described centerline:

COMMENCING at a 1998 BLM brass cap marking the west one-quarter corner of said Section 36 as shown on Record of Survey 35-27, recorded in Book 4 of Record of Surveys at Pages 20-20E in the office of the County Recorder of said County; THENCE along the south line of said southwest quarter of the northwest quarter as shown on said Record of Survey No. 35 -27, South 89°55'01" East, 56.89 feet to the southeast corner of Parcel 2 of Parcel Map No. 35 -24, recorded in Book 4 of Parcel Maps at Pages 13-13A in the Office of the County Recorder of said County, said southeast corner also being a point on the boundary line of said State owned lands; THENCE continuing along said south line of the southwest quarter of the northwest quarter, South 89°55'01" East, 12.68 feet to the TRUE POINT of BEGINNING; THENCE leaving said south line, North 38° 02'06" East, 452.79 feet; THENCE North 35°44'20" East, 239.66 feet; THENCE North 26°12'26" East, 848.38 feet, more or less, to a point of intersection with the north line of said southwest quarter of the northwest quarter, said point of intersection being the TERMINUS of said centerline.

The sidelines of said strip shall be prolonged or shortened so as to begin on said south line of the southwest quarter of the northwest quarter and to terminate upon intersection with said north line of the southwest quarter of the northwest quarter.

CONTAINING 30,816 SQUARE FEET OF LAND, MORE OR LESS.

END DESCRIPTION

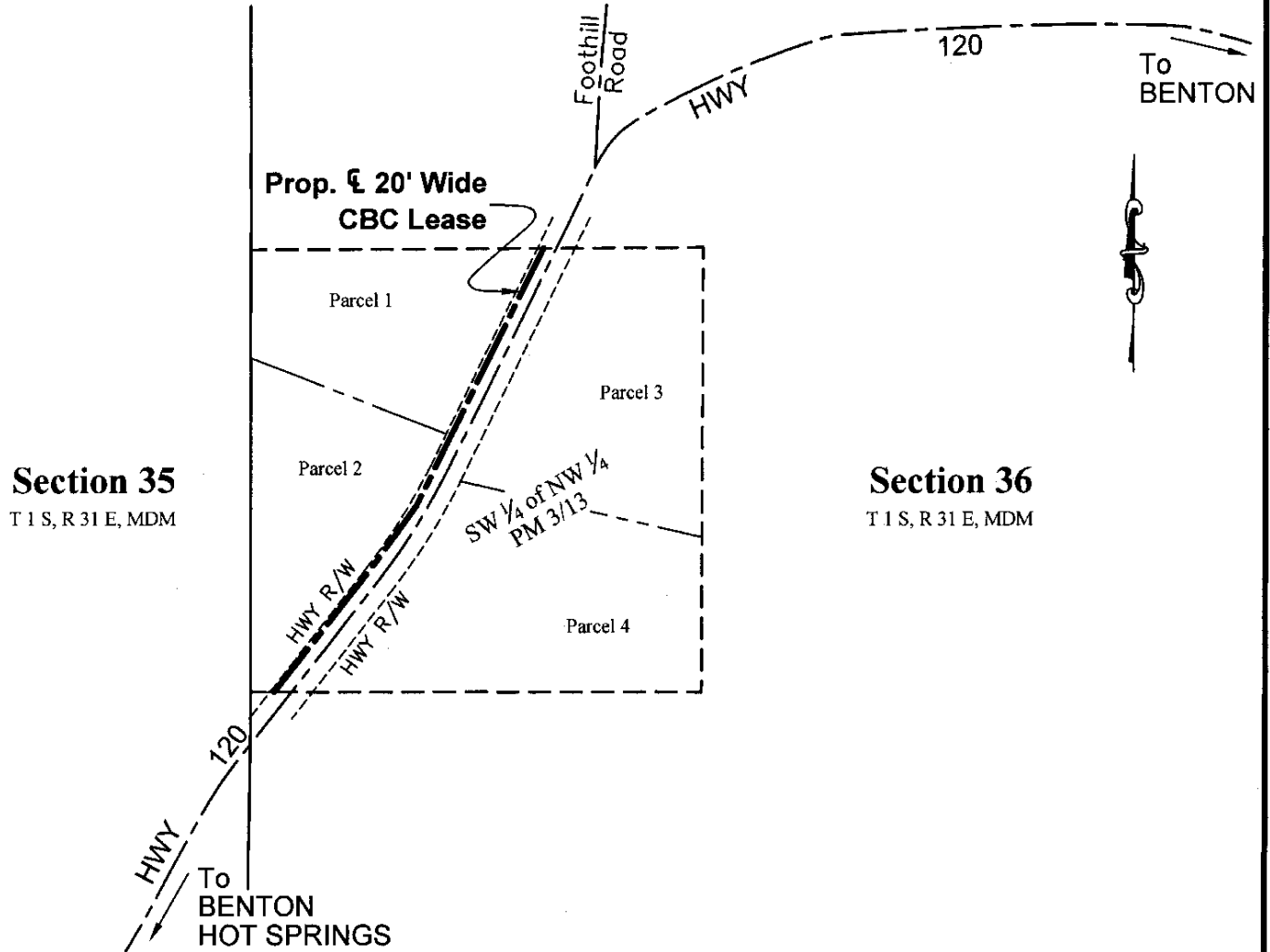


LEGAL DESCRIPTION PREPARED
UNDER THE SUPERVISION OF:

Andrew K. Holmes
ANDREW K. HOLMES P.L.S. 4428
LIC. EXPIRES 09/30/13

NO SCALE

SITE



DIGITAL 395 FIBER OPTIC PROJECT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26511
 CALIFORNIA BROADBAND
 COOPERATIVE
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 MONO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
MITIGATION MONITORING
AND
REPORTING PROGRAM



APPENDIX B – MITIGATION MONITORING AND REPORTING PLAN (MIMRP)



DRAFT MITIGATION MONITORING AND REPORTING PLAN (MMRP)

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

The Mitigation Monitoring and Reporting Program includes:

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

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

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<u>AIR QUALITY RESOURCES</u>			
<p><u>APM-AQ-1:</u> For land preparation and excavation, the following dust control measures should be implemented:</p> <ul style="list-style-type: none"> ▪ <u>All soil excavated or graded should be sufficiently watered to prevent excessive dust. Watering should occur as needed with complete coverage of disturbed soil areas. Watering should be a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.</u> ▪ <u>All clearing, grading, earth moving and excavation activities should cease</u> <ul style="list-style-type: none"> a) <u>During periods of winds greater than 20 mph (averaged over one hour), if disturbed material is easily windblown, or</u> b) <u>When dust plumes of 40% or greater opacity impact public roads, occupied structures, or neighboring property.</u> ▪ <u>All fine material transported offsite should be either sufficiently watered or securely covered to prevent excessive dust.</u> ▪ <u>If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks should be required to exit the site via an access point where a gravel pad or grizzly has been installed.</u> ▪ <u>Areas disturbed by clearing, earth moving, or excavation activities should be minimized at all times.</u> ▪ <u>Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown, fugitive dust.</u> ▪ <u>Where acceptable to the fire department, weed control should be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.</u> 	<u>Throughout active construction</u>	<u>Engineering Inspector to verify during construction.</u>	<u>Throughout active construction</u>

MITIGATION MONITORING AND REPORTING PROGRAM			
APPLICANT PROPOSED MEASURES			
California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<p><u>APM-AQ-2: For building construction, the following dust control measures should be implemented:</u></p> <ul style="list-style-type: none"> Once initial leveling has ceased all inactive soil areas within the construction site should either be seeded and watered until plant growth is evident, treated with a dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emission. All active disturbed soil areas should be sufficiently watered to prevent excessive dust, but no less than twice per day. 	<p><u>Throughout active construction</u></p>	<p><u>Engineering Inspector to verify during construction.</u></p>	<p><u>Throughout active construction</u></p>
NOISE			
<p><u>APM-N-1: A Type 1 sound level meter and acoustic calibrator shall be used to acquire noise data. The sound level meter shall be calibrated and certified by the manufacturer or other independent acoustical laboratory. Annual recalibration by the manufacturer or other independent acoustical laboratory is required. The sound level meter shall be capable of taking measurements using the A-weighting network and the slow response settings. The measurement microphone shall be fitted with a windscreen.</u></p>	<p><u>During construction.</u></p>	<p><u>Construction Monitor to verify noise levels are not excessive at sensitive receptors.</u></p>	<p><u>During construction activities.</u></p>
WATER RESOURCES			
<p><u>APM-W-1: To avoid impacts to streams, the conduit will be installed using horizontal directional drilling at stream crossings. Horizontal directional drilling HDD uses a bentonite/water mixture that is pumped down the drill stem to run the drill head, lubricate the drill pipe, maintain the borehole, and remove bore cuttings. Bentonite is a fine clay that, mixed with water, provides the lubricant and operating fluid for the horizontal directional drilling HDD process. Directional drilling eliminates disturbance to streams; however, if a fracture of the rock (substrate) occurs during horizontal directional drilling HDD (frac-out), drilling fluids have the potential to be released into the stream. To protect stream resources in the event of a frac-out, the California</u></p>	<p>Included in Project specifications; prior to and during construction activities.</p>	<p>Construction Monitor to identify stream crossings. Engineering Inspector to verify horizontal directional drilling HDD method is implemented and that Best Management Practices in the Horizontal Directional Drilling HDD Contingency and Resource Protection Plan are implemented.</p>	<p>Horizontal directional drilling HDD method documentation following horizontal directional drilling HDD implementation.</p>

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<p><u>Broadband Cooperative</u> will prepare and implement a <u>Horizontal Directional Drilling_HDD</u> Contingency and Resource Protection Plan. Resource protection measures in the plan shall include:</p> <ul style="list-style-type: none"> ▪ During drilling operations, visual inspection along the bore path of the alignment shall take place at all times. In addition, at stream crossings with flowing water the stream shall be monitored upstream and downstream of the crossing; ▪ Specification of on-site equipment required to clean up and contain a drilling fluid release; ▪ Designation of responsibilities and reporting procedures in the event of a drilling fluid release; and/or ▪ Specific response procedures in the event of a drilling fluid release. 			
<p>APM-W-2: To minimize the potential that waterbodies crossed by or adjacent to the Project route would be degraded by leaks and spills from fuels and lubricants used in Project equipment, the <u>CBC-California Broadband Cooperative</u> will prepare a Spill Prevention and Pollution Plan-(SPPP) and will implement the Best Management Practices (BMPs) specified in the plan in order to avoid introducing pollutants to waterbodies. The <u>Spill Prevention and Pollution Plan</u>SPPP will include:</p> <ul style="list-style-type: none"> ▪ Measures to ensure that petroleum products are not discharged into drainages or bodies of water; ▪ A description of potentially hazardous and non-hazardous materials that could accidentally be spilled during construction (fuels, equipment lubricant, human waste and chemical toilets, and bentonite), potential spill sources, potential spill causes, proper storage and transport methods, spill containment, spill recovery, agency-<u>Agency</u> notification, and responsible 	Included in Project plans and specifications; prior to and during construction activities.	The Engineering Inspector will be responsible for the daily inspection of <u>Spill Prevention and Pollution Plan</u> implementation and <u>Best Management Practices</u> effectiveness, and if necessary provide input and recommendations for increased effectiveness.	<u>Best Management Practices</u> of an approved <u>Spill Prevention and Pollution Plan</u> will be installed prior to the start of construction for that day.

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<p>parties;</p> <ul style="list-style-type: none"> ▪ Hazardous substances shall be stored in staging areas that are located at least 100 feet from ephemeral and intermittent streams and 300 feet from perennial streams, lakes and wetlands. Refueling and vehicle maintenance shall be performed at least 100 feet from ephemeral and intermittent streams and 300 feet from perennial streams, lakes and wetlands (i.e., hazardous substances, refueling, and vehicle maintenance will occur outside of Riparian Conservation Areas); and ▪ Sedimentation fences, certified weed-free hay bales, sand bags, water bars, and baffles will be used as additional sources of protection for waters and ditches. 			
<p>APM-W-3: To minimize the potential that waterbodies crossed by or adjacent to the Proposed Project route would be degraded by pollutants and sediment erosion associated with Project construction the CBC-California Broadband Cooperative will prepare and implement a Storm Water Pollution Prevention Plan-(SWPPP). The Storm Water Pollution Prevention Plan addresses, at a minimum:</p> <ul style="list-style-type: none"> ▪ Identification of potential sources of pollutants and toxic materials; ▪ Identification of Best Management Practices (BMPs) for storm_water contact minimization, construction material distribution and access, equipment storage, vehicle maintenance and cleaning areas; ▪ Erosion and sediment control measures for wet- and dry-season activities; ▪ Temporary and permanent erosion control techniques, sediment control on public roads, wind erosion, and non-stormwater management techniques; and 	<p>Included in Project plans and specifications; prior to and during construction activities.</p>	<p>The Engineering Inspector will be responsible for the daily inspection of Storm Water Pollution Prevention Plan implementation and Best Management MP Practices effectiveness, and if necessary provide input and recommendations for increased effectiveness.</p>	<p>Best Management Practices of an approved Storm Water Pollution Prevention Plan will be installed prior to the start of construction for that day.</p>

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<ul style="list-style-type: none"> ▪ Waste management/disposal methods. 			
BIOLOGICAL RESOURCES			
<p>APM-Bio-1: The Applicant shall designate one or more Project Biologists. Project Biologist refers to the qualified, authorized, or approved person assigned to monitor measures identified in the Mitigation Monitoring and Reporting Plan and to document compliance with these measures. The biologist must be qualified in the respective field of biology and must be acceptable to the appropriate jurisdictional agency/Agency. The Project Biologist also will oversee other biologists, including biological monitors.</p> <p>Within the range of the desert tortoise, at least one designated Project Biologist shall meet the current United States Fish and Wildlife Service Authorized Biologist qualifications criteria, demonstrate familiarity with protocols and guidelines for the desert tortoise, be approved by the United States Fish and Wildlife Service/USFWS, obtain training such as that offered through the Desert Tortoise Conservation Center in Las Vegas; and possess a California Endangered Species Act Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise.</p>	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals.
<ul style="list-style-type: none"> ▪ Project Biologist(s) or Biological Monitor(s) shall inspect work sites daily, and shall be on-site as needed according to Applicant Proposed Measures and Mitigation Measures in this Mitigation Monitoring and Reporting Plan. Project Biologists and Biological Monitors shall be familiar with sensitive species and the minimization measures for this Proposed Project. The Project Biologist(s) shall be responsible for overseeing and training Biological Monitors; advise the Applicant and Contractor on compliance with biological mitigation measures; notify the Applicant of 			

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<p>non-compliance with biological resources conditions; respond directly to inquiries of the lead agencies or resource agencies regarding biological resource issues; maintain written records of tasks related to compliance and reporting for biological resource measures; prepare monthly, annual, and final compliance reports; establish and enforce speed limits at project <u>Project</u> work areas; and maintain the ability for regular, direct communication with representatives of California Department of Fish and Game, United States Fish and Wildlife Service, Bureau of Land Management, and United States Forest Service, including notifying these agencies of dead or injured special <u>special</u>-status species and reporting special <u>special</u>-status species observations.</p>			
<ul style="list-style-type: none"> ▪ Daily logs. The Project Biologist(s) and Biological Monitor(s) shall maintain written records of daily activities, observations, and communications with the Applicant or construction personnel in a bound log book. These log books shall be made available for review to the lead agencies, California Department of Fish and Game, United States Fish and Wildlife Service, Bureau of Land Management, and United States Forest Service CDFG, BLM, USFS, and USFWS at any time during or following project <u>Project</u> implementation. 	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals
<ul style="list-style-type: none"> ▪ Stop Work Authority. The Project Biologist(s) and Biological Monitor(s) shall have written authority to require a halt to activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued. 	Throughout active construction and until final compliance report completed and accepted	To be designated by the Applicant.	Throughout active construction and at reporting intervals
APM-Bio-2: Project Biologist(s) or Biological Monitor(s)	Throughout active construction	To be designated by the Applicant.	Throughout active construction

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
shall clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with mitigation measures; inspect active construction areas for trench closure and any needed installation of structures that prevent wildlife entrapment or allow escape at the end of each work day and during periods of construction inactivity; inspect areas where animals may have become trapped prior to construction commencing each day; monitor vehicle speeds in and around work areas for conformance with posted speed limits; direct construction personnel on appropriate buffer areas around work sites to minimize wildlife disturbance; periodically inspect areas with high vehicle activity (e.g., equipment and materials staging areas, construction personnel parking lots) for animals in harm's way.	and until final compliance report completed and accepted		and at reporting intervals
APM-Bio-3: The Contractor shall undertake the following measures to manage construction sites and related facilities to avoid or minimize impacts to biological resources:			
<ul style="list-style-type: none"> ▪ Limit Disturbance Areas. The boundaries of areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be clearly delineated with stakes and flagging prior to construction activities in consultation with the Project Biologist. Spoils and topsoil shall be stockpiled in areas already disturbed or to be disturbed by construction, so that stockpile sites do not add to total disturbance footprint. Disturbances, project <u>Project</u> vehicles, and equipment shall be confined to the designated work areas. Parking areas, staging and disposal site locations shall similarly be located in areas without native vegetation or special-status species habitat. 	Prior to and during construction	The Contractor shall identify and clearly mark in the field areas of disturbance.	This shall be ongoing as the Proposed Project progresses along the alignment,
<ul style="list-style-type: none"> ▪ Minimize Access Impacts. Where new access routes may be needed, or existing routes may 	Prior to and during construction	The Contractor shall identify and clearly mark in the field areas of	This shall be ongoing as the Proposed Project progresses along

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
<p>need improvements, the improvements shall not extend beyond the flagged impact area as described above. Vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.</p>		disturbance.	the alignment,
<ul style="list-style-type: none"> ▪ Minimize Traffic Impacts. Vehicular traffic during project<u>Project</u> construction and operation shall be confined to existing designated routes of travel to and from work sites, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit within any part of the project<u>Project</u> area shall be designated and enforced by the Project Biologist. 	Prior to and during construction	Project personnel are responsible for implementing this measure. The Contractor shall post the appropriate speed limit as determined by the Project Biologist.	This shall be ongoing as the Proposed Project progresses along the alignment,
<ul style="list-style-type: none"> ▪ Minimize Impacts of Alignments, Roads, Staging Areas. Staging areas for construction equipment, supplies, personnel parking, and other ancillary functions shall be designed and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Sites within the range of the desert tortoise shall be either fenced to exclude desert tortoises from entering the area, or shall be inspected periodically to determine whether a tortoise is within the area. Equipment and supplies (e.g., conduit) shall be inspected for desert tortoise prior to moving. The Project Biologist or Biological Monitor shall evaluate potential for special<u>special</u>-status plants or wildlife at every potential disturbance site; specifically, site selection of an area to be permanently or temporarily disturbed shall avoid streambeds, washes, or sensitive habitat 	Included in Project plans and specifications. Surveys for biological resources shall be performed prior to and during construction.	The Engineering Inspector to determine and verify the appropriate disturbance. The Project Biologist and Biological Monitors shall perform surveys for biological resources.	Documentation of the Alignments, Roads, Staging Areas. Staging areas for construction equipment, supplies, personnel parking, and other ancillary functions shall be made by the Engineering Inspector. The Project Biologist shall report the findings of surveys.

MITIGATION MONITORING AND REPORTING PROGRAM APPLICANT PROPOSED MEASURES California Broadband Cooperative Digital 395 Middle Mile Project			
Measure to be Implemented	Implementation Timing	Responsible Party	Timing of verification
types wherever feasible. Where these sites cannot feasibly be avoided, the Project Biologist shall outline site-specific requirements to minimize impacts to habitat and wildlife. These requirements shall include, but would not be limited to, pre-construction clearance surveys, on-site monitoring, and post-construction remediation.			
<ul style="list-style-type: none"> ▪ Avoid Use of Toxic Substances. Any soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. 	Included in Project plans and specifications.	The Engineering Inspector to determine and verify the appropriate substance use.	Documentation of the implemented substances.
<ul style="list-style-type: none"> ▪ Minimize Standing Water. Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. A Biological Monitor shall patrol these areas to ensure water does not puddle and shall take appropriate action to reduce water application where necessary. 	During times of active construction.	The Contractor will be responsible for implementing watering measures and using the proper amount. The Project Biologist will be responsible for providing direction as-needed for watering amounts.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations.
<ul style="list-style-type: none"> ▪ Monitor Ground-Disturbing Activities Prior to Pre-Construction Site Mobilization. If pre-construction site mobilization requires ground-disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife. 	Included in Project plans and specifications. Prior to the start of construction.	The Engineering Inspector to determine necessary pre-construction methods. The Project Biologist and Biological Monitors shall be present during such activities.	The Engineering Inspector Inspector to document pre-construction activities that occur. The Project Biologist shall report observations as they relate to biological resources.
<ul style="list-style-type: none"> ▪ Cover all open trenches. All open trenches will be covered at the end of the work day. 	During construction activities.	The Contractor is responsible for implementing the covering of trenches while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the trench coverings upon completion of the end of the day inspection.

MITIGATION MONITORING AND REPORTING PROGRAM			
APPLICANT PROPOSED MEASURES			
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<p>APM-Bio-4: The Project Biologist shall be responsible for preparing and submitting monthly compliance memos, annual compliance reports, and completion compliance report to the lead agencies, Applicant, California Department of Fish and Game, United States Fish and Wildlife Service, Bureau of Land Management, and United States Forest ServiceCDFG, BLM, USFWS, and USFWS. Each report shall summarize work progress during the report period; discuss implementation of all biological avoidance and minimization measures, summarize observations of special-special status plants or animals, Applicant and contractor communications addressing biological resources, agency-Agency communications, and describe measures taken to avoid or minimize impacts to biological resources.</p>	<p>Throughout active construction and until final compliance report completed and accepted.</p>	<p>Project Biologist</p>	<p>Monthly compliance memos shall be submitted no later than two weeks following the end of each calendar month. Annual compliance reports shall be submitted no later than the 30th of January following the end of each calendar year. The project-Project completion report shall be submitted no later than 30 days following the completion of project Project construction.</p>
<p>APM-Bio-5: Trash and food items wrappers, cans, bottles, and ALL food scraps will be contained in closed containers in a manner that wildlife cannot access it and removed daily to reduce attractiveness to opportunistic predators such as common ravens (<i>Corvus corax</i>), coyotes (<i>Canis latrans</i>), and feral dogs. Feeding of wildlife is strictly prohibited.</p>	<p>During construction activities.</p>	<p>Project personnel are responsible for implementing this measure.</p>	<p>The Biological Monitor will document upon completion of the daily inspection.</p>
<p>APM-Bio-6: Pets and firearms shall be prohibited from the construction site. If guard dogs are to be used, the Contractor shall ensure that such animals do not affect any special-special status species.</p>	<p>During construction.</p>	<p>The Contractor will be responsible for assuring that domestic animals that could harm special-special status species are not on site during construction.</p>	<p>The Biological Monitor will verify that no dogs or other domestic animals that could harm special special status species are on site.</p>
<p>APM-Bio-7: California Broadband Cooperative staff and contractors as well as appropriate Caltrans personnel will complete an environmental awareness training on the protected species in and around the Project route and on required environmental protection measures. Training shall explain the need for and implementation of minimization measures. The format of the training seminar shall be discussed with the California Broadband Cooperative beforehand. The Project Biologist or Biological Monitor shall provide the necessary training,</p>	<p>Prior to and as-needed for new personnel during construction activities.</p>	<p>A Biologist familiar with special special status species and the minimization measures for this project-Project would perform the training.</p>	<p>The training would be conducted prior to all personnel working on Project site.</p>

MITIGATION MONITORING AND REPORTING PROGRAM			
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<p>including a course outline and supplementary materials, for the California Broadband Cooperative staff and contractors, and a class roster to the California Broadband Cooperative to certify which persons completed the training.</p> <p>The training shall include: supporting written material and electronic media, including photographs of protected species; the locations and types of sensitive biological resources within the project-Project alignment and adjacent areas, and explain the reasons for protecting these resources; inform participants that no snakes, other reptiles, bats, or any other wildlife shall be harmed or harassed, with special emphasis on special-special-status species; including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures; a discussion of fire prevention measures to be implemented by workers during project-Project activities; specific requirements regarding smoking and disposal of cigarettes; identify the Project Biologist(s) and Biological Monitor(s) for contact or further comments and questions about the material discussed in the program; direct trainees to report all observations of listed species and their sign to the Project Biologist for inclusion in the compliance reports; a discussion of the Project Biologist’s and Biological Monitor’s stop work authority; and a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines.</p>			
<p>APM-Bio-8: Horizontal Directional Ddrilling or bridge attachments will be used to install the conduit at locations where the route crosses perennial waterbodies. Wetlands, including transmontane alkali marsh, will be avoided. If avoidance is not feasible, conduit will be installed using HDDhorizontal directional drilling, as</p>	Included in Project plans and specifications.	The Engineering Inspector is to determine and verify the appropriate method, either HDD horizontal directional drilling or bridge attachment.	Documentation of the implemented construction method for a perennial waterbody.

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described in the project-Project description of the Joint EA Environmental Assessment/ Mitigated Negative Declaration .			
APM-Bio-9: No in-stream construction is proposed. No trenching or plowing activities are proposed to occur within seasonal or perennial aquatic habitat containing protected fish species. The selected construction techniques would be limited to HDD horizontal directional drilling operations under water ways and ephemeral streams with the potential to support these species.	Included in Project plans and specifications.	The onsite Biological Monitor will identify the appropriate BMPs Best Management Practices for individual locations. The Engineering Inspector is to verify appropriate techniques.	Documentation of the implemented construction method upon completion.
APM-Bio-10: Where work is required in the vicinity of seasonal or perennial aquatic habitats, the Spill Prevention and Pollution Plan will include BMPs Best Management Practices to avoid introducing contaminants into waterbodies.	Included in Project specifications and during construction.	The Contractor will prepare the Spill Prevention and Pollution Plan SPPP and provide appropriate BMPs Best Management Practices for stream protection.	Engineering Inspector to verify in the field upon completion of installation of BMPs Best Management Practices.
APM-Bio-11: Within 100 feet of the upper limit of the bank of an aquatic habitat containing protected fish, mollusk and crustacean species, a Biological Monitor shall be present on the site during construction. Daily inspections of construction BMPs Best Management Practices shall occur, and the Biological Monitor shall report deficient sediment control devices to the Contractor for prompt repair. HDD Horizontal directional drilling or bridge attachments would be used to install conduit where the route crosses waterbodies. A Spill SPPPPrevention and Pollution Plan will be prepared that shall include BMPs Best Management Practices to avoid introducing contaminants into waterbodies.	Prior to and during construction activities.	Biological Monitor to submit daily inspection logs, and provide recommendations to the Contractor. The Contractor will prepare the SPPP Spill Prevention and Pollution Plan and provide appropriate BMPs Best Management Practices for aquatic habitat protection. The Engineering Inspector is to verify appropriate techniques for responses.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring within 100 feet of aquatic habitat containing protected fish species. The Biological Monitor would notify the appropriate resource agencies immediately if a special special-status fish species were observed in the immediate vicinity of the day's construction area.
APM-Bio-12: The contractor will implement the following control measures for invasive and noxious weeds (non-native vegetation):	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> ▪ Contractor vehicles and equipment will be cleaned inside and out prior to arrival at the work site in an effort to limit the introduction of non-native vegetation onto the Project corridor. 	Prior to and during construction activities.	The Biological Monitor will be responsible to oversee and provide recommendations for the purposes of decreasing the likelihood that	The Biological Monitor will record cleaning methods and if non-native vegetation debris was collected from vehicles, equipment, or

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

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

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measures will be taken: (1) a minor re-route of the cable would be made to avoid the plant(s) and a suitable buffer area to prevent root damage or other incidental damage; or (2) in areas that cannot be avoided by a minor re-route, of the the cable shall be installed using HDD horizontal directional drilling methods to eliminate surface disturbance. A biological monitor shall be present during construction activities occurring within the vicinity of these special-special-status plant populations and shall be responsible for designating an appropriate buffer area or bore depth to minimize potential adverse impacts to the plants and their roots.		drilling in that area.	species cannot be avoided.
APM-Bio-14: Nesting bird surveys will be conducted during the nesting season -within 100 feet -(500 feet for raptors) of the proposed construction corridor, access routes, and staging areas, and an appropriate buffer determined by the onsite Project Biologist or Biological Monitor to these areas prior to the commencement of equipment operation.	Nesting bird surveys would be performed within one week 48 hours prior to the onset of construction. The typical nesting season is between February-March 15 and August 31 September 15 with most nesting activities occurring between March and July.	A biologist familiar with the avian species that may nest within the project-Project corridor.	Active bird nests that are located will be identified on a map following the nesting bird surveys.
APM-Bio-15: The following measures will be taken to minimize and avoid impacts to the greater sage-grouse:	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> Prior to the initiation of any construction within the range of the greater sage-sage-grouse, the Project Biologist will contact CDFG-California Department of Fish and Game and USFWS United States Fish and Wildlife Service biologists to identify any known or potential greater sage-sage-grouse lekking or breeding habitat within the project-Project alignment; the Project Biologist shall identify those areas and establish specific seasonal and daily work procedures to avoid or minimize any potential impacts to greater sage-sage-grouse. 	Prior to and during construction activities.	The Project Biologist will be responsible for CDFG-California Department of Fish and Game and USFWS-United States Fish and Wildlife Service consultation and work with the Contractor to implement appropriate avoidance and minimization measures.	The Project Biologist will document the results of the CDFG-California Department of Fish and Game and USFWS-United States Fish and Wildlife Service consultation and document the implemented avoidance and minimization measures.
<ul style="list-style-type: none"> To protect nesting greater sage-grouse no work or staging shall occur from May 1 to June 30February 15 through July 30 in areas of 	During c onstruction activities.	The Contractor will be responsible for avoiding construction from May 1 to June 30 February 15 to July 30	Location of construction between May 1 and June 30 February 15 and July 30 will be documented by the

Appendix B – Mitigation Monitoring and Reporting Plan (MMRP)
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<p><u>known sage-grouse lekking, to include:</u></p> <ul style="list-style-type: none"> ▪ <u>along the backbone from Conway Summit to the intersection of US_395 and Green Creek Road.</u> ▪ <u>along Burcham Flat Road, within 3 miles of an active lek.</u> 		along the backbone from Conway Summit to the intersection of US-395 and Green Creek Road <u>and within 3 miles of an active lek along Burcham Flat Road.-</u>	Contractor.
<ul style="list-style-type: none"> ▪ Prior to construction activities at work sites, the Project Biologist will conduct pre-construction wildlife surveys at the site and surrounding buffer area. 	Prior to the start of construction.	The Project Biologist and/or Biological Monitor shall perform pre-construction surveys.	The Project Biologist will be responsible for the documentation of the findings of those surveys.
<ul style="list-style-type: none"> ▪ Speed limits within greater sage-grouse habitat and known breeding areas (i.e., Burcham Flat Road, a known lek and nesting area for the species) will be limited to a pace that does not interfere with breeding displays, or breeding and nesting activities. <u>Speed limits will be clearly identified in these areas.</u> Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	During construction activities.	The Project Biologist will provide recommendations for speed limits <u>based on the biology and mobility of this species.</u> The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in greater sage-grouse habitat.
<ul style="list-style-type: none"> ▪ All open trenches will be covered at the end of the work-day. 	During construction activities.	The Contractor is responsible for implementing the covering of trenches, while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the trench coverings upon completion of the end of the day inspection.
<ul style="list-style-type: none"> ▪ A Project Biologist or Biological Monitor will be present during all <u>No</u> vegetation removal activities <u>within 3 miles of an active lek that will take place during greater sage-grouse lekking/nesting season between May and July</u> <u>February 15 and July 30.</u> 	During construction activities.	The Biological Monitor is to provide guidance when necessary during vegetation removal activities <u>identification of greater-sage-grouse habitat. The Contractor is responsible for avoiding vegetation removal within 3 miles of an active lek between February 15 and July 30.</u>	<u>Location of vegetation removal between February 15 and July 30 will be documented by the Contractor. The Biological Monitor will document vegetation removal activities within greater sage-grouse habitat on a daily basis.</u>
<ul style="list-style-type: none"> ▪ Any greater sage-grouse nest encountered 	During construction activities.	The Project Biologist will be	The Biological Monitor will

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during project <u>Project</u> activities will be protected under the guidelines of local, state <u>State</u> , and federal <u>Federal</u> laws.		responsible for the oversight of greater sage-grouse nests that are encountered and provide recommendations for protection.	document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in the vicinity of greater sage-grouse nests.
APM-Bio-16: Prior to ground <u>ground</u> -disturbing activities at work sites, the Project Biologist or Biological Monitor will conduct pre-construction wildlife surveys at the site and surrounding buffer area. Pre-construction surveys address potential occurrence of mammalian species, with particular attention afforded to burrowing species. Wherever possible, any mammal species, whether a sensitive species or not, will be allowed to leave the work site prior to construction.	Prior to ground <u>ground</u> -disturbing construction activities.	The Project Biologist and/or Biological Monitor shall perform pre-construction surveys.	The Biological Monitor to record observations and interactions with mammalian species.
APM-Bio-17: Populations of Sierra Nevada bighorn sheep are known to occur along the Proposed Project route on the western slopes of the mountains in Owens Valley in Inyo County. The following measures will be taken to minimize and avoid impacts to Sierra Nevada bighorn sheep:	During construction activities.	Biological Monitor to submit daily monitoring logs.	Biological Monitor to verify in the field.
<ul style="list-style-type: none"> Speed limits within known Sierra Nevada bighorn sheep breeding areas will be limited to a pace that does not interfere with breeding displays or breeding, <u>and will be clearly identified within these areas.</u> Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	During construction activities.	The Biological Monitor will provide recommendations for speed limits <u>based on the biology and mobility of this species.</u> The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in Sierra Nevada bighorn sheep breeding areas.
<ul style="list-style-type: none"> Construction within or in the vicinity of Sierra Nevada bighorn sheep herds during the lambing season and/or near lambing herds will be postponed until after the lambing season. 	During construction activities.	The Project Biologist or Biological Monitor will be responsible for providing avoidance recommendations to the	The Project Biologist will document recommendations made to the Contractor and when the Contractor implements the

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		Contractor.	recommendations. The Project Biologist or Biological Monitor shall record all Sierra Nevada bighorn sheep observations throughout the Project alignment and daily Project activities occurring in Sierra Nevada bighorn sheep lambing areas for inclusion of Project compliance reports.
APM-Bio-18: The following measures will be taken to minimize and avoid impacts to -mule deer:	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field
<ul style="list-style-type: none"> Speed limits within known mule deer breeding areas and migration routes will be limited to a pace that does not interfere with breeding or migration, <u>and will be clearly identified within these areas</u>. Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	During construction activities.	The Project Biologist will provide recommendations for speed limits <u>based on the biology and mobility of this species</u> . The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in mule deer breeding areas.
<ul style="list-style-type: none"> Where feasible, construction activities within migration corridors for mule deer will be avoided during the winter season (i.e., November 1-March 31). 	During construction activities.	The Project Biologist and Contractor will be responsible for identifying and avoiding mule deer migration corridors during the winter season.	The Biological Monitor to document avoidance, where feasible..
APM-Bio-19: Prior to initiating conduit installation on any bridge, the Project Biologist will conduct pre-construction bat roost surveys at the bridge site.	Prior to construction activities.	The Project Biologist or Biological Monitor and the Agency would determine the course of action in an effort to minimize impacts to <u>special-special</u> -status bats or roost site.	Biological Monitor to verify in the field.
APM-Bio-20: The following measures will be taken to minimize and avoid impacts to the desert tortoise, following guidance by the “Best Management Practices for New Construction in Tortoise Habitat” (Appendix I in	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field

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<p>the West Mojave Plan):</p> <ul style="list-style-type: none"> ▪ Speed limits within desert tortoise habitat will be limited to a pace that does not endanger the desert tortoise and in no circumstances will exceed 20 mph on any unpaved road. Under no circumstances, except an emergency, will any Project personnel drive off-road in desert tortoise habitat. Construction personnel will obey posted speed limit signs for the Project at all times when on the Project. 	<p>During construction activities.</p>	<p>The Project Biologist will provide recommendations for speed limits. The Contractor will be responsible for posting those speed limits and making Project personnel aware of the posted speed limits. The Project Biologist and Biological Monitor will be responsible for bringing awareness to these areas daily as applicable.</p>	<p>The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor to record daily activities occurring in desert tortoise habitat.</p>
<ul style="list-style-type: none"> ▪ Pre-construction surveys for desert tortoise shall be conducted within the Proposed Project Right of Way and the required buffer areas. The Project Biologist and desert tortoise monitors shall walk parallel 30-foot wide linear transects covering 100 percent of the site and within a 50-foot buffer. 	<p>Between February 15 and November 15, the survey shall occur within 48 hours prior to ground disturbance. Between November 16 and February 14, the survey may be performed several days or several weeks prior to disturbance.</p>	<p>The Project Biologist will conduct the survey.</p>	<p>The Project Biologist will document the methodology and results of the survey and will identify the location of any tortoises or borrows observed.</p>
<ul style="list-style-type: none"> ▪ Special habitat features, such as burrows/pallets, identified during pre-construction surveys shall be marked, recorded, and avoided to the extent possible. Burrows that are found shall be checked for desert tortoises and eggs by the Project Biologist. When desert tortoises are found, the burrows shall be flagged so that equipment operators and drivers shall clearly see the flagging and avoid the burrows. Unoccupied burrows shall be flagged in a manner that contrasts with occupied burrows. 	<p>Prior to construction</p>	<p>The Project Biologist shall conduct the survey.</p>	<p>The Project Biologist shall document the flagging of borrows and any other actions taken to ensure borrows are avoided by construction activities.</p>
<ul style="list-style-type: none"> ▪ Encounters with desert tortoises shall be immediately reported to the Project Biologist. The Project Biologist shall maintain a record of desert tortoises encountered during Project activities. Information recorded for each desert tortoise shall include: the location (narrative, 	<p>During construction</p>	<p>The Project Biologist shall keep record.</p>	<p>The Project Biologist shall record all encounters with desert tortoises and the actions resulting from those encounters.</p>

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<p>vegetation type, and maps); date of observation; general condition of health, including apparent injuries and state of healing; whether the desert tortoise voided its bladder; if moved, location moved from and location moved to; digital photographs of each handled tortoise; and diagnostic markings (i.e., identification numbers or marked lateral scutes).</p>			
<ul style="list-style-type: none"> ▪ All open holes shall be covered, fenced, or inspected by the Biological Monitor at the beginning, middle, and end of each day. Ramps shall be constructed at the ends of trenches, and, where feasible, at about 100-foot intervals along the trench to allow entrapped tortoises to escape. The Biological Monitor will inspect trench/hole closures each night after they have been filled or covered to verify no refuge for desert tortoise remains. 	During construction activities.	The Contractor is responsible for implementing the covering of trenches while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document the trench coverings upon completion of the end of the day inspection.
<ul style="list-style-type: none"> ▪ If trenches/holes cannot be closed (covered) and are located in habitat appropriate for desert tortoise, silt fencing will be installed around the area to prevent desert tortoise from entering the construction area. The Biological Monitor will perform an inspection of a completed silt fence. Following construction and removal of the silt fence, the ground will be returned to its pre-disturbance condition. 	During construction activities.	The Project Biologist will provide the recommendation for silt fence installation. The Contractor is responsible for implementing the installation of silt fencing while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	The Biological Monitor will document recommendations made to the Contractor and when the Contractor implements the recommendations. The Biological Monitor will document the silt fence installations upon completion of the inspection.
<ul style="list-style-type: none"> ▪ Any conduit or similar structure with a diameter greater than 3 inches, stored less than 8 inches aboveground for one or more nights, shall be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored, or placed on pipe racks. 	During construction.	The Biological Monitor is responsible for inspecting structures for the presence of tortoises; the Contractor is responsible for capping and/ or storing materials above 8 inches above ground.	The Biological Monitor will document at the end of each day.
<ul style="list-style-type: none"> ▪ The Biological Monitor will perform daily inspections for the presence of desert tortoise 	During construction activities.	The Contractor is responsible for implementing the installation of silt	The Biological Monitor will document the silt fence

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<p>in each trench/hole wherever silt fence is installed for desert tortoise protection. Priority of inspections will occur for areas scheduled for construction activities that day, then followed by areas not scheduled for construction. Encounters with desert tortoises shall immediately be reported to the Project Biologist.</p>		fencing, while it will be the Biological Monitor who is responsible for an end of the day inspection of the trench coverings.	installations upon completion of the daily inspection.
<ul style="list-style-type: none"> In an effort to mitigate impacts to the desert tortoise, California Broadband Cooperative will install new desert tortoise exclusionary fencing in locations along the Proposed Project route identified by the United States Fish and Wildlife Service as preferred locations for fence installation. The exact length, location, and responsibility of maintenance of this new exclusionary fencing will be determined in a collaborative effort with the California Broadband Collective Cooperative, NTIA National Telecommunication and Information Administration, USFWS United States Fish and Wildlife Service, CDFG California Department of Fish and Game, and Caltrans based on experience, expertise, and available funding. <u>New exclusionary fencing will be attached to existing Caltrans right-of-way fencing.</u> 	Prior to construction activities.	The Contractor is responsible for implementing the installation of silt <u>exclusionary</u> fencing, while it will be the Biological Monitor who is responsible for a daily inspection of the exclusion coverings.	The Biological Monitor will document the silt <u>exclusionary</u> fence installations upon completion of the daily inspection.
<ul style="list-style-type: none"> Desert tortoise fencing is present along portions of the Proposed Project. Desert tortoise fence located along the Proposed Project will be inspected on a daily basis. 	During construction.	The Project Biologist to conduct fence inspections. In areas where desert tortoise fence has been inspected and determined to be intact, a Biological Monitor will not be required. However, if there is a breach in the desert tortoise fence, a Biological Monitor will be required.	The Project Biologist shall document the inspection of desert tortoise fencing.
<ul style="list-style-type: none"> Project <u>Project</u>-related damage to existing desert tortoise fencing shall be repaired 	During construction.	The Project Biologist to conduct fence inspections. The Contractor	The Project Biologist shall document the inspection of desert

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

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the fiber-fiber -optic line and associated components or directional boring beneath the site with an archaeological monitor present at the bore rig site, as feasible.			
APM-CR-3: Site boundaries and a buffer zone, as defined and agreed upon by the lead or jurisdictional agency Agency, will be provided for insuring avoidance of impacts to archaeological sites by designating these boundaries and buffer zones using flagging tape. Flagging will not occur too far in advance of construction activities; timing will be coordinated with the appropriate land managing agency Agency. Monitoring will be conducted prior to construction to insure flagging has not been removed and will be conducted by a qualified archaeologist.	Prior to construction activities	Cultural Resources Monitor to submit daily monitoring logs	Cultural Resources Monitor to verify in the field
APM-CR-4: A qualified archaeological monitor will be present during ground-disturbing activities within the project Project area in areas determined likely to contain cultural resources. The monitor will be empowered to temporarily halt or redirect construction activities until the deposit is recorded and evaluated by a qualified archaeologist and the appropriate avoidance and minimization measures have been agreed upon in conjunction with the lead agency Agency and local agency Agency jurisdiction.	During construction activities; and in the event of discovery	Cultural Resources Monitor to submit daily monitoring logs	Cultural Resources Monitor to verify in the field
APM-CR-5: The <u>Programmatic Agreement</u> currently is in revision after a 30-day review period with the listed parties. Signatories and invited signatories received a copy of the <u>Programmatic A Agreement</u> the week of June June 13, 2011. The review period ended the week of July July 18, 2011. Comments will be incorporated into the <u>Programmatic Agreement</u> , and the <u>Programmatic Agreement</u> will be returned to listed parties for reading and signatures. Phased mitigation procedures to meet Section 106 review and compliance will be outlined in the finished <u>Programmatic Agreement</u> .	Prior to and during construction	The Applicant and appropriate agencies Agencies will complete and follow procedures outlined in the final <u>Programmatic Agreement</u> .	The Project Archaeologist will document compliance with the final <u>Programmatic Agreement</u> .
APM-CR-6: Prior to construction, the Applicant shall designate a certified Project Paleontologist to supervise	Prior to construction	To be designated by Applicant. Project Paleontologist to prepare	Throughout active construction and at reporting intervals.

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<p>monitoring of construction excavations and to produce a Paleontological Resource Management Plan (PRMP) for the Proposed Project. This Paleontological Resource Management Plan PRMP shall be prepared and implemented under the direction of the Project Paleontologist and would address and incorporate measures identified in this MMRP Mitigation Monitoring and Reporting Plan. Paleontological monitoring shall include inspection of exposed rock units and microscopic examination of matrix to determine if fossils are present. The monitor shall have authority to temporarily divert grading away from exposed fossils in order to recover the fossil specimens. The Paleontological Resource Management Plan PRMP may require field surveys for specific areas along the project-Project route based on the sensitivity of the area. The Paleontological Resource Management Plan PRMP may require the Applicant to have a formal agreement with a recognized museum repository and the Project Paleontologist to curate any fossil collections, maintain appropriate field and laboratory documentation, and prepare the final Paleontological Resource Recovery Report in a timely manner following construction. More specific guidelines for paleontological resource monitoring will be identified in the Project Paleontological Resource Management Plan PRMP. The Project Paleontologist shall document interim results of the construction monitoring program with monthly progress reports.</p>		<p>and implement measures from the Paleontological Resource Management Plan PRMP.</p>	
<p>APM-CR-7: Workers Environmental Awareness Program training shall be provided to construction supervisors and crew for awareness of requirements regarding the protection of paleontological resources and procedures to be implemented in the event fossil remains are encountered by ground-disturbing activities.</p>	<p>Prior to and as-needed for new personnel during construction activities.</p>	<p>The Project Paleontologist familiar with the minimization measures for this project-Project would perform the training.</p>	<p>The training would be conducted prior to all personnel working on Project site in areas of concern.</p>
<p>APM-CR-8: Ground-disturbing activities shall be monitored on a full-time basis by a paleontological construction monitor only in those parts of the Project</p>	<p>During construction</p>	<p>The Project Paleontologist to decide the level of monitoring required for the area.</p>	<p>Level of monitoring to be identified prior to construction activities. Project Paleontologist to keep</p>

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<p>area where these activities may disturb previously undisturbed strata in rock units of high sensitivity. The areas that will require full-time monitoring include:</p> <ul style="list-style-type: none"> ▪ Segment Hinkly to Kramer Junction: older alluvium; ▪ Segment Kramer Junction to Atolia-Quaternary: older alluvium north of Kramer Junction Quaternary nonmarine terrace deposits; ▪ Segment Searles to Ridgecrest: Quaternary lake deposits and alluvium one mile on either side; ▪ Segment Ridgecrest to Inyokern: Quaternary lake deposits and alluvium one mile on either side of Quaternary lake deposits; ▪ Segment Inyokern to Little Lake: Quaternary nonmarine deposits; ▪ Segment Little Lake to Olancha: Quaternary alluvium adjacent to Owens Lake; ▪ Segment Olancha to Keeler: Quaternary alluvium adjacent to Owens Lake; ▪ Segment Keeler to Owenyo: Quaternary lake deposits; ▪ Quaternary alluvium adjacent to Owen Lake; ▪ Segment Lone Pine Quaternary lake deposits; ▪ Segment Owenyo to Independence: Quaternary alluvium where route crosses Owens River; and ▪ Segments in the Mono Basin-Quaternary lake deposits. <p>The Project Paleontologist, upon conferring with the Paleontological Monitor(s), can reduce the amount of monitoring if it is determined that a large portion of a segment is in top soil or fill. The areas that will require part-time or spot checking monitoring:</p> <ul style="list-style-type: none"> ▪ All areas with Quaternary alluvium 			<p>notes regarding monitoring.</p>

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<p>The areas that will require no monitoring:</p> <ul style="list-style-type: none"> ▪ Areas where volcanic, granitic, or metamorphic rocks are present. 			
AESTHETIC AND VISUAL RESOURCES			
<p>APM-AVR-1: Staging and material and equipment storage areas, including storage sites for excavated materials will be appropriately located away from areas of high public visibility to the extent possible.</p>	Included in Project specifications, prior to construction activities	Engineering Inspector	Prior to construction activities
LAND USE			
<p>APM-LU-1: Prepare Construction Notification Plan. Prior to construction, <u>California Broadband Cooperative</u> shall prepare and submit a Construction Notification Plan to the <u>National Telecommunications and Information Administration</u> and the <u>CPUC California Public Utilities Commission</u> for approval. The Plan shall identify the procedures that address at a minimum the following components:</p>	Prior to construction activities	CBC <u>California Broadband Cooperative</u> to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities
<ul style="list-style-type: none"> ▪ Public notice mailer. Prior to construction, a public notice mailer shall be prepared. The notice shall identify construction activities that would restrict, block, or require a detour to access existing residential properties, retail and commercial businesses, wilderness and recreation facilities, and public facilities (e.g., schools and reserves). The notice shall state the type of construction activities that will be conducted and the location and duration of construction. CBC <u>California Broadband Cooperative</u> shall mail the notice to all residents or property owners within 300 feet of the right-of-way and to specific public agencies with facilities that could be impacted by construction. If construction delays of more than seven days occur, an additional notice shall be prepared and distributed. 	Prior to construction activities	<u>California Broadband Cooperative</u> to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities

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<ul style="list-style-type: none"> ▪ Newspaper advertisements. Prior to construction within a route segment, one round of newspaper advertisements shall be placed in local newspapers and bulletins. The advertisement shall state when and where construction will occur and provide information on the public liaison person and hotline identified below. If construction is delayed as noted above, an additional round of newspaper ads shall be placed to discuss the status and schedule of construction. 	Prior to construction activities	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities
<ul style="list-style-type: none"> ▪ Public venue notices. Prior to construction, notice of construction shall be posted at public venues such as trail crossings, rest stops, resource management offices, and other public venues to inform residents and visitors of the purpose and schedule of construction activities. For public road closures, California Broadband Cooperative shall post information about the road detour at applicable resource management offices and post the notice within two miles north and south of the detour. For recreation facilities and reserves, the notice shall be posted along the access routes to known recreational destinations that would be restricted, blocked, or detoured and shall provide information on alternative recreation areas that may be used during the closure of these facilities. 	Prior to construction activities	California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities
<ul style="list-style-type: none"> ▪ Public liaison person and toll-free information hotline. CBC-California Broadband Cooperative shall identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching the public liaison officer via telephone or in person shall be 	Prior to construction activities	CBC - California Broadband Cooperative to prepare. Engineering Inspector to verify prior to construction.	Prior to construction activities

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included in notices distributed to the public. CBC-California Broadband Cooperative shall also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls shall be addressed in the Construction Notification Plan.			
INFRASTRUCTURE			
APM-I-1: Roadway Capacity Maintenance. California Broadband Cooperative and its construction contractors shall maintain the maximum possible amount of travel lane capacity on roads during non-construction periods and shall provide traffic control during construction along public roads and highways.	During construction activities	Engineering Inspector	During construction activities
APM-I-2: Prepare Transportation Management Plans. Prior to the start of construction, California BC-Broadband Cooperative shall submit Traffic Management Plans (TMPs) to all agencies with jurisdiction over public roads that would be affected by construction activities. TMPs Traffic Management Plans shall define the locations of all roads that would need to be temporarily closed due to construction activities. The TrafficMP Management Plans shall define the use of flag persons, warning signs, lights, barricades, cones, etc. according to standard guidelines outlined in the Caltrans Traffic Manual, the Standard Specifications for Public Works Construction, and the <i>Work Area Traffic Control Handbook</i> (WATCH). Shoulder or lane closures shall be accomplished in accordance with the 2010 Caltrans Standard Plans. A lane closure shall be required when personnel are working or equipment is operated within six feet of the traveled way. A shoulder closure shall be used when personnel or equipment for the work are located outside of six feet from the traveled way. Any traffic control that deviates from 2010 Caltrans Standard Plans shall require a	Prior to and during construction activities	Engineering Inspector	Prior to and during construction activities

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traffic control plan being submitted for approval 14 days prior to the start of work.			
APM I-3: Prepare Recycling Program. Prior to the start of construction, California Broadband Cooperative will create a recycling program to be implemented that will require that the Project meet specified diversion goals.	Prior to and during construction activities.	Engineering Inspector	Prior to and during construction activities.
HUMAN HEALTH/SAFETY			
APM-HHS-1: An environmental health and safety professional who is 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) trained shall be present during the trenching and cable installation in the vicinity of the three active LUST-Leaking Underground Storage Tank (LUST) sites listed in Section 4.133.12 to monitor the construction to minimize these risks.	During construction activities	Health and Safety Monitor to submit monitoring logs	Health and Safety Monitor to verify in field
APM-HHS-2: The Project Applicant and contractor shall be subject to the Occupational Safety Health Administration (OSHA) which sets forth mandatory health and safety standards for construction sites. These standards include mandatory incident reporting, daily tailgate meetings, and monthly safety meetings with the contractor to discuss potential health and safety issues. In addition, the construction superintendent shall be responsible for verifying that all construction personnel working on the Project site is a legal citizen or possesses an employment visa.	During construction activities	Project Applicant/ Contractor	Health and Safety Monitor to verify in field

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NOISE			
MM-N-1: If project-Project construction activities with ground borne vibration activities occur within 100 feet of sensitive receptors, the occupants and property owners shall be notified of the construction activities fifteen <u>15</u> days prior to construction.	Prior to construction activities	Construction Monitor to identify areas of sensitive receptors. Engineering Inspector to verify occupants and property owners are notified.	Immediately prior to construction activities in areas with sensitive receptors.
WATER RESOURCES			
MM-W-1: If a fracture of the substrate occurs during HDD <u>horizontal directional drilling</u> (frac-out), drilling fluids have the potential to be released into the stream or dry streambed. In the event of a frac-out, the <u>California Broadband Cooperative</u> will implement response measures in the <u>Horizontal Directional Drilling</u> Contingency and Resource Protection Plan.	Included in Project plans specifications; implemented during construction activities	The Engineering Inspector would verify that the <u>Horizontal Directional Drilling</u> Contingency and Resource Protection Plan was implemented.	Following the event of a frac-out.
MM-W-2: If a leak or spill from fuels and lubricants enters or threatens to enter a stream crossed or immediately adjacent to the Proposed Project <u>Right Of Way</u> , the <u>California Broadband Cooperative</u> will implement response procedures specified in the Spill Prevention and Pollution Plan (<u>SPPP</u>).	Included in Project plans and specifications; during construction activities	The Engineering Inspector would verify that the <u>SPPP Spill Prevention and Pollution Plan</u> measures were implemented.	Following a fuel or lubricant leak into a stream.
BIOLOGICAL RESOURCES			
MM-Bio-1: If the contractor suspects that invasive and/or noxious weeds have been brought to the site, the contractor would notify the Biological Monitor in an effort to minimize potential impacts and to resolve the issue <u>using similar practices identified in APM-Bio-12 and best professional judgment</u> .	During construction activities.	A-Biological Monitor would determine the necessary course of action to remedy the potential introduction of invasive and/or noxious weeds and provide recommendations for further prevention of such cases.	The Biological Monitor would document the actions taken to remove the invasive and/or noxious weeds upon completion of the action.
MM-Bio-2: Disturbance of vegetation outside of the road, but within the construction ROW, shall be limited to crushing vegetation to minimize root damage to vegetation. If special <u>special</u> -status plant species, such as Joshua trees, cacti, and succulents are within an impact area <u>and cannot be avoided</u> , the restoration specialist shall remove and	During and after construction	The Biological Monitor	The Biological Monitor shall verify that vegetation is not cleared outside existing roads. The biological <u>Biological</u> Monitor would verify that the special <u>special</u> -status plant species within the construction impact area is temporarily relocated

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temporarily relocate the species ahead of construction, to a “nursery area” until safe to return to the immediate area where the special special -status vegetation was originally found. If unforeseen circumstances require disturbance of vegetation beyond the final Proposed Project route, CBC-California Broadband Cooperative shall notify the appropriate agencies Agencies immediately. Surface stabilization and reclamation within and along the boundaries of the Proposed Project ROW Right-of-way shall be accomplished by removing construction debris from the Project area and returning the soil to its original grade.			and then restored.
MM-Bio-3: If an active native bird nest were found within 100 feet (500 feet for raptors) of the Project corridor, an appropriate buffer will be assigned by the Monitoring Biologist. The biologist shall have the discretion to adjust the buffer area (upward or downward) as appropriate according to proposed construction activity, the bird species involved, and the status of the nest and nesting activity.	<u>During the bird breeding season of March 15 through September 15, 48-hours P</u> prior to and during construction activities.	Biological Monitor to submit daily monitoring logs.	The nesting species and the assigned buffer will be documented upon discovery of nest.
MM-Bio-4: The Proposed Project does not directly cross any known greater sage-grouse lekking or breeding areas. If a greater sage-grouse is observed within 100 feet of an active construction site, construction activities will be limited or temporarily halted until the animal has left the area. If the sage-grouse does not leave the area on its own, the Project Biologist would contact the appropriate agency Agency to determine the best course of action. If any construction activities were to occur within a newly identified lekking or breeding area, the activities shall be conducted outside the breeding season.	Prior to and during construction activities.	The Project Biologist or Biological Monitor and the appropriate agency Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to maintain construction activity would be documented immediately upon completion of biologist and Agency discussions. The Biological Monitor to record greater sage-grouse observations and interactions.
MM-Bio-5: A survey shall be conducted within 30 days prior to the initiation of construction by a	30 days prior to start of construction and during construction activities.	The Biological Monitor will be responsible for the oversight of	The Biological Monitor to record burrowing owl observations and

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qualified biologist to determine the presence or absence of the burrowing owl in the construction zone plus 250 feet beyond.		burrowing owl surveys and burrows that are encountered and provide recommendations for protection.	interactions.
MM-Bio-6: If the burrowing owl is present, no disturbance shall occur within 50 meters (approximately 160 ft) of occupied burrows from September 1 through January 31 or within 75 meters (approximately 250 ft) of occupied burrows from February 1 through August 31.	During construction activities.	Biological Monitor to submit daily monitoring logs	Biological Monitor to verify in the field.
MM-Bio-7: Pipes or similar construction materials that are stored on site for one or more nights shall be inspected for burrowing owls by a Biological Monitor before the material is moved, buried, or capped.	During construction activities.	The Contractor is responsible for closing and capping pipes and similar construction materials. The Biological Monitor is responsible for inspections and submitting monitoring logs of inspections performed.	Biological Monitor to verify in the field.
MM-Bio-8: Passive relocation of burrowing owls shall be implemented prior to construction only at the direction of the CDFG-California Department of Fish and Game and only if the above-described occupied burrow disturbance absolutely cannot be avoided (e.g., due to physical or safety constraints). Relocation of owls shall only be implemented <u>only</u> during the non-breeding season.	Prior to the start of construction activities and only during September <u>September 1</u> to January 31.	The Biological Monitor will be responsible for the oversight of burrowing owl surveys and burrows, and will coordinate accordingly with CDFG <u>the California Department of Fish and Game</u> .	The Biological Monitor to record burrowing owl relocation activities.
MM-Bio-9: When conducting construction activities during the bird breeding season of March <u>March 15</u> through September 15 within 500 feet of habitat in which least Bell's vireos and/or southwestern willow flycatchers are known to occur or have potential to occur, a Project Biologist shall survey for least Bell's vireos and southwestern willow flycatchers within 10-calendar days <u>48 hours</u> prior to initiating activities in an area. If least Bell's vireos or southwestern willow flycatchers are present, then construction would be temporarily halted; and the Biological Monitor and appropriate agency <u>Agency</u> would be contacted to determine	10-calendar days <u>48 hours</u> prior to construction (and during construction) in least Bell's vireo and southwestern willow flycatcher habitat between March 15 and September 15	The Project Biologist will conduct the survey and coordinate with the appropriate agency <u>Agency</u> , if necessary.	The Project Biologist shall submit a report documenting survey methodology and all least bell's vireo and southwestern willow flycatcher observations.

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the best course of action.			
MM-Bio-10: If a special-special -status mammalian species were detected or directly observed within 100 feet of a construction area that may result in direct disturbance to that animal, then construction would be temporarily halted until the mammal left; if it does not leave on its own, the Biological Monitor would contact the appropriate agency Agency to determine the best course of action.	During construction activities.	A Biological Monitor and the agency Agency would determine the course of action in an effort to allow construction activities to resume. A Biological Monitor would be present to monitor for potential disturbance to special-special -status mammalian species.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions. Biological Monitor would submit daily monitoring logs.
MM-Bio-11: If a Sierra Nevada bighorn sheep is observed within 100 feet of an active construction site, then construction would be temporarily halted until the animal leaves the area. If the animals does not leave the area within a short time z or if it appears to be injured or ill z or if a lamb, with or without a ewe z is present in the area, then the Project Biologist, if necessary, shall contact the appropriate Agency to determine the best course of action. All verified bighorn sheep observations will be recorded in daily field notes and reported in the project-Project compliance reports.	During construction activities.	The Project Biologist and the Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.
MM-Bio-12: If a mule deer is observed within 100 feet of an active construction site, then construction would be temporarily halted until the animal leaves the area. If the mule deer does not leave the area within a short time z or if it appears to be injured or ill z or if a fawn, with or without a doe z are present in the area, the Project Biologist or Biological Monitor will be contacted and, if necessary, the appropriate Agency would be contacted to determine the best course of action.	During construction activities.	An on-call Biological Monitor and the Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.
MM-Bio-13: Any tower or similar structure erected in or adjacent to desert tortoise, sage grouse, and/or Mohave ground squirrel habitat must include an anti-perching device to curtail avian predation	During construction of any tower-like structures in desert tortoise or Mojave ground squirrel habitat.	The Contractor will be responsible for installing the anti-perching devices on any structure that could attract roosting by avian predators.	The Biological Monitor will verify that anti-perching devices are installed on structures that could attract avian predators.
MM-Bio-134: Mohave ground squirrel (MGS) are	During construction activities.	The Biological Monitor will be	The Biological Monitor to record

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assumed to be present in the Proposed Project area. The MGS-Mohave ground squirrel shall be looked for opportunistically as part of other surveys and monitoring required during project-Project construction. Mitigation measures will be coordinated with the CDFG-California Department of Fish and Game , and an incidental take permit will be obtained by CBC-California Broadband Cooperative prior to construction occurring occurring in MGS-Mohave ground squirrel habitat.		responsible for the oversight of MGS-Mohave ground squirrel and burrows that are encountered and provide recommendations for protection.	MGS-Mohave ground squirrel observations and interactions.
MM-Bio-145: The Project Biologist shall immediately notify the Contractor and CDFG-the California Department of Fish and Game of any MGS-Mohave ground squirrel encountered. Notification to the CDFG-California Department of Fish and Game shall follow the requirements identified in the incidental take permit.	Prior to and during construction activities.	The Biological Monitor will be responsible for notifying the Contractor and CDFG-California Department of Fish and Game of a MGS-Mohave ground squirrel encounter. The Biological Monitor will be responsible for the preparation of an incident report for a MGS-Mohave ground squirrel encounter.	The Biological Monitor will notify CDFG-the California Department of Fish and Game within the same day or by the following business day as described in this measure. The Biological Monitor will prepare an incident report following a MGS-Mohave ground squirrel encounter.
MM-Bio-156: The Project Biologist will survey for bats and/or bird nests prior to installing of conduit at bridges. Construction at any bridges with active bird nests or bat colonies would be avoided during the breeding season. The appropriate Agency would be consulted should a bridge appear to serve as a bat roost.	A bird nest and bat survey would be performed within two weeks of installing conduit on a bridge. The typical bird nesting season is between February 15 and August 31, with most nesting activities occurring between March and July. The typical bat breeding season is May to July.	The Project Biologist will conduct the survey.	Active bird nests and bat colonies will be identified on a map following the nesting bird surveys.

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<p>MM-Bio-167: If roosting bats may be present, then the Project Biologist shall identify the species and contact CDFG <u>the California Department of Fish and Game</u> or the Nevada Dept. <u>Department</u> of Wildlife to determine the best course of action. Where bridges may serve as maternity roosts, project <u>Project</u> construction will be delayed until conclusion of the breeding season.</p>	<p>Prior to and during construction activities.</p>	<p>The Project Biologist or Biological Monitor and the Agency would determine the course of action in an effort to minimize impacts to special <u>special</u>-status bats or roost site and allow construction activities to resume.</p>	<p>Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions.</p>
<p>MM-Bio-178: The Project Biologist shall conduct pre-construction surveys for American badger dens in the Project Area, including areas within 100 feet of all Project ROW <u>Right of Way</u> staging areas and access roads. If dens are detected, each den will be classified as inactive, potentially active, or definitely active.</p>	<p>Prior to construction activities.</p>	<p>The Biological Monitor will be responsible for the oversight of badger surveys and burrows that are encountered and provide recommendations for protection.</p>	<p>The Biological Monitor to record badger observations and interactions.</p>
<p>MM-Bio-189: Disturbance to all American badger dens will be avoided to the maximum extent possible. Dens determined to be occupied between March 1 and June 30 will be avoided to protect adults and nursing young. If a potentially active den is found in a construction area, the appropriate Agency would be contacted to determine the best course of action.</p>	<p>During construction activities</p>	<p>The Biological Monitor will be responsible for the oversight of badger surveys and burrows that are encountered and coordinate with the appropriate agency <u>Agency</u> to provide recommendations for protection.</p>	<p>The Biological Monitor to record badger observations and interactions.</p>
<p>MM-Bio-1920: To prevent badger burrows from possible collapse from equipment vibration, speed limits shall be reduced to no more than 20 mph when within 200 feet from an active American badger den.</p>	<p>During construction activities</p>	<p>The Contractor will be responsible for oversight of construction crews vehicle operations.</p>	<p>During construction activities.</p>
<p>MM-Bio-204: A Prepre <u>Prepre</u>-construction survey shall be</p>	<p>The pre-construction survey shall be</p>	<p>A biologist qualified to survey for and</p>	<p>The qualified biologist shall</p>

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conducted for pygmy rabbit in suitable habitat, by the Project Biologist. To the greatest extent possible, construction activities shall be restricted to the road, and vehicles and equipment shall avoid driving in pygmy rabbit habitat in order to minimize impacts to pygmy rabbits, their burrows, and habitat. If a pygmy rabbit is found in a construction area and does not leave the site on its own, the appropriate Agency would be contacted to determine the best course of action.	conducted within 2 -two weeks prior to construction.	handle pygmy rabbit.	document the methodology and results of the pre-construction survey and the relocation of any rabbit colonies, if necessary. Other methods implemented to avoid or minimize impacts to pygmy rabbits shall be documented.
MM-Bio-212: If construction activities may result in adverse impacts to special-special -status amphibian and/or reptilian species, then construction would be temporarily halted and the Project Biologist and appropriate agency-Agency would be contacted to determine the best course of action.	During construction activities.	A Biological Monitor and the agency Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and agency-Agency discussions.
MM-Bio-223: Surveys for special-special -status amphibian and/or reptile species shall be conducted prior to construction in areas with potential to support special-special -status reptile or amphibian species. If a special-special -status amphibian and/or reptilian species is confirmed to be present within 100 feet of the construction activities, then a biological-Biological monitor Monitor would be present to monitor for the species and alert construction crews to the possible presence of these species.	Within 2 -two weeks prior to and during construction activities.	A Biological Monitor would be present to survey and monitor for potential disturbance to special special -status amphibian or reptile species.	Biological Monitor would submit survey results and daily monitoring logs.
MM-Bio-234: If a Desert-desert Tortoise-tortoise is observed within 100 feet of an active construction site, then construction would be temporarily halted, and the Biological Monitor would contact the appropriate agency-Agency to determine the best course of action.	During construction activities.	A Biological Monitor and the agency Agency would determine the course of action in an effort to allow construction activities to resume.	Measures required to resume work would be documented immediately upon completion of biologist and Agency discussions. All observations of desert tortoises within the project Project vicinity will be recorded and compiled in compliance reports.
MM-Bio-245: If a desert tortoise must be moved from harm's way during Project activities, the	During construction	The Project Biologist.	The Project Biologist shall document all incidents in which a desert

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Project Biologist will follow the “Guidelines for Handling Desert Tortoises During Construction Projects” (Desert Tortoise Council, 1999), <u>or most current Agency guidelines</u> , and will comply with the requirements identified in the Biological Opinion.			tortoise must be moved.
MM-Bio-256: If construction activities are required within 100 feet of waterbodies suitable for special <u>special</u> -status aquatic wildlife, a Biological Monitor would be present on the site during construction.	Prior to and during construction activities.	Prior to the start of each day's construction activities, a Biological Monitor will determine if activities will occur within 100 feet of a waterbody suitable for special <u>special</u> -status aquatic wildlife. Daily visual inspections also would include assessment of the integrity of BMPs <u>Best Management Practices</u> . The biological monitor would report deficient sediment control devices to the Engineering Inspector for prompt repair.	Biological Monitor would submit daily monitoring logs.
MM-Bio-267: If habitat for special <u>special</u> -status insects is within the construction area, <u>and a special</u> special -status insect species are detected within or adjacent to the proposed area of direct disturbance during construction and does not leave the site on its own, the appropriate regulatory agencies <u>Agencies</u> would be consulted to determine the best course of action.	During construction.	The Project Biologist will conduct the survey and coordinate with the appropriate agency <u>Agency</u> .	The Project Biologist shall prepare a report documenting the consultation with the resource agencies and recommended actions.
CULTURAL RESOURCES			
MM-CR-1: In the event that any previously unidentified or buried cultural resource materials are encountered within any part of the project <u>Project</u> area, all ground-disturbing construction activities must be suspended in the vicinity of the find until the deposit is recorded and evaluated by a qualified archaeologist and the appropriate avoidance and minimization measure is identified.	In the event of discovery	Cultural Resources Monitor to submit compliance reports	In the event of discovery.

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On Bureau of Land Management lands, agency Agency archaeologists should be contacted prior to work continuing. The field manager makes the decision when work can continue, based on the agency Agency archaeologists' opinion.			
MM-CR-2: Sites that cannot be avoided, such as those that have already been determined eligible for NRHP-National Register of Historic Places or state-State listing, will require testing and data recovery measures upon approval of a data recovery plan. A recovery plan will be in place prior to construction activities. Testing of the site and data recovery can be conducted with agency Agency approval.	Prior to construction activities	Cultural Resources Monitor to submit daily monitoring logs	Cultural Resources Monitor to verify in the field
MM-CR-3. If potential human skeletal remains are discovered, all activity in the area of discovery would cease immediately. The protocol for the inadvertent discovery of human remains is found in State Health and Safety Code Division, Part 1, Chapter 2, Section 7050.5 and Public Resource Code 5097.98. Other applicable state-State and federal Federal laws are the Archaeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA), and the Native American Graves Protection & Repatriation Act (NAGPRA). The County Coroner would be notified immediately (within 24 hours) to make a determination as to human or nonhuman skeletal remains and the circumstances, manner, and cause of death. If the Coroner determines that the remains are Native American, he or she would contact the Native American Heritage Commission to identify a Most Likely Descendent, or, if in Nevada, the Office of Historic Preservation of the Department of Cultural Affairs. In California, the NAHC-Native American Heritage Commission would notify the most likely descendant who would	In the event of discovery	Cultural Resources Monitor to submit compliance reports	In the event of discovery.

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<p>consult with the Project proponent and the lead agency-Agency in determining the final disposition of the remains. In Nevada, the Office of Historic Preservation would consult with the Project proponent and the lead agency-Agency in determining the final disposition of the remains.</p> <p>Upon discovery of human remains, <u>Native American Graves Protection & Repatriation Act</u>NAGPRA procedures will be followed. In brief, the contractor will immediately notify the responsible Federal or Tribal official by telephone and provide written confirmation to the responsible Federal or Tribal official. If the inadvertent discovery occurs in connection with an on-going activity, the contractor must cease the activity in the area of the inadvertent discovery and make a reasonable effort (halt all activity within a one hundred (100)-foot radius) to protect the human remains and other cultural items. The Federal or Tribal agency-Agency official must certify receipt of the notification within three days. The Federal or Tribal official may take further action to secure and protect the human remains and other cultural items. The Federal or Tribal agency-Agency official must prepare, approve, and sign a written plan of action to treat the inadvertent discovery. The activity that resulted in the discovery may resume thirty 30 days after the Federal or Tribal agency Agency official certifies receipt of the notification. Custody must be determined in accordance with 25 USC 3002 (a), "Priority of Ownership," and 43 CFR 10.6, "Priority of Custody."</p>			
<p>MM-CR-4: If fossils are encountered during construction, construction activities shall be temporarily diverted from the discovery, and the Paleontological Monitor shall notify the appropriate</p>	During construction	Project Paleontologist to conduct appropriate recovery and testing.	In the event of discovery.

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<p>parties/agencies <u>Agencies</u> and collect matrix for testing and processing as directed by the Project Paleontologist. In order to expedite removal of fossil-bearing matrix, the Paleontological Monitor may request heavy machinery to assist in moving large quantities of matrix out of the path of construction to designated stockpile areas. Construction shall resume at the discovery location once the all necessary matrix was-is stockpiled, as determined by the Paleontological Monitor. Testing of stockpiles shall consist of screen washing small samples to determine if important fossils are present. If such fossils are present, the additional matrix from the stockpiles shall be water screened to ensure recovery of a scientifically significant sample. Samples collected would be limited to a maximum of 6,000 pounds per locality. At each fossil locality, field data forms shall record the locality, stratigraphic columns would be measured, and appropriate scientific samples submitted for analysis.</p> <p>The Project Paleontologist shall direct identification, laboratory processing, cataloguing, analysis, and documentation of the fossil collections. When appropriate, and in consultation with <u>California Broadband Cooperative</u> and the appropriate parties/agencies <u>Agencies</u>, splits of rock or sediment samples shall be submitted to commercial laboratories for microfossil, pollen, or radiometric dating analysis. After analysis, the collections shall be prepared for curation. A final technical report shall be prepared to summarize construction monitoring and present the results of the fossil recovery program. The report shall be prepared in accordance with <u>California Public Utilities Commission</u>, Society of Vertebrate Paleontology guidelines, and lead agency <u>Agency</u>.</p>			

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requirements. The final report shall be submitted to the Applicant, lead agencies Agencies, and the curation repository.			
AESTHETIC AND VISUAL RESOURCES			
MM-AVR-1: If construction staging areas are visible from residences, public gathering areas, and/or recreational areas, facilities, or trails, then construction staging areas shall be visually screened using temporary screening fencing of appropriate design and color.	Included in Project plans and specifications, and implemented prior to construction activities	The Engineering Inspector is to verify that appropriate screening techniques were implemented.	Upon completion of the installation of visual barriers.