

**TRINITY COUNTY PLANNING COMMISSION**  
**STAFF REPORT**

**PROJECT TITLE:** In-line Amplifier Building Conditional Use Permit

**APPLICANT:** Nick Schroeder

**PROPERTY OWNER:** Craig A. Schanaker, Trustee

**REPORT BY:**

**LOCATION:** 44670 State Highway 299, Junction City (APN 024-010-045)

**ZONING DISTRICT:** Rural Residential – 5-acre minimum

**GENERAL PLAN DESIGNATION:** Village

**PROJECT DESCRIPTION:**

The proposed project is to place an unoccupied premanufactured fiber optic equipment building (468 square feet) for amplification of the signal traveling on the Digital 299 Broadband fiber optic line project through an In-Line Amplifier (ILA). The total site area for the project is 14,400 square feet. The structure will have electricity only, no water or sewer. The project site will be fenced with a gravel yard and a standby generator.

Location	Land Use	Zoning District	General Plan Designation
North	Resid. Mobile/ Manufactured Homes	Rural Residential – 5- acre minimum	Village/Rural Residential
South	Residential Single Family	Rural Residential – 5- acre minimum	Rural Residential
East	Residential	Rural Residential – 5- acre minimum	Rural Residential
West	Government	Rural Residential – 5- acre minimum	Village

Table 1: Surrounding Land Uses to Project Site

**SITE INFORMATION:**

The project parcel is approximately 18.330 acres and is in the unincorporated community of Junction City. According to Assessor’s office use data, the site is vacant. Based on

State Waterboard data, there are two intermittent streams which run through the project parcel. The streams do not cross over the project area. The parcel is unforested other than a few trees on the outer edge of the project parcel. Other vegetation primarily includes grasses and thistle. The site will be accessed from an existing encroachment off of State Route 299. A new gravel driveway will be constructed to access the facility.

### **PROJECT EVALUATION:**

#### ***Digital 299 and In-Line Amplifier Buildings***

This project is a component of the ongoing Digital 299 project. The intent of this project is to install 300 miles of fiber optic cable, primarily buried along existing roads and aerial spurs, to connect nearby communities, and later, establish direct connections to public buildings such as schools and hospitals customers in the Lewiston area. This project runs between Cottonwood and Eureka, California, affecting Shasta, Trinity, and Humboldt Counties. The Digital 299 project would also give local exchange carriers opportunities to connect to the fiber optic backbone and deliver high-speed broadband internet across their existing networks throughout communities.

The Digital 299 project includes the installation of five prefabricated ILA buildings to regenerate transmission signals and serve as points of interconnection to other service providers. These buildings are the only aboveground component of the Project, other than bridge and occasional aerial attachments. Typical ILA buildings measure 10 to 24 feet wide and 24 to 40 feet long. The buildings would be enclosed by fencing and secured by locked gates. Fencing would be installed, at a minimum distance of 10 feet from the ILA buildings. The fenced-in area would vary based on the property size and shape but would typically range between 200 and 400 linear feet. These buildings would not be occupied but could accommodate one to two persons to work on equipment. Typically, visits to check on equipment and maintain the property would occur quarterly.

The prefabricated buildings would have finished concrete walls, composite or metal roofs, and metal doors; they would not have windows. They would be manufactured off-site and placed on-site with equipment. The buildings will be secured to concrete slabs, which may require grading to create a level surface prior to installation. However, Vero intends to install ILA buildings in pre-disturbed commercially zoned areas or other areas where similar infrastructure or facilities are already placed in order to avoid sensitive areas. ILA buildings would not require vegetation removal and would be situated to minimize impacts to visual landscapes.

The buildings would require electricity, which would be provided primarily by existing commercial power. Each building's commercial power system would be backed up by battery and a 75- to 200-kilowatt diesel, propane, or natural gas-powered generator. The generator would be used if a power outage occurs long enough that the backup battery power is expended.

Generators and fuel tanks would be situated well away from vegetation or other wildfire safety risks and would be checked and maintained during quarterly ILA inspections. The buildings may also be supported by solar power. All buildings would have an air conditioning system, similar to large, window-mounted units. An external porch light would be installed at the door to illuminate egress including the steps or stoop. This light would be under 100 watts and would be operated by an internal timed switch. Depending on need and location, flood lights or yard lights may also be installed within the compound. The proposed ILA building locations would be in the communities of Willow Creek, Junction City, and Shasta.

***Junction City ILA Building***

The proposed ILA building is 468 square feet. The project site area will be 14,400 square feet as the building and generator will be located within 120 feet by 120 feet chain link fence. The site has exterior wall-mounted cutoff fixture lighting proposed for ingress and egress. This will be a down facing light. A standby generator is proposed to be on site in case of power outage to maintain the building.

There will be minor grading of the site to place the building pad and for the gravel road. The proposed grading, will maintain the existing grade and drainage. Proposed traffic is an average of one car per month to check on the site. The structure will be otherwise unoccupied and self-supported.

***Agency Referrals***

Referral Agency	Comment	Response
County Assessor's Office	No comment	None required
County Dept. of Transportation	No comment submitted	None required
County Building Dept.	"Any structure larger than 120 square feet will require a building permit"	Incorporated as a condition on the project
County Environmental Health	No comment submitted	None required
CAL FIRE	"All PRC 4290 and also 4291 for defensible space apply."	Incorporated as a condition of the project
Bureau of Land Management	No comment	None required.
Junction City Fire Protection District	"We have no issues as long as the location is the best for the community"	None required.
Trinity County Public Utilities District	No comment	None required.
Caltrans	The existing connection from SR-299 to the project parcel shall be used for the project. The existing road	Incorporated as a condition of the project

	connection shall be brought up to current standards under Caltrans encroachment permit prior to construction.	
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Table 2 Agencies and Departments Consulted

**Trinity County Zoning Code**

The project site is in the Rural Residential zoning district, which is contained in Section 17.15 of the County Code. Per Section 17.15, the Rural Residential zoning district principally permits a single-family dwelling, horses, mules, cattle, similar livestock: maximum one animal per twenty thousand square feet; goats, sheep, similar livestock: maximum three animals per twenty thousand square feet; ratites (emus and related birds): maximum one pair of ratites plus their offspring (maximum of forty offspring) per twenty thousand square feet, offspring include chicks and/or pullets less than thirteen months of age; and chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, rabbits, mink, chinchilla, similar livestock: maximum twenty-five animals per twenty thousand square feet.

Uses allowed with a use permit within this district are frog farms, hog or turkey raising, poultry farms; keeping of more than one pair of ratite and/or more than forty of their offspring; cattle feed yards, animal sales yards, fertilizer plants or yards, dairies, agricultural processing plants; rental, storage, or sale of irrigation equipment; stands for sale of agricultural products grown on the premises; campgrounds and resorts (see natural resource section of land use element); airports, heliports, landing strips for aircraft; art galleries, tract offices. Country clubs, golf courses, practice fairways, provided the use is established on a minimum of ten acres of land usable for said purpose; public stables, animal hospitals, the keeping of dog or cats for commercial purposes; public or quasi-public uses, including churches, fire-houses, parks, playgrounds, schools, public utility uses, and parking lots; and labor camps.

Based on the uses listed as allowed with a use permit within the Rural Residential District, the proposed use falls under the category of a public or quasi-public use, requiring a use permit.

Trinity County Code Section 17.30.030B additionally provides standards for this project type. Specifically:

**“Other Public Utilities. Other public utilities including, but not limited to, water, telephone, and cable TV systems, may be permitted in any district upon first obtaining a use permit,** provided that a use permit shall not be required for underground gas, water, telephone or cable TV systems located within a special district formed for such purposes. Also, a use permit shall not be required for individual service connections or extension.”

The proposed project is consistent with the intent of the “Other Public Utilities” section.

Table 3 compares the design of the proposed project to the applicable development standards in the County Code (Trinity County Code Section 17.55 – Rural Residential or RR District).

Standard	Requirement	Proposed	Compliant with County Code?
Maximum Lot Coverage	35%/ ± 6.4 ac	± 0.33 ac	Yes
Maximum Allowable Height	40-feet	10.7-feet	Yes
Minimum Front Yard	20-feet	30-feet	Yes
Minimum Interior Side Yard	6-feet	>6-feet	Yes
Minimum Rear Yard	20-feet	>6-feet	Yes
Off-Street Parking	No specific standards applicable	Sufficient for the proposed use	NA <sup>1</sup>

Table 3: District Development Standards

<sup>1</sup>Trinity County Code Section 17.30.090 specifies that any use which does not have applicable parking requirements shall have the planning commission determine the amount of parking required. Based on the facility not requiring in-person work, other than for maintenance where up to two people are anticipated to be on site at one time, staff finds there is adequate space for parking.

In considering the conditional use permit, the following findings are recommended pursuant to the guidelines of Section 17.32.010 of the County Zoning Code:

**1. Sound Principles of Land Use. A use permit shall be granted upon sound principles of land use.**

Finding: As required by the County's Zoning Code, the applicant is applying for a conditional use permit to place a public utility structure. Evaluation of the project has determined that the project, as proposed and conditioned, is compatible with the general plan land use designation, County Zoning Code, and surrounding neighborhood character.

**2. Not Injurious. A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance.**

Finding: Land uses surrounding the project include residential and government. The project, as proposed and conditioned, will not cause any detrimental effects to public health, safety, welfare or result in the creation of a public nuisance.

**3. Plan Consistency. A use permit must comply with the objectives of the general or specific plan for the area in which it is located.**

Finding: The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and the Rural Residential zoning district, as the proposed project consists of constructing a fiber optic amplifier building which is an allowed use with a use permit. The project is also consistent with the Junction

City Community Plan. Further discussion regarding project consistency with the General Plan can be found below.

### ***Trinity County General Plan***

#### Land Use Element (1988)

The land designation of the parcel is Village. Generally, this land use designation is to encompass areas of the county with small groups of residences and/or commercial enterprises. These areas are recognizable as a definite place, but cannot reasonably be called a community with a wide variety of land uses. This designation allows for single family residences, service stations, grocery stores, fast-food and regular restaurants, post offices and other state or federal service facilities, county-service facilities, schools, recreation facilities, general stores, hardware stores, realty offices, agriculture, feed stores, and the like. The proposed project is compatible with the other uses allowed in this land use designation.

Industrial uses and multi-family residential units over twelve units per acre are not allowed in this district. Other uses not allowed with the Village designation are developments which increase threat of environmental issues or could create significant public controversy, random development which could create health or safety issues for residents or travelers, and “rural sprawl” which could negatively impact the rural character of the County. The proposed project does not meet the criteria of disallowed uses for this land designation.

The proposed project is consistent with Goal III and Goal IV for the Junction City Area. Goal III is to guide development in such a manner that an acceptable balance is achieved between the cost of public facilities and services and revenues or improvements required of new developments. Goal IV is to encourage development which is consistent with the land’s natural carrying capacity. As the proposed ILA building is part of the Digital 299 project, an adequate location to the parcel would be adjacent to the SR-299 corridor. The project site is currently undeveloped and is accessed off SR-299. There is very little proposed development to establish the site. The project, as proposed, is consistent with the goals identified within the Land Use Element for the Junction City area.

#### Noise Element (2003)

The Noise Element provides a policy framework for addressing potential noise impacts encountered in the planning process. Measure 5.1 of The County Noise Element states that the County shall review new public and private development proposals to determine conformance with the policies of [the] Noise Element. An excerpt of the noise element regarding measuring sound reads:

“Decibels, abbreviated as dB, are the unit of sound measurement used to represent human hearing characteristics. To compensate for the fact that the ear is not as sensitive at some frequencies and sound pressure levels as at others, a

number of frequency weighting scales have been developed. The “A” weighting scale is most commonly used for environmental noise assessment, as sound pressure levels measured using an A-weighting filter correlated well with community response to noise sources such as aircraft and traffic.

When an A-weighting filter is used to measure sound pressure levels, the results may be expressed as sound levels, in dB. It is sufficient to use the abbreviation “dB” if these terms are well defined, but many people prefer to use the expressions dBA or dB(A) for clarity.”

Table VII “Maximum Allowable Noise Exposure-Stationary Noise Sources” clarifies that the hourly equivalent sound level shall be 55 dB between 7AM to 7 PM, 50 dB between 7 PM to 10 PM, and 45 dB between 10 PM and 7 AM. An equivalent sound level is the sound level containing the same total energy as a time varying signal over a given sample period. This is typically computed over a 1-hour sample period. Generally, noise is measured from the property line.

While all normal operating noise for the proposed project is expected to be consistent with the noise standards found in Table VII, the noise level of the standby generator is measured at 67.8 dBA at the property line. As the standby generator is to only be used in the event of a power outage, the applicant is requesting a Planning Commission modification of the existing noise standards per Noise Element Policy 4.2.6 which states:

“Where full mitigation in accordance with the policies and standards of this Noise Element is not feasible, the Planning Commission may modify or waive such policies or standards to enable reasonable use of the property, provided that noise levels are mitigated to the maximum feasible extent.

The Federal Highway Association finds that “levels of highway traffic noise typically range from 70 to 80 dB(A) at a distance of 15 meters (50 feet) from the highway.” Based on this and that the proposed project is located off of SR-299, staff does not find that the proposed project would create additional nuisance noise if the noise standards were modified in the case of a power outage to run the standby generator.

### ***Junction City Community Plan (1987)***

The Junction City Community Plan are the planning guidelines for the development of the Junction City area. The plan establishes a framework which will guide both private and public projects within the area. Chapter 5 discusses existing conditions and trends and goals for economic development in Junction City. Development constraints, lack of modernization, and proximity to Weaverville are cited as reasons that the area has become less competitive. Goal #1 is “to recognize and encourage, as a priority, the small business activities found in the Plan Area.” One objective of this goal is to “encourage home-run business activities which do not significantly impact adjacent residences.” The Digital 299 project, which the proposed ILA building is one component of, is intended to enhance high-speed broadband access to residences, businesses (including small

businesses), government, medical, and educational organizations. This would provide secure telecommunications and more reliable internet services. The fiber optic cable would allow tie-ins along the line for local providers to tap into broadband and distribute across their networks.

Chapter 9 discusses community design and has specific language regarding SR-299 and maintaining the visual aesthetics of the area as to not discourage tourism. The proposed ILA building will be relatively small and non-obstructive.

### ***California Environmental Quality Act (CEQA)***

The proposed project is evaluated in a California Public Utilities Commission (CPUC) adopted Environmental Assessment and Initial Study Mitigated Negative Declaration for the Digital 299 project. This joint document, SCH Number 2022010017, was approved by CPUC on December 15, 2022. The approved document can be found on the <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports> for review. As this project has been reviewed to be and will be conditioned to be consistent with the environmental document, the requirements of the California Environmental Quality Act have been complied with.

### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt PC Resolution 2023-05, with the included findings of approval, and subject to the conditions listed in Exhibit A

### **ATTACHMENTS:**

- A. PC Resolution 2023-05 and Exhibit A – Conditions of Approval
- B. Site Map
- C. General Plan Noise Element Table VII “Maximum Allowable Noise Exposure-Stationary Noise Sources”
- D. General Plan Noise Element Table A-1 “Examples of A-Weighted Sound Levels and Relative Loudness”
- E. Location Map
- F. Aerial Map
- G. Zoning Districts Map
- H. General Plan Designations Map



**RESOLUTION NO. PC-2023-04**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY  
APPROVING A CONDITIONAL USE PERMIT APPLICATION  
(Nick Schroeder., In-Line Amplifier Facility (P-23-01))**

**WHEREAS**, the Trinity County Planning Department has considered a request for approval of a conditional use permit application for an in-line amplifier facility filed by Nick Shroeder in accordance with Title 17, Trinity County Zoning Ordinance. The project includes a 468 square foot in-line amplifier building, 14,400 square foot fence, and a gravel driveway. The project will be located at 44670 State Highway 299, Junction City. APN 024-010-045;

**WHEREAS**, all governmental and utility agencies affected by the development of the proposed project have been notified and given the opportunity to respond;

**WHEREAS**, approved conditional use permits must be established within two years of issuance; and

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on April 13, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the County of Trinity:

1. Makes the following Environmental Findings:
  - A. Finds the requested project to be consistent with the approved environmental document, SCH Number 2022010017, and to comply with the requirements of the California Environmental Quality Act.
2. Pursuant to Chapter 17.32 (Use Permits of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Use Permit:
  - A. As required by the County's Zoning Code, the applicant is applying for a conditional use permit to place a public utility structure. Evaluation of the project has determined that the project, as proposed and conditioned, is compatible with the general plan land use designation, County Zoning Code, and surrounding neighborhood character.
  - B. Land uses surrounding the project include residential and government. The project, as proposed and conditioned, will not cause any detrimental effects to public health, safety, welfare or result in the creation of a public nuisance
  - C. The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and the Rural Residential zoning

Resolution No. PC-2023-04  
April 13, 2023

district, as the proposed project consists of constructing a fiber optic amplifier building which is an allowed use with a use permit. The project is also consistent with the Junction City Community Plan

3. Planning Commission waives the noise standards established in the County General Plan Noise Element Table VII "Maximum Allowable Noise Exposure-Stationary Noise Sources" to allow up to 67.8 dBa at the property line in the instance of the standby generator needing to operate during a power outage.
4. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit P-23-01, subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

**DULY PASSED AND ADOPTED** this 13<sup>th</sup> day of April, 2023 by the Planning Commission of the County of Trinity by the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:  
RECUSE:

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CAROL FALL, CHAIRMAN  
Planning Commission  
County of Trinity  
State of California

ATTEST:

By: 

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EDWARD PRESTLEY  
Secretary of the Planning Commission  
County of Trinity, State of California

Resolution No. 2023-04  
April 13, 2023

**EXHIBIT "A" to Resolution PC-2023-04  
Conditions of Approval (P-23-01)**

The following conditions must be met prior to a building permit being issued on the parcel:

1. The Permittee must be in compliance with all County building permit requirements including, but not limited to, structures, roads, electrical, and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County.
2. Structures on the property shall be in compliance with the California Building Code and Trinity County Code.
3. The site uses must be in compliance with State and County Fire Safe Regulations, and as directed by CALFIRE. Should CALFIRE determine that site conditions are not in compliance with the Fire Safe Regulations, the Permittee shall be required to come into compliance.
4. This Use Permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the Permittee to make use of this use permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration/termination of this permit.
5. Any proposed changes or modifications to the uses at the site by the Permittee will require review and approval by the Trinity County Planning Department, prior to those changes or modifications. Based on the proposed changes or modifications, the Planning Department may require additional reviews and approvals from other County/State/Federal departments or agencies as may be appropriate for the proposed changes or modifications.
6. The existing connection from SR-299 to the project parcel shall be used for the project. The existing road connection shall be brought up to current standards under Caltrans encroachment permit prior to construction.
7. The Permittee must ensure that noise levels at the property line do not exceed 68 dba and shall only exceed the noise standards established in the General Plan Noise Element, to a maximum of 68 dba, in the case that an emergency power generator is needed.

The following are also found in the Digital 299 Project's Biological Evaluation (Appendix I of the Environmental Assessment/Initial Study [EA/IS]), Restoration Plan (Appendix J of the EA/IS), and Cultural Resources Inventory Report (Loftus et al. 2021). Some site-specific measures for cultural resources are left out to keep specific site locations confidential. All measures from these reports, plus additional measures relevant to resources evaluated in the EA/IS, are compiled in this appendix. There are BMPs for some resources not analyzed in detail in the EA (see Table 4 in the EA/IS).

**8. Aesthetics/Visual Resources**

- A. **VR-1.** ILA Building Siting. ILA buildings will not be located in areas of sensitive resources, including visual resources. Buildings will be placed within a cohesive viewshed comprised of like facilities and development.

Applicability: During siting of ILA buildings.

- B. **VR-2.** ILA Building Light. ILA buildings will be designed to utilize the minimum necessary outdoor lighting for safety and operations

Applicability: During ILA building design.

## 9. Air Quality

- A. **AQ-1.** Fugitive Dust Control Measures. The applicant shall implement the following dust-control measures during Project construction:

- i. Water all exposed surfaces two times per day unless already wet from precipitation. Exposed surfaces include but are not limited to spoils piles, graded areas, unpaved parking areas, staging areas, and access roads.
- ii. Cover or maintain at least 2 feet of free-board space on haul trucks transporting soil, sand, or other loose material off-site. Any haul trucks that travel along freeways or major roadways should be covered.
- iii. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).

- B. **AQ-2.** Minimize Idling. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes, as required by California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485.

Applicability: Project wide, for the duration of construction.

- C. **AQ-3.** Equipment Maintenance. Maintain all construction equipment in proper working condition according to manufacturer specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before its first operation at a Project site as well as routinely checked thereafter.

Applicability: Project wide, for the duration of construction.

- D. **AQ-4.** ILA Building Construction. Air-quality-related resource protection measures listed in this appendix will be followed during construction of ILA buildings.

Applicability: During ILA building construction.

## 10. Biological Resources

- A. **AMM BIO-1. Biological Monitoring Requirements.** The Applicant shall designate one or more Project biologists. Project biologist refers to the qualified person assigned to ensure Project-wide biological measures identified in this document are followed and to document compliance with these measures. The Project biologist will also oversee other biologists and/or biological monitors. Biological monitor refers to a qualified person assigned to ensure biological measures are being implemented during construction activities.

Project biologist(s) or biological monitor(s) shall be on-site as needed according to AMMs. Project biologists and biological monitors shall be familiar with sensitive species and resources and the minimization measures for this Proposed Project. The Project biologist(s) shall be responsible for overseeing and training biological monitors; advising the applicant and contractor on compliance with biological measures; notifying the applicant of noncompliance with biological resources conditions; responding directly to inquiries of the lead agencies or resource agencies regarding biological resource issues; maintaining records of tasks related to compliance and reporting for biological resource measures; preparing monthly, annual, and final compliance reports; establishing and enforcing speed limits at Project work areas; and maintaining the ability for regular, direct communication with representatives of the California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), Bureau of Land Management (BLM), U.S. Forest Service (USFS), and National Park Service (NPS), including notifying these agencies of dead or injured special-status species and reporting special-status species observations.

Daily logs—When on-site, the Project biologist(s) and/or biological monitor(s) shall maintain electronic records of daily activities, observations, and communications with the applicant or construction personnel. These records shall be made available for review to the lead agencies at any time during or following Project implementation.

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.

Applicability: Project wide, where and when a monitor is needed.

- B. **AMM BIO-2. Environmental Awareness Training.** Key personnel (e.g., crew leads, foremen) 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 training shall include supporting written material and electronic media, including photographs of protected species; providing information regarding the locations and types of sensitive biological resources within the Project alignment and adjacent areas as well as explaining the reasons for protecting these resources; informing participants that no snakes, other reptiles, bats, or any other wildlife shall be harmed or harassed, with special emphasis on special-status species; and information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;

identifying the Project biologist(s) and biological monitor(s) for contact or further comments and questions about the material discussed in the program; educating crews on noxious plants known to occur near the Project alignment; directing 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 biologists' and biological monitors' 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.

Applicability: Project wide.

- C. **AMM BIO-3. Restoration Plan.** During final Project design, a Restoration Plan will be developed that provides detailed plans for the restoration of temporarily disturbed waterways and vegetated areas. The plan will outline restoration and conservation activities, locations, monitoring requirements, and criteria to measure mitigation success. Restoration shall include seeding with locally sourced native species, erosion control measures, non-native plant control, and site monitoring of the restoration of temporarily disturbed waterways and vegetated areas, including riparian habitat, if impacted. This plan shall also be submitted to and approved by the U.S. Army Corps of Engineers (USACE), USFWS, NPS, and CDFW prior to initiating any mitigation activities.
- D. **AMM BIO-4. Intermittent Waterways & Ephemeral Drainages.** No trenching will occur in intermittent waterways or ephemeral drainages where water is present in these features. Following trenching, intermittent waterways and ephemeral drainages will be restored to their original condition and contours per the guidelines outlined in the Restoration Plan.

Applicability: Suitable habitat (will be mapped for construction crews).

- E. **AMM BIO-5. Wetlands.** Prior to construction, a qualified biologist will flag the boundaries of wetland resources delineated in the Preliminary Jurisdictional Delineation Report (Appendix F of the EA). Project infrastructure will be designed to avoid these resources, including coastal willow thickets. Where willow thickets and wetlands have been identified, construction of the alignment via the horizontal directional drilling (HDD) method is required. During construction, crews will stage construction outside of the flagged areas. Manholes, handholes, and boring pits will be placed outside the flagged areas, at least 50 feet from wetland boundaries.

Applicability: Project wide.

- F. **AMM BIO-6. Riparian Areas.** Prior to construction, a qualified biologist will flag the boundaries of riparian resources delineated in the Preliminary Jurisdictional Delineation Report (Transcon 2021). Project infrastructure will be designed to avoid these resources to the greatest extent practicable. During construction, crews will limit construction activities to the extent practicable. Equipment staging and placement of manholes, handholes, and boring pits will all occur outside of flagged riparian

resources. If construction activities fill or disturb riparian areas, then Vero will do the following:

- i. Vero Networks will obtain and comply with all necessary USACE, State Water Resources Control Board, CDFW, and California Coastal Commission permits.
- ii. Impacted wetlands and/or riparian areas will be restored to pre-construction condition and monitored during and after disturbance. Restoration of temporarily impacted wetlands and riparian areas will be addressed in the Restoration Plan (AMM BIO-3).

Applicability: Project wide.

G. **AMM BIO-7.** Riparian Reserves (USFS and BLM lands only). The following AMMs pertain to Riparian Reserves (defined as 320 feet either side of the channel or the outer edge of the 100-year floodplain or from the edge of the active channel to the top of the inner gorge, whichever is greater) areas on USFS and BLM lands:

- i. No equipment or vehicles will be permitted to operate where soils are saturated or within the wetted perimeter within the Riparian Reserves unless staged on existing roads and turnout areas in adherence to all BMPs pertaining to containment and prevention of hazardous spills from reaching water bodies (e.g., absorbent pads, drip pans, and containment trays). Servicing of equipment will occur at existing staging areas located more than 25 feet from springs and wet areas. Drainage of existing staging areas will be directed and dispersed so that rainfall flows away from streams and prevents direct delivery.
- ii. The use of existing staging areas located outside Riparian Reserve buffer may require surface shaping and drainage structures if needed to direct and disperse flow away from Riparian Reserves and prevent direct delivery to waterbodies. All heavy equipment operations require approved erosion control plans when working outside of the normal operating season.
- iii. Splice boxes and barrel vaults will be designed, constructed, and operated outside Riparian Reserves to eliminate adverse effects that retard or prevent attainment of objectives from the Aquatic Conservation Strategy.

Applicability: USFS and BLM lands only: Suitable habitat along all segments (will be mapped for construction crews).

H. **AMM BIO-8.** Special-Status Plants. Clearance surveys for special-status plant species will occur prior to construction in appropriate habitat during appropriate seasons when special-status plants are present and identifiable (typically in spring and summer). In areas affected by recent wildfire, surveys will be particularly thorough where occurrences of sensitive plants are mapped, due to the elevated potential for dormant plant populations to reappear following burns. If planned construction activities may result in an impact to special-status plant species, the following measures will be

taken: 1) a minor re-route of the alignment would be made to avoid the plant(s) and a suitable buffer area to prevent root damage or other incidental damage or 2) in areas that cannot be avoided by a minor re-route, the Project biologist will contact the appropriate agency to discuss the potential for salvaging the affected plants. A biological monitor shall be responsible for designating an appropriate buffer area or bore depth to minimize potential adverse impacts to the plants and their roots. If re-alignment shall occur on BLM-, USFS-, or Whiskeytown National Recreation Area (NRA)-managed lands, the agency botanist must be contacted prior to work.

Applicability: Suitable habitat (will be mapped for construction crews). (Biology ID: AMM BIO-7)

- I. **AMM BIO-9. Invasive Species Prevention.** Contractor vehicles, equipment, tools, boots, and clothing will be cleaned inside and out prior to mobilization of Project segments on federal lands or California Department of Transportation (Caltrans) right-of-way (ROW) to limit the introduction on non-native species and pathogens (e.g., Port Orford cedar root fungus) on the Project corridor, including in areas potentially affected by recent wildfire.
  - i. The additional measures below will be applied on federal lands at the following locations:
  - ii. Segment 7 between Berry Summit and the mouth of Willow Creek
  - iii. Segment 8 between Mayfair Street and Brannan Mountain Road
  - iv. Segments 11 and 12 between South Fork and Henessey Roads
  - v. Segments 14, 15, 15A, and 16 between Underwood Mountain and Corral Bottom Roads
  - vi. Segments 14A and 17 between Underwood Mountain and East Fork Roads
  - vii. Segment 18A1 between Valdor and Canyon Creek Roads
  - viii. Segment 18 between East Fork Road and Highway 299
  - ix. Segment 21 between Little Browns and Browns Mountain Roads
  - x. Segments 22, 23, and 24 between Deadwood and Trinity Mountain Roads
  - xi. Segment 25 on State Route (SR) 299 through Whiskeytown NRA

Exterior cleaning will consist of washing vehicles and equipment at an off-site location, with attention paid to the tracks, feet, and/or tires and on the undercarriage and 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 off-site location. Hand tools and boots will be washed and clothing laundered. The Contractor will inspect vehicles, equipment, tools, boots, and



clothing to ensure 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 off-site location. If noxious or invasive weeds are within the Construction Corridor, vehicles will be cleaned before moving on to areas that are weed free or any location affected by wildfire.

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.

Activity boundaries, including equipment staging and parking areas, shall avoid known noxious plant infestation. If unavoidable, prior to implementation of operations where invasive plants are present, invasive plant infestations shall be bladed away from equipment and access routes before operations start. Removed invasive plants or shrubs should be located on the edge of the clearing out of the way of operations to avoid retrieval on equipment. Equipment/machinery shall be cleaned prior to leaving the infested area to operate in another non-contiguous area. Activity boundaries shall avoid areas recently burned by wildfire to the extent possible.

Prior to construction occurring at staging areas and where ground disturbing activities will take place on USFS and NPS lands, a botanist will consult invasive plant spatial data (i.e., Natural Resource Information System, California Invasive Plant Council/Calfora invasive plant layers, and available federal agency data), survey for invasive plants, document invasive species present, and prescribe site-specific measures.

Rock, sand, or any material used for soil erosion control shall originate from a certified weed-free source if available. Rock source shall be inspected by staff trained in invasive plant identification. Permittee shall provide documentation that material is weed free. (see <https://www.cal-ipc.org/solutions/prevention/weedfreeforage/> and <https://www.cal-ipc.org/solutions/prevention/weedfreegravel/> for more information about weed-free erosion control and aggregate sources).

Applicability: Project wide.

- J. **AMM BIO-10.** Marbled Murrelet. The following measures will be observed between March 24 and August 5 per the USFWS Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (USFWS 2006):

At work areas adjacent to SR 299 (which has high ambient noise levels):

- i. Within 500 feet of suitable marbled murrelet habitat (see the BE and Appendix I of the EA), no work activities will take place that generate sound levels 20 or more decibels above ambient sound levels OR that generate maximum sound levels (ambient sound level plus activity-generated sound level) above 90 decibels (excluding vehicle back-up alarms).

- ii. The limited operating period (LOP) may be lifted at a particular segment if a field survey determines that suitable marbled murrelet habitat is not present within 0.25 mile of it.

At work areas NOT adjacent to SR 299:

- i. Within 0.25 mile of suitable marbled murrelet nesting\roosting habitat (see the BE and Appendix I of the EA), no work activities will take place that generate sound levels 20 or more decibels above ambient sound levels OR that generate maximum sound levels (ambient sound level plus activity-generated sound level) above 90 decibels (excluding vehicle back-up alarms).
- ii. The LOP may be lifted at a particular segment if a field survey determines that suitable marbled murrelet habitat is not present within 0.25 mile of it.

Applicability: Suitable habitat (will be mapped for construction crews).

- K. **AMM BIO-11. Northern Spotted Owl.** The following measures will be observed between February 1 and July 9 per the USFWS Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (USFWS 2006):

At work areas adjacent to SR 299 (which has high ambient noise levels):

- i. Within 500 feet of suitable northern spotted owl nesting\roosting habitat (see the BE and Appendix I of the EA), no work activities will take place that generate sound levels 20 or more decibels above ambient sound levels OR that generate maximum sound levels (ambient sound level plus activity-generated sound level) above 90 decibels (excluding vehicle back-up alarms).
- ii. If suitable nesting habitat is present, the LOP may be lifted if disturbance-only USFWS protocol-level surveys are conducted and determine that no northern spotted owl is nesting within 500 feet.
- iii. This LOP may be lifted at a particular segment if a field survey determines that suitable northern spotted owl habitat is not present within 500 feet of it.
- iv. If an active nest is identified within 500 feet of work, the LOP will be extended through September 15.

At work areas NOT adjacent to SR 299:

- v. Within 0.25 mile of suitable northern spotted owl nesting\roosting habitat (see the BE and Appendix I of the EA), no work activities will take place that generate sound levels 20 or more decibels above ambient sound levels OR that generate maximum sound levels (ambient sound level plus activity-generated sound level) above 90 decibels (excluding vehicle back-up alarms).

- vi. If suitable nesting habitat is present, the LOP may be lifted if disturbance-only USFWS protocol-level surveys are conducted and determine that no northern spotted owl is nesting within 0.25 mile.
- vii. This LOP may be lifted at a particular segment if a field survey determines that suitable northern spotted owl habitat is not present within 0.25 mile of it.
- viii. If an active nest is identified within 500 feet of work, the LOP will be extended through September 15.

*Applicability: Suitable habitat (will be mapped for construction crews).*

- L. **AMM BIO-12.** Northern Spotted Owl. At each discrete location in which vegetation is removed, removal is limited to 6-inch diameter at breast height (DBH) trees and an area less than 0.1 acre in size.

*Applicability: Suitable habitat (will be mapped for construction crews).*

- M. **AMM BIO-13.** Nesting Birds. To avoid and minimize adverse effects to nesting birds, the following measures shall be implemented:

- i. If work will occur during the nesting bird season (February 15 until August 31 OR January 1 until August 31 where there is potential for nesting eagles), nesting bird surveys will be conducted with standard nest-locating techniques within 7 days prior to the onset of construction by a Project biologist or biological monitor familiar with the species that may nest in the Action Area. Surveys will occur to a distance of 100 feet (for passerines) or 300 feet (for raptors) from the proposed work, access routes, and staging areas. In areas within 0.5 mile of suitable bald or golden eagle nesting habitat, nesting season begins January 1 and surveys will be performed within 2,640 feet of work. If an active nest is encountered in or adjacent to a work area, a no equipment/no activity buffer will be implemented around the nest (the size of which will be determined by the Project biologist and shall depend on the species' tolerance to human activity, location of the nest relative to the work area, any vegetation or other materials that may screen the nest from noise and view of work, the nature of the work, and other pertinent information), OR the active nest will be continuously monitored by a Project biologist or biological monitor for disturbance. If the monitoring biologist determines nesting may fail as a result of work activities, all work shall cease (except access along existing roadways) within the recommended avoidance area until the biologist determines the adults and young are no longer reliant on the nest site. If an active nest of a listed bird is found, a 500-foot buffer will be established around the nest. If construction activities are delayed or suspended for more than one week after the completion of the nesting surveys, surveys will be performed again.
- ii. If active nests are identified on bridges or associated structures by a Project biologist or biological monitor during the nesting season (February 15 to

August 31), work will not occur unless a biological monitor is present to monitor for disturbance.

- iii. If work will occur on Segment 8 between January 1 and August 31, crews will contact Six Rivers National Forest Biologist Bryan Yost two weeks prior to the start of work to get updated nesting information for bald eagle.

N. **AMM BIO-14.** Aquatic Resources / Fisheries. To avoid and minimize adverse effects to federal-listed and special-status fish and wildlife, the following measures shall be implemented:

- i. Avoid disruption of natural hydrologic flow paths, including diversion of streamflow and interception of surface and subsurface flow.
- ii. Conduct operations at water source developments in such a manner and timing as to avoid and minimize adverse effects to aquatic species and habitat from sedimentation.
- iii. No trenching or plowing activities are proposed to occur within perennial aquatic habitats. Perennial waterways will be crossed via one of three methods: 1) conduit attachment to existing bridge, 2) trenching to place conduit above a deep culvert, or 3) HDD.
- iv. For all trenching or plowing in intermittent and ephemeral streams, ground disturbance and sidecasting (i.e., the controlled depositing of excavated material) will be done in a manner that will minimize potential for off-site sediment input into stream channels. In addition, these waterways will be restored and maintained in accordance with the Stormwater Pollution Prevention Plan (SWPPP), Restoration Plan, and any applicable agency permit requirements, which aim to minimize any loose material from entering and remove any loose material that does enter dry channels.
- v. On USFS lands, coordinate with USFS fisheries biologists to restrict ground disturbance and sidecasting of excavated material to minimize potential for off-site sediment input into stream channels. Work within ephemeral and intermittent aquatic habitat or delineated wetlands will be coordinated with USFS fisheries biologists.
- vi. Within the Caltrans ROW, a contractor-supplied biologist will coordinate with a Caltrans biologist to restrict ground disturbance and sidecasting of excavated material to minimize potential for off-site sediment input into stream channels. Work within ephemeral and intermittent aquatic habitat or delineated wetlands will be coordinated with the Caltrans biologists
- vii. To avoid potential impacts to Upper Klamath/Trinity spring-run Chinook salmon, work will only occur during an LOP from November through April at all intermittent and perennial waterway crossings within the range of this

population. This LOP applies to HDD work, not aerial or bridge crossings, and will be in effect at the following locations:

Primary alignment: Segments 7, 9, 11A, 13, 14A, 17, 18, 19, 20, 21, 22

Alternative segments: Segments 11, 14, 15, 15A, 15Alt, 16, 18A1, 18A2

From May through October, HDD may cross intermittent waterways only if no water is present in the channel within 100 feet of the crossing, as the lack of aquatic habitat will ensure that Upper Klamath/Trinity spring-run Chinook salmon will not be present and not susceptible to disturbance. A biologist will survey the crossing within 48 hours prior to work to verify the channel is dry. Perennial waterways are anticipated to hold water year-round and may only be crossed during the November-April LOP.

Applicability: Suitable habitat (will be mapped for construction crews).

- O. **AMM BIO-15. Special-Status Amphibians.** When ground-disturbing work is occurring within 25 to 50 feet of waterways that have water present and that are suitable habitat for special-status amphibians, a qualified biologist will conduct a pre-disturbance survey for special-status amphibians (adults, subadults, tadpoles, or egg masses). The survey area will include suitable habitat within 50 feet of perennial and intermittent waterways, within 25 feet of ephemeral drainages, and at least 50 feet upstream and downstream of the work area. The biologist will conduct surveys for special-status amphibians prior to the start of ground-disturbing activities. If no special-status amphibians are detected, work may resume for 3 to 5 days before new surveys need to be conducted.

If a special-status amphibian is confirmed to be present, then a qualified biologist will move the individual to a suitable off-site location within the same waterway.

Applicability: Suitable habitat (will be mapped for construction crews).

- P. **AMM BIO-16. Special-Status Bats.** To avoid and minimize adverse effects to bats, the following measures shall be implemented:
- i. When work will occur during bat maternity (April 1 to September 15) or hibernation (November 1 to February 28) seasons, suitable habitat (mines, caves, tunnels, buildings, other manmade structures, and trees with a DBH of 45 inches or larger) within 100 feet of work areas will be surveyed by a qualified biologist for suitable roost locations and signs of roosting bat colonies. If suitable roost locations, roosting bat colonies, or sign are detected within 100 feet of a work area, the Project biologist will contact the CDFW (or relevant agency) to determine the best course of action. Surveys must occur a minimum of 7 days prior to construction.
  - ii. Prior to initiating conduit installation on any bridge, the Project biologist will conduct pre-disturbance bat roost surveys at the bridge site. If roosting bats

may be present, then the Project biologist shall identify the species and contact the CDFW to determine the best course of action. Where bridges may serve as maternity roosts, Project construction will be delayed until conclusion of the maternity season.

Applicability: All bridges and suitable habitat (will be mapped for construction crews).

**Q. AMM BIO-17. Special-Status Mammals.** To avoid and minimize adverse effects to mammals, the following measures shall be implemented:

- i. If work is being conducted in suitable denning habitat during the denning mammal natal season (February 1 to July 15), the Project biologist or biological monitor will conduct pre-disturbance denning mammal surveys at den sites within the construction corridor in addition to a 50-foot buffer area. If any potentially active dens are detected, a no-work buffer will be established within 150 feet of the potential den until the Project biologist determines that the den is not active or that denning season is over.
- ii. If a special-status denning mammal species is detected or directly observed within 150 feet of a construction area, the biological monitor will be notified immediately. Any work that may result in direct disturbance to the animal will be temporarily halted until the mammal leaves. If it does not leave on its own, the biological monitor would contact the appropriate agency to determine the best course of action.
- iii. Work within 0.25 mile of a known fisher den or unsurveyed dens will not occur between the fisher denning season (February 1 to July 15) unless surveys determine the site to be unoccupied.
- iv. Prior to the commencement of work in suitable habitat, the Project biologist will coordinate with the CDFW to obtain up-to-date information regarding wolf activity.

**R. AMM BIO-18. Big Bar Hesperian.** Pre-disturbance surveys for Big Bar hesperian will be performed at work areas in riparian habitat at elevations below 3,000 feet. With USFS approval, the Project biologist may deem surveys unnecessary if work will only occur in dry areas on the upper two-thirds of a slope away from moist riparian vegetation. If the species is found during surveys, the Project biologist will contact the Shasta-Trinity National Forest biologist to determine the best course of action.

Applicability: Only within 100 feet of perennial waters (year-round) or within 100 feet of all waterways during the rainy season. Within range on USFS land only (will be mapped for construction crews).

**S. AMM BIO-19. Blue-gray tailed dropper.** Pre-disturbance surveys for blue-gray tailed dropper will be performed at work areas in suitable habitat. Surveys will be conducted in accordance with the Mollusk Survey Protocol described in Duncan et. al 2003. With

USFS approval, the Project biologist may deem surveys unnecessary if work will only occur in dry areas on the upper two-thirds of a slope away from moist riparian vegetation. If the species is found during surveys, the Project biologist will contact the appropriate agency biologist to determine the best course of action.

Applicability: Only within 100 feet of perennial waters (year-round) or within 100 feet of all waterways during the rainy season. Within range on USFS land only (will be mapped for construction crews).

- T. **AMM BIO-20.** Trinity bristle snail. To avoid and minimize adverse effects to the Trinity bristle snail (TBS), the following measures shall be implemented:
- i. Work will be conducted during an LOP of June 16 through the start of the rainy season, when TBS will not be present. The end date of the LOP (i.e., the start of the rainy season) will be October 15 unless weather conditions prior to that date result in >0.5 inch of rain within a 3-day period. Operations shall not commence for 3 days following the cessation of rain or until the duff on top of the soil is thoroughly dry (< 10 percent moisture content) and the topsoil below the duff is thoroughly dry (<10 percent soil moisture) in the upper 3 inches of topsoil.
  - ii. Within portions of the alignment with suitable habitat (see Section 4.9 of the Biological Evaluation for a description) for TBS:
    - a. All entry and exit vault locations and staging areas (“work locations”) will be located in habitat considered not suitable for TBS (e.g., unvegetated, gravel, or paved areas).
    - b. For associated foot traffic (e.g., pedestrian monitoring of the HDD alignment for frac-outs) that must occur in vegetated work areas in suitable habitat, a qualified biologist will conduct a pre-construction survey to flag areas that are suitable habitat for TBS for avoidance.
  - iii. All HDD at water crossings within 25 feet of suitable TBS habitat will be at a minimum depth of 15 feet below the bed of the stream.
  - iv. In the event of frac-out during HDD construction, a qualified biologist will identify access routes located outside of TBS habitat for the contractor/designated biologist to access the spill site. The biologist will have authority to stop work and designate activity-free buffers if there are potential impacts to TBS. Recovery activities will avoid impacting these areas and the CDFW will be contacted.
  - v. In the event of an equipment failure or the boring drill breaks subsurface during HDD, the equipment will be backed out of the pilot hole to minimize ground disturbance. No additional excavations may occur to retrieve equipment within a bore. If retrieval of drill components via this method is not possible, equipment shall be left within the bore and agencies that have jurisdiction at that location shall be notified.

Applicability: Suitable habitat (will be mapped for construction crews).

## 11. Cultural and Tribal Resources

- A. **CR-1. Cultural Resources Awareness Training.** Prior to ground- and non-ground-disturbing construction activities, all construction crew personnel will complete Cultural Resource Awareness Training (CRAT). The CRAT will educate the construction crew and personnel about Environmentally Sensitive Areas (ESAs), measures, BMPs, Cultural Resource Protection Measures (CRPMs), Inadvertent Discovery Protocols, types of resources to be aware of in the field (e.g., prehistoric, historic, human remains), and how to flag unanticipated discoveries. Additionally, the construction crew(s) will be educated on the federal and state regulations that provide for protection of cultural and tribal resources, such as the Archaeological Resources Protection Act (ARPA), as well as the penalties that result from violations. Similar CRAT will be provided to the cultural resources team of professionals responsible for the protection and preservation of cultural and tribal resources. This will ensure successful execution of the Project in compliance with Section 106 of the National Historic Preservation Act and California Environmental Quality Act. Implementation of the BMPs, CRPMs, Inadvertent Discovery Protocols, and CRAT will be overseen by the principal investigator and cultural lead. The CRAT must be repeated annually and as needed for new construction personnel and cultural resources personnel. All participants must sign an agreement stating they have completed the training.

Applicability: Project wide, duration of Project.

- B. **CR-2. Guiding Principles—CRPMs, BMPs, and IDP for Cultural and Tribal Resources.** The guiding principles cultural resource protection are an amalgamation of the guidance documents provided by each federal and state agency, to include:
- i. **State Protocol Agreement Among the California State Director of the Bureau of Land Management and the California State Historic Preservation Officer and the Nevada State Historic Preservation Officer regarding the Manner in Which the Bureau of Land Management Will Meet its Responsibilities under the National Historic Preservation Act and the National Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers**
  - ii. **Nationwide Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act**
  - iii. **Native American Graves Protection and Repatriation Act (NAGPRA) of 1990**
  - iv. **Bureau of Reclamation Protocol for NAGPRA Inadvertent Discoveries on Federal Land, California-Great Basin Region**
  - v. **Manual 8100-The Foundations for Managing Cultural Resources**



- vi. Manual 8110-Identifying and Evaluating Cultural Resources
- vii. Manual 8140-Protecting Cultural Resources
- viii. Manual 8150-Permitting Uses of Cultural Resources
- ix. Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92
- x. Standard Environmental Reference-Volume 2, Chapter 2

Applicability: Project wide, duration of Project.

- C. **CR-3. Cultural Resource and ESA Avoidance and Management.** Vero Networks shall implement the CRPMs with respect to known cultural resources and ESAs, as described in the Cultural Resources Inventory Report (Loftus et al. 2021).  
Applicability: Project wide, duration of Project.

- D. **CR-4. Best Management Practice.** Prior to deviation for existing proposed construction method and cable placement location outside of the studied area of potential effects, Vero Networks shall notify the appropriate jurisdictional authority to consult regarding the potential effects from the revised cable placement location to historical resources and historic properties.

Applicability: Project wide, duration of Project.

- E. **CR-5. Best Management Practice.** Vero Networks shall avoid cultural resources, eligible or unevaluated for the National Register of Historic Places/California Register of Historic Resources.

Applicability: Project wide, duration of Project.

- F. **CR-6. Inadvertent Discovery Protocol.** Should inadvertent discovery of cultural resources occur, Vero Networks shall halt all ground-disturbing construction activity and flag the discovery for avoidance by 200 feet as an ESA, and a qualified archaeologist will be contacted for implementation of CRPMs, Treatment Plans, and potential mitigation measures in coordination with the jurisdictional agency and/or Tribal authority.

Applicability: Project wide, duration of Project.

- G. **CR-7. Inadvertent Discovery Protocol.** In the event that historic properties are inadvertently encountered, the vicinity of discovery will be flagged for avoidance from construction activities within 200 feet. Vero Networks will be responsible for notifying

the appropriate jurisdictional authority, and the agency shall notify the State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO), federally recognized Indian Tribe(s) within 48 hours, or as soon as reasonably possible. The agency, in consultation with the SHPO/THPO, Indian Tribe(s), and Vero Networks, will make reasonable efforts to avoid, minimize, or mitigate adverse effects on those historic properties. If human remains or other cultural material that may fall under the provisions of NAGPRA are present, the agency will comply with NAGPRA and ARPA. The agency will ensure that any human remains are left in situ, are not exposed, and remain protected while compliance with NAGPRA, ARPA, or other applicable federal, state, and/or local laws and procedures is undertaken. The protection measures will be determined in consultation with the appropriate land-managing agency, Tribe, and SHPO/THPO, but would likely include temporary exclusionary fencing to preclude unauthorized construction in the vicinity of the discovery and capping the remains with a protective layer of clean fill.

Applicability: Project wide, duration of Project.

- H. **CR-8. ILA Building Location.** ILA buildings will not be sited in areas of known sensitive cultural or tribal resources. Resource protection measures listed in this appendix will be followed during construction of ILA buildings.

Applicability: During ILA building siting.

- I. **CR-9. Inadvertent Discovery Protocol—Paleontological Resources.** The Project shall adhere to the requirements of the Paleontological Monitoring and Discovery Plan (PMDP). The PMDP includes a series of steps to be implemented in phases: 1) before the commencement of construction-related earthwork; 2) during construction-related earthwork; and 3) after the completion of construction-related earthwork in the event that fossils either are, or are not, discovered and salvaged.

Applicability: Project wide, duration of Project.

## 12. Hazards/Hazardous Material

- A. **HZ-1. Spill Prevention.** Vero Networks and the construction contractor will develop the following plans prior to construction:
- i. Spill Prevention Plan to minimize potential for accidental spill or pollutant discharge
  - ii. Hazardous Substance Control and Emergency Response Plan to provide protocol for managing hazardous substances during construction (e.g., refueling) and for responding to potential emergencies encountered in the field related to hazardous material.

Applicability: SWPPP and spill prevention plan will be employed Project wide

- B. **HZ-2. ILA Building Construction.** The SWPPP and spill prevention plan will be followed during construction of ILA buildings.

Applicability: During ILA building construction.

### 13. Hydrology/Water Quality

- A. **HYD-1. Spill Prevention.** A Spill Prevention Plan will be developed and implemented during construction. The plan will contain spill prevention measures such as operation of equipment near water bodies, refueling operations, inspection of construction equipment for leaks, specific response procedures in the event of a spill, etc.
- B. **HYD-2. HDD Contingency Frac-Out Plan.** An HDD Contingency Frac-Out Plan will be developed and implemented during construction. The Plan will designate procedures, responsibilities, and reporting in the event of a drilling fluid release.
- C. **HYD-3. HDD Inspection.** During HDD drilling, visual inspection along the bore path of the alignment shall take place at all times—i.e., a crew member should be watching closely for potential issues such as a spill or frac-out. At stream crossings with flowing water, the stream shall be monitored upstream and downstream of the crossing.
- D. **HYD-4. Restoration.** A Restoration Plan will be developed and implemented during construction, as described under BIO-3. The Plan will detail restoration of temporarily disturbed natural areas, including stream banks disturbed by construction. Pre-construction surveys will document conditions prior to construction. Exposed or disturbed areas, including channels and stream banks, shall be returned to pre-existing contours and conditions. Native seed mixes will be applied to disturbed areas and subsequent monitoring of sites requiring restoration will occur.
- E. **HYD-5. Erosion BMPs.** Runoff control structures, roadside diversion ditches, erosion-control structures, and energy dissipaters will be cleaned, maintained, repaired, and replaced to meet the standards set by applicable permits and the SWPPP.

### 14. Noise

- U. **NOI-1. Equipment Noise Abatement Maintenance.** Ensure that all construction equipment has the manufacturers' recommended noise abatement measures, such as mufflers and engine enclosures, and is intact, in good condition, and operational.

Applicability: Project wide, for the duration of construction.

- V. **NOI-2. Equipment Idling.** Turn off idling equipment that is not imminently needed.

Applicability: Project wide, for the duration of construction.

- W. **NOI-3.** Construction Timing. Avoid construction during evening and nighttime hours (7:00 p.m. to 7:00 a.m.) and on weekends.

Applicability: Project-wide, for the duration of construction.

- X. **NOI-4.** ILA Building Construction. Noise-related Resource Protection Measures listed in this appendix will be followed during construction of ILA buildings.

Applicability: During ILA building construction.

## 15. Public Health and Safety

- Y. **PH-1.** Fire Prevention. Vero Networks and the construction contractor shall develop and implement a Fire Prevention Plan, which will include a training program for all personnel about the measures to take in the event of a fire, including fire dangers, locations of extinguishers and equipment, emergency response, and individual responsibilities for fire prevention and suppression.

Applicability: Project wide, for the duration of construction.

- Z. **PH-2.** Fire Prevention. All motor vehicles used during construction will carry specified fire prevention equipment, including shovels, water, and fire extinguishers.

Applicability: Project wide, for the duration of construction.

- AA. **PH-3.** ILA Building Construction. The Fire Prevention Plan will be implemented during construction of ILA buildings.

Applicability: During ILA building construction.

- BB. **PH-4.** Naturally Occurring Asbestos. In work areas where soils are underlain by ultramafic rock (see Section 3.2.4.1 of the Environmental Assessment), construction crews will implement the following AMMs to minimize the spread of dust and thereby minimize worker and public exposure to naturally occurring asbestos:

- i. Construction vehicle speed within the work site will be limited to 15 mph or less.
- ii. Construction crews will install temporary wind barriers around the work site and/or limit excavation to periods of calm or low winds.
- iii. Construction crews will use water to moisten excavation sites prior to ground disturbance and will keep those areas continually moist to minimize the spread of dust.
- iv. Storage piles of excavated soil or rock will be wetted, treated with a chemical dust suppressant, or covered when not in use in order to minimize dust.

Applicability: During construction in areas underlain by ultramafic rock.

- CC. **PH-5.** ILA Building Generators. ILA buildings will be equipped with generators to provide back-up energy for system regeneration in the event of a power outage. ILA buildings will be sited, designed, and maintained free from vegetation and brush that could spark fires from generator use. After power outage or other major weather events, Vero will inspect ILA buildings for safety or equipment issues.

Applicability: During ILA building construction and throughout ongoing operations and maintenance.

## 16. Recreation

- DD. **RC-1.** Hammond Trail. If construction encroaches onto the pathway of Hammond Trail, the trail will be restored to previous conditions.

Applicability: During and after construction along Hammond Trail.

- EE. **RC-2.** Hammond Trail. Appropriate signage will be used to alert recreation users of any closures limiting the use of Hammond Trail.

Applicability: Prior to and during construction along Hammond Trail.

- FF. **RC-3.** ILA Buildings. ILA buildings will not be sited within the viewshed of designated recreation use areas.

Applicability: During ILA building siting.

## END OF CONDITIONS

**NOTE:** Approval of this use permit will expire on April 13, 2025. Any request for a time extension and accompanying fees must be received by the Trinity County Planning Department 30 days prior to expiration.









<b>TABLE VII</b>			
<b>MAXIMUM ALLOWABLE NOISE EXPOSURE-STATIONARY NOISE SOURCES<sup>1,2,3,4</sup></b>			
	<b>Daytime (7 a.m. to 7 p.m.)</b>	<b>Evening (7 p.m. to 10 p.m.)</b>	<b>Nighttime (10 p.m. to 7 a.m.)</b>
Hourly Equivalent Sound Level ( $L_{eq}$ ), dB	55	50	45
Maximum Sound Level ( $L_{max}$ ), dB	75	70	65

<sup>1</sup>As determined at outdoor activity areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use.

<sup>2</sup>For recurring impulsive noise sources the allowable maximum ( $L_{max}$ ) noise exposure shall be 70 dBA in the daytime, 65 dB in the evening, and 60 dBA in the nighttime using "Fast" sound level meter response.

<sup>3</sup>For noise sources primarily comprised of speech and/or music, the allowable noise exposure in Table VII shall be reduced by 5 dB.

<sup>4</sup>For noise sources that are found and declared by the Board of Supervisors to be from uses of such importance to the county for economic, environmental enhancement or movement of goods, services or people that the allowable noise exposure in Table VII shall be increased by 10 dB.

**General:**

- Policy 4.2.5** The Planning Director on a case-by-case basis may designate land uses other than those shown in Table VI to be noise-sensitive, and may require appropriate noise mitigation measures.
- Policy 4.2.6** Where full mitigation in accordance with the policies and standards of this Noise Element is not feasible, the Planning Commission may modify or waive such policies or standards to enable reasonable use of the property, provided that noise levels are mitigated to the maximum feasible extent.
- Policy 4.2.7** Any noise ordinance adopted by Trinity County should be consistent with the goals, policies and noise exposure standards of the Noise Element. The ordinance may allow for the exemption of certain activities, and should provide a variance process, with findings to be made.
- Policy 4.2.8** The Trinity County Sheriff's office should actively enforce requirements of the California Vehicle Code relating to properly maintained vehicle exhaust systems and modified exhaust systems. Trinity County shall also encourage the California Highway Patrol to enforce these requirements of the Vehicle Code.



<b>TABLE A-1</b>			
<b>EXAMPLES OF A-WEIGHTED SOUND LEVELS AND RELATIVE LOUDNESS</b>			
<b>Sound</b>	<b>Sound Level (dBA)</b>	<b>Relative Loudness (approximate)</b>	<b>Relative Sound Energy</b>
Jet aircraft, 100 feet	130	128	10,000,000
Rock music with amplifier	120	64	1,000,000
Thunder, snowmobile (operator)	110	32	100,000
Boiler shop, power mower	100	16	10,000
Orchestral crescendo at 25 feet, noisy kitchen	90	8	1,000
Busy street	80	4	100
Interior of department store	70	2	10
Ordinary conversation, 3 feet away	60	1	1
Quiet automobile at low speed	50	1/2	.1
Average office	40	1/4	.01
City residence	30	1/8	.001
Quiet country residence	20	1/16	.0001
Rustle of leaves	10	1/32	.00001
Threshold of hearing	0	1/64	.000001
Source: U.S. Department of Housing and Urban Development, "Aircraft Noise Impact -- Planning Guidelines for Local Agencies," 1972.			

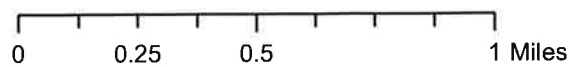
For noise sources consisting of more or less discrete single noise events, such as aircraft overflights or train passbys, the exposure received during a noise event is expressed as the **Sound Exposure Level (SEL)**. The SEL represents the total amount of acoustical energy measured during a noise event as though it occurred in a 1-second period. The SEL incorporates the concept of "How loud was it?" with "How long was it loud?". Figure A-1 shows the relationship of SEL and  $L_{max}$  as applied to an aircraft noise event. The SEL is higher than the  $L_{max}$  occurring during the event because the SEL compresses the acoustical energy of the event into a reference period of 1 second, although the assumed duration of the event is 30 seconds in this example.



# Location Map

## Fiber Optic Equipment Building Use Permit Application (P-23-01)

SF  
Date: 1/30/2023




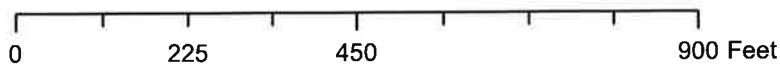


# Aerial Map

## Fiber Optic Equipment Building Use Permit Application (P-23-01)

SF  
Date: 1/30/2023

 Project Parcel



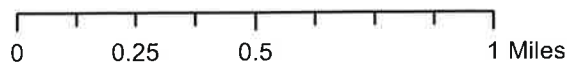
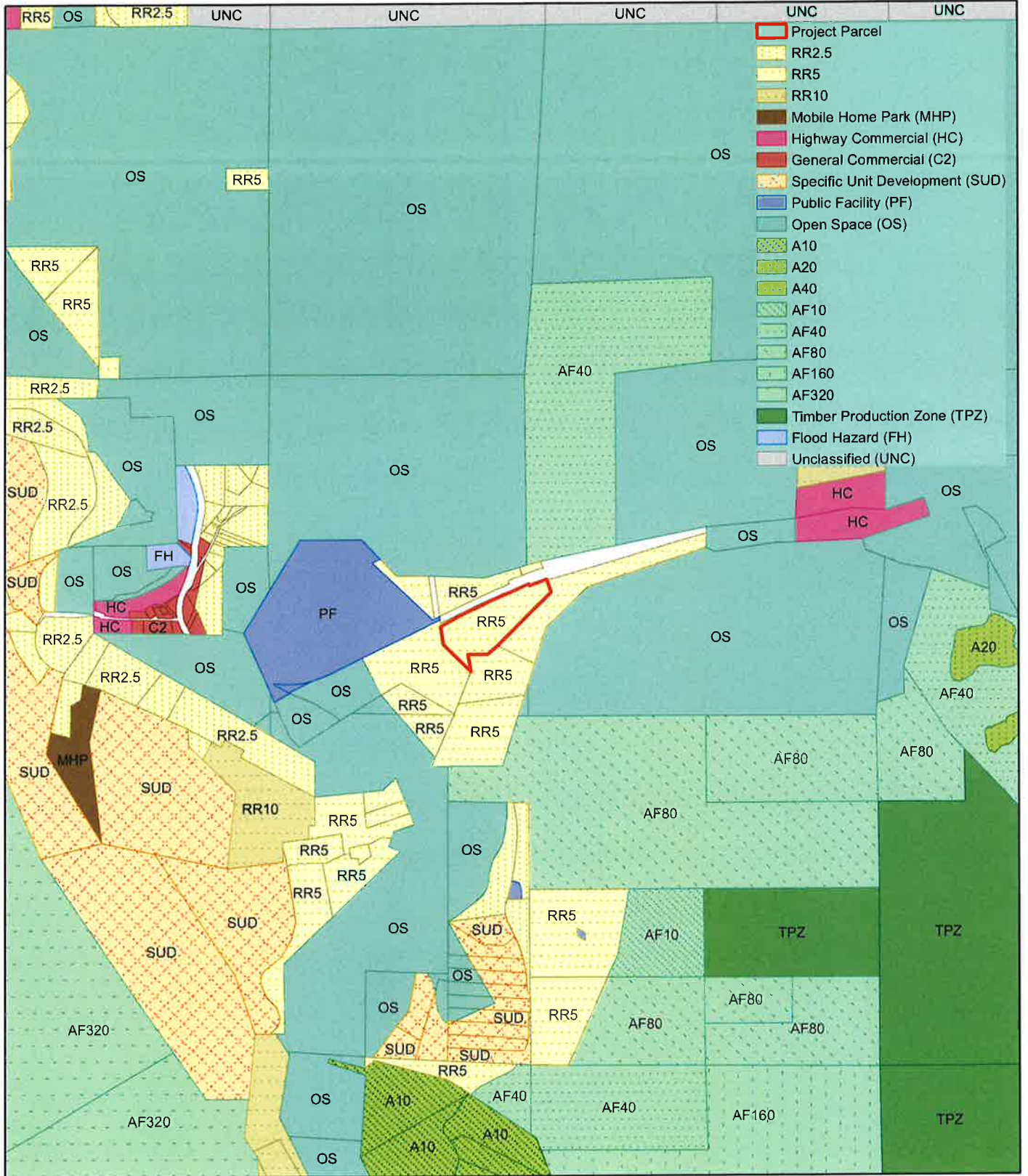




# Zoning Districts Map

Fiber Optic Equipment Building Use Permit Application (P-23-01)

SF  
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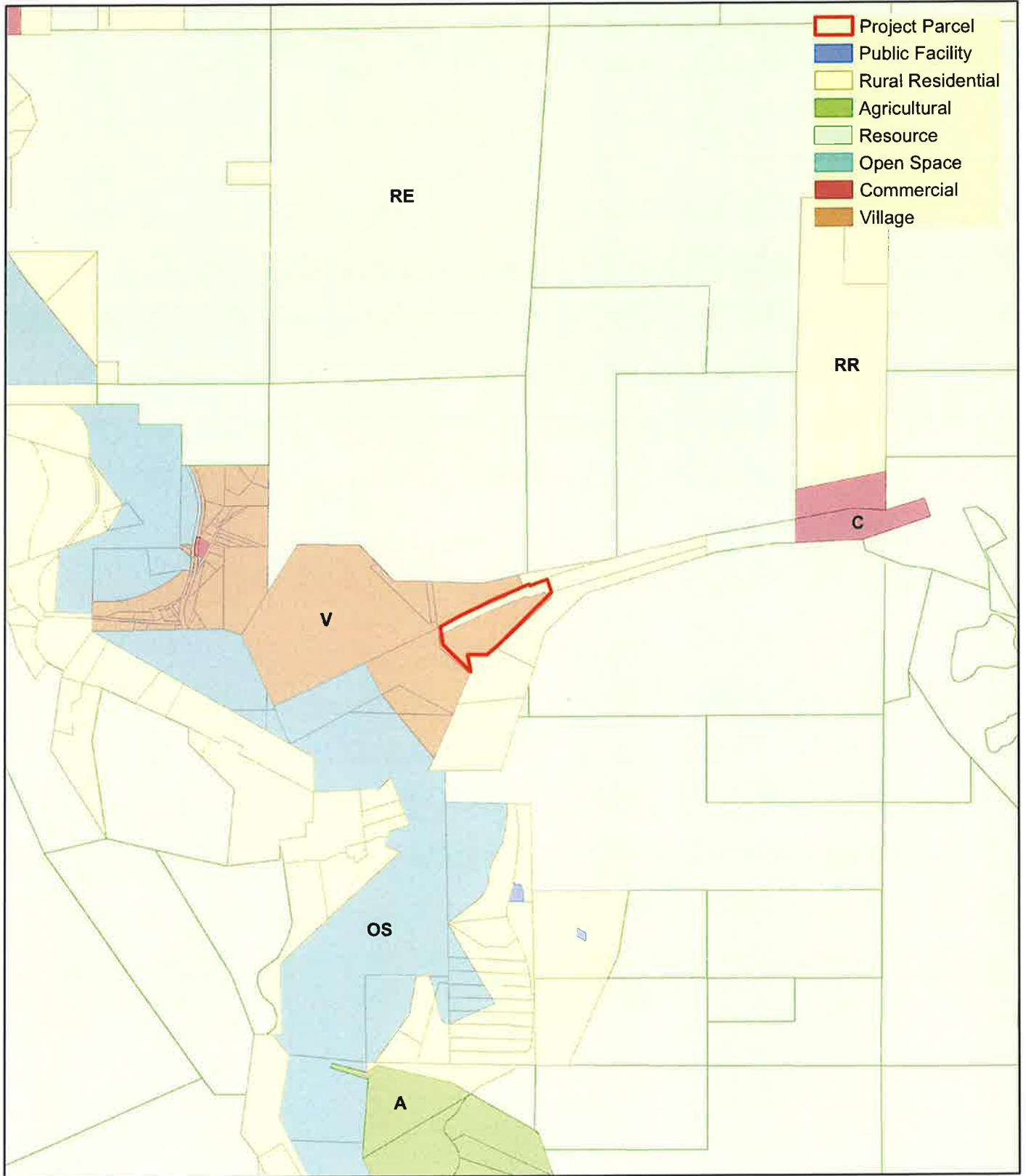


# General Plan Designations Map

Attachment H

Fiber Optic Equipment Building Use Permit Application (P-23-01)

SF  
Date: 1/30/2023



0 0.175 0.35 0.7 Miles



