ATTACHMENT E

PROCEDURE FOR OBTAINING CEQA EXEMPTION
FOR DISTRIBUTED ANTENNA SYSTEM NETWORKS

Procedure for Obtaining CEQA Exemption for Distributed Antenna System Networks

- Applicant reviews proposed project to determine that no conditions exist to warrant exceptions to an exemption pursuant to CEQA Guidelines § 15300.2

- Applicant submits the following to the Energy Division:
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    - A detailed description of the proposed project, including:
        - Customer(s) to be served
        - The precise location of the proposed construction project
        - Regional and local site maps

    - A description of the environmental setting, to include at a minimum:
        - Cultural, historical, and paleontologic resources
        - Biological resources
        - Current land use and zoning

    - A construction workplan, to include:
        - Pre-Construction Survey Checklist – Archaeological Resources
        - Pre-Construction Survey Checklist – Biological Resources
        - A detailed schedule of construction activities, including site restoration activities
        - A description of construction/installation techniques
        - A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information
        - A list of permits required for the proposed project

    - A statement of the CEQA exemption(s) applicable to the proposed project

    - Documentation and factual evidence sufficient to support a finding that the claimed exemption(s) is (are) applicable

- Energy Division will review the Applicant's submission for the proposed project to confirm that the claimed exemption(s) from CEQA are applicable

- Within 21 days from the date of Applicant's submittal Energy Division will issue either:

    - A Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research, or

    - A letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project.

CEQA Exemptions Potentially Applicable to Distributed Antenna System Networks

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity

(d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist

(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping
(c) Filling of earth into previously excavated land with material compatible with the natural features of the site
(f) Minor trenching and backfilling where the surface is restored

- Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.
  (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations
  (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses
  (c) The project site has no value, as habitat for endangered, rare or threatened species
  (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality
  (e) The site can be adequately served by all required utilities and public services

All of these possible CEQA exemptions would be subject to the "Exceptions" clause in the CEQA Guidelines:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
  (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
  (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
  (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
  (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

California Public Utilities Commission

Preconstruction Survey Checklist – Archaeological Resources

Date: _____

Name of Applicant: _____

Utility ID: _____

Location (Address, Provide Map): _____

Route Description: _____

Area Description:
- ❑ Urban
- ❑ Suburban
- ❑ Rural

Photo Documentation: ❑ Yes ❑ No

Substrate:
- ❑ Asphalt/Concrete
- ❑ Soil
- ❑ Other: _____

Archaeological Resources:

❑ Yes ❑ No CHRIS Records Search
❑ Yes ❑ No Request NAHC contact list and query Sacred Lands File
❑ Yes ❑ No Contact Parties on the NAHC list by letter and phone (identify concerns and sites)
❑ Yes ❑ No Site visit/survey (identify architectural, historic, and prehistoric resources)

Notes and Recommendations: _____

California Public Utilities Commission

Preconstruction Survey Checklist – Biological Resources

Date: _____

Name of Applicant: _____

Utility ID: _____

Location (Address, Provide Map): _____

Route Description: _____

Area Description:
- ❑ Urban
- ❑ Suburban
- ❑ Rural

Photo Documentation: ❑ Yes ❑ No

Substrate:
- ❑ Asphalt/Concrete
- ❑ Soil
- ❑ Other: _____

Biological Resources:

CNDDB Search	❑ Yes	❑ No	Raptors Present	❑ Yes	❑ No
T&E Species Present	❑ Yes	❑ No	Burrows	❑ Yes	❑ No
Riparian Vegetation (List Spp)	❑ Yes	❑ No			
Tree Removal Needed?	❑ Yes	❑ No			
Nests Present (birds present? Spp)	❑ Yes	❑ No			

Notes: _____

Consultation Required? ❑ Yes ❑ No (If yes why?) _____

Water Resources and Wetlands:

Drainages Present	❑ Yes	❑ No	Wetlands Present	❑ Yes	❑ No
Lake or Pond	❑ Yes	❑ No	Delineation Required	❑ Yes	❑ No

Notes: _____

Permits Required:

USACE	❑ Yes	❑ No	NMFS	❑ Yes	❑ No
RWQCB	❑ Yes	❑ No	USFWS	❑ Yes	❑ No
CDFG	❑ Yes	❑ No	Regional Air Quality	❑ Yes	❑ No
State Lands Commission	❑ Yes	❑ No	Local Counties and Cities	❑ Yes	❑ No

(END OF ATTACHMENT E)