

March 27, 2026

Agenda ID: 24120

RESOLUTION T-17913

TO: [CASF Service List](#)

This is Draft Resolution T-17913 of the Communications Division. This Draft Resolution will appear on the agenda at the next Commission meeting to be held April 30, 2026, at least 30 days after the date of this letter. The Commission may vote on this Resolution at that time, or it may postpone a vote until a later meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting. When the Commission votes on a Draft Resolution, it may adopt all or part of it as written, amend, modify, or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

Any member of the public may serve comments on the Draft Resolution as provided in Public Utilities Code, § 311(g) and Rule 14.5 of the Commission's Rules of Practice and Procedure (Rules).

Comments along with a certificate of service (COS) shall be sent via email to: angela.beane@cpuc.ca.gov and federalaccount@cpuc.ca.gov by April 16, 2026 at 5:00 PM.

Those submitting comments on the Draft Resolution must serve their comments on the entire service list the Draft Resolution was served to on the same date that the comments are submitted to the Communications Division.

Comments shall focus on factual, legal, or technical errors in the proposed Draft Resolution. Comments that merely reargue positions taken in the advice letter or protests will be accorded no weight and are not to be submitted. Comments should list the recommended changes to the Draft Resolution.

Replies to comments must be submitted no later than April 21, 2026. Replies shall be submitted and served in the same manner as opening comments

Sincerely,

/s/

Maria Ellis

Director for Broadband Initiatives

Communications Division

California Public Utilities Commission

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMUNICATIONS DIVISION

**Agenda ID #24120
RESOLUTION T-17913
April 30, 2026**

RESOLUTION

RESOLUTION T-17913: Approves California Environmental Quality Act Exemption for two Federal Funding Account projects with conditions.

PROPOSED OUTCOME:

- Finds two grants from the last mile Federal Funding Account in Riverside and San Diego counties to be statutorily exempt from the California Environmental Quality Act, subject to specified conditions:
 - Frontier’s Riverside-1
 - AT&T’s Barona Band of Mission Indians

SAFETY CONSIDERATIONS:

- There are no adverse safety considerations identified by the Communications Division. The projects which are planned to be implemented by the work products in this award have the potential to improve communications resiliency and redundancy.

ESTIMATED COST:

- There are no costs associated with this resolution.

SUMMARY

This Resolution authorizes the release of Federal Funding Account grant funding for the following projects summarized in Table 1.

Table 1: Summary of Grant Funding

Awardee	Project Name	County	Resolution	Awarded Amount
Frontier	Riverside-1	Riverside	T-17833	\$2,008,124
AT&T	Barona Band of Mission Indians	San Diego	T-17865	\$7,060,256
			Total	\$9,068,380

BACKGROUND

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION

On June 30, 2025, Governor Gavin Newsom signed Senate Bill 131 (Statutes 2025, Chapter 24), which included substantial and immediately effective changes to the California Environmental Quality Act (CEQA) for broadband projects deployed within 30 feet of the right-of-way of any public roadway in the State. The statutory exemption is contained in Public Resources Code Section 21080.51, and requires:

- 1) The project is constructed along, or within 30-feet of, the right-of-way of any public road or highway.
- 2) The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aurally along an existing utility pole right-of-way.
- 3) The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission, the Department of Transportation, or the city, county, or city and county responsible for the right-of-way to address potential environmental impacts. At minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources.
- 4) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by a city, county, or city and county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

As a condition of project approval, the California Public Utilities Commission incorporates the environmental protection measures contained in Appendices A and B as project requirements. The Best Management Practices in the appendices contain measures to address impacts to cultural and biological resources and incorporate design features and best practices to avoid impacts. The California Public Utilities Commission environmental monitors will ensure compliance with these measures during construction activities. California Public Utilities Commission staff are authorized to approve minor project refinements to the approved measures consistent with existing process, allowing for minor changes to the measures during construction that do not significantly alter environmental impacts. A request for minor changes may be submitted to California Public Utilities Commission staff; staff should follow the California Public Utilities Commission's Minor Project Refinement process in Appendix C for approving minor changes to the measures based upon information from site-specific, field surveys for biological and cultural resources.

As a condition of accepting the grant, the project awardee agrees to comply with all conditions otherwise authorized by law, imposed by a city, county, or city and county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws. Noncompliance with the environmental protection measures or other applicable laws may result in Commission action including but not limited to stop work orders or rescission of the grant pursuant to the Federal Funding Account Program Rules and Guidelines and/or enforcement pursuant to Resolution M-4846.

Additionally, the project awardee is required to perform the following:

- (1) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority, of the exemption of the project pursuant to this section.
- (2) Provide notice to the public in the area affected by the project in a manner consistent with subdivision (b) of California Public Resources Code Section 21108.
- (3) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.

(4) Comply with all conditions authorized by law imposed by a city, county, or city and county as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

COMMENTS

In compliance with Public Utilities Code Section 311(g)(1), a Notice of Availability of this draft resolution was e-mailed on March 27, 2026, informing all parties on the CASF Distribution List and the R. 20-09-001 Service List of the availability of the draft of this Resolution, and of the opportunity to comment, at the Commission's website at <http://www.cpuc.ca.gov/>. Comments must be received by April 16, 2026, at 5:00 p.m. and reply comments by April 21, 2026.

FINDINGS OF FACT

1. The Commission is the lead agency under the California Environmental Quality Act for environmental review of the broadband projects approved in this Resolution.
2. Public Resources Code Section 21080.51 contains a statutory exemption from California Environmental Quality Act for broadband projects, and requires:
 - a. The project is constructed along, or within 30-feet of, the right-of-way of any public road or highway.
 - b. The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aurally along an existing utility pole right-of-way.
 - c. The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission, the Department of Transportation, or the city, county, or city and county responsible for the right-of-way to address potential environmental impacts. At minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources.
 - d. The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by a city, county, or city and county as part of

a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

3. The broadband projects approved in this Resolution qualify for the Public Resources Code Section 20108.51 statutory exemption.
4. The Commission developed Best Management Practices that contain measures to address potential environmental impacts, which are included in the appendices to this Resolution.
5. As a condition of project approval, the California Public Utilities Commission incorporates the environmental protection measures included in the appendices as project requirements. These measures address impacts to cultural and biological resources and incorporate best practices to avoid impacts.
6. California Public Utilities Commission environmental monitors will ensure compliance with these measures during construction activities.
7. California Public Utilities Commission staff are authorized to approve minor project refinements to the approved measures based upon site-specific, field survey results to reduce or avoid potential impacts to biological and cultural resources. This Resolution includes guidance to staff on forms for these project refinements.
8. As a condition of approval, each project sponsor is required to perform the following:
 - a. Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority, of the exemption of the project pursuant to this section.
 - b. Provide notice to the public in the area affected by the project in a manner consistent with subdivision (b) of Section Public Resources Code Section 21108.
 - c. In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.
 - d. Comply with all conditions authorized by law imposed by a city, county, or city and county as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with

Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

9. Frontier's Riverside 1 project is statutorily exempt from the California Environmental Quality Act with the incorporation of the best management practices as listed in the appendices.
10. AT&T's Barona Band of Mission Indian Project is statutorily exempt from the California Environmental Quality Act with the incorporation of the best management best practices as listed in the appendices.
11. Frontier's Construction Monitoring, Compliance and Reporting Plan (which includes measures listed in Appendix A and mitigation measures required by other agencies) should include protocols that will be followed prior to, during, and after construction by the Commission's Energy Division staff, Frontier's designated environmental monitors, and project staff.
12. AT&T's Construction Monitoring, Compliance and Reporting Plan (which includes measures listed in Appendix A and mitigation measures required by other agencies) should include protocols that will be followed prior to, during, and after construction by the Commission's Energy Division staff, AT&T's designated environmental monitors, and project staff.
13. The project awardees will implement the measures contained in the appendices as conditions of project approval and have adopted systems to document and verify implementation of the measures; California Public Utilities Commission staff should follow the California Public Utilities Commission's Minor Project Refinement process for approving minor changes to the measures based upon information from site specific surveys for biological and cultural resources.

THEREFORE, IT IS ORDERED THAT:

1. The Commission adopts a statutory exemption for Frontier's Riverside 1 project pursuant to Public Resources Code Section 21080.51; the environmental measures listed in Appendix A are adopted as conditions of project approval.
2. The Commission adopts a statutory exemption for AT&T's Barona Band of Mission Indian project pursuant to Public Resources Code Section 21080.51; the environmental measures listed in Appendix A are adopted as conditions of project approval.
3. Frontier's Construction Monitoring, Compliance and Reporting Plan should be prepared by the Commission's Energy Division Staff prior to the construction of the Project. The Construction Monitoring, Compliance and Reporting Plan shall contain the environmental measures listed in Appendix A as well as those

required by other agencies involved in each of these projects. Frontier shall implement and comply with the Construction Monitoring, Compliance and Reporting Plan requirements. The Construction Monitoring, Compliance and Reporting Plan shall include:

- a. Environmental measures that Frontier is required to implement as part of the Riverside 1 project
- b. Compliance documentation and consultation requirements for each environmental measure;
- c. Monitoring requirements; and
- d. Timing for implementation of the environmental measures.

4. AT&T's Construction Monitoring, Compliance and Reporting Plan should be prepared by the Commission's Energy Division Staff prior to the construction of the Project. The Construction Monitoring, Compliance and Reporting Plan shall contain the environmental measures listed in Appendix B as well as those required by other agencies involved in each of these projects. Frontier shall implement and comply with the Construction Monitoring, Compliance and Reporting Plan requirements. The Construction Monitoring, Compliance and Reporting Plan shall include:

- a. Environmental measures that Frontier is required to implement as part of the AT&T's Barona Band of Mission Indian Project
- b. Compliance documentation and consultation requirements for each environmental measure;
- c. Monitoring requirements; and
- d. Timing for implementation of the environmental measures.

5. Frontier is required to adopt a system to document and verify implementation of the measures contained in Appendix A.
6. AT&T is required to adopt a system to document and verify implementation of the measures contained in Appendix B.
7. Commission staff may revise the measures contained in appendices based upon site-specific, field survey results to reduce or avoid potential impacts to biological and cultural resources, consistent with the Commission's minor project refinement process.
8. Noncompliance with the environmental protection measures or other applicable laws may result in Commission action including but not limited to stop work

orders or grant rescission pursuant to the Federal Funding Account Program Rules and Guidelines and/or enforcement pursuant to Resolution M-4846.

This resolution is effective today.

Commissioner Signature blocks to be added
upon adoption of the resolution

The foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on April 30, 2026, the following Commissioners voting favorably thereon:

Dated _____, at _____, California

Appendix A

The applicant, Frontier Communications, prepared Summary Reports for the Riverside 1 project and developed Best Management Practices (BMP). These Best Management Practices were informed by the biological and cultural resource reports completed by Olsson, Inc. and address potential environmental impacts. The Best Management Practices listed in Appendix A were compiled from the Summary Reports for the Riverside 1 project. Energy Division staff determined this project meets the requirements of the statutory exemption for linear broadband projects in Public Resources Code Section 21080.51.

Riverside 1 Best Management Practices

Best Management Practices to Avoid or Minimize Impacts on Biological and Cultural Resources

In accordance with Section 21080.51(a) of the California Environmental Quality Act, the California Public Utilities Commission may require measures to address potential environmental impacts as conditions of approval on the project. The following Best Management Practices are required by the California Public Utilities Commission.

Best Management Practices for Special Status Plants

BMP 1 - Work within Previously Disturbed Corridors

Frontier plans to perform construction activities in existing road shoulders, rights-of-way, and previously disturbed surfaces and areas reasonably adjacent thereto, to the extent necessary to construct the funded network, to reduce new ground disturbance and mitigate potential encroachment into native vegetation or drainages.

Best Management Practices for Special Status Wildlife and Native Birds

BMP 1 - Pre-construction Surveys for Mojave Desert Tortoise

Frontier is prepared to engage a qualified biologist to conduct clearance pre-construction surveys in areas of potentially suitable desert scrub and alluvial habitat to confirm there are no active tortoise burrows or individuals within the planned work area.

BMP 2 - Pre-construction Surveys for Burrowing Owl

Frontier is prepared to engage a qualified biologist to conduct pre-construction surveys consistent with California Department of Fish and Wildlife's Burrowing Owl Mitigation Guidelines to help avoid disturbance of occupied burrows.

BMP 3 - Migratory Bird Nest Avoidance

Frontier intends to schedule planned vegetation clearing and surface disturbance activities outside the nesting season (February 1 – August 15). If work must occur during this time period, Frontier is prepared to engage a qualified biologist to conduct pre-construction nesting-bird surveys to comply with the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife regulations.

BMP 4 - Spot Biological Monitoring During Construction

Frontier is prepared to retain a qualified biological monitor to collaborate with the construction team and conduct intermittent monitoring during construction, if required, to confirm adherence to avoidance measures for identified sensitive biological resources, if applicable.

BMP 5 – Qualified Biological Monitor

Frontier plans to undertake the following avoidance actions, as needed: hire a qualified biological monitor to support the project during construction; require contractors to stop work should the construction team observe a sensitive biological resource (e.g. burrowing owl, an occupied burrow, or desert tortoise) within the active work area during construction; and notify the qualified biologist/biological monitor of the observed sensitive biological resource. If engaged, the qualified biologist shall be responsible for confirming species identification, establishing a clearly marked no-disturbance exclusion zone consistent with California Department of Fish and Wildlife guidance, and specifying appropriate avoidance measures (e.g., adjusted work methods and monitoring) to mitigate impacts to the identified sensitive biological resource. If the above procedure is triggered, Frontier intends to restrict resumption of active construction in the affected area until the foregoing has been completed and can be resumed consistent with the specified avoidance measures.

BMP 6 – Worker Awareness Training

Frontier plans to provide/require that construction personnel receive environmental awareness training addressing sensitive resources, approved work areas, nesting bird

protections, and stop-work procedures. Training may be provided through a variety of standard training methods, including written documentation /or, a preconstruction meeting.

Best Management Practices for Cultural Resources

BMP 1 – Inadvertent Discovery of Human Burials

In the event human burials are inadvertently discovered during construction, Frontier understands the first notification should be to the coroner, consistent with California Health and Safety Code §7050.5. If the remains are determined to be Native American, Frontier understands that the Native American Heritage Commission is to be notified so that a Most Likely Descendant can be designated pursuant to Public Resources Code §5097.98.

BMP 2 - Environmentally Sensitive Areas

Frontier plans to delineate environmentally sensitive areas on project plans, to the extent feasible, to guard against ground disturbance activities occurring within the boundaries of cultural resource sites.

Best Management Practices for Hydrology/Water Quality

BMP 1 – Erosion and Sediment Control Best Management Practice (BMP)

Frontier plans to use standard BMPs such as fiber rolls, silt fencing, and stabilized staging areas, where appropriate, to help prevent sediment discharge to nearby drainages.

Compliance with Applicable State and Federal Laws and Conditions Imposed by a City or County

Frontier shall comply with all conditions otherwise authorized by law, imposed by city, county, or city and county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

Appendix B

The Commission's environmental consultant, Ascent Environmental, Inc., (Ascent) prepared Summary Reports for the AT&T project and developed the project design measure. These design measures were informed by the biological and cultural resource reports completed by Ascent and address potential environmental impacts. The project design measures listed in Appendix B were compiled from the Summary Reports for the AT&T Barona Band of Mission Indian Project. Energy Division staff determined this project meets the requirements of the statutory exemption for linear broadband projects in Public Resources Code Section 21080.51.

AT&T's Barona Band of Mission Indian Project Design Measures

Measures to Avoid or Minimize Impacts on Biological and Cultural Resources

In accordance with Section 21080.51(a) of the California Environmental Quality Act, the California Public Utilities Commission may require measures to address potential environmental impacts as conditions of approval on the project. The following project design measures are required by the California Public Utilities Commission.

Biological Resources

The California Public Utilities Commission requires AT&T to implement the following design measure.

Measure BIO-1: Biological Monitoring

A biological monitor approved by the California Public Utilities Commission shall be retained by the applicant and shall be present during construction to observe project activities that may adversely affect biological resources. The frequency and duration of monitoring shall be at the discretion of the California Public Utilities Commission upon review of final project construction plans. The biological monitor shall have the authority to stop work if a sensitive biological resource is observed in or near the project alignment and shall report observations of sensitive biological resources to the California Public Utilities Commission immediately. The biological monitor shall coordinate with the California Public Utilities Commission in a manner and frequency determined by the California Public Utilities Commission upon review of final project construction plans, potentially including but not limited to written progress reports and periodic project

meetings. The biological monitor shall be retained at least two weeks prior to initial ground disturbance to review final plans and sensitive areas.

Measure BIO-2: Identify and Avoid Special-Status Plants

The project applicant shall avoid removal or trimming of vegetation (i.e., trees, shrubs, herbaceous vegetation) during ground disturbance in and adjacent to the project alignment, which would avoid potential impacts on special-status plants, special-status wildlife habitat, riparian habitat, and sensitive natural communities. If avoidance of all vegetation is determined to be infeasible, the applicant shall retain a qualified botanist to conduct protocol-level surveys for special-status plants in the project alignment following survey methods from California Department of Fish and Wildlife's (CDFW's) *Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities* (CDFW 2018 or most recent version). Protocol-level surveys shall be conducted prior to implementation of any ground disturbing activities and during the blooming period for the special-status plant species with potential to occur in the project alignment.

- If special-status plants are not found, the botanist shall document the findings in a report to the applicant and the California Public Utilities Commission, and no further mitigation shall be required.
- If special-status plants are found, the plants shall be avoided by a minimum 50-foot buffer that shall be fenced or flagged by the qualified botanist or biological monitor. Any project components requiring ground disturbance within the 50-foot buffer shall be redesigned to completely avoid the special-status plants.

Measure BIO-3: Identify and Avoid Wetlands and Other Waters

Prior to project implementation, the applicant shall delineate wetlands and other waters in and within 250 feet of the project alignment, which would avoid potential impacts on wetland and other water habitats and associated special-status plants and wildlife. The delineation shall identify and geo-locate all wetlands and other waters in and within 250 feet of the project alignment using Global Positioning System. The boundaries of wetlands and other waters identified during the wetland delineation shall be demarcated on project maps and using brightly colored flagging or fencing. Ground disturbing activities and staging shall be completely avoided in wetland areas.

- Avoidance buffers of 250 feet from the edge of all delineated wetlands in or adjacent to the project alignment shall be implemented. No ground disturbing work or staging shall occur, including driving vehicles, within this avoidance buffer to avoid impacts on wetlands and special-status amphibians (arroyo toad and western spadefoot).
- Avoidance buffers of 200 feet from the edge of all delineated streams (including human-made ditches) in or adjacent to the project alignment shall be implemented. Stream setbacks shall be measured as the horizontal distance from the stream transition line (i.e., ordinary high-water mark) on either side of streams. No ground disturbing work or staging shall occur, including driving vehicles, within this avoidance buffer.
 - If avoidance of wetlands and streams through implementation of the buffers described above is determined to be infeasible, then the project applicant shall coordinate with the California Public Utilities Commission to determine whether additional permitting would be required. Prior to any impacts on wetlands or streams in the project alignment, a formal delineation of wetlands in and adjacent to the project alignment would be conducted according to methods established in the United States Army Corps of Engineers (USACE) wetlands delineation manual (Environmental Laboratory 1987) and the Arid West regional supplement (USACE 2008), as well as the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Resources Control Board 2021). If the project could not be designed to avoid state or federally protected wetlands and other waters, the delineation report would be submitted by the applicant to the United States Army Corps of Engineers and a preliminary jurisdictional determination would be requested.
 - If it is determined that fill of waters of the United States would result from project implementation, authorization for such fill would be secured from United States Army Corps of Engineers and the Regional Water Quality Control Board through the Clean Water Act Sections 401 and 404 permitting processes. In association with the Section 404 permit (if applicable) and prior to the issuance of any grading permit, Section 401 Water Quality Certification from the San Diego Regional Water Quality Control Board would be obtained. For impacts on waters of the state that are not also

waters of the United States and are therefore not covered by the 401 Water Quality Certification, the applicant would apply to the Regional Water Quality Control Board for Waste Discharge Requirements following the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Water Resources Control Board 2021). Any waters of the United States or waters of the state that are be affected by the project shall be replaced or restored on a no-net-loss basis in accordance with the applicable United States Army Corps of Engineers and California Water Board mitigation standards in place at the time of construction.

- Prior to implementing any activities that could alter aquatic resources in the project alignment (i.e., activities within a close enough proximity to directly remove the resource or indirectly affect the hydrology of the resource through ground disturbance), the applicant shall notify the California Department of Fish and Wildlife, through issuance of a Lake and Streambed Alteration Notification (notification), before commencing activity that may divert the natural flow or otherwise alter the bed or bank, of any lake or stream. If the California Department of Fish and Wildlife determines, based on the notification, project construction activities trigger the need for a Lake and Streambed Alteration Agreement, the applicant shall obtain an agreement from the California Department of Fish and Wildlife before the activity commences. The applicant shall conduct project activities in accordance with the agreement, including implementing reasonable measures in the agreement necessary to protect fish and wildlife resources, when working within the bed or bank of waterways or in riparian habitats associated with those waterways. These measures may include but not be limited to demarcation of the construction area, biological monitoring, environmental awareness training for construction crews, and compensatory measures (e.g., restoration, long-term habitat management).

Measure BIO-4: Identify and Avoid Bird Nests

The applicant shall implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., trenching, directional boring) outside of the nesting bird season, which is typically February 1 through August 31, which would avoid

potential disturbance of special-status and other native birds that may nest in vegetation types adjacent to the project alignment (e.g., annual grassland, riparian areas).

If avoidance of the nesting bird season is determined to be infeasible, the applicant shall retain a qualified biologist to conduct focused surveys for nesting birds prior to implementation of ground disturbing activities during the nesting bird season (February 1 through August 31). The survey shall be conducted within 7 days of the start of ground-disturbing activities.

The survey shall include the project alignment and accessible areas within 0.5 miles for bald eagle, golden eagle, and Swainson's hawk; 0.25 miles for white-tailed kite; 1,000 feet for coastal California gnatcatcher, Least Bell's vireo, and tricolored blackbird; 500 feet for other raptor species and special-status birds; and 50 feet for non-raptor common native bird nests.

- If active nests are not found, the biologist shall document the findings in a report to the applicant and the California Public Utilities Commission, and no further mitigation shall be required.
- If active nests are found, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites to prevent disturbance to the nest. Ground disturbing project activity shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Buffers typically shall be 0.5 miles for bald eagle, golden eagle, and Swainson's hawk; 0.25 miles for white-tailed kite; 1,000 feet for coastal California gnatcatcher, Least Bell's vireo, and tricolored blackbird; and 500 feet for other raptors and other special-status birds. Buffer size for non-raptor bird species shall be determined by a qualified biologist. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above the ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. Generally, buffer size for these species shall be at least 500 feet for special-status bird species and at least 20 feet for common bird species. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status bird species shall require coordination with the California Department of Fish and Wildlife. Daily monitoring of the nest by a qualified biologist or biological monitor during

project activities shall be required if the activity has potential to adversely affect the nest as determined by the qualified biologist, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.

Measure BIO-5: Identify and Avoid Burrowing Owls

The applicant shall retain a qualified biologist to conduct surveys for burrowing owls in areas of habitat suitable for the species on and within 1,640 feet (500 meters) of underground segments of the project alignment. Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of four surveys shall be conducted to determine whether burrowing owls occupy the project alignment. Surveys shall be conducted according to Appendix D of the 2012 *Staff Report on Burrowing Owl Mitigation* prepared by the California Department of Fish and Game (now the California Department of Fish and Wildlife) (CDFG 2012), or any subsequent updated guidance. If feasible, at least one survey should be conducted between February 15 and April 15 and the remaining surveys should be conducted between April 15 and July 15, at least three weeks apart. Because burrowing owls may recolonize a site after only a few days, one of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.

- If no burrowing owls are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant and the California Public Utilities Commission, and no further mitigation shall be required.
- If a burrow occupied by a burrowing owl is found during the surveys, the project applicant shall establish and maintain a buffer around the occupied burrow and any identified satellite burrows (i.e., non-nesting burrows that burrowing owls use to escape predators or move young into after hatching) to prevent take of the burrowing owls.
 - During the non-breeding season (September 1 through January 31), the minimum buffer distance shall be 164 feet (50 m). During the breeding season (February 1 through August 31), the minimum buffer distance shall be 1,640 feet (500 m).

- The buffer may be adjusted if, in consultation with the California Department of Fish and Wildlife, a qualified biologist determines that an alternative buffer shall not result in take of burrowing owl adults, young, or eggs because of particular site features (e.g., topography, natural line-of-sight barriers), level of project disturbance, or other considerations. If the buffer is reduced, a qualified biologist shall monitor the behavior of the burrowing owls during all project activities within 1,640 feet of the burrow. If the owls are disturbed or agitated (e.g., vocalizations, bill snaps, fluffing feathers to increase body size appearance, drooping wings and rotating them forward, crouching and weaving back and forth) by the project activities, the biologist shall have the authority to halt the activities and re-establish a buffer consistent with the first bullet until the agitated behavior ceases and normal behavior resumes.
- The buffer shall remain in place around the occupied burrow and associated satellite burrows until a qualified biologist has determined through noninvasive methods that the burrows are no longer occupied by burrowing owl. A previously occupied burrow will be considered unoccupied if surveys demonstrate that no owls have used the burrow for seven consecutive days.
- Locations of burrowing owls detected during surveys shall be reported to the California Natural Diversity Database.
- If implementation of a buffer to prevent take of burrowing owl is not feasible, the project applicant shall consult with the California Department of Fish and Wildlife and obtain an incidental take permit prior to commencing project related ground-disturbing activities. The impacts of taking burrowing owl shall be minimized and fully mitigated.
- The project applicant shall compensate for the loss of burrowing owl by establishing permanent protection and perpetual management on land that provides burrowing owl habitat. Habitat management lands for burrowing owl may be established by conservation easement or fee title or credits may be purchased from a California Department of Fish and Wildlife approved conservation or mitigation bank. The compensatory mitigation shall satisfy permit conditions and all other permit conditions shall be implemented.

Measure BIO-6: Identify and Avoid Crotch's Bumble Bee Colonies

The applicant shall implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, directional boring) outside of the colony active period for this species, which is typically April 1–August 31, which will avoid potential disturbance of underground Crotch's bumble bee colonies.

If avoidance of the Crotch's bumble bee colony active period is determined to be infeasible, the applicant shall retain a qualified biologist to conduct a focused habitat assessment and surveys for Crotch's bumble bees prior to implementation of ground disturbing activities during the colony active period.

- A qualified biologist (i.e., familiar with bumble bees of California, experienced using survey methods for bumble bees) shall assess the project alignment through a desktop analysis and habitat assessment to determine whether foraging, nesting, or overwintering habitat for Crotch's bumble bee is present. The habitat assessment will follow the methods in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). If the site visit does not occur during the blooming season for flowering plants, historic aerial imagery will be referenced.
- If habitat suitable for Crotch's bumble bee is determined not to be present in the project alignment, then no further mitigation shall be required.
- If habitat suitable for Crotch's bumble bee is determined to be present in the project alignment, then the following measures shall be implemented prior to construction:
 - **Limited Operating Period.** If it is determined during the habitat assessment described above, that a work area contains foraging habitat or nesting habitat, initial ground-disturbing work shall take place between September 1 and March 31, if feasible, to avoid impacts on nesting and foraging Crotch's bumble bees. If this limited operating period is determined to be infeasible, then focused surveys for Crotch's bumble bee shall be conducted and avoidance measures shall be implemented.
 - **Focused Surveys and Avoidance Measures.** If it is determined during the habitat assessment described above, that a work area contains overwintering habitat (or if the limited operating period described above is infeasible for projects that contain foraging or nesting habitat), focused surveys for Crotch's bumble bee shall be conducted following the methods

in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023).

- A qualified biologist shall conduct focused survey for Crotch's bumble bee before the start of any ground-disturbing activities. Focused surveys shall be performed when Crotch's bumble bee is most likely to be identified, typically from April through August when floral resources and ideal weather conditions are present, and shall follow the methods in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) or any subsequent protocol approved by the California Department of Fish and Wildlife.
- **Non-Invasive Surveys:** Non-invasive focused surveys would include the use of cameras to photograph bumble bees. Photographs would be reviewed and verified by a qualified individual to identify the bumble bees to species. Permits are not required for non-invasive surveys.
- **Non-Lethal Capture Surveys:** Surveys that would include capturing bumble bees for identification purposes and subsequently releasing the bees, would require a Memorandum of Understanding from the California Department of Fish and Wildlife. No capture surveys will be conducted before the surveyor obtains a Memorandum of Understanding. Prior to conducting non-lethal capture surveys, the applicant will provide the surveyor's qualifications and survey methodology to the California Public Utilities Commission and California Department of Fish and Wildlife for review and approval. For any non-lethal capture surveys, the applicant shall submit a survey report to the California Public Utilities Commission and California Department of Fish and Wildlife within 1 month of survey completion and shall notify the California Public Utilities Commission and California Department of Fish and Wildlife within 24 hours if Crotch's bumble bees are detected.
 - If Crotch's bumble bees are not detected during the focused survey, no additional mitigation shall be required.
 - If Crotch's bumble bees are detected during the focused survey, appropriate avoidance measures shall be implemented. Avoidance measures may include, but are not limited to, the following:

- Protective buffers shall be implemented around active nesting colonies until these sites are no longer active as determined by a qualified biologist. A qualified biologist, in consultation with the California Public Utilities Commission and California Department of Fish and Wildlife, shall determine the appropriate buffer size to protect nesting colonies; however, buffers will typically be at least 50 feet.
- If impacts on Crotch's bumble bee cannot be avoided, compliance with the California Endangered Species Act and consultation with the California Department of Fish and Wildlife shall be required and may involve acquiring an incidental take permit from California Department of Fish and Wildlife. The applicant shall implement all avoidance measures included in the incidental take permit. The project applicant shall compensate for the loss of Crotch's bumble bee by establishing permanent protection and perpetual management on land that provides bumble bee habitat. Habitat management lands may be established by conservation easement or fee title or credits may be purchased from a California Department of Fish and Wildlife approved conservation or mitigation bank. The compensatory mitigation shall satisfy permit conditions and all other permit conditions shall be implemented.

Measure BIO-7: Identify and Avoid Special-Status Bat Roosts

The applicant shall implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., trenching, directional boring) outside of the roosting bat season, which is typically April 1–August 31, which would avoid potential disturbance of special-status and common bats that may roost in or adjacent to the project alignment (e.g., under bridges, in trees).

If avoidance of the bat maternity season is determined to be infeasible, the applicant shall retain a qualified biologist to conduct focused surveys for roosting bats prior to implementation of ground disturbing activities during the bat maternity season (April 1–August 31). The survey shall be conducted within 14 days of the start of ground-disturbing activities and shall include the project alignment and areas within 250 feet of the project alignment.

- If no evidence of bat roosts is found, the biologist shall document the findings in a report to the applicant and the California Public Utilities Commission, and no further mitigation shall be required.
- If evidence of bat maternity roosts or hibernacula is observed, species and number of bats using the roost shall be determined by a qualified biologist using noninvasive methods. Bat detectors (i.e., acoustic monitoring) or evening emergence surveys shall be used if deemed necessary to supplement survey efforts by the qualified biologist.
- A no-disturbance buffer of 250 feet shall be established around active pallid bat, pocketed free-tailed bat, Townsend’s big-eared bat, western mastiff bat, or western yellow bat maternity roosts or hibernacula, as well as substantial maternity roosts or hibernacula of other bat species considered to be a wildlife nursery by the qualified biologist, and ground disturbing project activities shall not occur within this buffer until after the roosts are unoccupied as determined by a qualified biologist.

Measure BIO-8: Identify and Avoid Southern California Ringtail

The applicant shall retain a qualified biologist to conduct a habitat assessment for southern California ringtails prior to implementation of ground disturbing activities during the ringtail maternity season (April 15–June 30). During the habitat assessment, the qualified biologist shall determine whether den habitat suitable for ringtails (e.g., large trees or snags with cavities, dense shrubs, abandoned buildings or barns) is present within 500 feet of the project alignment.

- If the qualified biologist determines that no ringtail den habitat is present within 500 feet of the project alignment, the biologist shall document the findings in a report to the applicant and the California Public Utilities Commission, and no further mitigation shall be required.
- If potential ringtail den habitat is determined to be present within 500 feet of the project alignment, then a focused survey for ringtails shall be conducted by the qualified biologist. The survey shall be conducted within 30 days of the start of ground-disturbing project activities. The focused survey shall consist of non-invasive survey methods (e.g., trail cameras, track plates, hair snares).
- If an active den is identified during focused surveys, a no-disturbance buffer of at least 500 feet shall be implemented around the den, and ground-disturbing

activities shall not proceed within the buffer until at least the end of the ringtail maternity season (April 15–June 30). The qualified biologist shall confirm that the den is unoccupied before ground disturbing activities resume.

Measure BIO-9: Identify and Avoid Special-Status Rodents

The applicant shall retain a qualified biologist to conduct a habitat assessment for Dulzura pocket mouse, northwestern San Diego pocket mouse, Stephen’s kangaroo rat, and San Diego desert woodrat prior to implementation of ground disturbing activities in undeveloped areas adjacent to paved roadways. During the habitat assessment, the qualified biologist shall determine whether signs of these special-status rodent species are present in and within 250 feet of the project alignment. Signs of special-status rodents would include woodrat nests and pocket mouse or kangaroo rat burrows.

- If the qualified biologist determines that no habitat or signs of special-status rodents are present within 250 feet of the project alignment, the biologist shall document the findings in a report to the applicant and the California Public Utilities Commission, and no further mitigation shall be required.
- If signs of special-status rodents are determined to be present within 250 feet of the project alignment, then all detected woodrat nests, kangaroo rat burrows, or suspected special-status pocket mouse burrows, will be avoided by 100 feet.

Measure BIO-10: Implement Wildlife Entrapment Prevention Measures for Special-Status Amphibians and Reptiles

- All trenches or other excavation sites shall be excavated and closed in a single workday to avoid leaving holes open overnight and potential wildlife entrapment.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or United States Fish and Wildlife Services and the California Department of Fish and Wildlife shall be contacted for guidance.

Measure BIO-11: Tribal Coordination for Biological Resources on Tribal Land

The Commission evaluated biological resources in the project area located outside Tribal land and provided protection measures for those areas. However, most of the project alignment occurs within Tribal land. AT&T indicated that the Tribe will be conducting their own biological and cultural studies. Commission staff and the

applicant will coordinate with Tribal monitors for implementation of site-specific measures to avoid or lessen impacts to cultural and biological resources on Tribal Lands.

Cultural Resources

The following measure would be required by the California Public Utilities Commission to be implemented by AT&T.

Measure CUL-1: Archaeological Monitoring

An archaeological monitor approved by the California Public Utilities Commission shall be retained by the applicant and shall be present during construction to observe project activities that may adversely affect cultural resources. The frequency and duration of monitoring shall be at the discretion of the California Public Utilities Commission upon review of final project construction plans. The archaeological monitor shall have the authority to stop work if a sensitive cultural resource is observed in or near the project alignment and shall report observations of sensitive archaeological resources to the California Public Utilities Commission immediately. The archaeological monitor shall coordinate with the California Public Utilities Commission in a manner and frequency determined by the California Public Utilities Commission upon review of final project construction plans, potentially including but not limited to written progress reports and periodic project meetings. The archaeological monitor shall be retained at least two weeks prior to initial ground disturbance to review final plans and sensitive areas.

Measure CUL-2: Tribal Coordination for Cultural Resources on Tribal Land

The Commission evaluated cultural resources in the project area located outside Tribal land and provided protection measures for those areas. However, most of the project alignment occurs within Tribal land. AT&T indicated that the Tribe will be conducting their own cultural studies. Commission staff and applicant will coordinate with Tribal monitors for implementation of site-specific measures to avoid or lessen impacts to cultural and biological resources on Tribal Lands.

Compliance with Applicable State and Federal Laws and Conditions Imposed by a city or county

The project applicant shall comply with all conditions otherwise authorized by law, imposed by city, county, or city and county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply

with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

Appendix C

Guidance for Staff for a CPUC Minor Project Refinement Form



Project Name CPUC Minor Project Refinement Form

Minor project refinements are strictly limited to changes that will not trigger an additional permit requirement, do not substantially increase the severity of a previously identified significant impact, create a new significant impact, would clearly and strictly comply with the intent of the IS/MND mitigation measures, and that don't conflict with any applicable law or policy.

Date Requested: Month XX, XXXX

Report No.: X

Date Approved: TBD

Approval Agency: California Public Utilities Commission (CPUC).

Property Owner(s): X

Location/Milepost: X

Land Use/Vegetative Cover: X

Sensitive Resources: X

Modification From: Permit Plan/Procedure Specification Drawing
 Mitigation Measure Other:

Proposed Action(s):

Describe how project refinement deviates from current project. Include photos:

Original Condition:

Justification for Change:

Maps & Figures:

Environmental Impact:

Concurrence (if appropriate):

Resources:

Biological No Resources Present Resources Present N/A, Change would not affect resources

Previous Biological Survey Report Reference:

Cultural No Resources Present Resources Present N/A, changes would not affect resources

Previous Cultural Survey Report Reference:

Paleontological No Resources Present Resources Present N/A, Change would not affect resources

Previous Paleontological Survey Report Reference:

Disturbance Acreage Changes: Yes No

The following table includes environmental analysis representative of the CEQA Appendix G Checklist Sections addressed in the Final IS/MND as it relates to MPR-X. MPR-X would have no potential to impact the following environmental resource areas and therefore are not included in the table below: Aesthetics, Agriculture and Forestry Resources, Energy, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.

(Y) Define potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.

CEQA Section	Applicable
Air Quality	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Agency Consultation?	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Biological Resources	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Agency Consultation?	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Cultural and Tribal Cultural Resources	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Agency Consultation?	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Geology and Soils	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Agency Consultation?	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Greenhouse Gas Emissions	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Agency Consultation?	<input type="checkbox"/> Y
	<input type="checkbox"/> N
Hazards and	<input type="checkbox"/> Y

Hazardous Materials	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Hydrology and Water Quality	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Noise and Vibration	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Transportation	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Utilities and Service Systems	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Wildfire	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N

