

May 6, 2026

Agenda ID: 24196

RESOLUTION T-17922

TO: [CASF Service List](#)

This is Draft Resolution T-17922 of the Communications Division. This Draft Resolution will appear on the agenda at the next Commission meeting to be held June 11, 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 federalfundingaccount@cpuc.ca.gov by May 26, 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 May 31, 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 #24196
RESOLUTION T-17922
June 11, 2026**

RESOLUTION

RESOLUTION T-17922: Approves California Environmental Quality Act Statutory Exemption for four Federal Funding Account projects with conditions.

PROPOSED OUTCOME:

- Finds four grants from the last mile Federal Funding Account in Humboldt, San Bernardino, Ventura, and Riverside counties to be statutorily exempt from the California Environmental Quality Act, subject to specified conditions:
 - Arcata Bay
 - San Bernardino 1B
 - Ventura 1
 - Colorado River Indian Tribe Californian Broadband Network

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.
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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
Vero Fiber Networks, LLC	Arcata Bay	Humboldt	T-17846	\$4,396,296
Frontier	San Bernadino 1B	San Bernardino	T-17835	\$21,455,520
Frontier	Ventura 1	Ventura	T-17871	\$2,633,758
Colorado River Indian Tribe	Colorado River Indian Tribe Californian Broadband Network	San Bernardino, Riverside	T-17835	\$14,826,582
			Total	\$43,312,156.00

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 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 aerially 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, B, and C as project requirements. The project design features and 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 to reduce or avoid potential environmental impacts. A request for minor project refinements may be submitted to California Public Utilities Commission staff; staff should follow the California Public Utilities Commission's Minor Project Refinement process in Appendix D to approve 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 May 6, 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 May 26, 2026, at 5:00 p.m. and reply comments must be received by May 31, 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 aerially along an existing utility pole right-of-way.
 - c. The project incorporates, as a condition of project approval, measures developed by the California 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 California Public Utilities Commission developed project design features and 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. Vero Fiber Networks, LLC's Arcata Bay Project, is statutorily exempt from the California Environmental Quality Act with the incorporation of the project design features and best management practices as listed in the appendices.
10. Frontier's San Bernardino 1B and Ventura 1 Projects, are statutorily exempt from the California Environmental Quality Act with the incorporation of the best management best practices as listed in the appendices.
11. Colorado River Indian Tribe's Californian Broadband Network Project is statutorily exempt from the California Environmental Quality Act with the incorporation of the best management practices as listed in the appendices.
12. Vero Fiber Networks, LLC'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, during, and after construction by the California Public Utilities Commission's Energy Division staff, Vero Fiber Networks, LLC's designated environmental monitors, and project staff.
13. Frontier's Construction Monitoring, Compliance and Reporting Plan (which includes measures listed in Appendix B and mitigation measures required by other agencies) should include protocols that will be followed prior to, during, and after construction by the California Public Utilities Commission's Energy Division staff, Frontier's designated environmental monitors, and project staff.
14. Colorado River Indian Tribe's Construction Monitoring, Compliance and Reporting Plan (which includes measures listed in Appendix C 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, Colorado River Indian Tribe's designated environmental monitors, and project staff.
15. 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. California Public Utilities Commission adopts a statutory exemption for Vero Fiber Networks, LLC's Arcata Bay project pursuant to Public Resources Code Section 21080.51; the environmental measures listed in Appendix A are adopted as conditions of project approval.
2. California Public Utilities Commission adopts a statutory exemption for Frontier's San Bernardino 1B and Ventura 1 projects pursuant to Public Resources Code Section 21080.51; the environmental measures listed in Appendix B are adopted as conditions of project approval.
3. California Public Utilities Commission adopts a statutory exemption for Colorado River Indian Tribe's Californian Broadband Network project pursuant to Public Resources Code Section 21080.51; the environmental measures listed in Appendix C are adopted as conditions of project approval.
4. Vero Fiber Networks, LLC's Construction Monitoring, Compliance and Reporting Plan should be prepared by the California Public Utilities 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. Vero Fiber Networks, LLC 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 Vero Fiber Networks, LLC is required to implement as part of the Arcata Bay 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's Construction Monitoring, Compliance and Reporting Plan should be prepared by the California Public Utilities Commission's Energy Division Staff prior to the construction of the Projects. The Construction Monitoring, Compliance and Reporting Plans 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 Plans shall include:
 - a. Environmental measures that Frontier is required to implement as part of the San Bernardino 1B project and the Ventura 1 project
 - b. Compliance documentation and consultation requirements for each environmental measure
 - c. Monitoring requirements; and

- d. Timing for implementation of the environmental measures.
6. Colorado River Indian Tribe'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 C 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 Colorado River Indian Tribe is required to implement as part of the Californian Broadband Network project
 - b. Compliance documentation and consultation requirements for each environmental measure
 - c. Monitoring requirements; and
 - d. Timing for implementation of the environmental measures.
7. Vero Fiber Networks, LLC is required to adopt a system to document and verify implementation of the measures contained in Appendix A.
8. Frontier is required to adopt a system to document and verify implementation of the measures contained in Appendix B.
9. Colorado River Indian Tribe is required to adopt a system to document and verify implementation of the measures contained in Appendix C.
10. California Public Utilities Commission staff may revise the measures contained in the appendices based upon site-specific field survey results to reduce or avoid potential impacts to biological and cultural resources, consistent with the California Public Utilities Commission's minor project refinement process.
11. Noncompliance with the environmental protection measures or other applicable laws may result in California Public Utilities 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 California Public Utilities Commission of the State of California held on June 11, 2026, the following Commissioners voting favorably thereon:

Dated _____, at _____, California

Appendix A

The California Public Utilities Commission Commission's environmental consultant, Ascent Environmental, Inc. and the applicant's Eocene Environmental Group, prepared biological and cultural Summary Reports for the Vero Fiber Network, LLC's Arcata Bay Project. Based on findings from these reports, project design features (DF) were developed to address environmental impacts. In addition, a Tribal Cultural Resources Monitoring and Post-Review Discovery Plan has been agreed to by the applicant and the Wiyot Tribe. Those measures are also included in Appendix A. California Public Utilities Commission Energy Division staff determined this project meets the requirements of the statutory exemption for linear broadband projects in Public Resources Code Section 21080.51.

Vero Fiber Networks, LLC's Arcata Bay 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 measures are required by the California Public Utilities Commission.

Biological Resources

DF-1: Avoid Removal of Vegetation. The project applicant will completely 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. Staging activities (i.e., vehicles, equipment, materials) will occur in developed (e.g., paved areas) or previously disturbed areas (i.e., areas devoid of vegetation) only.

DF-2: Avoid Wetlands. The project applicant will completely avoid wetlands by mapping wetlands in and within 100 feet of the project alignment and designing the project to avoid all wetlands by 100 feet which would avoid potential impacts on wetland habitats and associated special-status plants and wildlife. The mapping would identify and geo-locate all wetland habitat in and within 100 feet of the project alignment using Global Positioning System. The boundaries of wetlands identified would be demarcated on project maps and in the field using brightly colored flagging or fencing. Ground disturbing activities would completely avoid wetland areas and would be prohibited within 100 feet of wetlands (i.e., consistent with the wetland setback required under the Humboldt County Municipal Code) to avoid direct and indirect impacts on these resources.

DF-3: Avoid the Nesting Bird Season. The applicant will implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, 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., forest, coastal scrub, annual grassland).

DF-4: Avoid the Bat Maternity Season. The applicant will implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, 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).

DF-5: Avoid the Ringtail Maternity Season. The applicant will implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, directional boring) outside of the ringtail maternity season, which is typically April 15–June 30, which would avoid potential disturbance of northern California ringtails that may nest in riparian or forest vegetation types adjacent to the project alignment.

DF-6: Implement Streamside Management Areas. Pursuant to the Humboldt County Municipal Code, the applicant will incorporate Streamside Management Areas into final design plans adjacent to perennial and intermittent streams in or adjacent to the project alignment, within which no project activities will occur. Streamside Management Areas will be 100 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams and 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.

DF-7: Implement Wildlife Entrapment Prevention Measure. All excavated manholes, hand holes, pull boxes, and bore pits will be excavated and closed in a single workday to avoid leaving holes open overnight and potential wildlife entrapment.

Cultural Resources

Vero Fiber Networks, LLC proposes to require contractors to implement several project design features related to cultural resources. These project design features are project commitments incorporated into the project description and consist of the following:

Cultural Resource Awareness Training

Prior to ground-disturbing and non-ground-disturbing construction activities for the project, all construction crew personnel, other project-related workers, and any visitors to the construction site will complete the Cultural Resource Awareness Training. This training will educate the construction crew and personnel about Environmentally

Sensitive Areas, Cultural Resource Monitoring Programs, types of resources that may be encountered (prehistoric, historic, human remains), avoidance procedures, and how to flag unanticipated discoveries. Additionally, the construction crew(s) and all other workers (e.g., engineers, surveyors, biologists, paleontologists, environmental technicians [air quality, visual, audible, and soils], etc.) and site visitors will be educated on the state regulations that provide for protection of cultural and Tribal resources as well as the penalties that result from violations. Similar Cultural Resource Awareness Training 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 the California Environmental Quality Act. Implementation of the Best Management Practices and Cultural Resource Monitoring Programs will be overseen by the Principal Investigator and maintained and updated by the archaeological monitor.

The Cultural Resource Awareness Training must be repeated annually, if necessary, and as needed for new construction personnel and all other on-site personnel and visitors. All participants must sign an agreement stating they have completed the training. It is the responsibility of the site construction Project manager to ensure this requirement is met.

Inadvertent Discovery Protocols

Inadvertent discoveries of prehistoric or historic resources (artifacts, features, or human remains) have the potential to occur. Such discoveries may be identified by the construction crews, archaeological and/or Native American personnel, or other resource specialty staff (i.e., biologists). Should an inadvertent discovery occur, the archaeological monitor may be called up to implement Inadvertent Discovery Protocols while waiting for direction from the Principal Investigator, if not already present. The Inadvertent Discovery Protocols may include one or more of the following depending on the nature of the discovery:

- Should inadvertent discovery of cultural resources occur, all ground-disturbing construction activity will stop and a Secretary of the Interior-qualified archaeologist, if other than the archaeological monitor, and the Construction Project Manager will be contacted
- The discovery will be flagged and the surrounding area established as an Environmentally Sensitive Area
- The Environmentally Sensitive Area will be buffered by 200 feet in keeping with previously identified and mapped Environmentally Sensitive Areas
- Inspection of the inadvertent discovery and the area near the discovery for cultural resource sensitivity will be undertaken by a qualified archaeologist

- No ground-disturbing construction activity will occur within the Environmentally Sensitive Area until further consultation between the archaeologist and the lead agency takes place to determine the appropriate treatment of the resource (e.g., archaeological and Native American monitoring, presence/absence test excavation, eligibility test excavation, data recovery excavation, or change in construction methods)
- In the event human remains, or potential human remains, are encountered, all construction activity shall cease within the vicinity of the human remains discovery and the discovery will be flagged for avoidance at a distance of 100 feet from the point of discovery (Public Resources Code §5097)
 - The crew, archaeological and/or Native American monitor (if present), or Construction Project Manager will contact the Secretary of Interior-qualified Principal Investigator/Project manager, who will first contact the county coroner and then the land managing agency cultural/heritage resource manager to notify of them of the discovery of potential human remains
 - The county coroner shall assess the find and render a determination that will dictate the next course of action
 - If the remains are not human, construction may continue
 - If the remains are determined to be human and of Native American origin, the coroner will contact the Native American Heritage Commission and the implementation of procedures to address the treatment of the remains will begin
 1. The Native American Heritage Commission will identify a Most Likely Descendent and notify the land managing agency cultural/heritage resource manager who will in turn notify the Secretary of Interior-qualified Principal Investigator, archaeological and/or Native American monitor, and the Construction Project Manager
 2. The Most Likely Descendent will respond to the site of discovery within 48 hours
 3. The Construction Project Manager will coordinate with the Most Likely Descendent, the Secretary of Interior-qualified Principal Investigator, and land managing agency cultural/heritage resource manager for implementation of agency protocols

4. If the Most Likely Descendent fails to respond or treatment protocols for the remains cannot be agreed to, then standard human remains treatment protocol may be implemented

Definition of Unanticipated Discoveries

Unanticipated discoveries are those resources that are identified inadvertently. These can include sites, artifacts, features, or materials recognized as being either historic (greater than 45 years before present) or prehistoric (relating to Native American occupation or use of the area). All unanticipated discoveries will need to be assessed by the archaeological monitor to determine avoidance measures, if needed.

Historic resources can include:

- Structures such as buildings, foundation remains, stacked stone walls, or alignments, etc.
- Linear features such as graded or paved roads, trails, ditches, etc.
- Refuse such as deposits or scatters of cans, bottles, milled wood, ceramics, machine parts, etc.
- Human remains or other funerary items

Prehistoric artifacts/sites include but are not limited to:

- Flaked stone tools and tool manufacture debitage (i.e. Projectile points)
- Ground stone tools such as metates, pestles, manos
- Ceramics
- Features such as hearths, midden deposits, etc.
- Human remains and associated funerary items

Discoveries that require protection measures:

- Previously unrecorded sites, artifacts, features, or materials as defined by the National Historic Preservation Act and/or professional archaeological standards
- Additional artifacts, materials, or features of a previously recorded cultural resource
- Any artifacts, materials, or features immediately adjacent to cultural resources previously determined Eligible for listing in the National Register of Historic Places/California Register of Historical Resources
- Concentrations of 3 or more artifacts in a 10-meter (30-foot) area
- Any evidence of human remains or associated funerary items. All discoveries of bone will be treated as human remains until identification

can be confirmed by a qualified specialist

Discoveries where protection measures are not required

- Isolated, non-diagnostic historic or prehistoric artifacts (less than 3 in a 10-meter [30-foot] area) that are not associated with a previously recorded site
- Bone identified as animal bone that is not associated with an archaeological resource
- Artifacts less than 45 years of age that are not associated with a previously recorded site or determined to have cultural significance

Cultural Resource Protection Measures

The Cultural Resource Monitoring Programs are site specific and may include one or more of the following:

- Stop Work Authority – Archaeological and Native American monitors will halt work in areas of unanticipated discoveries to protect resources and further evaluate finds in safety
- Avoidance
- Shift cable placement to opposite side of road to avoid the cultural resource
- Hug edge of road when placing cable to avoid the cultural resource
- Bore under the cultural resource for avoidance
- Archaeological monitoring during all ground-disturbing construction activities
- Archaeological and Native American monitoring during all ground-disturbing construction activities
- Archaeological and/or Native American monitoring during all construction activities
- Erect temporary barricades to protect and avoid the cultural resource
- Consult with bridge owner regarding engineering methods of cable attachment to avoid adverse effect to the historic structure
- Consult with Tribal Historic Preservation Officer or Tribal representative regarding seasonal limits on construction activity at Traditional Cultural Properties
- Avoid extensive use of heavy equipment and vibrating machinery
- Consult with other interested parties prior to construction activity

Standard Protocol for Treatment of Human Remains

- The location of the human remains will not be disclosed to any persons outside of the Most Likely Descendant; Native American Heritage Commission; Secretary of Interior-qualified Principal Investigator; and identified, Secretary of Interior-qualified, support cultural resource personnel; Construction Project Manager; and land managing agency cultural/heritage resource manager
- Avoidance and protection of the human remains in-situ is preferred
 - This will require coordinated efforts between the Most Likely Descendant and Construction Project Manager, supported and facilitated by the Secretary of Interior-qualified Principal Investigator and land managing agency cultural/heritage resource manager altering construction engineering plans in the following ways:
 - Construct around the remains with an agreed-upon buffer
 - Cap the remains with imported artificial fill to a sufficient depth that the remains will not be impacted
- If avoidance of the remains is not possible, then they will be exhumed by the Secretary of Interior-qualified Principal Investigator and Secretary of Interior-qualified support staff in the presence of the Most Likely Descendant and/or Most Likely Descendant-designated Native American monitors. Exhumation will include the following:
 - Treatment and handling of human remains will be undertaken with the greatest level of respect and sensitivity
 - Native American customs regarding exhumation and relocation of human remains will respect cultural religious or ceremonial beliefs and practices as identified by the Most Likely Descendant
 - Excavated soils will be screened through 1/8-inch mesh at minimum and all residue carefully inspected for evidence of associated and unassociated funerary or sacred objects and items of cultural patrimony
 - Visual observation of the remains will be made. Additional data recordation procedures (internment style and body positioning, gender identification, age estimation) that are non-destructive (e.g., photography, sketches, measurements, and oral interview) will be implemented with permission from the Most Likely Descendant
 - Soil samples, artifact samples, or other samples may be taken for further analysis if agreed to by the Most Likely Descendant and land managing agency cultural/heritage resource manager
 - The Most Likely Descendant will determine the appropriate treatment of human remains with regard to cultural ceremonial and burial or

reburial practices

- The Most Likely Descendant will coordinate disposition of the remains with the land managing agency cultural/heritage resource manager and if necessary, the Native American Heritage Commission
- Pursuant to Public Resources Code §5097.98 (e), if agreement cannot be reached between the Most Likely Descendant, land managing agency cultural/heritage resource manager, and the Native American Heritage Commission with regard to the final disposition of the remains, then the remains can be re-interred in an area that can be avoided by the Project and future disturbance

Site Recordation and Evaluation Methods

When archaeological resources are discovered during construction monitoring, the Project archaeologist or archaeological monitor will record the cultural resources, new recordation, or site updates using Department of Parks and Recreation Form 523. All forms will be submitted at the completion of monitoring to the appropriate information center (Northwest Information Center (NWIC) in Rohnert Park, California) and to appropriate land management agencies.

Site evaluation will be conducted when avoidance of the site is infeasible due to construction methods. Evaluation consists of assessing site integrity; conducting a complete inventory of artifacts, features, and materials; and, if determined necessary after consultation with the Principal Investigator, field crew, land jurisdiction agency, and Tribes, subsurface test excavations to better determine horizontal and vertical site limits. Subsurface testing can include shovel test pits, test units, or column sample depending on the results of consultation and the nature of the site. Once evaluation is complete and the land jurisdiction agency or California Environmental Quality Act lead agency on private land, the California Public Utilities Commission concurs with the determination, construction can continue (if determined ineligible) or further testing/avoidance measures may be required.

Non-collection of artifacts is preferred. However, if the artifacts are at risk, they will be moved out of the Area of Potential Effects- Direct Effect and a site record will be prepared that includes both the original location of the find and the new location. The archaeological monitor will perform in-field analysis of the artifact/feature using Universal Transverse Mercator locational information measurements (metric for prehistoric and standard for historic), photographs/drawings, site maps as needed, and in-depth descriptions, including

color, condition, material, etc.

Tribal Environmental Sensitivity Areas

The Wiyot Tribe has requested that a tribal monitor be present during any ground disturbance that is to occur during construction within any Tribal Environmental Sensitivity Areas. However, at this time, no construction-related ground disturbance is proposed within any Tribal Environmental Sensitivity Areas. If changes or refinements in the project design are to be made that might result in ground disturbance within one of the Tribal Environmental Sensitivity Areas, arrangements must be made to have a Wiyot Tribal monitor present. Ground disturbance might result from the following activities:

- Planned aerial alignments are abandoned in favor of buried alignments
- New pole locations are identified, or else existing poles are to be replaced with new poles
- Hand holes or splice points are to be installed that would require ground disturbance
- Drop cables to residences that are to be buried rather than attached aurally; these locations might not be determined until a later date

Table 1 below summarizes the protections measures for each Tribal Environmental Sensitivity Area (TESA).

Table 1	
Cultural Resource Summary Including National Register of Historic Places Recommendation and Protection Measures	
Site No.	Protection Measures
1	TESA 1. Archaeological monitoring required for ground disturbing activities within the vicinity of the resource. This monitoring should be updated in a brief monitoring report and a succinct site record update to document monitoring efforts. An invitation should be extended to the local Tribe to supply a Tribal monitor.
2	TESA 2. Archaeological monitoring required for ground disturbing activities within the vicinity of the resource. This monitoring should be updated in a brief monitoring report and a succinct site record update to document monitoring efforts. An invitation should be extended to the local Tribe to supply a Tribal monitor.
3	TESA 3. Archaeological monitoring required for ground disturbing activities within the vicinity of the resource. This monitoring should be updated in a brief monitoring report and a succinct site record update to document monitoring efforts. An invitation should be extended to the local Tribe to supply a Tribal monitor.
4	If the private landowner opts in to installation using their own private funding, it is recommended that an archaeological and Tribal monitor be present for any ground disturbing activities near the resource.
5	TESA 4. An archaeologist should flag the foundation for avoidance. Construction crews may remove the flagging after work has been completed.
6	If the private landowner opts in to installation using their own private funding, it is recommended that an archaeological and Tribal monitor be present for any ground disturbing activities near the resource.

Vero Fiber Networks, LLC's Best Management Practices

Environmental commitments/Best Management Practice Plans may include:

- Storm water pollution prevention plan
- Hazardous material/spill prevention plan
- Inadvertent return and contingency plan (also referred to as a “frac-out plan”)
- Cultural resource monitoring plan
- Dust control plan
- Traffic management plan
- Fire control plan

Appendix B

The applicant, Frontier Communications' environmental consultant Olsson, Inc., prepared biological and cultural summary reports for San Bernardino 1B and Ventura 1 and developed best management practices to address potential environmental impacts. The best management practices listed in Appendix B were compiled from the Summary Reports for the two projects, San Bernadino 1B and Ventura 1. Energy Division staff determined these projects meet the requirements of the statutory exemption for linear broadband projects in Public Resources Code Section 21080.51.

San Bernadino 1B 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 (BMP) are required by the California Public Utilities Commission.

Biological Resources

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.

Special Status Wildlife and Native Birds

BMP 1 - Pre-construction Surveys for Mojave Desert Tortoise

If necessary and prior to undertaking ground-disturbing activities, Frontier is prepared to engage a qualified biologist to conduct clearance 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

If necessary, where suitable burrows are observed, Frontier is prepared to engage a qualified biologist to conduct surveys consistent with California Department of Fish and

Wildlife 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), to the extent practicable. 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 and California Fish and Game Code.

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.

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.

Hydrology/Water Quality

BMP 1 – Erosion and Sediment Control Best Management Practice

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.

Ventura 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 (BMP) are required by the California Public Utilities Commission.

Biological Resources

Special Status Plants

BMP 1 - Work within Previously Disturbed Corridors

Frontier plans to confine construction to existing road shoulders, rights-of-way, and reasonably adjacent disturbed surfaces to reduce new ground disturbance and avoid encroachment into native vegetation or drainages.

Special Status Wildlife and Native Birds

BMP 1 – Worker Awareness Training

Frontier plans require that all construction personnel receive environmental awareness training addressing sensitive resources, approved work areas, nesting bird protections, and stop-work procedures. Frontier anticipates training to be provided through a variety of methods including but not limited to written materials and/or a preconstruction meeting.

BMP 2 – Migratory Bird Nest Avoidance

Frontier plans to schedule vegetation clearing and surface disturbance outside the nesting season (February 1 – August 15), to the extent practicable. If work must occur during this period, Frontier plans to require that a qualified biologist conduct pre-construction nesting-bird surveys to comply with the Migratory Bird Treaty Act and California Fish and Game Code.

BMP 3 – Qualified Biological Monitor

Frontier plans to hire a qualified biological monitor to support the project during construction. Should the construction team observe a sensitive biological resource (e.g. Crotch's bumble bee) within the active work area during construction, Contractors will stop work in the vicinity of the observation immediately and notify the qualified biologist/biological monitor. The qualified biologist is 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. Frontier will resume active construction in the affected area only after the foregoing is complete and consistent with the specified avoidance measures.

BMP 4 – Pre-construction Surveys for Crotch’s bumble bee

Prior to undertaking ground-disturbing activities, Frontier is prepared to engage a qualified biologist to conduct focused surveys in areas of potentially suitable habitat for the Crotch’s bumblebee within the planned work area, in accordance with Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (California Department of Fish and Wildlife 2023).

BMP 5 – 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.

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 its construction documents to guard against ground disturbance within the boundaries of cultural resource sites.

Hydrology/Water Quality

BMP 1 – Erosion and Sediment Control Best Management Practice

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

Appendix C

The Commission's environmental consultant, Ascent Environmental, Inc. (Ascent), in conjunction with the Colorado River Indian Tribe consultant Catalyst Environmental Solutions, prepared biological and cultural summary reports for the Colorado River Indian Tribe project and developed the applicant proposed construction best management practices. The Best Management Practices listed in Appendix C were compiled from the summary reports for the Colorado River Indian Tribe 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.

Colorado River Indian Tribe Californian Broadband Network Best Management Practices

Colorado River Indian Tribe Californian Broadband Network 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 measures are required by the California Public Utilities Commission.

Biological Resources

- **Avoid Removal of Native Vegetation.** To avoid potential impacts on special-status plants, special-status wildlife habitat, riparian habitat, and sensitive natural communities, the project applicant would completely avoid removal or trimming of native vegetation (trees, shrubs, herbaceous vegetation) during ground disturbance in and adjacent to the project alignment. Staging activities (vehicles, equipment, materials) would occur in developed (e.g., paved areas) or previously disturbed areas (e.g., areas devoid of vegetation) only.
- **Avoid Wetlands and Non-Wetland Waters.** To avoid potential impacts on wetlands and non-wetland waters, including desert washes, along with any associated special-status plants and wildlife, the applicant would map all aquatic resources (i.e., wetlands, non-wetland waters) in the project alignment footprint as well as any that are within 100 feet. The mapping would consist of an on-the-ground delineation of these resources using Global Positioning System equipment with submeter accuracy. The boundaries of wetlands and non-wetland waters identified during the delineation would be demarcated on project maps and in the field using brightly colored flagging or fencing. Ground disturbing activities would be completely avoided in these areas as well as within 50 feet of any wetland or non-wetland aquatic resources to avoid direct and indirect impacts.

- **Avoid Spread of Invasive Species.** To avoid impacts on special-status plants from invasive species, the project applicant would clean clothing, footwear, and equipment used during project activities of soil, seeds, vegetative matter, or other debris or seed-bearing material, or water (e.g., rivers, streams, creeks, lakes) before entering the project alignment. For all heavy equipment and vehicles traveling off established roads, the applicant would pressure wash, if feasible, or otherwise appropriately decontaminate equipment at a designated weed-cleaning station prior to entering the project alignment. Lastly, the applicant would inspect all heavy equipment, vehicles, tools, or other materials for sand, mud, or other signs that weed seeds or propagules could be present prior to use in the project alignment.
- **Avoid the Nesting Bird Season.** To avoid potential disturbance of special-status and other native birds that may nest in vegetation types adjacent to the project alignment (e.g., desert scrub, desert riparian), the applicant would implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, directional boring) outside of the nesting bird season, which is typically February 1 through September 15.
- **Avoid the Bat Maternity Season.** To 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), the applicant would implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, directional boring) outside of the roosting bat season, which is typically April 1–August 31.
- **Avoid the Ringtail Maternity Season.** To avoid potential disturbance of southern California ringtails that may nest in riparian or forest vegetation types adjacent to the project alignment, the applicant would implement all ground-disturbing activities and activities that would require the use of heavy equipment (i.e., excavation, directional boring) outside of the ringtail maternity season, which is typically April 15–June 30.
- **Implement Wildlife Entrapment Prevention Measure.** All trenches and other excavation sites would be excavated and closed in a single workday to avoid leaving holes open overnight and potential wildlife entrapment.
- **Pre-construction avoidance surveys.** Surveys should be completed according to California Department of Fish and Wildlife guidance within 14 days prior to site grading to detect any special status wildlife using the Project site at the time of construction and determine any additional avoidance measures required.
- **Worker awareness program.** Develop and implement a worker awareness program to increase the onsite worker’s recognition of and commitment to special status species protection.

Cultural Resources

- **Post Review Discovery of Cultural Resources:** If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and a qualified archaeologist should be contacted immediately to evaluate the find. If the discovery proves to be significant under the California Environmental Quality Act, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts.
- **Unanticipated Discovery of Human Remains:** If human remains are identified, regulations outlined in the State of California Health and Safety Code Section 7050.5 state that no further disturbance shall occur until the County Coroner, in this case the San Bernardino County Coroner and the Riverside County Coroner, has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98.
- In the event of an unanticipated discovery of human remains, the San Bernardino County Coroner and the Riverside County Coroner must be notified immediately. If the remains are determined to be Indigenous, the Coroner will notify the Native American Heritage Commission, who will determine and notify a Most Likely Descendent. The Most Likely Descendent shall complete the inspection of the site within 48 hours of being granted access and provide recommendations as to the treatment of the remains to the landowner.
- **Cultural Monitoring:** A Secretary of the Interior-qualified archaeologist or archaeological monitor working under the direction of a Secretary of the Interior-qualified archaeologist shall monitor ground disturbing activities in areas with potential for archaeological or tribal cultural resources. Ground disturbing activities include but are not limited to excavation, directional boring, and operation of heavy equipment within sensitive areas.