

# **Conditions Monitoring, Compliance and Reporting Program ZAYO'S PRINEVILLE TO RENO FIBER OPTIC PROJECT**

**State Clearinghouse Number**

**2021030143**

**December 2023**

**Revision 1- June 2024**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

<b>Term</b>	<b>Definition</b>
AB	Assembly Bill
ADI	Area of Direct Impact
AOI	Area of Impact
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMP	Best Management Practices
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CM	Construction Manager
CMCRP	Conditions Monitoring Compliance and Reporting Plan
CPCN	Certificate of Public Convenience and Necessity
CPUC	California Public Utilities Commission
CSLC	California State Lands Commission

<b>Term</b>	<b>Definition</b>
DOI	Department of the Interior
ECC	Environmental Compliance Coordinator
ECM	Environmental Compliance Manager
ECPM	Environmental Consultant Project Manager
ESA	Endangered Species Act
GHG	Greenhouse Gas
H RTP	Historical Resources Treatment Plan
ILA	In-Line Amplifiers
LEI	Lead Environmental Inspector
MLD	Most Likely Descendant
mph	Miles per hour
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NTP	Notice to Proceed
OHV	Off-Highway Vehicle
PFM	Petition for Modification
PFYC	Potential Fossil Yield Classification
PM	Project Manager
PMP	Paleontological Mitigation Plan
PRC	Public Resources Code
QSD	Qualified SWPPP Developer
QSP	Qualified Stormwater Practitioner
RBC	RBC Utility
ROW	Right of Way
RRP	Revegetation and Restoration Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SDS	Safety Data Sheets
SMARTS	California's Storm Water Multiple Application and Report Tracking System
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCR	Tribal Cultural Resource
TMP	Traffic Management Plan
USACE	US Army Corps of Engineers
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
WDID	Waste Discharge Identification

## **SECTION 1.0 INTRODUCTION**

Zayo's Prineville to Reno Fiber Optic Project (Project) is an approved regional telecommunications network supporting portions of Modoc, Lassen, and Sierra counties to help close the digital divide in the region by extending internet and mobile data coverage to underserved rural communities. The Project segments located within California subject to the jurisdiction of the California Public Utilities Commission (CPUC) will extend approximately 194 miles from the California-Oregon border, across Modoc County (59.8 miles) and the City of Alturas (1.6 miles), through Lassen County (129.6 miles), and into the eastern edge of Sierra County (3.1 miles) before crossing into Nevada. Zayo Group, LLC (Zayo, the Proponent, the Applicant) plans to build a network generally following US 395, with portions crossing federally managed public land, state-owned or controlled property, unincorporated county land, and tribal lands.

On August 10, 2023, CPUC approved Zayo's application to modify its Certificate of Public Convenience and Necessity (CPCN) and granted an exemption from the Californian Environmental Quality Act (CEQA) under the Senate Bill (SB) 156 statutory exemption from CEQA for Zayo's Prineville to Reno Fiber Optic Project.

The SB 156 CEQA Statutory Exemption includes a requirement that "the project incorporates, as a condition of approval, measures developed by the Public Utilities Commission or the Department of Transportation 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" (Public Resources Code Section 21080.51). For the purposes of this Project, the environmental protection measures are the same as the conditions of approval and the terms are used interchangeably. This Conditions Monitoring, Compliance, and Reporting Program (CMCRP) provides a summary of these conditions and measures and provides a framework to ensure that all required environmental protection measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Project, as required.

The CMCRP also provides guidelines and standardize procedures for environmental compliance on the Project. These procedures have been developed by the CPUC, in coordination with Zayo and other responsible agencies, to help define reporting relationships, provide detailed information about the roles and responsibilities of the Project's environmental compliance team members, define compliance reporting procedures, and establish communication protocol.

The CMCRP will be implemented until the final monitoring and reporting procedures identified in this report have been completed to the CPUC's satisfaction.

The CMCRP was initially finalized in December 2023 and revised in June 2024 to update project contact information.

### **1.1 Project Overview**

The Project includes the construction and operation of an underground fiber optic network from Prineville, Oregon, to Reno, Nevada, spanning a total of 433.8 miles. The Project segments located within California subject to the jurisdiction of the CPUC will extend approximately 194 miles from the California-

Oregon border, across Modoc County (59.8 miles) and the City of Alturas (1.6 miles), through Lassen County (129.6 miles), and into the eastern edge of Sierra County (3.1 miles) before crossing into Nevada (Figure 1).

The Project components include a new fiber optic cable, in-line amplifiers (ILAs), and vaults and line markers. Along the majority of the route, conduit to house the new fiber optic cable will be buried 36 to 42 inches deep using a combination of plowing or trenching construction techniques. Alternatively, horizontal directional drilling will be used to cross under water bodies and roads, and where necessary to avoid existing infrastructure or biological or cultural resources. For some water- or road-crossing locations, the conduit may be affixed to the side or underside of bridges. Ancillary equipment will be installed at three small buildings that will serve as Inline Amplifier (ILA) sites. Fiberglass vaults will be installed flush to the ground approximately every 2,500- to 3,500 feet along the Project alignment to provide maintenance access and at splice locations. Line markers, which will be co-located with the vaults along the Project corridor, are 4-foot-tall flexible fiberglass posts that will be used to mark the location of the buried conduit.

Construction staging areas will be located within the right-of-way adjacent to the Project alignment, and materials storage yards will be located at existing industrial or commercial space in Alturas, Madeline, Termo, and Standish. All construction activities will be conducted in compliance with California Department of Transportation (Caltrans) requirements and county longitudinal utility encroachment permit procedures. Zayo plans to install conduit beyond the immediate need of the current Project to ensure future capacity.

The objectives of the Project are as follows:

- Provide connectivity for major California business between regional hubs in Nevada and Oregon, for which connectivity is of major importance to a significant number of the largest employers in California.
- Provide opportunities for improved quality of rural broadband in Nevada, California, and Oregon.
- Provide affordable broadband services to currently underserved communities.
- Remain within existing road rights-of-way to reduce impacts to undisturbed areas and to limit the number of necessary contract parties to a feasible number.
- Install a fiber optic trunk line cable buried underground to provide a secure and protected route.
- Avoid or minimize impacts to environmental resources.

The Project segments located within California subject to the jurisdiction of the CPUC will extend approximately 194 miles from the California-Oregon border, across Modoc County (59.8 miles) and the City of Alturas (1.6 miles), through Lassen County (129.6 miles), and into the eastern edge of Sierra County (3.1 miles) before crossing into Nevada. The Project will cross through unincorporated communities in Modoc County, including New Pine Creek, Davis Creek, Ramsey, and Likely. Within Lassen County, the Project will traverse the communities of Sage Hen, Pinnio, Madeline, Brockman, Moran, Termo, Litchfield, Standish, Buntingville, Milford, and Doyle. In Sierra County, the Project will not pass through any cities or census-designated communities.



Map Date: 9/24/2021  
 Base Source: Streetmap USA (ESRI)



**Figure 1. Project Location**

2020-196.01 Zayo's Prineville to Reno Fiber Optic Line

Service Layer Credits: USGS The National Map; Elevation Program; Geographic Names Information System; National Hydrography Dataset; National Land Cover Database; National Structures Dataset; and National Transportation Dataset; USGS Global Ecoregions; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information; U.S. Coastal Relief Model; Data refreshed May, 2020.

The majority of the Project alignment (185.6 miles) will be within the U.S. Highway 395 (US 395) right-of-way, which is managed by Caltrans. A portion of the line between the communities of Standish and Buntingville in Lassen County, California, will follow the county roads Standish Buntingville Road (Lassen County Road A3) for 7.35 miles and Cummings Road for 1.15 miles before returning to the right-of-way parallel to US 395. Staging areas, materials storage areas, and Inline Amplifiers (ILAs) will be located on private land outside of the rights-of-way.

Approximately 46 miles of the Project alignment will pass through lands managed by a federal government agency; 8.8 miles will be on California state lands and the remaining 139.4 miles will pass through private or local municipal landholdings. All the Project alignment will be within the right-of-way for US 395 (185.6 miles) or Lassen County roads (8.5 miles). Table 1 summarizes the jurisdictions crossed by the Project alignment.

<b>Table 1. Jurisdictions Crossed by Zayo Fiber Optic Line</b>	
<b>Jurisdiction</b>	<b>Linear Miles of Fiber Optic Line</b>
<b>Federal</b>	
Bureau of Indian Affairs	6.5
Bureau of Land Management	38.5
U.S. Fish and Wildlife Service	1.0
<i>Subtotal Federal Jurisdiction</i>	<i>46.0</i>
<b>State*</b>	
California Department of Fish and Wildlife	6.2
California State Lands Commission	2.6
<i>Subtotal State Jurisdiction</i>	<i>8.8</i>
<b>Local (not Federal or State)</b>	
Unincorporated Modoc County	46.8
Unincorporated Lassen County	89.6
Unincorporated Sierra County	1.3
City of Alturas	1.6
<i>Subtotal Local Jurisdiction</i>	<i>139.3</i>
<b>Total</b>	<b>194.1</b>

Note: \*The portion of the Project alignment within US 395 (185.6 miles) is owned or managed by California Department of Transportation (Caltrans). US 395 crosses multiple jurisdictions, as summarized in this table. Approximately 8.5 miles of the alignment in Lassen County is within County roads.



### **1.1.1 Construction Schedule**

Zayo will begin work within 30 days of a CPUC authorized Notice to Proceed (NTP) and has indicated that they can begin work as early as September 2023. As of the finalization of this CMCRP, work has been delayed to December 2023 at the earliest due to requested revisions from the Applicant by CPUC and Caltrans on submittals for the Notice to Proceed and the Encroachment Permit, respectively. Work will be spread out at various locations throughout the area of impact (AOI) as Zayo attempts to maximize construction output as allowed/dictated by weather, specifically in portions of the AOI in lower elevations during the winter months. Specific crew locations will be updated and communicated on a weekly basis through the scheduled Zayo monitoring management meeting, or through additional meetings to be established by Zayo with the CPUC and other agencies as needed. Zayo expects to complete the construction within approximately eight months following NTP. Depending on rates of construction production, this timeline may contract or expand. Zayo will not commence construction in areas subject to Bureau of Land Management (BLM) approval regarding investigation and treatment of cultural resources sites until BLM is satisfied with those studies.

### **1.1.2 Location and Timing of Construction Spreads**

Zayo plans to keep an average of 12 construction spreads working on the Project simultaneously. To the greatest extent practicable, these spreads will be grouped contiguously or in close proximity to one another. This will foster better communication between spreads, consolidated disruption of highway and county road traffic, and greater Project efficiency. As defined in the Conditions, a construction spread refers to the group of construction workers, vehicles, and equipment necessary to install and backfill the fiber optic cable and restore the ground surface in a particular location. A construction spread will also be located in areas being established and used as materials storage areas and/or staging areas, or areas where ILAs are being constructed if those areas are outside an active fiber optic cable construction spread location.

Zayo has indicated that scheduling of locations is subject to too many unknown factors to be realistically forecast at this time (Figure 2). Zayo preliminarily plans to commence construction at lower elevations during the winter and construct in the higher elevations after winter weather has ended. CPUC will have access to current and planned construction locations via Zayo-established Project update calls and a web mapper Project tracker.

## **1.2 Conditions Monitoring, Compliance and Reporting Program**

This CMCRP with a detailed work plan is created to maintain environmental compliance for the Project, including specific protocols, guidelines, and standard procedures for environmental compliance to be followed prior to and during Project construction.

Figure 2. Estimated Construction Timeline																									
Construction Task	2023								2024																
	1-Sep	15-Sep	1-Oct	15-Oct	1-Nov	15-Nov	1-Dec	15-Dec	1-Jan	15-Jan	1-Feb	15-Feb	1-Mar	15-Mar	1-Apr	15-Apr	1-May	15-May	1-Jun	15-Jun	1-Jul	15-Jul	1-Aug	15-Aug	
1. Bore/Trench/Plow																									
a. Restoration																									
b. Permit Closeout																									
2. Place Fiber																									
3. Splice and Test																									

Note:  = Planned Duration

### **1.2.1 Purpose**

The purpose of the CMCRP is to:

- Ensure effective implementation of the environmental measures adopted by the CPUC;
- Facilitate the monitoring, compliance, and reporting activities of the CPUC;
- Establish lines of communication related to environmental measure monitoring;
- Provide a method of effectively documenting and reporting compliance with all environmental measures.

### **1.2.2 Program Scope**

This scope of the CMCRP is to:

1. List environmental protection measures and their monitoring and reporting requirements, as identified in the SB 156 Exemption Report, Conditions of CPCN approval – Environmental Measures (Section 1.2);
2. Describe the NTP request and approval procedure (Section 3.1);
3. Describe the communication protocols between CPUC, Zayo, and their respective consultants (Sections 2.0 and 3.2);
4. Describe the process by which CPUC staff will observe construction of the Project to ensure implementation of each environmental protection measure (Section 3.3);
5. Describe the process for recording “noncompliance” (i.e., evidence that Zayo is not fully implementing each environmental protection measure) (Section 3.3).

The Project is subject to environmental protections described in the SB 156 Exemption Report, Conditions of CPCN Approval – Environmental Measures, which are collectively referred to as “Conditions of Approval”. These environmental protections were prepared consistently with the framework in the Draft Environmental Impact Report, whose draft environmental measures were included as conditions of CPCN approval in the SB 156 Exemption Report.

These Conditions of Approval are listed in Table 2 of this CMCRP. To the extent the SB 156 Exemption Report conditions expressly rely on, include, or reference permits or approvals from other federal, state, and local agencies, all terms and conditions of such permits or approvals are considered incorporated into the scope of the SB 156 Exemption Report Conditions.

The CMCRP includes provisions for monitoring and reporting: monitoring refers to the ongoing or periodic process by which Project construction and operation are overseen by the Lead Agency. In the case of the Project, monitoring will ensure that Zayo’s compliance with Project conditions is checked on a regular basis. Reporting, which comprises written reviews of Zayo’s compliance with the SB 156 Exemption Report Environmental Measures presented to the decision-making body or a designated staff person, ensures that the Lead Agency is informed of Zayo’s compliance with environmental measures. The CPUC

Guidelines encourage lead and responsible agencies to cooperate in environmental measures monitoring and reporting, where possible.

Throughout the course of Project construction, the protocols, guidelines, procedures, communication lists, and schedules presented in the CMCRP may be revised as needed to address specific day-to-day realities of Project construction.

### **Implementation**

Implementation of the CMCRP will begin during pre-construction and will continue until construction is complete and the CPUC concludes there is no further need for CPUC monitoring of the Project or the CPUC determines implementation of the CMCRP is no longer necessary. Zayo must perform post-construction monitoring for the Project to comply with environmental protection measures as described in the SB 156 Exemption Report, Conditions of CPCN Approval – Environmental Measures. Post-construction monitoring by Zayo will continue until compliance with post-construction requirements (i.e., revegetation) has been met.

The CMCRP may be modified by the CPUC during project implementation, as necessary, in response to changing conditions or other Project refinements. A copy of the environmental measures should be kept with each crew working on the Project, and all supervisory staff working on the Project should be familiar with its contents.

Table 2 has been prepared to assist the responsible parties in implementing the CMCRP. This table identifies the category of significant environmental impact(s), individual environmental measures, monitoring and environmental measure timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the environmental measures. The numbering of the environmental measures follows the numbering sequence in the SB 156 Exemption Report, Conditions of CPCN approval – Environmental Measures.

The column categories identified in the CMCRP table (Table 2) are described below.

- **Environmental Measure** – This column lists the environmental measures by number.
- **CPUC Monitoring Requirements** – This column list the tasks and requirements of the CPUC 3<sup>rd</sup> Party Environmental Monitors
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each environmental measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the environmental measure, and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the environmental measure, and is to be dated and initialed by the

agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.

- **Outside Agency Coordination** – this column lists any agencies with which the CPUC may coordinate for implementation of the environmental measure.
- **Comments** – this column provides space for written comments, if necessary.

<b>Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<b>AESTHETICS</b>						
<b>AES-1: Staging Area Maintenance.</b> All Project sites shall be maintained in a clean and orderly state. Construction staging areas shall be located away from public view. Upon completion of Project construction, Project staging areas and temporary work areas shall be returned to pre-project conditions.	CPUC verifies that Zayo will establish staging areas in a location away from public view, maintain the staging areas and temporary work areas in a clean and orderly state, and return staging areas and temporary work areas to pre-project conditions.	During and after construction	Staging areas and temporary work areas	Zayo/CPUC	–	–
<b>AES-2: Aboveground Ancillary Equipment.</b> All aboveground ancillary equipment, including the Inline Amplifier (ILA) huts and line markers shall use paints, materials, and finishes that are earth-toned (in color), non-reflective, and do not contrast existing coloration of surrounding areas.	CPUC verifies that the ILA huts and line markers will use paints, materials, and finishes that are earth-toned in color, non-reflective, and do not contrast existing coloration of surrounding areas.	During construction	ILA huts and line markers throughout the Project Area	Zayo/CPUC	–	–
<b>AGRICULTURE AND FORESTRY RESOURCES</b>						
<b>AG-1: Coordination with Agricultural Landowners.</b> For the staging area located on prime farmland, or any subsequent staging	Zayo to provide CPUC with Farmland status of staging areas prior to	Before, during, and after construction	Staging areas located on Prime	Zayo/CPUC	–	–

<sup>1</sup> To the extent the SB 156 Exemption Report conditions expressly rely on, include, or reference permits or approvals from other federal, state, and local agencies, all terms and conditions of such permits or approvals are considered incorporated into the scope of the SB 156 Exemption Report Conditions.

<b>Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
areas identified that would be located on Prime Farmland, Unique Farmland, or Farmland of Local or Statewide Importance, prior to construction the Applicant will provide written notice to the landowner(s) outlining construction activities, preliminary schedule, and estimated timing of restoration efforts. The Applicant will coordinate with the landowner(s) to minimize construction-related disruptions to seasonal farming operations. Upon completion of construction, project work areas will be returned to pre-project conditions.	construction. If any staging area is located on Prime Farmland, Unique Farmland, or Farmland of Local or Statewide Importance, Zayo will provide a Farmland Coordination Plan to CPUC for review and approval prior to use of the staging area(s). This Plan will, at a minimum, provide information on landowner coordination, avoidance measures for farming operations, and plan to return the staging area to pre-project conditions. CPUC will verify that the Farmland Coordination Plan is implemented.		Farmland, Unique Farmland, or Farmland of Local or Statewide Importance			
<b>AIR QUALITY</b>						
<b>AIR-1:</b> The Applicant shall implement measures to control fugitive dust in compliance with applicable local air district(s) standards. Dust control measures shall include the following at a minimum: <ul style="list-style-type: none"> <li>All exposed surfaces with the potential of dust-generating shall be</li> </ul>	CPUC verifies that Zayo implements all fugitive dust control measures.	During construction	Entire Project Area	Zayo/CPUC	-	-

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>watered or covered with coarse rock or similar material to reduce the potential for airborne dust from leaving the site.</p> <ul style="list-style-type: none"> <li>• The simultaneous occurrence of more than two ground disturbing construction phases on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</li> <li>• Cover all haul trucks entering/leaving the site and trim their loads as necessary.</li> <li>• Use wet power vacuum street sweepers to sweep all paved access road, parking areas, staging areas, and public roads adjacent to Project Sites on a daily basis (at minimum) during construction. The use of dry power sweeping is prohibited.</li> <li>• All trucks and equipment, including their tires, shall be washed off prior to leaving Project Sites.</li> <li>• Apply gravel or non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at Project Sites.</li> <li>• Water and/or cover soil stockpiles daily.</li> <li>• Vegetative ground cover shall be planted in disturbed areas as soon as possible and watered appropriately</li> </ul>						



<b>Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>until vegetation is established.</li> <li>All vehicle speeds shall be limited to fifteen (15) miles per hour or less on unpaved areas.</li> <li>Implement dust monitoring in compliance with the standards of the local air district.</li> <li>Halt construction during any periods when wind speeds are in excess of 50 mph.</li> </ul>						
<b>BIOLOGICAL RESOURCES</b>						
<p><b>BIO-1: Worker Environmental Awareness Training.</b> California Department of Fish and Wildlife (CDFW)-approved biological monitor(s) shall prepare a Worker Environmental Awareness Training to be presented by CDFW-approved biological monitor(s) to all onsite personnel prior to commencing construction activities (i.e., including staging vehicles or equipment), and, subsequently, to all new workers. The biological monitor(s) shall document training for all workers. Training shall instruct personnel how to identify sensitive resources and the required protection measures for sensitive resources. Personnel shall be instructed about the roles and responsibilities in protecting sensitive biological resources, including penalties for violations, requirements for stopping work immediately and notifying onsite biological monitors if sensitive resources</p>	<p>Zayo to provide CPUC with Worker Environmental Awareness Training materials for review and approval prior to construction activities (including staging vehicles or equipment). CPUC verifies that biological monitors conducting training have been approved by CPUC. Zayo to provide CPUC with documentation (sign-in sheets) that all construction personnel have received training.</p>	<p>Prior to construction and during construction as needed for new construction personnel</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>CDFW</p>	<p>–</p>

<b>Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
are encountered, and instructed that handling and relocating special status species by non-approved personnel shall be prohibited.						
<p><b>BIO-2: Work Areas and Access Routes.</b> Prior to mobilization of construction equipment and supplies, the Applicant shall delineate the Area of Direct Impact (ADI) for the Project comprising the fiber optic line route and 20 feet on either side of the fiber optic line, staging areas, and the In Line Amplifiers, with flagging, lathe stakes, or wildlife exclusion fencing. The access routes to the ADI and staging areas and material storage areas shall also be delineated with flagging, lathe stakes, or wildlife exclusion fencing prior to mobilization or construction equipment or supplies. The Applicant shall confine all equipment, vehicles, and construction work within these areas. Signage shall be used to clearly direct construction traffic to and from approved access routes work areas. No work, staging, or ground disturbance shall occur outside of these approved access routes and work areas. CDFW-approved biological monitor(s) shall oversee installation of the flagging, staking, or fencing, and shall ensure that the flagging, stakes, or fencing is maintained throughout the duration of construction activities.</p>	<p>CPUC shall verify that the ADI, access routes, staging areas, and materials storage areas are properly delineated and signage is installed and maintained throughout the duration of construction activities. CPUC shall verify that all equipment, vehicles, and construction work are limited to these areas.</p>	<p>Prior to and during construction</p>	<p>Entire Project Area</p>	Zayo	<p>CDFW</p>	<p>–</p>
				CPUC		

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p><b>BIO-3: Speed Limit.</b> Vehicles and equipment shall adhere to a 15 mile-per-hour speed limit on all unpaved project access roads and routes.</p>	<p>Zayo shall include the speed limit in the Worker Environmental Awareness Training and shall provide speed limit signs on all unpaved Project access roads and routes. CPUC shall verify the inclusion in the Worker Environmental Awareness Training materials and presence and maintenance of speed limit signs.</p>	<p>Prior to and during construction</p>	<p>Unpaved Project access roads and routes</p>	<p>Zayo/CPUC</p>	<p>–</p>	<p>–</p>
<p><b>BIO-4: General Project Area Use.</b> The Applicant shall prohibit trash dumping, firearms, hunting, open fires (those not required for project activities), smoking outside designated areas, and pets in Project Areas.</p>	<p>Zayo shall include the noted prohibitions in the Worker Environmental Awareness Training. CPUC shall verify the inclusion in the Worker Environmental Awareness Training materials and absence of prohibited uses and items in Project Areas.</p>	<p>Before and during construction</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>–</p>	<p>–</p>
<p><b>BIO-5: Site Stabilization.</b> Ground disturbance and vegetation clearing shall be limited to the minimum extent practicable. Open excavations shall be backfilled and recompact after installation of the conduit with native soils. At locations where the excavated material is not adequate to use for backfilling, construction</p>	<p>CPUC to verify that a qualified botanist has been consulted to determine the minimum amount of ground disturbance and vegetation to be</p>	<p>Prior to, during, and after construction</p>	<p>All Project areas</p>	<p>Zayo/CPUC</p>	<p>CDFW</p>	<p>–</p>

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>crews shall remove it from the project workspaces and dispose of it at a suitable location within the Project Area. In areas where backfill material must be imported (e.g., areas where excavated material has high rock content), the Applicant shall obtain soils from weed-free, commercially available sources. After completion of project activities, all temporarily disturbed work areas shall be restored to their pre-construction contours, and areas of exposed soils in natural habitats shall either be stabilized or re-seeded with native seed mixes appropriate to the habitat type.</p>	<p>removed. CPUC to verify compliance with the Revegetation and Restoration Plan (RRP), as described in BIO-6.</p>					
<p><b>BIO-6: Restoration.</b> A CDFW-approved biologist(s) with expertise in northern California ecosystems and native plant revegetation techniques shall prepare and implement a Revegetation and Restoration Plan (RRP) for review and approval by the CPUC, California Department of Transportation (Caltrans), CDFW, the Bureau of Land Management (BLM), and United States Forest Service (USFS), with detailed specifications for restoring all disturbed native habitat. The restoration location(s) could be offsite or onsite as approved by the resource agencies. Native habitat disturbed by the Project shall be restored on-site on a 1:1 basis, with the exception of impacts on wetlands, riparian habitat, and waters, which shall be restored at a minimum of a 2:1 basis and also in</p>	<p>Zayo to complete an RRP and submit to and obtain approval from CPUC, Caltrans, CDFW, BLM, and USFS. CPUC to verify that all approvals have been obtained prior to construction. CPUC shall verify initiation of RRP within 1 year of end of construction. CPUC will verify that the RRP performance standards have been met.</p>	<p>Prior to construction (RRP approval)  After construction (RRP initiation and annual monitoring)</p>	<p>All Project areas with native habitat or wetlands, riparian habitat, and waters that are disturbed by the Project</p>	<p>Zayo CPUC</p>	<p>Caltrans/ CDFW/ BLM/ USFS</p>	<p>–</p>

<b>Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
accordance with any required project permits. The RRP shall specify the location of the restoration site(s), plants and seed mixes that shall be used for restoration, plant container sizes and appropriate planting methods, and maintenance requirements, including irrigation needs and design plans that shall show the specific plant species and planting locations. The RRP shall include required performance standards, timing of implementation, methods for controlling invasive species, monitoring methods, monitoring frequency and duration, contingency plans if restoration is not successful, and provisions for long-term conservation of mitigation site(s). Review and approval of the RRP shall be completed prior to commencement of construction activities. Implementation of the RRP shall commence within one year of the conclusion of construction. Annual monitoring reports shall be prepared by the Applicant and submitted to CPUC, Caltrans, CDFW, the BLM, and USFS.						
<b>BIO-7: Invasive Species.</b> To prevent the introduction and spread of invasive plants during construction, the Applicant and construction contractor shall ensure that all construction equipment and vehicles are cleaned inside and out prior to arrival onsite. Incoming vehicles and wheeled or tracked equipment shall be inspected by a biological monitor prior to deployment onsite. If invasive plants are observed within a work area,	Zayo shall include the noted requirements in the Worker Environmental Awareness Training. CPUC shall verify the inclusion in the Worker Environmental Awareness Training materials and that	Prior to construction (Worker Environmental Awareness Training materials)  During construction	All Project areas	Zayo/CPUC	CDFW	-

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
vehicles, equipment, and personnel clothing and boots shall be swept or cleaned prior to deployment to a different construction site. If application of herbicides is needed to control designated noxious weeds, only CDFW-approved weed control contractors would apply herbicides in adherence with all State and manufacturer’s guidelines. Integrate invasive species management methods and protocols developed by USFS, where applicable.	invasive plant protocols are followed during construction.s					
<b>BIO-8: Biological Monitors.</b> The Applicant shall appoint a CDFW-approved Lead Biologist and at least one biological monitor per construction spread operating under the supervision of the Lead Biologist. However, the Lead Biological Monitor shall have the authority to adjust the number of monitors required per spread based on the geographic extent of the spread and the resources present within the spread to ensure effective monitoring. A construction spread refers to the group of construction workers, vehicles, and equipment necessary to install and backfill the fiber optic cable and restore the ground surface in a particular location. A construction spread will also be located in areas being established and used as materials storage areas and/or staging areas, or areas where ILAs are being constructed if those areas are outside an active fiber optic cable construction spread location.	CPUC shall verify that the appropriate number of CDFW-approved biologists per construction crew are present on a daily basis. CPUC shall verify that pre-construction surveys and daily sweeps are conducted. CPUC shall verify that sensitive biological resource exclusion areas are demarcated and enforced. CPUC shall ensure that construction ceases in the immediate vicinity of an identified special status species, that appropriate buffers are	Prior to and during construction	Entire Project Area	Zayo/CPUC	CDFW	–

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>The CDFW-approved biologist(s) shall perform pre-construction surveys for sensitive wildlife and plant species prior to commencing construction along each segment of the fiber optic line. The CDFW-approved biologists shall also be onsite daily during project activities to minimize incidental impacts to sensitive biological resources by conducting daily morning sweeps of construction areas, parking areas and equipment and material storage areas prior to commencement of construction activities; ensuring compliance with all avoidance and minimization measures; demarcating sensitive biological resource exclusion areas (e.g., active dens or nests, special status plant occurrences, sensitive natural communities, or the boundaries of wetlands or waters) with flagging or signage; and ensuring that flagging and signage remain intact and that project activities remain outside of exclusion areas. If a special status species is encountered in the work areas, construction in the immediate vicinity shall cease, and personnel shall notify the biological monitors. Biological monitors shall establish a buffer to restrict work near the species. If it is a wildlife species, a biological monitor shall observe the behavioral responses of the species to the work occurring in proximity to them. The biological monitors shall halt work if a wildlife species exhibits an adverse response to nearby project work activities. The species shall be allowed to move offsite on their own. If the</p>	<p>established by the qualified biological monitor, and that work does not re-commence in the buffer until authorized by the monitor. CPUC shall ensure that any sensitive wildlife relocation is conducted by the qualified biological monitor and with prior approval under the appropriate federal and state regulations and in consultation with CDFW and/or USFWS.</p>					

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>species is in danger of injury or does not leave the work area, the biological monitor shall relocate the species to adjacent suitable habitat and with prior approval and authorization under the federal Endangered Species Act [ESA], the California ESA, and California Fish and Game Code (i.e., Scientific Collecting Permit) granted by the CDFW and/or the United States Fish and Wildlife Service (USFWS), or the biological monitor shall consult with these agencies for further guidance.</p>						
<p><b>BIO-9: Protection of Botanical Resources.</b> Pre-construction surveys for special status plant species shall be conducted by a CDFW-approved biologist within the ADI of the fiber optic line. The locations of the special status plants identified during previous surveys and the pre-construction survey shall be marked as additional avoidance areas where possible both in the field using flagging, staking, fencing, or similar devices; and on construction plans. Special status plant species populations shall be avoided using directional drilling under populations where feasible.</p>	<p>CPUC shall verify that protocol-level special status plant species surveys are completed by a CDFW-approved biologist and that avoidance areas identified during the surveys are demarcated and avoided during construction.</p>	<p>Prior to and during construction</p>	<p>Within the ADI</p>	<p>Zayo/CPUC</p>	<p>CDFW</p>	<p>–</p>
<p><b>BIO-10: Work Timing.</b> Construction activities shall be restricted to daylight hours. The project shall follow seasonal restriction work windows and limitations for any special-status species potentially affected by project construction or operations.</p>	<p>Zayo to submit to CPUC for review and approval a construction schedule that restricts activities to daylight and within seasonal work window restrictions.</p>	<p>Prior to and during construction</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>CDFW</p>	<p>–</p>



**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p><b>BIO-11: Nesting Birds.</b> CDFW-approved biological monitors shall conduct pre-construction nesting bird surveys during the nesting season (January 1 to September 30) within 100 feet of the construction workspaces for non-raptors, within 500 feet for greater sandhill cranes, and within 0.5 mile for raptors. If work is scheduled during the breeding season for Swainson’s hawk (i.e., late March to mid-August), protocol-level surveys in accordance with the 2000 protocol for the species (CDFW 2000) or in accordance with alternate protocol as approved by CDFW shall be conducted for the species. Pre-construction surveys for non-raptors would be valid for one week, and surveys for raptors would be valid for the full season if conducted after May 1. Biological monitors shall establish exclusionary buffers, in which no activity would be permitted, around active nests until young have fledged or it has been determined that the nest has failed, which would be 100 feet for non-raptors, 500 feet for greater sandhill cranes, and 0.25 mile for raptors, increasing to 0.5 mile for bald eagles, golden eagles, ferruginous hawks (<i>Buteo regalis</i>), Swainson’s hawks (<i>Buteo swainsoni</i>), American peregrine falcons (<i>Falco peregrinus anatum</i>), and prairie falcons (<i>Falco mexicanus</i>) when nests are in line-of-sight. In addition, no vegetation clearing would be permitted within 300 feet of an active non-raptor nest. Project activities shall be prohibited within the exclusionary</p>	<p>CPUC verifies that pre-construction surveys are completed and that exclusionary buffers are established, as required by the results of the surveys.</p>	<p>Prior to and during construction</p>	<p>All areas of temporary and permanent disturbance</p>	<p>Zayo/CPUC</p>	<p>CDFW</p>	<p>–</p>

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
buffer until the nest fledged or failed. To the extent possible, work will be scheduled during the non-breeding season or in construction spreads that lack active nests.						
<b>BIO-12: Greater Sage-grouse Leks.</b> The Applicant shall avoid construction activities within 4 miles of active or pending greater sage-grouse leks from 6 PM to 9 AM between March 1 and May 15.	Zayo to include, and CPUC to verify, greater sage-grouse leks requirements in construction schedule (BIO-10).	Prior to and during construction	All areas of temporary and permanent disturbance within 4 miles of active or pending greater sage-grouse leks	Zayo/CPUC	CDFW	–
<b>BIO-13: Open Excavations.</b> The Applicant shall backfill or cover open excavations at the end of each workday to avoid wildlife entrapment. When this is not possible, the Applicant shall install escape ramps overnight to allow wildlife to escape (2:1 slope ratio or less), and a CDFW-approved biological monitor shall inspect excavations that remained open overnight before construction activities begin each morning.	CPUC shall verify that all open excavations are covered, or that escape ramps are provided.	During construction	All Project areas with open excavations	Zayo/CPUC	CDFW	–
<b>BIO-14: Minimum Bore Depth.</b> The Applicant shall ensure that each boring is planned at a sufficient depth to prevent draining of the wetland or drainage and to minimize the risk of a frac-out. The Applicant shall otherwise impose minimum bore depths when boring under sensitive natural communities and special status plant occurrences to prevent root	Zayo shall complete, and CPUC shall approve, a Surface Spill and Hydrofracture Contingency Plan. The Plan shall include minimum bore depth requirements for each	Prior to and during construction	At all directional bore locations	Zayo/CPUC	CDFW	–

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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>damage and plant mortality. The minimum boring depths shall be 30 feet for tree-dominated communities or occurrences, 23 feet for shrub-dominated communities or occurrences, and 15 feet for herbaceous-dominated communities or occurrences. The results of the geotechnical investigations shall be included in the Surface Spill and Hydrofracture Contingency Plan prepared for the project (under HAZ-3, Section 3.10, Hazards and Hazardous Materials) which shall address the risk of a frac out during directional boring and contingency measures to take in the event of a frac out. The CDFW shall review and approve of the Surface Spill and Hydrofracture Contingency Plan prior to commencement of any directional drilling activities.</p>	<p>boring under a wetland, drainage, or sensitive natural community, as determined by a Project-specific geotechnical analysis. Zayo shall obtain, and CPUC shall verify, CDFW approval of the Plan. CPUC shall verify compliance with the Plan during directional bore activities.</p>					
<p><b>BIO-15: Wetland and Waters Impacts.</b> The Applicant shall avoid directly impacting wetlands, Waters of the U.S., and Waters of the State using directional boring under the resource. If wetlands or waters cannot be fully avoided, the following measures shall be implemented to minimize impacts:</p> <ul style="list-style-type: none"> <li>• Construction activities within wetlands and waters shall be performed during the dry season only between May 1 through October 15.</li> <li>• All construction in and near wetlands or waters shall utilize temporary matting or other protection measure</li> </ul>	<p>CPUC shall verify construction in wetlands and waters during the dry season through review of the construction schedule (BIO-10). CPUC shall verify construction methods within wetlands or waters. CPUC shall verify restoration of temporary</p>	<p>Prior to and during construction</p>	<p>At all locations with temporary or permanent disturbance of wetlands or waters</p>	<p>Zayo/CPUC</p>	<p>USACE/RWQCB/SWRCB</p>	<p>–</p>

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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>(e.g., rig mats, timber roads, plating, or tracked vehicles [preferably rubber tracked]) to avoid soil compaction or mixing.</p> <ul style="list-style-type: none"> <li>No construction shall occur within a flowing stream or waterbody.</li> <li>All impacted wetlands or waters shall be restored at least at a 2:1 ratio.</li> </ul>	<p>or permanent impacts to wetlands or waters.</p>					
<p><b>BIO-16: Bats.</b> Prior to attaching fiber optic cables to bridges or prior to any trimming or removal of trees, a CDFW-approved biological monitor shall conduct pre-construction surveys for roosting bats, and if present, the construction activities shall not be permitted on the bridge or trimming or removal of trees permitted until the biological monitor determines that the roost is no longer active.</p>	<p>CPUC shall verify that an approved biologist conducts bat pre-construction surveys at bridge attachment or tree trimming/removal locations and that, if bats are present, construction activities are not allowed until approved by the biological monitor.</p>	<p>Prior to tree trimming/ removal or bridge attachment construction activities</p>	<p>At all locations where tree trimming/ removal or bridge attachment is required</p>	<p>Zayo/CPUC</p>	<p>CDFW</p>	<p>–</p>
<p><b>BIO-17: Compliance with Other Laws, Regulations, and Permits.</b> The Applicant shall obtain required permits under the Clean Water Act and/or Porter-Cologne Water Quality Control Act for any Project impacts on Waters of the U.S. or Waters of the State and shall abide by all permit requirements prior to, during, and after construction. The Applicant shall obtain any required coverage for incidental take of state or federally listed species in compliance with the federal and/or California ESAs. The Applicant shall copy the</p>	<p>Zayo shall provide copies of all permits or verification from agencies that resources are avoided and permits are not required. CPUC shall verify that Zayo has obtained all necessary permits and has complied with all permit conditions and requirements.</p>	<p>Prior to construction</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>Caltrans/USACE/USFWS/BLM/RWQCB/CDFW</p>	<p>–</p>

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
CPUC and Caltrans on all correspondences with responsible resource agencies and landowners (i.e., BLM, USFS) regarding compliance with CPUC's CPCN Conditions of Approval or other permit conditions and requirements.						
<b>BIO-18: Field Changes to the Project.</b> Any proposed modifications to the Project components within the Area of Direct Impact (ADI), including the ADIs for the fiber optic line, ILAs, staging areas, and materials storage yards, shown in the SB156 Exemption Report can be reviewed and approved by CPUC staff. Changes to the boundaries of the ADIs shown in Appendix F2 of the environmental document may require a re-evaluation of the permit conditions by CPUC and Caltrans and other resource agencies or landowners. Any proposed revisions to the requirements of the Project's conditions of approval/mitigations, including the plans required by these conditions/mitigations, shall be reviewed and approved by the CPUC and Caltrans, and may require a re-evaluation of the permit conditions by these agencies and other resource agencies or landowners.	Zayo shall notify CPUC of any proposed modifications to the Project. CPUC shall verify Zayo's coordination with Caltrans and other resource agencies or landowners.	During construction	Entire Project Area	Zayo/CPUC	Caltrans/ USACE/USFWS/ BLM/RWQCB/ CDFW	–
<b>CULTURAL RESOURCES</b>						
<b>CUL-1a: Installation of Temporary Exclusionary Fencing.</b> Prior to ground-disturbing activities commencing within 1,000 feet of the sites listed in Tables 3.6-6 and 3.6-7 of the Exemption Report, the contractor shall	CPUC shall verify that exclusionary fencing has been installed and is maintained.	Prior to ground-disturbing activities	Within 1,000 feet of sites listed in Tables 3.6-6 and 3.6-7 of the	Zayo/CPUC	BLM/Tribes	–

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
install high-visibility temporary exclusionary fencing or flagging to separate site boundaries from Project construction activity. For large or linear sites, the entire site boundary may not require fencing or flagging, if the monitoring archaeologist, using professional judgement, determines that fencing between the activity area and the site is sufficient. Fence or flagging installation shall be monitored and documented by a qualified professional archaeologist and inspected at least once per month during active construction to ensure the integrity of the fencing or flagging. Once all construction equipment and personnel have vacated the Project Area and have been moved at least 1,000 feet away, the exclusionary fencing or flagging may be removed.			Exemption Report			
<b>CUL-1b: Design Standards for Depth Control.</b> The sites listed in Table 3.6-8 of the Exemption Report require vertical depth controls to ensure preservation of the archaeological deposits. The following depth controls shall be clearly expressed on all Project engineering drawings and site plans. The prime contractor shall be responsible for ensuring that equipment does not exceed these thresholds. P-18-000156 / CA-LAS-156: Boring shall be deeper than 2 m to ensure sufficient vertical separation between the bore and the deepest known level of the site.	CPUC shall verify that depth controls are identified on all Project engineering drawings and site plans.	Prior to boring activities	At the locations of sites listed in Table 3.6-8 of the Exemption Report	Zayo/CPUC	–	–

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<p>P-18-001951 / CA-LAS-001951: Boring shall be deeper than 2.5 meters from existing ground.</p> <p>P-18-004116 / CA-LAS-4116: Boring shall be deeper than 1.5 meters from existing ground.</p> <p>P-18-004118: A licensed engineer shall calculate the depth under which the bore should occur to avoid vibration and loss of integrity of the historic railroad bridge.</p> <p>P-25-001325: All work must be within the existing road fill.</p> <p>P-25-004102 / CA-MOD-004102: Boring shall only occur within the top 6.5 meters of existing ground.</p> <p>P-25-007266 / CA-MOD-007266: Boring shall be deeper than 2.5 meters from existing ground.</p> <p>P-18-001391 / CA-LAS-001391/H: Boring shall be deeper than 1.5 meters to ensure sufficient vertical separation between the bore and the deepest known level of the site.</p> <p>P-18-001734 / CA-LAS-1734H / 33.14.02.05: A licensed engineer shall calculate the depth under which the bore should occur to avoid loss of integrity of the railroad grade.</p> <p>P-18-001723 / CA-LAS-1723/H / 32.15.15.B: All work must be within the existing road fill.</p>						
<p><b>CUL-1c: Develop and Implement a CPUC-Approved Treatment Plan.</b> The Project Proponent shall submit to CPUC a brief Historical Resources Treatment Plan (H RTP) for the sites listed in Table 3.6-9 of the Exemption Report. The H RTP shall be prepared under the</p>	<p>Zayo shall submit an H RTP prepared by a professional archaeologist and in consultation with culturally-affiliated</p>	<p>Prior to ground-disturbing activities</p>	<p>In the vicinity of the sites listed in Table 3.6-9 of the Exemption Report</p>	<p>Zayo/CPUC</p>	<p>Tribes</p>	<p>–</p>

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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>direction of a professional archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology and in consultation with culturally affiliated Native American tribes and other cooperating agencies. The H RTP shall be revised in response to CPUC comment and approved by CPUC, following consultation with consulting tribes, prior to the mobilization of construction-related activities within 1,000 feet of the sites subject to this condition. The H RTP shall meet, at a minimum, the following performance standards:</p> <ol style="list-style-type: none"> <li>1. Brief site descriptions for each of the historical resources requiring treatment. Sites may be grouped into site types and summarized in tabular format for ease in reporting, so long as at treatment is proposed for each specific site.</li> <li>2. Brief research design with appropriate themes or topics, and associated data needs, following guidance from the Office of Historic Preservation.</li> <li>3. Proposed method of in-field data recovery, collection, and/or documentation, as well as final disposition of material culture (e.g., curation, reburial, or repatriation) for each site that mitigates the effects that the Project activity would have on each specific resource, in light of</li> </ol>	<p>Native American tribes and other cooperating agencies for the sites listed in Table 3.6-9 of the Exemption Report. CPUC shall verify that the H RTP has been approved by these agencies and groups and meets the performance standards in CUL-1c.</p>					



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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>each site’s constituents and aspects of integrity.</p> <p>4. Schedule for implementing the proposed treatment in terms of the phases of fieldwork, analysis, and reporting. Project construction-related activities cannot commence within 500 feet of a historical resource subject to this environmental measure until CPUC has determined that the fieldwork has been completed and has accepted a schedule for the completion of the remaining analysis, reporting, and disposition. Implementation of the H RTP can occur in phases that coincide with construction phasing, if necessary.</p> <p>5. The H RTP shall not reverse the findings of eligibility or effect presented in the Exemption Report either during development or implementation.</p>						
<p><b>CUL-1d: Archaeological Monitoring and Unanticipated Discovery Procedures.</b> Prior to the start of construction, the Project Proponent shall retain a qualified professional archaeologist to monitor all ground-disturbing activities associated with Project construction. Monitoring is also required where specified in Environmental measure CUL-1a. Monitoring is not required for placement of equipment or fill inside excavations that were monitored, above-</p>	<p>CPUC shall verify that a qualified professional archaeologist is present. CPUC shall verify that appropriate steps are taken should a cultural resource be identified during construction.</p>	<p>During all ground-disturbing activities and as specified in CUL-1a</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>Tribes</p>	<p>–</p>

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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>ground construction activities, or redistribution of soils that were previously monitored (such as the return of stockpiles to use in backfilling). The Monitoring Archaeologist shall meet or work under the direct supervision of a qualified individual meeting the Secretary of the Interior’s professional qualifications standards for prehistoric and historic archaeology. The Monitoring Archaeologist shall have the authority to temporarily halt ground-disturbing or construction-related work within 50 feet of any discovery of potential historical or archaeological resources to implement the following procedures.</p> <p>If the Monitoring Archaeologist (in coordination with implementation of Environmental measure TCR-1) determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. If the Monitoring Archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, or determines that the discovery represents new significant information about a resource previously determined to be not significant, they shall immediately notify CPUC. CPUC shall consult with cooperating agencies and consulting tribes, as appropriate, on a finding of eligibility. CPUC shall determine and require implementation of appropriate treatment measures, if the find is determined to be a Historical Resource under the Californian</p>						

<b>Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
environmental Quality Act (CEQA), as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until CPUC, through consultation as appropriate, determines that the site either: 1) is not a Historical Resource under CEQA; or 2) that the treatment measures have been completed to CPUC's satisfaction. If the find includes human remains, or remains that are potentially human, the procedures in Environmental measure CUL-2 shall be implemented.						
<b>CUL-2: Human Remains Discoveries.</b> If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the applicable County Coroner (as per California Health and Safety Code Section 7050.5). The provisions of California Health and Safety Code Section 7050.5, Public Resources Code (PRC) Section 5097.98, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (PRC Section 5097.98). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations	CPUC shall verify that any discovery of human remains is addressed as required in CUL-2.	During construction	Entire Project Area	Zayo/CPUC	Tribes	-

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (PRC Section 5097.94). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (PRC Section 5097.98). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.						
<b>GEOLOGY AND SOILS</b>						
<b>PALEO-1: Paleontological Mitigation Plan.</b> Prior to construction, the Applicant shall prepare a Paleontological Mitigation Plan (PMP). It shall provide detailed recommended monitoring locations; a description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by paleontological monitor or other project personnel. Any subsurface bones or fossils that are unearthed during construction shall be	CPUC verifies that a PMP is developed by a professional paleontologist and is implemented during construction.	Prior to and during construction	Entire Project Area	Zayo/CPUC	–	–

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
evaluated by a professional paleontologist as described in the PMP.						
<p><b>PALEO-2: Paleontological Resource Monitoring.</b> Construction excavations which disturb geologic units with moderate paleontological potential (Potential Fossil Yield Classification [PFYC] 3) shall be monitored by a professional paleontologist in conjunction with worker environmental training to reduce potential adverse impacts on scientifically important paleontological resources to a less than significant level. The timing and frequency (e.g., part-time vs. full-time) of monitoring should be determined by the professional paleontologist based on initial field observations and excavation activities. Additionally, excavations which disturb geologic units with unknown paleontological potential (PFYC U) should be initially monitored in order to inspect for the presence of sensitive sediments and any resources that may be harbored within. In the event that highly fossiliferous facies is encountered, full time monitoring should occur until excavations within those facies are complete. Environmental training of construction personnel is recommended for excavations impacting sedimentary geologic units with low paleontological potential (PFYC 2). No additional measures are recommended for excavations impacting volcanic and plutonic rock units with very low paleontological</p>	<p>CPUC shall verify that construction excavations disturbing PFYC 3 and PFYC U are monitored as required in PALEO-2 and that these requirements are included in the PMP. CPUC shall verify that paleontological resources are included in the Worker Environmental Awareness Program.</p>	<p>Prior to and during construction</p>	<p>Project areas that have been identified for monitoring in the PMP</p>	<p>Zayo/CPUC</p>	<p>–</p>	<p>–</p>

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
potential (PFYC 1) or very low to low potential (PFYC 2 to 1).						
<b>GREENHOUSE GAS</b>						
<p><b>GHG-1: Greenhouse Gas Emissions Reduction During Construction.</b> The following measures shall be implemented as best management practices to avoid or minimize greenhouse gas emissions from all construction sites wherever possible:</p> <ul style="list-style-type: none"> <li>• If suitable park-and-ride facilities are available in the Project vicinity, construction workers shall be encouraged to carpool to the job site.</li> <li>• The Applicant shall develop a carpool program to the job site, consistent with state and federal requirements.</li> <li>• On-road and off-road vehicle tire pressures shall be maintained to manufacturer specifications.</li> <li>• Tires shall be checked and re-inflated at regular intervals.</li> <li>• Demolition debris shall be recycled for reuse, consistent with applicable law.</li> <li>• The contractor shall use line power instead of diesel or other portable generators at all construction sites where line power is available.</li> </ul> <p>The contractor shall maintain construction equipment per manufacturing specifications.</p>	CPUC shall verify that the carpool program has been developed and that all other greenhouse gas measures are implemented, as applicable.	During construction	Entire Project Area	Zayo/CPUC	-	-

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
GHG-2: Greenhouse Gas Emissions Reduction During Operations. The following measures shall be implemented as best management practices to minimize greenhouse gas emissions during operations wherever possible: <ul style="list-style-type: none"> <li>• On-road and off-road vehicle tire pressures shall be maintained to manufacturer specifications.</li> <li>• Tires shall be checked and re-inflated at regular intervals.</li> <li>• Battery power will be used as back-up in place of generators where feasible</li> </ul>	CPUC shall verify that battery power is installed at ILAs where feasible.	During construction	ILA locations	Zayo/CPUC	–	–
<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p>						
<p><b>HAZ-1: Hazardous Materials Management Plan.</b> The Applicant shall create and implement a hazardous materials management plan to govern the use and handling of hazardous materials during construction, operation, and maintenance. The plan shall identify control measures to prevent the release of hazardous materials, as well as a detailed action plan to respond to an incidental spill in compliance with all local, state, and federal regulations relating to the handling of hazardous materials. These plans shall be implemented in conjunction with the Stormwater Pollution and Prevention Plan (SWPPP). All drilling muds, slurries, oils, oil-contaminated water, and other waste materials removed from the Project or otherwise used during the Project shall be</p>	Zayo shall prepare a Hazardous Materials Management Plan for review and approval by CPUC prior to construction. CPUC shall verify that the Plan contains all required elements. CPUC shall verify that the Plan and the SWPPP measures are implemented.	Before and during construction	Entire Project Area	Zayo/CPUC	–	–

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>disposed of at a permitted landfill, other appropriately permitted site, or at an upland site approved in advance by the Regional Water Quality Control Board. Specific measures of these plans shall include the following:</p> <ul style="list-style-type: none"> <li>• Hazardous Materials Inventory and Safety Data Sheet (SDS) recordkeeping.</li> <li>• Site-specific buffers to be used if work occurs adjacent to any hazardous sites, and remediation or containment efforts to be taken if construction activities occur in a hazardous site.</li> <li>• Analytical testing of soil within and adjacent to known hazardous materials sites prior to the start of construction activities.</li> <li>• Development of a Lead Compliance Plan outlining procedures to be implemented should aerially deposited lead be discovered.</li> <li>• Emergency response and reporting procedures.</li> <li>• Proper disposal of potentially hazardous materials.</li> <li>• Containment of spills from construction equipment and vehicles (also required through the preparation of a Spill Prevention, Control, and Countermeasure Plan), which would include the following: <ul style="list-style-type: none"> <li>○ Maintenance and inspection of all</li> </ul> </li> </ul>						



<b>Table 2. Zayo Conditions of CPUC Approval and Preliminary Plan for Monitoring<sup>1</sup></b>						
<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<p>construction vehicles.</p> <ul style="list-style-type: none"> <li>○ Refueling and parking restrictions to prevent fuel from entering adjacent waterbodies.</li> <li>○ Secondary containment for stationary diesel generators.</li> <li>○ Specifications for the availability of spill containment and response equipment.</li> <li>○ Designation of responsibilities and communication and reporting procedures in the event of a spill.</li> <li>○ Spill response procedures.</li> </ul>						
<p><b>HAZ-2: Worker Environmental Awareness Program for Hazardous Materials.</b> Prior to commencing construction activities the Applicant shall prepare a Worker Environmental Awareness Program (WEAP) for Hazardous Materials. The purpose of the WEAP is to educate personnel (i.e., construction workers) about the existing onsite and surrounding resources, measures required to protect these resources, and to avoid potential hazards within these sites. The WEAP shall include materials and information on potential hazards resulting from construction within the Project area, and applicable precautions personnel shall take to reduce potential impacts.</p>	<p>Zayo shall prepare and submit a WEAP to CPUC for review and approval. CPUC shall ensure that the WEAP contains the required elements and that the WEAP is given to all construction personnel.</p>	<p>Prior to and during construction</p>	<p>Entire project site</p>	<p>Zayo/CPUC</p>	<p>–</p>	<p>–</p>

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>The WEAP presentation shall be given to all personnel who enter the Project construction area. The WEAP presentation shall be given prior to the start of construction and as necessary throughout the life of the Project as new personnel arrive onsite. Zayo and the contractor are responsible for ensuring that all onsite personnel attend the WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure that other onsite personnel are complying with the recommended precautions. The contractor shall keep the sign-in sheet onsite and submit copies of the WEAP sign-in sheet to Zayo's Project Manager, who shall keep it on file at their offices.</p> <p>The following information and implementation steps shall be prepared, presented, and executed prior to and during construction to prevent exposure and raise awareness of potential site hazards:</p> <ul style="list-style-type: none"> <li>• Inform personnel about potentially hazardous sites within the Project areas and how to identify hazardous materials sites.</li> <li>• Signs of potential contamination within soils may include stained soils,</li> </ul>						

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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>discolored or oily water, previously unknown underground storage tanks, etc.</p> <ul style="list-style-type: none"> <li>Work shall be stopped if any of these signs are identified within the Project area, and HAZ-1 shall be implemented before work shall resume.</li> </ul>						
<p><b>HAZ-3: Surface Spill and Hydrofracture Contingency Plan.</b> Construction of the Project may involve drilling under water bodies. To minimize the potential for an accidental release of bentonite drilling fluid caused by a fracture in the rock underlying a water body (an event known as a frac-out), prior to commencing drilling operations the Applicant shall prepare a Surface Spill and Hydrofracture Contingency Plan. The Applicant shall monitor drill mud pressure and volume at all times during drilling to ensure that hydrofracture or other loss of drill muds has not occurred. In the event of sudden loss in pressure or volume, the Applicant shall take appropriate steps described in the plan to ensure that drilling muds are not discharged. At a minimum, the plan shall include the following preventative measures:</p> <ul style="list-style-type: none"> <li>Visual inspection of the bore path at</li> </ul>	<p>Zayo shall prepare a Surface Spill and Hydrofracture Contingency Plan for CPUC review and approval. CPUC shall verify that the Plan contains all required elements and is implemented during construction.</p>	<p>Before and during construction</p>	<p>At all locations where boring is proposed under water bodies</p>	<p>Zayo/CPUC</p>	<p>–</p>	<p>–</p>

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<p>all times during drilling operations.</p> <ul style="list-style-type: none"> <li>• Personnel stationed upstream and downstream of the bore path to monitor water conditions when water is flowing.</li> <li>• When boring is necessary adjacent to wetlands and waters, the bore rigs shall be located as specified in the Surface Spill and Hydrofracture Contingency Plan.</li> <li>• Specifications for availability of containment and cleanup equipment in the event of a frac-out.</li> <li>• Designation of responsibilities, communication protocols, and reporting procedures in the event of a frac-out.</li> </ul>						
<b>HYDROLOGY AND WATER QUALITY</b>						
<p><b>HYDRO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (SWPPP).</b> The Applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) to prevent construction-related erosion, sediment runoff, and discharge of pollutants into adjacent waterways and onto neighboring properties. Because project activities would result in ground disturbance of more than one (1) acre, the Applicant will obtain coverage under the State Water Resources Control Board General Permit for Storm Water Discharges Associated with</p>	<p>Zayo shall obtain permits and approvals from the RWQCB, CDFW, and any other agencies, as applicable. CPUC shall verify that permits are in place with an approved SWPPP and that permit requirements are implemented during construction.</p>	<p>Prior to and during construction</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>SWRCB</p>	<p>–</p>

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>Construction Activity Order No. 2009-0009-DWQ (and as amended by 2010-0014-DWQ and 2012-006-DWQ). To obtain coverage under the permit, the Applicant will develop and submit permit registration documents, including a Notice of Intent, SWPPP, risk assessment, site map, construction drawings, certification by a Legally Responsible Person, contractor contact information, and annual fee, to the State of California’s Storm Water Multiple Application and Report Tracking System (SMARTS) database. The contractor will also obtain a Waste Discharge Identification (WDID) number prior to initiating construction activities.</p> <p>The SWPPP shall outline implementation of Best Management Practices (BMPs) for each activity that has the potential to impact neighboring properties or degrade surrounding water quality through erosion, sediment runoff, dewatering, and discharge of other pollutants. BMPs to be part of the project-specific SWPPP may include but are not limited to the following control measures.</p> <ul style="list-style-type: none"> <li>Implementing temporary erosion control measures (such as silt fences, staked straw bales and wattles, silt and sediment basins and traps, check dams, geofabric, sandbag dikes, grass buffer strips, high-infiltration substrates, grassy swales, and temporary revegetation or other ground cover) to control erosion from</li> </ul>						

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<p>disturbed areas.</p> <ul style="list-style-type: none"> <li>Protecting drainage facilities in downstream offsite areas from sediment using BMPs acceptable to Modoc, Lassen, and Sierra counties and the Lahontan and Central Valley Regional Water Quality Control Boards (RWQCB).</li> <li>Protecting the quality of surface water from non-stormwater discharges such as equipment leaks, hazardous materials spills, and discharge of groundwater from dewatering operations.</li> </ul> <p>SWPPP requirements shall be coordinated with the Section 401 Water Quality Certification issued for the project under the Clean Water Act and/or Streambed Alteration Agreement issued under Fish and Game Code Section 1602, as applicable.</p>						
<b>LAND USE AND PLANNING</b>						
<p><b>LU-1: Obtain Necessary Permits and Permissions.</b> Prior to construction, the Applicant shall obtain all necessary permits and permissions from California State Lands Commission, BLM, USFS, Bureau of Indian Affairs, Caltrans, Modoc, Lassen and Sierra Counties and the CPUC of Alturas.</p>	<p>Zayo shall obtain necessary permits and permissions and provide information to CPUC. CPUC to verify permissions are in place.</p>	<p>Prior to construction</p>	<p>Entire Project Area</p>	<p>Zayo/CPUC</p>	<p>CSLC/BLM/USFWS/BIA/Caltrans/Modoc, Sierra, Lassen Counties, City of Alturas</p>	<p>–</p>

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<b>Conditions/Environmental Measures</b>	<b>CPUC Monitoring Requirements</b>	<b>Monitoring Activity/Timing/Frequency/Schedule</b>	<b>Location</b>	<b>Implementation Responsibility/Oversight Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<b>RECREATION</b>						
<p><b>REC-1: Coordination with BLM.</b> The Applicant shall coordinate closely with the BLM Northern California District Office to communicate potential disruptions of trail access during project construction activities, including Shaffer Mountain Trail near Litchfield (Post Mile 77.3), Belfast Petroglyphs Off-Highway Vehicle (OHV) Trail near Litchfield (Post Mile 93.4), Buckhorn Backcountry Byway (Post Mile 115.2), and California Historic Trail (Post Miles 21.9, 29.2, 29.5, 30.2, 31.1, 34, 42.8, 42.9, 43.1, 43.9, 50.6, 72.5, 76.4, 77.6). Signs advising recreational facility users of construction activities and potential trail closures will be posted at access points to trails identified by BLM. Information on trail closures and any temporary displacement will be made available on the project website. The Applicant will document preconstruction conditions at the trail locations and will repair or replace facilities inadvertently damaged during construction activities.</p>	<p>Zayo to coordinate with BLM Northern California District Office and provide documentation to CPUC. CPUC shall verify requirements are met.</p>	<p>Prior to, during, and after construction</p>	<p>Project locations requiring disruptions of trail access during construction including: Shaffer Mountain Trail near Litchfield (Post Mile 77.3), Belfast Petroglyphs OHV Trail near Litchfield (Post Mile 93.4), Buckhorn Backcountry Byway (Post Mile 115.2), and California Historic Trail (Post Miles 21.9, 29.2, 29.5, 30.2, 31.1, 34, 42.8, 42.9, 43.1, 43.9, 50.6, 72.5, 76.4, 77.6)</p>	<p>Zayo/CPUC</p>	<p>BLM</p>	<p>–</p>

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<b>TRANSPORTATION</b>						
<b>TRA-1: Traffic Management Plan.</b> Prior to commencing construction activities, the Applicant shall prepare a Traffic Management Plan (TMP) to address heavy equipment and building material deliveries, potential street or lane closures, signing, lighting, and traffic control device placement. The Applicant will obtain any necessary transportation and encroachment permits from Caltrans and the local jurisdictions, as required, and will implement temporary traffic controls as required to prevent congestion or traffic hazards, maintain emergency access, provide accommodations for pedestrians and bicyclists when applicable, and provide locations for alternate transit stops when applicable. Construction activities that are in, along, or cross local roadways will follow BMPs and local jurisdictional encroachment permit requirements, such as traffic controls in the form of signs, cones, and flaggers, to minimize impacts on traffic and transportation in the Project Area. When working on state highways, the Applicant shall follow traffic control guidelines outlined in the California Manual on Uniform Traffic Control Devices.	Zayo to prepare a TMP for review and approval by CPUC prior to construction. CPUC to verify required elements are in the Plan and that the Plan is implemented.	Prior to and during construction	Entire Project Area	Zayo/CPUC	Caltrans	-
<b>TRIBAL CULTURAL RESOURCES</b>						
<b>TCR-1: Tribal Monitoring.</b> One tribal monitor from a Consulting Tribe (defined herein as	Zayo shall retain tribal monitors as required in	Prior to and during construction	Entire Project Area	Zayo/CPUC	Tribes	-



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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>those tribes that consulted with CPUC for this Project) shall be retained to monitor all ground-disturbing activities associated with Project construction. Monitoring is also required when stipulated by Environmental measures CUL-1a and CUL-1b (such as, but not limited to, the placement or removal of temporary exclusionary fencing). Monitoring is not required for placement of equipment or fill inside excavations that were monitored, above-ground construction activities, or redistribution of soils that were previously monitored (such as the return of stockpiles to use in backfilling). In the event that more than one Consulting Tribe requests to provide a monitor for activities subject to this measure, CPUC will allow for the interested tribes to develop a rotating schedule that alternates monitoring between the tribes on a daily or weekly basis. In the event that none of the Consulting Tribes choose to enter into a monitoring contract, or otherwise fail to respond to the offer to do so, CPUC shall allow construction to proceed without a tribal monitor present as long as the offers to all Consulting Tribes were extended and documented.</p> <p>No later than five business days prior to the start of ground disturbing activities, the construction supervisor or their designee shall notify the contracted Consulting Tribe(s) of the construction schedule. Should the contracted Consulting Tribe(s) choose not to provide a</p>	<p>TCR-1. CPUC shall verify that tribal monitors are present or that required notifications were provided if a monitor is not present. CPUC shall verify that procedures specified in TCR-1 are followed if the tribal monitor identified a tribal cultural resource.</p>					

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Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>tribal monitor for any given day, or if the monitor does not report to the Project location at the scheduled time, or if the monitor is present but not actively observing activity, work may proceed without a monitor as long as the notification was made and documented. Unless there is a hiatus of construction activity that exceeds 14 days, daily updates to construction schedules can be made through email, text, phone, or other methods and frequencies agreed upon between the monitor(s) and construction supervisor. If a hiatus in ground disturbance of more than 14 days occurs, then notice of at least five business days before resuming work will be required to be given and documented. The tribal monitor shall have the authority to temporarily pause ground disturbance within 25 feet of the discovery for a duration long enough to examine potential tribal cultural resources that may become unearthed during the activity. If no tribal cultural resources are identified at the discovery location, then construction activities shall proceed and no agency notifications are required. In the event that a tribal cultural resource is identified, the monitor shall flag off the discovery location and notify CPUC immediately to consult with tribal representatives and cooperating agencies on appropriate and respectful treatment. Work cannot resume at the stop-work location until authorized to do so by an authorized representative of CPUC.</p>						

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<b>UTILITIES AND SERVICE SYSTEMS</b>						
<b>UTIL-1: Utility Company Coordination.</b> The Applicant shall notify all utility companies with utilities located within or crossing the project right-of-way to locate and mark existing underground utilities along the entire length of the project at least 30 days prior to construction. No subsurface work shall be conducted that would conflict with (i.e., directly impact or compromise the integrity of) a buried utility. In the event of a conflict, areas of subsurface excavation or pole installation shall be realigned vertically and/or horizontally, as appropriate, to avoid other utilities and provide adequate operational and safety buffering. In instances where separation between third-party utilities and underground excavations is less than 5 feet, the Applicant shall satisfy the requirements of California Government Code Section 4216. Construction methods shall be adjusted as necessary to assure that the integrity of existing utility lines is not compromised.	CPUC shall verify that Zayo has notified all utility companies and that underground utilities have been marked. CPUC shall verify that Zayo has provided construction methods that satisfy the requirements of California Government Code 4216 if the separation between the utility and the Project is less than 5 feet.	Prior to construction	Entire Project Area	Zayo/CPUC	–	–
<b>WILDFIRE</b>						
<b>WILD-1: Construction Fire Prevention Plan.</b> A project-specific Construction Fire Prevention Plan for construction of the project shall be submitted for review to the CPUC and Caltrans before the start of any construction activities in areas designated as Very High or High Fire	Zayo shall prepare the Construction Fire Prevention Plan for review and approval by CPUC and state and local fire agencies. CPUC	Prior to and during construction	Any areas within Very High or High Fire Hazard Severity Zones	Zayo/CPUC	Caltrans/ relevant state or federal agencies	–

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<p>Hazard Severity Zones. Plan reviewers shall also include federal, state, or local agencies with jurisdiction over areas where project construction is located. The final Plan shall be approved by the CPUC, Caltrans, and relevant federal, state and local agencies prior to the initiation of construction activities. The Plan shall be fully implemented throughout the construction period and include the following at a minimum:</p> <ul style="list-style-type: none"> <li>• The purpose and applicability of the Plan</li> <li>• Responsibilities and duties of the Applicant</li> <li>• Preparedness training and drills</li> <li>• Procedures for fire reporting, response, and prevention that include:                             <ul style="list-style-type: none"> <li>○ Identification of daily site-specific risk conditions</li> <li>○ The tools and equipment needed on vehicles and to be on hand at sites</li> <li>○ Reiteration of fire prevention and safety considerations during tailboard meetings</li> <li>○ Daily monitoring of the red-flag warning system with appropriate restrictions on types and levels of permissible activity</li> <li>○ Coordination procedures with federal and local fire officials</li> </ul> </li> </ul>	<p>shall verify that the state and local fire agencies have reviewed and approved the Plan, that the Plan contains all required elements, and that the Plan is implemented during construction.</p>					

**Table 2. Zayo Conditions of CPCN Approval and Preliminary Plan for Monitoring<sup>1</sup>**

Conditions/Environmental Measures	CPUC Monitoring Requirements	Monitoring Activity/Timing/Frequency/Schedule	Location	Implementation Responsibility/Oversight Verification	Outside Agency Coordination	Comments
<ul style="list-style-type: none"> <li>○ Crew training, including fire safety practices and restrictions</li> <li>○ Method(s) for verifying that all Plan protocols and requirements are being followed</li> </ul> <p>A project Fire Marshal or similar qualified position shall be established to enforce all provisions of the Construction Fire Prevention Plan as well as perform other duties related to fire detection, prevention, and suppression for the project. Construction activities shall be monitored to ensure implementation and effectiveness of the Plan.</p>						

Note: AB = Assembly Bill; ADI = Area of Direct Impact; BMPs = Best Management Practices; BLM = Bureau of Land Management; Caltrans = California Department of Transportation; CDFW = California Department of Fish and Wildlife; CPUC = California Public Utilities Commission; CSLC = California State Lands Commission; ESA = Endangered Species Act; GHG = Greenhouse gas; HRTTP = Historical Resources Treatment Plan; ILA = Inline Amplifier; MLD = Most Likely Descendant; mph = miles per hour; NAHC = Native American Heritage Commission; OHV = Off-Highway Vehicle; PFYC = Potential Fossil Yield Classification; PRC = Public Resources Code; RRP = Revegetation and Restoration Plan; RWQCB = Regional Water Quality Control Board; SDS = Safety Data Sheet; SMARTS = Storm Water Multiple Application and Report Tracking System; SWPPP = Stormwater Pollution Prevention Plan; SWRCB = State Water Resources Control Board; TMP = Traffic Management Plan; USFS = U.S. Forest Service; WDID = Waste Discharge Identification; WEAP = Worker Environmental Awareness Program

## **Authority**

Pursuant to Public Resources Code Section 21002.1(b), one of the CPUC's functions as Lead Agency is to mitigate and/or avoid the significant effects on the environment of projects it approves. This includes ensuring the measures it adopts are effective, enforceable, and are being implemented. The CPUC has additional authority under the Public Utilities Code. Consistent with the CPUC's rules and practices, including Public Utilities Code Section 768, the CPUC may require the performance of any other act that the health or safety of its employees, passengers, customers, or the public may demand.

## **Other Permits and Authorizations**

Pursuant to Public Utilities Code Sections 314 and 582, the CPUC may require documentation or copies of permits issued by other agencies.

Zayo's Prineville to Reno Fiber Optic is long and linear, requiring land use and natural resources permits from many federal, state, and local agencies. The Project's technical studies, including the SB 156 Exemption Report, Conditions of CPCN approval – Environmental Measures are meant to support agencies' discretionary decisions (see Table 3) and address compliance and impacts under the following acts:

- Bald and Golden Eagle Protection Act (50 Code of Federal Regulations [CFR] 22)
- California Endangered Species Act (14 California Code of Regulations [CCR] 783 et seq)
- CEQA (14 CCR 15000 et seq, PRC 21000 et seq)
- California Fish and Game Code (Section 1600 et seq)
- Clean Air Act (40 CFR 50 et seq)
- Clean Water Act (40 CFR 100 et seq)
- Federal Endangered Species Act (50 CFR 17)
- Federal Land Policy and Management Act Sec. 501 [43 U.S. Code 1761]
- Magnuson-Stevens Fishery Conservation and Management Act (50 CFR 600)
- Migratory Bird Treaty Act (50 CFR 21)
- National Historic Preservation Act (36 CFR 80)
- National Environmental Policy Act (40 CFR 1500–1508)
- Rivers and Harbors Act (33 CFR 209 et seq)
- Wild and Scenic Rivers Act (36 CFR 297)

<b>Table 3. Agency Permits and Approvals</b>		
<b>Agency/Group</b>	<b>Jurisdiction/Status</b>	<b>Permit Or Consultation</b>
<b>Federal</b>		
DOI, Bureau of Land Management (BLM)	Right-of-Way or Temporary Use Permit <b>Right-of-Way Authorization issued June 28, 2022</b>	Right-of-way Authorization to construct the Project where it crosses BLM-managed federal lands.
DOI, Bureau of Land Management (BLM)	Fieldwork Authorizations	Authorization of monitoring of BLM lands inside of the Caltrans ROW including lands under the jurisdiction of Sierra Front Field Office, Eagle Lake Field Office, and Applegate Field Office.
DOI, Bureau of Indian Affairs (BIA)	Right-of-way across Tribal Trust Lands <b>Right-of-Way Authorization issued November 3, 2022</b>	Right-of-way Authorization to construct the Project where it crosses Tribal lands managed by BIA on behalf of and with the consent of the Pit River Tribe.
United States Army Corps of Engineers (USACE)	Work within Waters of the United States, including wetlands. <b>Jurisdictional waters of the US avoided.</b>	Consultation with the USACE, Regional Water Quality Control Board, California Department of Fish and Wildlife, and USFWS regarding requirements for a Clean Water Act Section 404 permit.
DOI, United States Fish and Wildlife Service (USFWS)	Encroachment across Modoc National Wildlife Refuge Managed Lands <b>Right-of-Way Permit issued May 9, 2022</b>	Right-of-Way permit needed for encroachment across Modoc National Wildlife Refuge.
DOI, United States Fish and Wildlife Service (USFWS)	Threatened or endangered species and conservation plans. <b>Take of T&amp;E species avoided.</b>	Take authorization (if required) and consultation with the USFWS. Consultation for Section 7 or 10 of the Federal Endangered Species Act.
<b>State</b>		
California Public Utilities Commission	CEQA lead agency, CPCN modification, overall approval of the Project. <b>CPCN modification and CEQA exemption approved August 14, 2023.</b>  <b>Notice to Proceed (NTP) 1 approved on November 27, 2023 for the alignment except for construction within 1,000 feet of three cultural resources sites, conditioned on revisions to the Hazardous Waste Management Plan and Caltrans Encroachment Permit</b>	Approval of modification of CPCN. Approval of CEQA exemption.

<b>Table 3. Agency Permits and Approvals</b>		
<b>Agency/Group</b>	<b>Jurisdiction/Status</b>	<b>Permit Or Consultation</b>
California Department of Fish and Wildlife	<b><i>Threatened or endangered species and conservation plans. Take of T&amp;E species and streambed alteration avoided.</i></b>	Take authorization (if required) and consultation with the USFWS. Consultation for Section 2081 of the California Endangered Species Act. Consultation for Section 1600 of the California Fish and Game Code (Streambed Alteration Agreement).
California Department of Transportation (Caltrans)	<b><i>Acts on behalf of the Federal Department of Transportation pursuant to California Streets and Highways Code 660 to 711.21 and California Code of Regulations 1411.1 to 1411.6. Issuance of encroachment permit pending.</i></b>	Caltrans requires that all work done within, under, or above a state or interstate highway right-of-way obtain an encroachment permit. A Transportation Permit required for oversize and/or overweight truck loads that exceed the limits of a legal load as defined by Division 15 of the California Vehicle Code. Modifications to state facilities must meet mandatory design standards and specifications.
California State Water Resources Control Board	<b><i>Storm water discharges and Clean Water Act Section 401 permit. Jurisdictional waters of the state avoided. Stormwater Pollution Prevention Plan (SWPPP) filed.</i></b>	Notice of Intent to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009-DWQ as amended by Orders 2010-0014-DWQ and 2012- 0006-DWQ and Section 401 Permit associated with issuance of a Clean Water Act Section 404 Permit.
<b>Local</b>		
Lassen County	County road rights-of-way on Standish Buntingville Road (Lassen County Road A3) and Cummings Road. <b><i>Encroachment permit (pending issuance of Caltrans permit).</i></b>	Encroachment permit for use of Lassen County road rights-of-way.
<b>Tribal</b>		
Pit River Tribe	Tribal Trust Lands <b><i>Compensation agreement signed July 6, 2022.</i></b>	Compensation for ROW across XL Ranch, Modoc County

Note: BIA = Bureau of Indian Affairs; BLM = Bureau of Land Management; Caltrans = California Department of Transportation; CEQA = California Environmental Quality Act; CPCN = Certificate of Public Convenience and Necessity; DOI = Department of the Interior; ROW = Right-of-Way; SWPPP = Stormwater Pollution Prevention Plan; T&E = Threatened & Endangered; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service



## **SECTION 2.0 ROLES AND RESPONSIBILITIES**

Section 2 describes Zayo specific and CPUC specific roles and responsibilities for the Project. Section 2.2 describes the CPUC's monitoring responsibilities for the Project, ensuring that Zayo has adequately implemented environmental measures, and ensuring that construction activities are consistent with the SB156 Exemption Report.

### **2.1 Zayo Roles and Responsibilities**

Zayo personnel and contractors are responsible for implementing all environmental measures, permit conditions, and the CMCRP. This includes all terms and conditions in permits or approvals from other federal, state, and local agencies. Zayo must comply with Project requirements, plan construction activities in a way that meets Project requirements, document compliance activities and environmental measure results, and implement the CMCRP and provide information to CPUC documenting compliance with or how they intend to comply with the environmental measures, permit conditions, and CMCRP.

#### **2.1.1 Zayo Project Managers**

*Role and Responsibility.* Zayo's project manager (PM) will provide the overall direction, management, leadership, and corporate coordination for the Project, and will be CPUC's primary point of contact. Zayo's PM is responsible for the Project construction schedule and for ensuring that the Project is completed as required by Project contract documents and conditions, including adopted environmental measures, and agency permitting requirements. Zayo's PM will lead environmental compliance throughout the duration of construction for the Project, including direction development and implementation of pre-construction environmental planning, permitting, and compliance activities; the environmental inspection and pre-construction survey program; and the Worker Environmental Awareness Program (WEAP). The PM will be assisted by Zayo's environmental consultants and the Construction Manager (CM). The Zayo PM is the primary compliance point of contact for Zayo.

The Zayo PM's responsibilities include but are not limited to:

- Leading coordination among engineering, construction management, and environmental staff for Zayo;
- Leading coordination between Zayo staff and regulatory agencies to ensure that all agency requirements are met;
- Leading the integration of environmental responsibilities into all levels of Project construction activities;
- Ensuring compliance with Project environmental measures, as well as any other Project environmental policies, guidelines, and procedures;
- Ensuring that data, including work schedule, location, and critical issue information, are provided to members of the Project construction team as needed;

- Communicating Project activities, schedules, and environmental and public relations issues to the Project team as needed.

*Reporting Relationship.* The Zayo PM reports to Zayo Group, LLC. The Zayo PM gives direction to Zayo's construction manager and environmental compliance team.

*Communication.* The Zayo PM communicates with the CPUC and resource agencies, all members of the Project environmental compliance team. The Zayo PM also oversees all communication with Zayo contractors and team members.

### **2.1.2 Zayo Construction Manager**

*Role and Responsibility.* The construction manager (CM) will be responsible for overall construction management. Duties include making daily construction work schedules available to on-site construction personnel and monitors and will describe the nature and extent of scheduled construction activities to ensure that adequate monitoring resources are provided. The construction manager will also ensure that construction schedules are provided to the Zayo PM so they in turn are provided to the CPUC PM as part of the Weekly Status Report. The construction manager will be supported by field Construction Advisors (FCAs) and may delegate responsibilities to the FCAs. The construction manager or FCAs will report spills (e.g., fuel or water) and compliance issues to the Zayo environmental compliance team and PM.

Key environmental responsibilities for the construction manager and FCAs include but are not limited to:

- In conjunction with the PM, verifying that all construction workers attend the Project environmental training program prior to beginning work;
- Reviewing and understanding the environmental requirements;
- In conjunction with the PM, implementing environmental protection requirements and conditions during construction and maintaining compliance with Project requirements, including adopted environmental measures, and all Project permits.

*Reporting Relationship.* The Zayo CM reports to the Zayo PM and the Zayo environmental compliance team. The Zayo CM gives direction to FCAs, construction site personnel and monitors.

*Communication.* The Zayo CM communicates with the Zayo PM and all members of the Project environmental compliance team. The Zayo PM also oversees all communication with subcontractors, FCAs, construction site personnel and monitors.

### **2.1.3 Zayo Environmental Compliance Coordinator**

*Role and Responsibility.* Zayo's Environmental Compliance Coordinator (ECC) is the primary contact for environmental compliance, responsible for providing support to the Zayo PM for successful implementation and compliance under the CMCRP and all other applicable environmental permits. The Zayo ECC is responsible for supporting the Zayo PM by attending construction and Project management meetings; reviewing and submitting regular submittals during construction; reviewing and tracking

compliance with Project CMCRP, permits, plans, and regulations; and reviewing daily and weekly monitoring reports during construction.

*Reporting Relationship.* The Zayo ECC reports to the Zayo PM and supports the PM in directing the work of the Zayo environmental compliance team and resource specialists.

*Communication.* The Zayo ECC communicates with Zayo PM and environmental compliance team.

#### **2.1.4 Zayo Environmental Consultant Project Manager**

*Role and Responsibility.* Zayo's Environmental Consultant Project Manager (ECPM) is responsible for providing support to the ECC and PM for successful implementation and compliance under the CMCRP and all other applicable environmental permits, and provides back-up in the ECC's absence. The ECPM is responsible for supporting the PM by managing the drafting of Notices to Proceed (NTPs) and minor Project refinement requests, the development of pre- construction plans and documents, supporting Zayo with obtaining all required environmental permits, reviewing Zayo-prepared plans to ensure compliance with CMCRP requirements, and attending construction and Project management meetings. The Zayo ECPM supports the Zayo PM in all management activities.

*Reporting Relationship.* The Zayo ECPM reports to the Zayo PM and supports the PM in directing the work of the Zayo environmental compliance team and resource specialists.

*Communication.* The ECPM communicates with the Zayo PM and the environmental compliance team.

#### **2.1.5 Qualified Stormwater Developer and Practitioner**

*Role and Responsibility.* The Qualified Stormwater Developer and Practitioner (Qualified SWPPP Developer [QSD/Qualified Stormwater Practitioner [QSP]) will cross-train Zayo, RBC Utility, and Stantec inspectors to provide daily stormwater inspections, rain event tracking, rain event photo log, and annual report, as required by the Stormwater Pollution Prevention Plan (SWPPP). Responsible for communicating with ECC, ECPM and PM regarding any concerns with stormwater compliance and will attend Monday status meetings.

*Reporting Relationship.* The QSD/QSP reports to the PM, ECC, and ECPM and supports the ECC in directing the work of the Zayo environmental compliance team and resource specialists.

*Communication.* The QSD/QSP communicates directly with the ECC, ECPM, PM, and the environmental compliance team.

#### **2.1.6 Lead Environmental Inspector**

*Role and Responsibility.* Zayo's Lead Environmental Inspector (LEI) is responsible for overseeing and verifying the day-to-day on-site compliance effort. The Zayo LEI will work closely with construction personnel and will be the primary field employee responsible for verifying and documenting environmental compliance. Multiple Zayo LEIs may be needed to effectively monitor compliance during periods of high construction activity or high monitoring demand. The Zayo LEI's responsibilities will include:

- Supporting the PM in the completion of all necessary resource surveys, supporting the PM, ECC, and resource specialists in implementation strategy of the biological measures in the CMCRP and all plan and permit conditions relevant to resources during the pre-construction phase of the Project;
- Providing quality assurance/quality control of all deliverables;
- Coordinating with Zayo regarding landowner access for surveys and construction activities;
- Participating in weekly or bi-monthly meetings;
- Managing implementation of the WEAP in the field, including management of training logs.

*Reporting Relationship.* The LEI reports to the ECC, ECPM, and PM.

*Communication.* The LEI communicates with the PM, ECC, ECPM, environmental compliance team, and construction team to coordinate monitoring and implement Project environmental compliance requirements.

### **2.1.7 Environmental Compliance Team**

The Project environmental monitors are the primary field staff responsible for evaluating, documenting, and verifying compliance of construction activities with all applicable requirements. The environmental compliance team for Zayo will be led by Zayo's LEI, ECC, and ECPM under the direct supervision of the Zayo PM. The ECC and LEI will coordinate the activities of the Project environmental compliance team, including biological, paleontological, and archaeological monitors (i.e., specialty monitors), to comply with each environmental measure. The Project environmental compliance team will work closely with construction personnel to ensure that pre-construction surveys are completed and environmental measures are effectively implemented. Specialty monitors will be assigned by Zayo as needed and as required to protect sensitive biological, paleontological, archaeological, historic, and Native American resources.

*Reporting Relationship.* The Project environmental compliance team reports directly to the LEI and ECC, and to the ECPM in the ECC's absence.

*Communication.* The Project environmental compliance team communicates with the LEI and ECC regarding the status of monitoring and compliance in the field. The LEI and ECC in turn will communicate with the CPUC Environmental Compliance Manager as needed, during construction.

### **2.1.8 Specialty Environmental Monitors**

The Zayo LEI will be on-site on a daily basis to coordinate specialty environmental monitors (such as biologists and archeologists), assist construction crews with interpreting environmental measures, and help correct compliance problems in a timely manner. Several environmental measures require Zayo to supply a specialty monitor with specific qualifications. These monitors and the related environmental measures are identified in Table 4.

<b>Table 4. Specialty Monitors Required During Construction</b>	
<b>Specialty Monitor</b>	<b>Related Conditions or Documents</b>
Biological Monitor	BIO-8
Archaeological Monitor	CUL-1d; Historical Resources Treatment Plan
Tribal Cultural Resources Monitor	TCR-1; Historical Resources Treatment Plan
Paleontological Monitor	PALEO-2; Paleontological Mitigation Plan
Qualified SWPPP Practitioner (i.e., QSP)	HYDRO-1; SWPPP
Project Fire Marshal	WILD-1; Construction Fire and Prevention Plan

Note: SWPPP = Stormwater Pollution Prevention Plan

## **2.2 California Public Utilities Commission Roles and Responsibilities**

The CPUC, as Lead Agency, is responsible for oversight of compliance of the environmental measures in the CMCRP.

### **2.2.1 California Public Utilities Commission Project Manager**

The CPUC PM has overall responsibility for determining the effectiveness of compliance with environmental requirements based on the success criteria included for each environmental measure. The CPUC PM will be notified of noncompliance situations and may be involved in the resolution of the issue(s). All requests for minor Project refinements (Section 3.5) and NTPs will be submitted to the CPUC PM for review and approval. The CPUC PM will issue NTPs for construction of each phase of the Project, as identified by Zayo. The CPUC has the authority to halt any construction activity associated with the Project if an activity is determined to be a serious deviation from the approved Project or adopted environmental measures. A stop-work order would follow the communication procedure outlined in Section 3.3.

Zayo’s PM holds the primary responsibility for ensuring compliance with applicable environmental measures. The CPUC PM ensures and documents compliance achievement. Compliance is documented through site inspection forms, environmental measure tracking, and weekly and monthly reports to the CPUC. The CPUC PM will be the designated point of contact for in-field agency staff regarding compliance and minor Project refinements. The CPUC PM will serve as the point of contact for noncompliance events. The CPUC PM will stay apprised of construction activities, schedule changes, and construction progress.

#### **CPUC 3<sup>rd</sup> Party Project Manager**

*Role and Responsibility.* CPUC’s 3<sup>rd</sup> Party project manager (3<sup>rd</sup> Party PM) is responsible for providing oversight to the CPUC PM for Zayo’s successful implementation, compliance and reporting under the CMCRP and all other applicable environmental permits. The 3<sup>rd</sup> Party PM is responsible for reviewing the Notices to Proceed (NTPs) and minor Project refinement requests, reviewing all required environmental permits obtained by Zayo, reviewing Zayo-prepared plans to ensure compliance with CMCRP

requirements, and attending construction and Project management meetings. The 3rd Party PM supports the CPUC PM in all management activities.

*Reporting Relationship.* The Zayo 3rd Party PM reports to the CPUC PM and supports the CPUC PM in directing the work of the 3rd Party environmental compliance team and resource specialists.

*Communication.* The 3rd Party PM communicates with the CPUC PM and the 3<sup>rd</sup> Party Environmental Compliance Manager (3rd Party ECM).

### **CPUC 3<sup>rd</sup> Party Environmental Compliance Manager**

*Role and Responsibility.* CPUC's 3<sup>rd</sup> party environmental compliance manager (3rd Party ECM) is responsible for providing support to the 3<sup>rd</sup> Party PM for oversight of Zayo's successful implementation, compliance and reporting under the CMCRRP and all other applicable environmental permits. The 3<sup>rd</sup> Party ECM is responsible for supporting the 3rd Party PM by attending construction and Project management meetings; reviewing Zayo's regular submittals during construction; reviewing and tracking Zayo's compliance with Project CMCRRP, permits, plans, and regulations; and reviewing daily and weekly Zayo and 3<sup>rd</sup> Party monitoring reports during construction.

*Reporting Relationship.* The 3rd Party ECM reports to the 3<sup>rd</sup> Party PM and supports the 3rd Party PM in directing the work of the 3rd Party environmental compliance team and resource specialists.

*Communication.* The 3rd Party ECM communicates with the 3<sup>rd</sup> Party PM and environmental compliance team.

### **CPUC 3<sup>rd</sup> Party Environmental Compliance Staff**

The CPUC 3<sup>rd</sup> Party environmental monitors are the primary field staff responsible for evaluating, documenting, and verifying Zayo's compliance of construction activities with all applicable requirements. The environmental compliance team for CPUC will be led by ECORP's ECM under the direct supervision of the 3rd Party PM. The ECM will coordinate the activities of the CPUC 3<sup>rd</sup> Party environmental compliance team, including biological, paleontological, and archaeological monitors (i.e., specialty monitors), to comply with each environmental measure. The CPUC 3rd Party environmental compliance team will work to ensure that Zayo completes the required pre-construction surveys and environmental measures are effectively implemented. Specialty monitors will be assigned by ECORP as needed and as required to protect sensitive biological, paleontological, archaeological, historic, and Native American resources.

*Reporting Relationship.* The CPUC 3<sup>rd</sup> Party environmental compliance team reports to the ECORP ECM.

*Communication.* The CPUC 3rd Party environmental compliance team communicates with the ECORP ECM regarding the status of monitoring and compliance in the field. ECORP's environmental compliance team will also interact with Zayo's Construction Manager as needed, during construction.

## **2.2.2 Permitting Agencies' Role**

Personnel from permitting agencies identified in Table 2 may periodically visit the Project site to verify compliance with or request information from Zayo regarding compliance with laws, regulations, and

Project permits. Zayo is responsible for responding to requests from permitting agencies and submitting the permits and authorizations to the CPUC according to Project requirements. See Section 4 for document submission procedures.

The CPUC will typically coordinate with Zayo on permitting concerns prior to contacting permitting agencies related to the Project; however, the CPUC may contact permitting agencies at any time regarding the Project and to clarify agency requirements, permit conditions, or approvals related to the agency's jurisdiction. The CPUC may also ask that Zayo obtain input from the permitting agency or that Zayo participate in discussion with the CPUC and the permitting agency. The CPUC retains the authority to coordinate directly with other agencies regarding the Project and all permit conditions or plan review comments.

The primary federal, state, and local government agencies involved in the environmental review and permitting of the Project are shown in Table 3. Coordination with additional agencies and local jurisdictions may be needed as the Project progresses.

## SECTION 3.0 PROCEDURES

This section contains CMCPR procedures for the personnel identified in Section 2. These procedures are relevant during the implementation of the CMCPR to help ensure that the Project meets all requirements specified in the environmental measures, and agency permits.

### 3.1 Pre-construction Compliance Verification

#### 3.1.1 SB156 Exemption Report, Conditions of CPCN approval – Environmental Measures

The CPUC will verify compliance with pre-construction environmental measures prior to construction. If required by the environmental measure, Zayo must obtain approval of all necessary resource-specific plans, verify that permitting requirements of other agencies have been met, and perform all required surveys and studies before construction begins (Table 5). The purpose of the pre-construction process is to complete all required actions so that the CPUC can issue NTPs for the Project.

<b>Item</b>	<b>Conditions/ Environmental Measure</b>	<b>Responsible Action Agency</b>
Farmland Coordination Plan	AG-1	CPUC, Private Landowners,
Worker Environmental Awareness Program (WEAP) Training	BIO-1 HAZ-2	CPUC, CDFW
Revegetation and Restoration Plan (RRP)	BIO-6	CPUC, CDFW, Caltrans, BLM, USFS
Revegetation and Restoration Plan Annual Monitoring Reports	BIO-6	CPUC, CDFW, Caltrans, BLM, USFS
Weed control Contracting	BIO-7	CPUC, CDFW
Biological Monitors	BIO-8	CPUC, CDFW
Pre-Construction Protocol Level Special Status Plant Surveys	BIO-9	CPUC, CDFW
Pre-Construction Nesting Bird Surveys	BIO-11	CPUC, CDFW
Surface Spill and Hydrofracture Contingency Plan	BIO-14	CPUC, CDFW
Pre-Construction Roosting Bat Surveys	BIO-16	CPUC, CDFW
Resource Impact Permits or Verification that Permits are not needed	BIO-17	CPUC
Historical Resources Treatment Plan	CUL-1c	CPUC, Tribes
Paleontological Mitigation Plan	PALEO-1	CPUC
Carpool Program	GHG-1	CPUC
Hazardous Materials Management Plan	HAZ-1	CPUC



<b>Table 5. Plans, Reports and Other Documentation Required for Compliance Verification</b>		
<b>Item</b>	<b>Conditions/ Environmental Measure</b>	<b>Responsible Action Agency</b>
Stormwater Pollution Prevention Plan (SWPPP)	HAZ-1 HYDRO-1	CPUC, SWRCB
Obtain Necessary Permits and Permissions	LU-1	CSLC/BLM/USFWS/BIA/Caltrans/ Modoc, Sierra, Lassen Counties, City of Alturas
Coordination with BLM	REC-1	CPUC, BLM
Traffic Management Plan	TRA-1	CPUC, Caltrans
Utility Company Coordination	UTIL-1	CPUC
Construction Fire Prevention Plan	WILD-1	CPUC, Caltrans, CAL FIRE, Federal and Local Fire Agencies

Key: BIA = Bureau of Indian Affairs; BLM = Bureau of Land Management; CAL FIRE = California Department of Forestry and Fire Protection; Caltrans = California Department of Transportation; CDFW = California Department of Fish and Wildlife; CPUC = California Public Utilities Commission; CSLC = California State Lands Commission; USFS = U.S. Forest Service; SWRCB = State Water Resources Control Board

### **3.1.1.1 Notice to Proceed Process**

Zayo is required to obtain CPUC authorization prior to initiating construction activities through the NTP process. The NTP process involves Zayo submitting an NTP request to the CPUC and the CPUC PM issuing an NTP authorization letter. The Energy Division will not authorize construction activities until all relevant pre-construction requirements are completed as appropriate for the relevant stage of the Project. Before granting an NTP, the Energy Division will confirm that the applicant has complied with all pre-construction environmental measures, including specified surveys, and has obtained all appropriate approvals from other regulatory agencies. The CPUC PM may authorize Project activities through one or more NTPs for separate phases of the Project as determined necessary. Zayo may determine the phases based on pre-construction compliance, construction schedule, the anticipated schedule for permit approvals, and other considerations.

Each NTP may include CPUC or other agency conditions or requirements that must be satisfied prior to the start of work or during construction. Note that the CPUC may not include new conditions or requirements that are inconsistent with the SB 156 Exemption Report, Conditions of CPCN approval – Environmental Measures; however, the CPUC may include new conditions or requirements that are consistent with the SB 156 Exemption Report, Conditions of CPCN approval – Environmental Measures. Construction is defined as all construction-related activities, including site clearing; placement of signs, fences, structures, or other materials; or any mobilization activity that would move construction-related equipment and/or materials onto a site.

The NTP request must include the following, as applicable:

- Description of the work to be performed, including a brief comparison of the proposed work and the Project component as described in the SB 156 Exemption Report, Conditions of CPCN approval – Environmental Measures;
- Description of all activities required for the Project component or components (for example, electrical, plumbing, excavation, paving, landscaping, or site restoration);
- Identification of any staging areas that would be used during construction;
- Brief description of the location of the Project component or components covered in the NTP request, including maps, photographs, or other supporting data;
- Estimate of area of total land disturbance and use, both temporary and permanent, associated with the NTP request;
- Date of expected construction initiation and duration of work;
- Anticipated number of construction workers, including total workers and peak number;
- Anticipated equipment over 50 horsepower (e.g., loaders, forklifts, trucks, compressor trailers) required for construction;
- Verification that all relevant pre-construction environmental measures have been or will be completed or implemented (e.g., submittal of biological resource survey reports);
- List of all relevant environmental measures that will be implemented;
- Verification that all applicable permits or agency approvals have been or will be obtained for the work covered by the NTP request (if required);
- For any pre-construction compliance items that cannot be completed prior to issuance of the NTP due to specific timing requirements for the item (e.g., pre-construction surveys that must be completed within a defined timeframe), a description of the outstanding submittals and timing for when they will be completed and approved prior to construction.

In conjunction with the CPUC PM, the CPUC 3<sup>rd</sup> Party Environmental Monitoring staff will review each NTP request in accordance with the steps outlined below:

1. ZAYO submits an NTP request;
2. The CPUC PM or 3<sup>rd</sup> Party PM distributes the NTP request to the appropriate resource specialists and reviewers to determine the completeness of the request, as applicable;
3. The CPUC PM and/or 3<sup>rd</sup> Party PM also review the NTP and, if needed, prepare a list of outstanding requirements, identifying where additional information or clarification is needed;
4. The CPUC PM or 3<sup>rd</sup> Party PM submits any questions and comments, including requests for required additional information or clarification, to ZAYO via email;

5. As needed, ZAYO submits clarifications and/or additional information to be added to the NTP request in a memo, email, or letter format, along with responses addressing all comments and questions forwarded by the CPUC PM and/or 3<sup>rd</sup> Party PM;
6. The CPUC PM and/or 3<sup>rd</sup> Party PM update the Project Implementation Tracker documenting compliance and any outstanding requirements that need to be made conditions of the NTP. If comments or conditions are provided by permitting agencies, these are also considered for incorporation into the NTP approval letter and compliance table;
7. The CPUC CM prepares the draft NTP Authorization Letter, which documents the scope of work, compliance with all requirements, and list outstanding conditions; and
8. The CPUC PM reviews and approves the NTP Authorization Letter and sends the approval to ZAYO.

## **3.2 Communication Protocol**

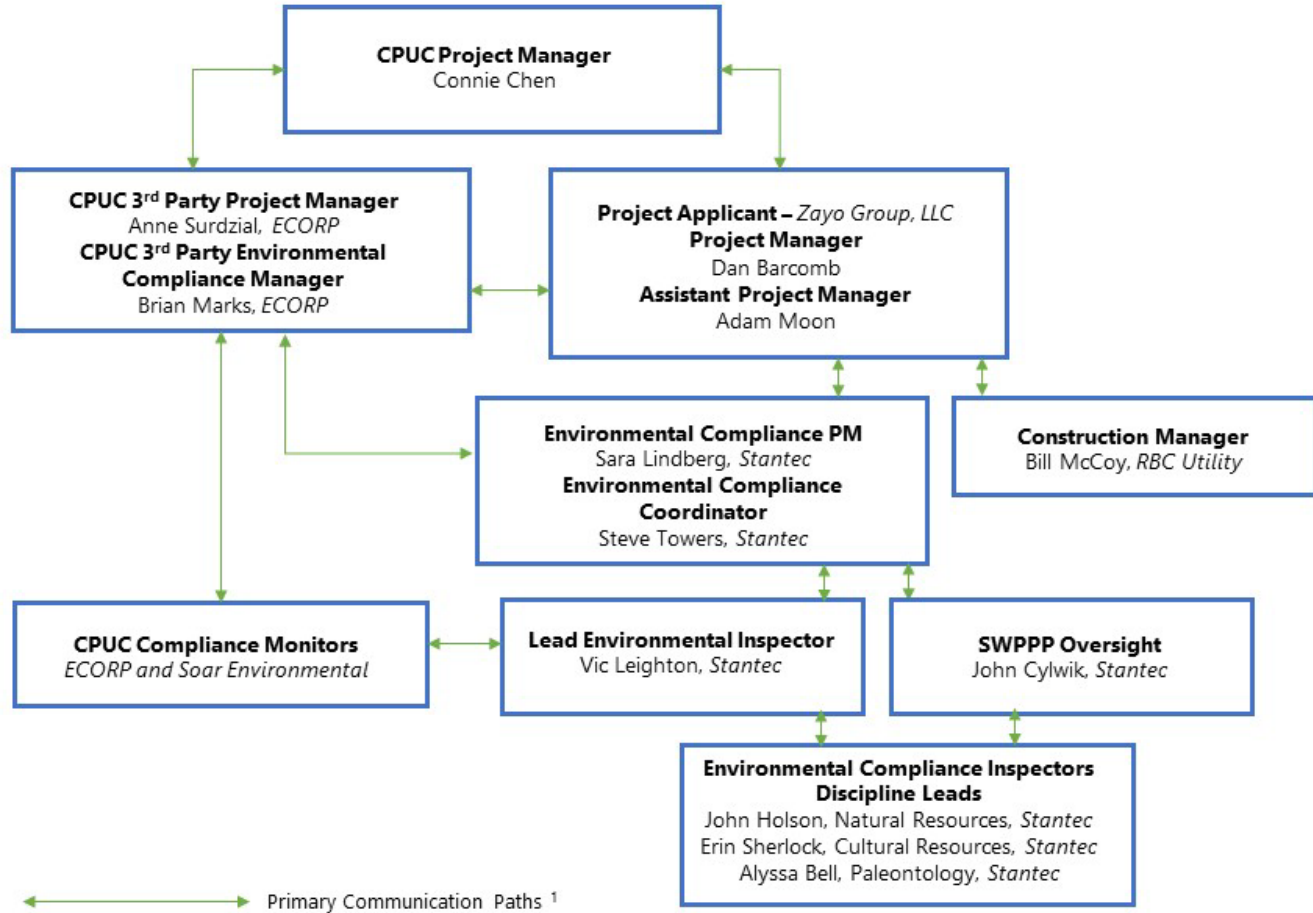
Communication is a critical component of a successful environmental compliance program. To avoid Project delays and possible work stoppages, the CPUC PM, CPUC 3<sup>rd</sup> Party Environmental Compliance Team and Zayo environmental and construction representatives will interact regularly; maintain professional, responsive communication at all times; and coordinate closely to address and resolve issues in a timely manner. This section presents a communication protocol to accurately and efficiently disseminate information regarding ongoing surveys, environmental measures, construction activities, construction contractor oversight, and planned or upcoming work prior to the commencement of construction. These communication protocols may be refined and revised for future versions of this CMCRP as needed to address the specific day-to-day realities of Project construction.

### **3.2.1.1 Organizational Chart**

Figure 3 is an organizational chart that illustrates communication between CPUC and Zayo personnel. The CPUC and Zayo are responsible for informing others about changes in staff. Contact information is provided in Appendix A.

This chart depicts primary communication pathways only and does not preclude communication among various CPUC or Project Proponent field staff (e.g., project manager and construction leads/managers) and/or all environmental managers.

**Figure 2. Organization Chart**



<sup>1</sup> This chart depicts primary communication pathways only and **does not preclude** communication among various CPUC or project proponent field staff (e.g., Compliance Monitors, Environmental Consultants, and Construction Leads/Managers) and/or all Environmental Managers.

### **3.2.1.2 Pre-construction Coordination**

Zayo is required by the terms of the environmental measures and the permitting requirements of various other regulating agencies to prepare plans and obtain approval of these documents, in addition to performing various surveys and studies prior to construction. During this pre-construction process, Zayo may conduct meetings, conference calls, and site visits with the CPUC PM and other agencies and Zayo's environmental representatives, as appropriate. The purpose of the pre-construction coordination process is to discuss document submittal status, document the findings of data reviews and jurisdictional agency approvals, review Zayo submittals, and document the status of environmental measures as they apply to the Project or phased Project segment (see Section 3.7 for document submittal procedures). The goal of the pre-construction process is to complete all required actions so the CPUC can issue NTP authorizations.

### **3.2.1.3 Communication Protocol during Construction**

This section outlines daily, weekly, and monthly communication protocols and processes.

#### **Progress Meetings and Communication During Construction**

Conference calls may be held on a regular basis (i.e., weekly,) or on an as-needed basis throughout construction. The need for conference calls, whether regular or as needed, should be determined in the early stages of construction. Participants should generally include the CPUC PM and the CPUC 3<sup>rd</sup> Party PM and ECM, the Zayo PM, and representatives from Zayo who are knowledgeable about Project engineering and schedule.

Zayo will invite CPUC representatives (as identified by CPUC) to the weekly monitoring management meeting, or through additional meetings to be established with Zayo and the CPUC. Weekly meetings are currently scheduled for Monday 11am Pacific. All authorities having jurisdiction and relevant tribes are invited to attend.

Specialty monitors, technical experts, and/or construction contractors will be invited as needed. Call timing and participants may vary according to the topics discussed. Topics discussed on status update conference calls will include overall Project schedule, weekly construction schedules, pertinent environmental compliance issues, any anticipated minor Project changes, and any relevant compliance patterns and trends.

#### **Field Staff Communication During Construction**

Regular communication among the CPUC PM, Zayo, and construction staff can address many issues that arise during construction. All field staff will be equipped with cell phones or two-way radios (or immediate access to a cell phone or radio) and should be available to receive calls at all times during construction. Off-site staff will be available during normal business hours via email or phone. If field-based staff change regularly (e.g., if lead monitors are on duty only one or two days per week), the use of a single point of contact is highly recommended (e.g., a single cell phone should be assigned to whichever lead monitor is on duty each day) to facilitate communication continuity. Changes to key staff will be reported to the CPUC PM as soon as possible, and the Project contact list in Appendix A will be updated accordingly.

The CPUC primary point of contact in the field is the Zayo LEI. The CPUC will contact the Zayo LEI if an activity is observed that conflicts with one or more of the environmental measures, or Project plans. The CPUC will also contact the Zayo LEI regarding construction crew work locations; status of environmental measures, and Project plans; and the overall construction schedule. Much of this information can be obtained through participation in tailgate meetings prior to the start of construction each day. The CPUC may discuss construction procedures directly with the construction manager, but such discussions should be limited to basic questions pertaining to clarification of daily Project activities and environmental measure compliance. All other questions between contractors and CPUC, especially those concerning construction means and methods, should be directed to the Zayo LEI. The CPUC will not provide work direction to the contractor or Zayo's environmental monitors and will avoid directing questions to the construction crews.

### **Questions and Clarifications**

Questions and the need to clarify Project requirements will periodically arise throughout the implementation process. Both Zayo and the CPUC PM/CPUC 3<sup>rd</sup> Party PM/ECM shall submit important questions and clarifications in writing via email (e.g., full compliance with environmental measures, procedures, and Project changes). Email correspondence and compliance and monitoring reports should be used to document resolutions.

### **Construction Schedule**

Zayo shall keep the CPUC PM and the CPUC 3<sup>rd</sup> Party PM/ECM informed of delays in the construction schedule as contained in the CMCRRP. In particular, Zayo shall inform the CPUC of any schedule changes that may affect implementation of the CMCRRP. Zayo will provide a general schedule once construction timelines have been determined.

### **Inclement Weather**

In the event of inclement weather or other events that might compromise the safety of workers or the general public, Zayo will proactively suspend work until conditions are safe. Zayo will also adhere to any stop-work permit conditions contained in its Caltrans encroachment permit related to weather and safety. Such conditions may require temporary suspension of construction due to heavy rain, snow, fog, wind, wildfire, or other factors that might make working in the Caltrans ROW unsafe. Zayo will remain in close communication with Caltrans when work conditions in the ROW are fluctuating due to inclement weather or other stochastic events.

### **Dispute Resolution**

The CMCRRP is intended to reduce or eliminate potential disputes; however, even with the best preparation, differences in environmental protection measure implementation approaches and interpretation may occur. Issues should first be addressed informally at the field level between the CPUC 3<sup>rd</sup> Party Environmental Monitors and the Zayo environmental compliance team. Questions then may be raised to the Zayo ECPM, PM, or construction manager, and the CPUC 3<sup>rd</sup> Party PM/ECM or the CPUC 3<sup>rd</sup> Party PM as necessary.

Should the issue not be resolved at the field level the following procedure will be observed for dispute resolution:

**Step 1.** Disputes and complaints (including those of the public) should be directed first to the CPUC PM for resolution. The CPUC PM will attempt to resolve the dispute. If the dispute can be resolved by Zayo, then the CPUC PM will direct the party in question to Zayo;

**Step 2.** Should this informal process fail, the CPUC PM may initiate enforcement or compliance action to address deviations from the approved Project or adopted environmental measures;

**Step 3.** If a dispute or complaint regarding the implementation or evaluation of environmental measures cannot be resolved informally or through enforcement or compliance action by the CPUC PM, any affected participant in the dispute or complaint may file a written "notice of dispute" with the CPUC executive director or their designee. This notice should be filed in order to resolve the dispute in a timely manner, with copies concurrently served on other affected participants. Within 10 days of receipt, the executive director or designee(s) shall meet or confer with the filer and other affected participants for the purposes of resolving the dispute. The executive director shall issue an Executive Resolution describing their decision and serve it on the filer and other affected participants;

Step 4. If one or more of the affected parties is not satisfied with the decision as described in the resolution, such parties may appeal it to the CPUC via a procedure to be specified by the CPUC.

Parties may also seek review by the CPUC through existing procedures specified in the CPUC Rules of Practice and Procedure for formal and expedited dispute resolution, although a good faith effort should first be made to use the foregoing procedure.

### **3.3 Monitoring and Compliance Reporting during Construction**

As the Lead Agency under CEQA, the CPUC is required to ensure that the environmental measures are implemented.

#### **3.3.1.1 CPUC Compliance Monitoring**

CPUC 3<sup>rd</sup> Party Environmental monitors will use the SB 156 Exemption Report Conditions of Approval in the field to confirm Zayo's compliance with these requirements, first on a daily basis during the initial month of construction and after the first month of construction, the 3<sup>rd</sup> Party Environmental Monitors will perform field spot checks of Zayo's construction and construction monitoring crews as necessary. The 3<sup>rd</sup> Party Environmental Monitors will also conduct field visits to resolve any non-compliance issues that are able to be handled among the site crew staff members, and to carry out any compliance reporting as directed by the CPUC PM, the CPUC 3<sup>rd</sup> Party PM or the CPUC 3<sup>rd</sup> Party Environmental Compliance Manager.

### **3.3.1.2 CPUC Compliance Tracking**

The CPUC will track compliance with mitigation requirements. The CPUC will also track important Project procedures (e.g., formal request and approvals) and incidents throughout the Project. The CPUC will track other information as part of the CPUC-authored Monthly Monitoring Summary Report, including NTP and minor Project refinement requests and approvals, resolutions to compliance risks, and documented incidents.

### **3.3.1.3 Zayo Fiber Networks Monitoring and Compliance Reports**

#### **Daily Project Status Report Email**

Zayo's construction contractor RBC will add the CPUC representatives (as identified by CPUC) to their daily project status report e-mails for California. At the end of each construction day, RBC will send a daily project status email noting progress made that day, concerns, and/or activities of note, and will confirm daily work locations and schedule as needed in order to convey unanticipated minor schedule changes.

#### **Weekly Status Report**

Zayo will submit a Weekly Status Report each Friday showing the anticipated construction activities for the following week. The Weekly Status Report will include the type of work activity (e.g., vegetation clearing, grading, foundation installation, structure erection), the location of the work activity, and the day(s) work is anticipated to take place.

#### **Monthly Environmental Compliance Report**

Zayo will prepare and submit a Monthly Environmental Compliance Report to the CPUC by the 10th day of the month for the previous month's work activities. The Monthly Environmental Compliance Report will include the following:

- Construction status update for all active work phases and a look-ahead work description and schedule for subsequent work;
- Compliance summary detailing compliance activities such as notable survey efforts, noncompliance incidents and their resolutions, preparation for implementation of environmental measures for future work phases, recently submitted or processed Project changes, a list of outstanding agency deliverables and the estimated timing for submittal/implementation, and representative monitoring photographs. Zayo is required to keep accurate and detailed accounts of noncompliance incidents (and subsequent resolutions) as identified by the CPUC or as self-reported.

Zayo will also submit Weekly Public Complaint Logs and Noncompliance Incident Reports as detailed in the following section.



### **3.3.1.4 CPUC Incident Response and Communication**

The CPUC determines if any construction activity deviating from permit conditions, NTPs, or environmental measures, particularly when the activity puts a sensitive resource at risk, should be considered a noncompliance incident. A noncompliance incident may include failure to fully comply with all terms and conditions in permits or approvals from other federal, state, and local agencies that are relied upon in the environmental measures. In addition, an environmental measure not implemented according to the timing listed in the CMCRP table (Figure 2 in this document) would be considered a noncompliance incident.

#### **Noncompliance Reporting**

If Zayo discovers a noncompliance incident of any magnitude, they must notify the CPUC PM of the incident (self-report). Noncompliance incidents may also be discovered by the CPUC and brought to the attention of Zayo. For both self-reports and discoveries, the CPUC PM may request an email or a formal noncompliance incident report (Appendix C) from Zayo, either of which must include a description of the incident and corrective actions taken or proposed. Upon receipt of the noncompliance incident email or formal report, the CPUC PM will determine the next steps for reporting and follow-up to reestablish compliance. The CPUC PM will assign the incident a noncompliance level and issue a noncompliance report to Zayo. Zayo must track all noncompliance incidents and document the incidents and implementation of corrective actions in their monthly reports).

Examples of noncompliance incident levels are provided under the subheadings below. CPUC uses the following levels to categorize the severity of noncompliance incidents:

*Minor Compliance Incident:* A minor compliance incident is an action that only slightly or partially deviates from Project requirements and does not impact, or have the potential to impact, environmental resources. Examples include the one-time use of an unapproved, pre-existing access road or failure to properly maintain an erosion or sediment control structure, but the structure remains functional. Repeated minor compliance incidents resulting from the same action or individual may result in elevating the noncompliance level.

*Noncompliance Level 1:* A Level 1 noncompliance incident is an action that deviates from Project requirements or results in the partial implementation of the environmental measures but does not impact, or have the potential to impact, environmental resources. Examples include failing to properly maintain an erosion control structure, resulting in minor runoff that does not impact a sensitive resource, or work or staging of materials outside of approved work limits where the incident is within a previously disturbed area, such as a gravel lot.

*Noncompliance Level 2:* A Level 2 noncompliance incident is an action that deviates from Project requirements or environmental measures that results in minor impacts, or has the potential to result in minor impacts, to environmental resources. Examples include construction activities occurring within an exclusion zone with indirect impacts to sensitive species or significant cultural or paleontological resources that can be rectified or halted before causing permanent damage. A noncompliance Level 2 may be issued when Level 1 incidents are repeated.

*Noncompliance Level 3:* A Level 3 noncompliance incident is an action that deviates from Project requirements and results in major impacts or has the potential to immediately result in major impacts, to environmental resources. These actions are not in compliance with the environmental measures, permit conditions, and/or approval requirements (e.g., minor Project changes, NTPs), and/or violate local, state, or federal law. Examples include irreparable damage to archaeological sites, destruction of active bird nests, and grading of unapproved vegetated areas. A Level 3 noncompliance notice may also be issued if Level 2 incidents are repeated. Level 3 noncompliance incidents may result in a full or partial Project shutdown following a stop-work order from the CPUC PM.

### **Incident response communication process**

If the issue puts sensitive resources or human health and safety at risk and a stop-work order is warranted, Zayo's LEI will contact the CPUC 3<sup>rd</sup> Party ECM and Zayo's PM immediately, as described further below. If the noncompliance incident does not require immediate resolution, the incident will be discussed in a phone call or email to the Zayo PM or on the weekly conference call.

If the incident is minor and can be easily resolved in the field by providing clarification to construction crews, if it requires immediate action to prevent an easily avoidable but serious environmental impact, or if time is needed to investigate a compliance incident further, the LEI will notify the CPUC PM, who may authorize a temporary hold.

Once the issue is resolved, the CPUC PM will verbally authorize the lift of the hold to Zayo's PM. If the issue is not fully resolved and may require further action or management discussions, the CPUC PM may issue a stop-work order or initiate a stand-down.

If while on-site Zayo environmental monitors/PMs are unaware of the issue or are aware of an issue but do not act within a reasonable time period to resolve it, the CPUC 3<sup>rd</sup> Party Compliance Monitors may record the noncompliance in their reports. Level 1 incidents are generally "issued" in the site inspection form but may also be identified by compliance monitors during review of monitoring reports. Level 2 or 3 incidents require consultation with the CPUC PM and are issued in separate formal reports to Zayo.

Zayo should contact the CPUC 3<sup>rd</sup> Party ECM immediately for serious noncompliance incidents and report minor noncompliance incidents via email and possibly a phone call. The CPUC 3<sup>rd</sup> Party ECM will send an email notification to the Zayo PM to ensure tracking of the incident. The CPUC will not typically issue a noncompliance notice for a minor or Level 1 self-reported incident. Noncompliance incident reporting is described in additional detail below.

Following the initial discovery or report, the CPUC 3<sup>rd</sup> Party PM may request photographs, a written incident description, and other relevant information from Zayo staff concerning the cause and potential resolution of the issue. The CPUC 3<sup>rd</sup> Party PM will direct Zayo to submit the information via email or through a formal noncompliance report according to the incident severity. The CPUC 3<sup>rd</sup> Party PM may issue a follow-up noncompliance report from the CPUC for the same incident.

All noncompliance incidents must be described and tracked in Zayo's monthly report to the CPUC PM. For serious noncompliance incidents, the CPUC PM may issue a stop-work order as described below. Work

will be suspended within the affected area until a resolution can be planned and the CPUC PM authorizes the resumption of construction activities in writing.

A stand-down may be initiated by the CPUC PM, or Zayo. In this case, work will be halted temporarily to discuss a current compliance concern and/or re-align compliance activities as appropriate.

Issues that are not resolved within the length of time agreed upon by Zayo and the CPUC PM will be subject to further noncompliance notices and potential stop-work orders.

Serious or emergency compliance incidents that occur on the weekend or after normal business hours (8:00 a.m. to 5:00 p.m.) will be addressed by staff identified as emergency contacts on the Project Contact List (Appendix A).

Permitting agencies may require notification if there is an incident that relates to an agency's jurisdiction over the Project. Zayo shall be responsible for notifications to permitting agencies and shall provide copies of official notifications and submittals sent to other agencies to the CPUC. If the CPUC finds that a notification to another agency is required, the CPUC may direct Zayo to notify the other agency.

### **Construction Halts and Stop-Work Orders**

Several scenarios may occur during Project construction for which the LEI may need to communicate immediately with field staff to halt construction activity (when it is safe to do so), including the following:

#### ***Temporary Hold***

A temporary hold is a short-term (i.e., less than 8 hours) cessation of construction activities. This hold would be implemented in circumstances where a minor clarification of an environmental measure or resolution of a minor issue by the field compliance crews is necessary to ensure environmental compliance where a resource is at risk, or where a serious environmental infraction could occur without immediate intervention. CPUC would consult with the CPUC PM in the case of a temporary hold, and is authorized to end the hold with clear communication to the Zayo environmental compliance lead and Zayo Field Construction Assistant, if the monitor confirms that environmental compliance will be achieved. Depending on the issue, a temporary hold could transition to a stop-work order (below).

#### ***Stop-Work Order***

In the event of a serious noncompliance or safety issue (e.g., take of a listed species; repeated, high-level noncompliance incidents concerning the same resource; or serious worker injury), the CPUC may elect to issue a stop-work order. The stop-work order would be issued in writing by the CPUC PM and may require work to stop on all or portions of the Project, or on certain construction activities, for a time period determined by the CPUC PM on a case-by-case basis. The stop-work order would also include a timeline for resolution of the situation and any potential recommendations from the CPUC. Resolution of the compliance issue would be communicated in writing by Zayo to the CPUC PM, who would then issue an end to the stop-work order in writing. The applicant would be required to implement any temporary hold or stop-work order in a responsible manner to avoid hazards to public health and safety, as well as to environmental resources. Certain activities cannot be safely halted mid-course, and all work areas must be first safely secured for protection of humans and wildlife prior to complete cessation of work. Additionally,

as appropriate, the applicant should address any serious health or safety issues by calling 9-1-1 immediately.

### ***Construction Stand-Down***

Either the CPUC PM, or Zayo, may initiate a construction stand-down to discuss resolution of a noncompliance or safety issue. A stand-down differs from a stop-work order in that the issue at hand would not immediately result in serious consequences but requires an overall re-alignment of protocols or practices to ensure continued compliance or safety. The stand-down could require work to stop on all, or a portion, of the Project for up to one full day, or until a process and schedule for resolution can be determined by CPUC staff and Zayo. The purpose of the stand-down would be to give Zayo the opportunity to re-train construction personnel, confer with management staff to achieve resolution, and/or discuss an issue with the CPUC PM. As indicated, a stand-down can be a voluntary action by Zayo and should be issued in writing (email is acceptable) with clear timelines and recommendations stated. Resolutions resulting from a stand-down should be submitted in writing to the CPUC PM. A stand-down initiated by Zayo does not require approval by the CPUC to re-start work.

### **Public Complaints**

Zayo shall provide weekly summaries of public complaints, including how each complaint was addressed, within the Weekly Status Report. The CPUC PM will coordinate with Zayo's PM, who will work with Zayo to determine the adequacy of corrective actions or additional measures to be implemented, as necessary.

Public complaints will not reflect negatively on Zayo's environmental compliance record unless a specific Project requirement, permit, or plan requirement was violated.

### **California Environmental Quality Act Citation Program**

Resolution E-4550 (May 9, 2013)<sup>2</sup> created the CEQA Citation Program that authorizes CPUC staff to fine public utilities for noncompliance with CPCNs. The program allows CPUC staff to draft and issue citations and levy fines for noncompliance with a CPCN. CPUC staff will determine whether a fine is appropriate for noncompliance events consistent with Resolution E-4550. Examples of noncompliant activities that may result in fines being issued by CPUC staff include but are not limited to the following:

- Continuing construction after an authorized staff person has required construction to stop
- Starting construction components that have not been approved through an NTP (see Section 3.2.2)
- Violating nest buffer zones;
- Encroachment into an exclusion zone or sensitive resource area designated for avoidance

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<sup>2</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M065/K136/65136746.PDF>

- Grading, foundation, line work, or other ground disturbance without required biological pre-construction surveys or a biological monitor on site
- Use of new access roads, overland travel routes, staging areas, or extra workspaces that have not been approved
- Failure to properly maintain an erosion or sediment control structure
- Working outside of approved work hours
- Project personnel working without training

### **3.3.1.5 Minor Project Refinements**

This section describes the CPUC process for approving minor Project refinements. Minor Project refinements would be strictly limited to changes that do not trigger additional permit requirements, do not increase the severity of an impact or create a new significant impact, and are within the geographic scope of the SB 156 Exemption Report Conditions of Approval. The CPUC PM would evaluate any proposed changes from the approved Project to determine whether they are consistent with approved Decision 23-08-007.<sup>3</sup> If the CPUC determined the changes to be consistent with Decision 23-08-007, a requested change would be processed as a minor Project refinement using the Minor Project Refinement Form (Appendix D).

If a Project change is not consistent with Decision 23-08-007, the applicant would be required to submit a Petition for Modification (PFM). The CPUC would evaluate the PFM to determine if the change is covered under the CPCN or if a revised CPCN and/or Conditions of Approval are required.

Requests for CPUC PM approval of a minor Project refinement must be made in writing and include the following:

- A detailed description of each proposed change, including an explanation of why the change is necessary;
- Identification of the environmental measures, Project parameters, or other Project stipulations for which the change is being requested, and citations for any associated approved documents;
- Photographs, maps, and other supporting documentation illustrating the difference between the existing conditions in the Project area, the approved Project, and the proposed change;
- The potential impacts of the proposed change, including a discussion of each environmental issue area that could be affected by the changes, with accompanying verification that there would be no increase in the severity of identified significant impacts on resources affected by the Project and no new significant impacts after application of previously adopted environmental measure(s);

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<sup>3</sup> Decision (D. 23-08-007) Granting Zayo Group, LLC's request for modification of its existing Certificate of Public Convenience and Necessity and exemption from California Environmental Quality Act Public Resources Code Sections 21000 et. seq, August 10, 2023.

- Whether the change would conflict with any environmental measures;
- Whether the change would conflict with any applicable guideline, ordinance, code, rule, regulation, order, decision, statute, or policy;
- The date of expected construction at the area of proposed change.

The CPUC PM may request additional information, agency consultations, or a site visit in order to process the request. Examples of minor Project refinements that may be approved by the CPUC PM through submittal of a Minor Project Refinement Form include but are not limited to the following:

- Adding a temporary extra work area: the additional work area must be located in a previously disturbed area with no sensitive resources or sensitive land uses adjacent to the proposed area and must not create any new significant impacts or a substantial increase in the severity of a previously identified significant impact;
- Adjusting the alignment of a Project component within the study area that was defined in the original environmental analysis to avoid sensitive resources or effects on homeowners, or adapt to conditions on the ground that vary from the conditions that existed at the time of the original environmental analysis, as long as the adjustment does not create a new significant impact or a substantial increase in the severity of a previously identified significant impact;
- Finalizing the engineering design for a Project component that was not specifically described in the SB156 Exemption Report or that requires adjustments in order to facilitate construction. The finalized design must not create a new significant impact or a substantial increase in the severity of a previously identified significant impact.

### **3.4 Documentation and Submittal Requirements and Records Management**

#### **3.4.1.1 *Electronic Submittals***

All required documentation from Zayo, including plans, permits, reports, and staff qualifications as required by environmental measures, will be maintained by Zayo on a SharePoint site with access to these documents provided to the CPUC. In addition, Zayo shall provide the CPUC with electronic records (i.e., emails, permits, and authorizations) related to final agency approvals for the Project if the CPUC is not directly involved with the coordination effort, pursuant to Public Utilities Code section 314, Zayo must also provide the CPUC with copies of permit amendments and modifications in addition to notifying the CPUC of proposed permit changes. The electronic records may be submitted by email or transmitted via Zayo SharePoint site.

#### **3.4.1.2 *On-Site Documentation***

In addition, copies of the CMCPRP and all applicable plans and permits compiled prior to and during construction (e.g., SWPPP, Traffic Management Plan, etc.) shall be kept on-site (Zayo's construction trailer), and all supervisory staff working on the Project should be familiar with their contents.

### **3.4.1.3 Administrative Record**

The CPUC PM will compile all required documentation submitted by Zayo into the Project's Administrative Record during construction and will confirm that the record is complete after completion of all activities required by the adopted environmental measures. The CPUC PM will also use this documentation to create a final environmental compliance report or presentation that will discuss environmental measure implementation and success, with the goal of identifying lessons learned that can be applied to future Projects.

### **3.4.1.4 Public Access**

Through the CPUC's public website for the Project, members of the public may request copies of non-confidential records and reports used to track the monitoring program, and the CPUC PM will send copies of publicly available records and reports to members of the public as requested. Certain mitigation monitoring related documents will be made available on the Project website:

<https://ia.cpuc.ca.gov/environment/info/ecorp/prineville/index.html>.

## **SECTION 4.0      REFERENCES**

California Department of Fish and Wildlife (CDFW). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys



## **LIST OF APPENDICES**

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Appendix A - Project Contact List

Appendix B - Site Inspection Form

Appendix C - Noncompliance Report Form

Appendix D - Minor Project Refinement Form

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## **APPENDIX A**

### Project Contact List

PROJECT CONTACTS				
Name	Position	Email	Phone (Work)	Phone (Mobile)
<i>First/Emergency Contacts:</i>				
<b>Zayo Group, LLC Contacts:</b>				
Dan Barcomb	Project Manager	<a href="mailto:Dan.barcomb@zayo.com">Dan.barcomb@zayo.com</a>	509-727-3345	
Adam Moon	Project Manager	<a href="mailto:Adam.moon@zayo.com">Adam.moon@zayo.com</a>	208-908-0370	
<b>RBC Contacts:</b>				
Bill McCoy	Construction Manager	<a href="mailto:bmccoy@rbc-utility.com">bmccoy@rbc-utility.com</a>	503-432-6591	
<b>Stantec Contacts:</b>				
Steve Towers	Environmental Compliance Manager	<a href="mailto:Steve.towers@stantec.com">Steve.towers@stantec.com</a>	530-280-8359	
Sara Lindberg	Project Manager	<a href="mailto:Sara.lindberg@stantec.com">Sara.lindberg@stantec.com</a>	907-328-9622	
John Cylwik	SWPPP Oversight	<a href="mailto:John.cylwik@stantec.com">John.cylwik@stantec.com</a>	925-296-2163	

Appendix A – Project Contact List – Revision 1

AGENCY CONTACTS					
Name	Title	Office	Email	Phone Number	Role
California Public Utilities Commission					
Connie Chen	Public Utilities Regulatory Analyst	Energy Division	Connie.Chen@cpuc.ca.gov	(415) 703-2124	CPUC Project Manager
Anne Surdzial	Project Manager	ECORP	ASurdzial@ecorpconsulting.com	(909) 557-2983	CPUC Third-Party Project Manager
Brian Marks	Senior Archaeologists	ECORP	<a href="mailto:bmarks@ecorpconsulting.com">bmarks@ecorpconsulting.com</a>	(916)-812-8449	CPUC Third-Party Environmental Compliance Manager
Caltrans					
Austin Buist	Project Manager	Caltrans District 2	<a href="mailto:austin.buist@dot.ca.gov">austin.buist@dot.ca.gov</a>	(530) 908-9734	Project Manager
Dave DeMar	Senior Environmental Planner/Archaeologist	Caltrans District 2	<a href="mailto:David.Demar@dot.ca.gov">David.Demar@dot.ca.gov</a>	(530) 759-3406	Environmental Planner/Cultural Resources
Logan Moore	Landscape Associate	District 2 HQ	<a href="mailto:logan.moore@dot.ca.gov">logan.moore@dot.ca.gov</a>	(530) 759-3477	Revegetation, seed mixes
Lassen County					
Dave Ernaga	Associate Engineer	Lassen County Public Works	<a href="mailto:dernaga@co.lassen.ca.us">dernaga@co.lassen.ca.us</a>	(530) 310-2138	Associate Engineer/Permitting
California Department of Fish and Wildlife					
Amy Henderson	Sr Environmental Scientist	Redding, CA	<a href="mailto:Amy.Henderson@wildlife.ca.gov">Amy.Henderson@wildlife.ca.gov</a>	(530) 598-7194	LSAA/wildlife consultation
Debra Hawk	Sr Environmental Scientist, Supv.	Redding, CA	<a href="mailto:Debra.Hawk@wildlife.ca.gov">Debra.Hawk@wildlife.ca.gov</a>	(530) 510-3601	LSAA consultation
Erika Iacona	Sr Environmental Scientist	Redding, CA	<a href="mailto:Erika.Iacona@Wildlife.ca.gov">Erika.Iacona@Wildlife.ca.gov</a>	(530) 806-1389	LSAA consultation
Matt Mitchell	Sr. Environmental Scientist	Redding, CA	<a href="mailto:matthew.mitchell@wildlife.ca.gov">matthew.mitchell@wildlife.ca.gov</a>	(530) 782-2942	LSAA consultation
Regional Water Quality Control Boards					
Jerred Ferguson	Lead Staff	Central Valley Regional Water Board	<a href="mailto:jerred.ferguson@waterboards.ca.gov">jerred.ferguson@waterboards.ca.gov</a>	(530) 224-4784	SWPPP review

Appendix A – Project Contact List – Revision 1

AGENCY CONTACTS					
Name	Title	Office	Email	Phone Number	Role
Michael Crook	Lead Staff	Central Valley Regional Water Board	<a href="mailto:Michael.Crook@Waterboards.ca.gov">Michael.Crook@Waterboards.ca.gov</a>	(530) 224-3295	SWPPP review
Jim Carolan	Lead Staff	Lahontan Regional Water Board	<a href="mailto:Jim.Carolan@waterboards.ca.gov">Jim.Carolan@waterboards.ca.gov</a>	(530) 542-5477	SWPPP review
Bureau of Land Management					
Tara McLain	Realty/NEPA Lead	OR/WA State Office	<a href="mailto:tlmclain@blm.gov">tlmclain@blm.gov</a>	(541) 573-4462	BLM Project Manager
Devin Snyder	Archaeologist	Applegate Field Office, Alturas Stn.	<a href="mailto:dlsnyder@blm.gov">dlsnyder@blm.gov</a>	(530) 233-4666	Paleo coordinator
Adam Crowther	Archaeologist	Eagle Lake Field Office	<a href="mailto:acrowther@blm.gov">acrowther@blm.gov</a>	(530) 257-0456	Paleo coordinator
Shannon Goshen	Archaeologist	Sierra Front Field Office	<a href="mailto:sgoshen@blm.gov">sgoshen@blm.gov</a>	(775) 885-6000	Paleo coordinator
Todd Forbs	District Manager	Prineville District office	<a href="mailto:tforbes@blm.gov">tforbes@blm.gov</a>	(541) 947-6100	BLM Project Manager
US Forest Service					
Penni Borghi	Heritage Program Manager, Tribal Liaison	Deschutes and Ochoco NF	<a href="mailto:penni.borghi@usda.gov">penni.borghi@usda.gov</a>	(458) 218-5559	Acting NEPA PM
US Fish and Wildlife Service					
Viola Randall	Senior Realty Specialist	Regional Office (Sacramento)	<a href="mailto:viola_randall@fws.gov">viola_randall@fws.gov</a>	(916) 206-1183	Modoc Wildlife Refuge permit

Appendix A – Project Contact List – Revision 1

<b>AGENCY CONTACTS</b>					
<b>Name</b>	<b>Title</b>	<b>Office</b>	<b>Email</b>	<b>Phone Number</b>	<b>Role</b>
Stacy Freitas	Project Lead	Modoc National Wildlife Refuge	<a href="mailto:stacy_freitas@fws.gov">stacy_freitas@fws.gov</a>	(530) 233-3572	Project Lead
Bureau of Indian Affairs					
Dan Hall	Regional Archaeologist	Pacific Region Office (Sacramento)	<a href="mailto:harold.hall@bia.gov">harold.hall@bia.gov</a>	(916) 978-6041	Tribal consultation
Julie Hector	Realty Specialist	No. California Agency (Redding)	<a href="mailto:Julie.Hector@bia.gov">Julie.Hector@bia.gov</a>	(530) 223-7971	Reservation Lands Compliance
Note: CPUC = California Public Utilities Commission; LSAA = Lake or Streambed Alteration Agreement; NEPA = National Environmental Polity Act; SWPPP = Stormwater Pollution Prevention Plan					



# ZAYO PRINEVILLE TO RENO PROJECT

## CPUC SITE INSPECTION FORM

<b>Project:</b>	Zayo Prineville To Reno	<b>Date:</b>			
<b>Project Proponent:</b>	Zayo Group, LLC	<b>Report #:</b>			
<b>Lead Agency:</b>		<b>Monitor(s):</b>			
<b>CPUC PM:</b>		<b>AM/PM Weather:</b>			
<b>Project NTP(s):</b>					
SITE INSPECTION CHECKLIST			Yes	No	N/A
<b>WEAP Training</b>					
Has WEAP training been completed by all new hires (construction and monitors)?					
<b>Erosion and Dust Control (Air and Water Quality)</b>					
Have temporary erosion and sediment control measures been installed?					
Are erosion and sediment control measures properly installed and functioning?					
Is mud tracked onto paved public roadways cleaned up in accordance with the Project's SWPPP?					
Is dust control being implemented (i.e., access roads watered, haul trucks covered, streets cleaned on a regular basis)?					
Are work areas being effectively watered prior to excavation or grading?					
Is excessive fugitive dust leaving the work area?					
<b>Equipment</b>					
Are all vehicles observed maintaining a speed limit of 15 mph on unpaved roads?					
Are all vehicles/equipment observed arriving on-site clean of sediment or plant debris?					
Are vehicles/equipment turned off when not in use?					
<b>Work Areas</b>					
Is exclusionary fencing or flagging in place to protect sensitive biological or cultural resources?					
Are vehicles, equipment, and construction personnel staying within approved work areas and on approved roads?					
Are all excavations and trenches covered at the end of the day?					
Are ramps installed at 100-foot intervals with ramps not exceeding 2:1 slopes?					
<b>Biology</b>					
Have pre-construction surveys been completed for biological resources as appropriate?					



Appendix B – Site Inspection Form

SITE INSPECTION CHECKLIST	Yes	No	N/A
<b>WEAP Training</b>			
Are biological monitors present on-site?			
Are appropriate measures in place to protect sensitive habitat and/or drainages (i.e., flagging, signage, exclusion fencing, biological monitor, appropriate buffer distance enacted)?			
Have wildlife been relocated from work areas?			
Have impacts occurred to adjacent habitat (sensitive or non-sensitive)?			
Were any threatened or endangered species observed? If yes, list observations below:			
Are there wetlands or water bodies present near construction activities?			
Have there been any work stoppages for biological resources?			
<b>Cultural and Paleontological Resources</b>			
Are identified cultural/paleo resources that will not be relocated/salvaged clearly marked for exclusion?			
Are archaeological and paleontological monitors on-site if needed?			
Are appropriate buffers maintained around sensitive resources (e.g., cultural sites)?			
Have there been any work stoppages for cultural/paleo resources?			
<b>Hazardous Materials</b>			
Are hazardous materials stored appropriately?			
Are procedures in place to prevent spills and accidental releases?			
Are appropriate fire prevention and control measures in place?			
Is contaminated soil properly handled or disposed of, if applicable?			
<b>Work Hours and Noise</b>			
Are night lighting reduction measures in place, as needed?			
Is construction occurring within approved hours?			
Are noise control measures in place within 100 feet of sensitive receptors as needed?			
<b>PROJECT FACILITIES AND FEATURES MONITORED</b>			

SITE INSPECTION CHECKLIST	Yes	No	N/A
<p><b>DESCRIPTION OF OBSERVED ACTIVITIES</b> (i.e., environmental measures of particular focus or concern, construction activity, any discussions with first-party monitors or construction crews)</p>			
<p><b>ENVIRONMENTAL MEASURES VERIFIED</b> (Refer to CMCRP, e.g., EM BIO-5. Report only on Ems pertinent to your observations today)</p>			
<p><b>RECOMMENDED FOLLOW-UP</b> (i.e., items to check on next visit, minor issues to resolve)</p>			
<p><b>COMPLIANCE SUGGESTIONS OR ADDITIONAL OBSERVATIONS</b> (i.e., suggestions to improve compliance on-site, environmental observations of note)</p>			
<p><b>COMPLIANCE SUMMARY</b>                      Check all applicable boxes below to indicate new conditions or issues that have occurred since your last visit. Note this information on the monitoring datasheet and document with photographs.                      New biological or cultural discovery requiring compliance with environmental measures, permit conditions, etc.                      Potential compliance incident(s) observed. Document incident(s) and potential for environmental resources to be impacted.  <input type="checkbox"/> New noncompliance issues reported by Zayo monitors since your last visit. Describe issues and resolution under “compliance suggestions or additional observations” (above) and include Zayo report identification number.</p>			
<p><b>PREVIOUS NONCOMPLIANCE ITEMS REQUIRING FOLLOW-UP OR RESOLVED TODAY:</b></p>			

<b>REPRESENTATIVE SITE PHOTOGRAPHS</b>			
<b>Date</b>	<b>Location</b>	<b>Photo</b>	<b>Description</b>

<b>REPRESENTATIVE SITE PHOTOGRAPHS</b>			
<b>Date</b>	<b>Location</b>	<b>Photo</b>	<b>Description</b>

REPRESENTATIVE SITE PHOTOGRAPHS			
Date	Location	Photo	Description

Completed by:	
Firm:	
Date:	

Reviewed by:	
Firm:	
Date:	



## ZAYO'S PRINEVILLE TO RENO PROJECT CONSTRUCTION NONCOMPLIANCE REPORT

Incident Date: \_\_\_\_\_ Report No.: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_ Location: \_\_\_\_\_  
Level: \_\_\_\_\_ Relevant Plan/Measure: \_\_\_\_\_  
Current Land Use: \_\_\_\_\_ Sensitive Resources: \_\_\_\_\_

Description of Incident:

Pertinent Plans/Permits/Environmental measures:

Proposed Resolution:

Recommended timeline for follow-up:

Appendix C – Noncompliance Report Form

Approvals	Date	Name (print)	Signature	Comments
CPUC Project Manager (if applicable)				
Zayo Project Manager (if applicable)				

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

Noncompliance Level	Example
A Level 1 noncompliance incident is an action that deviates from Project requirements or results in the partial implementation of the environmental measures but has not caused, nor has the potential to cause, impacts on environmental resources.	<ul style="list-style-type: none"> <li>i. Failure to implement adequate dust control measures, resulting in no impact on resources</li> <li>ii. Improperly installed, repaired, or maintained erosion or sediment control devices (with no resultant harm to sensitive resources or release of sediment to waters)</li> <li>iii. Inadvertent minor incursion into exclusion area, resulting in no harm to sensitive biological or cultural resources</li> <li>iv. Work outside the approved work limits where the incident is within a previously disturbed area, such as a gravel lot</li> </ul>
A Level 2 noncompliance incident is an action that deviates from Project requirements or environmental measures and has caused, or has the potential to cause, minor impacts on environmental resources.	<ul style="list-style-type: none"> <li>i. Work without appropriate permit(s) or approval</li> <li>ii. Failure to properly maintain an erosion or sediment control structure, but the structure remains functional, and results in minor impacts on resources (e.g., water courses)</li> <li>iii. Working outside of approved hours</li> <li>iv. Repeated documentation of Level 1 incidents</li> </ul>
A Level 3 noncompliance incident is an action that deviates from Project requirements and has caused, or has the potential to cause, immediate and major impacts on environmental resources. These actions are not in compliance with the environmental measures, permit conditions, approval requirements (e.g., minor Project changes, NTP), and/or violate local, state, or federal law.	<ul style="list-style-type: none"> <li>i. Construction activities occurring in an exclusion zone with direct impacts to sensitive or endangered species, cultural resources, human remains, or an archaeological site</li> <li>ii. Imminent danger or documented impact to a sensitive or threatened and endangered species</li> <li>iii. Repeated deviations from required environmental measures/requirements that have been documented as Level 2 incidents</li> <li>iv. Improper installation of erosion or sediment control structures resulting in substantial sedimentation or impacts to water quality or putting sensitive resources at risk</li> </ul>

**APPENDIX D**

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Minor Project Refinement Form



# ZAYO’S PRINEVILLE TO RENO PROJECT

## CPUC MINOR PROJECT REFINEMENT FORM

[with instructions]

**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 based on criteria used in the SB156 Exemption Report, create a new significant impact, are located within the geographic boundary of the study area of the SB156 Exemption Report, and that do not conflict with any environmental measure or applicable law or policy.

<b>Date Requested:</b> [date that form is submitted to CPUC Project Manager]	<b>Report No.:</b> [CPUC Project Manager fills in]
<b>Date Approved:</b> [date CPUC project manager sends the approved form back to applicant]	<b>Approval Agency:</b> [consider whether another agency or municipality must approve the requested change]
<b>Property Owner(s):</b>	<b>Location/Milepost:</b>
<b>Land Use/Vegetative Cover:</b>	<b>Sensitive Resources:</b> [Any resource that could be affected, directly or indirectly, by this action even if environmental measures will reduce these impacts to less than significant]

**Modification From:**

<b>Permit</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <b>Environmental Measure</b>	<input type="checkbox"/> <b>Other</b>
<b>Plan/Procedure</b>	<b>Specification</b>	<b>Drawing</b>			

[What document contained the official workplan, construction description, environmental measure, or engineering drawing for this Project component or activity? Include this document title in the description below. Consider whether this change differs from that description]. Describe how Project refinement deviates from current Project. Include photos.

What to include in this section:

- Original Condition: A concise description of the existing condition as it is originally described and approved (e.g., NTP, engineering specifications, Final Environmental Assessment/IS/Mitigated Negative Declaration)—i.e., how did the applicant originally intend to build this/do this?
- Justification for change: A concise description of and justification for the change requested – i.e., what happened to make the change necessary?
  - These descriptions should be detailed enough and include enough background so that a person unfamiliar with the Project should be able to follow the narrative about what the original plan was and why the new plan is needed instead

- The description should be in layman’s terms to the extent possible. Be as specific as possible. The vaguer the language, the more conditions may need to be added to account for omissions. Avoid logic leaps
- Maps and Figures: The exact location(s)/Project component(s) the change will affect. Include dimensions, if applicable. A map and/or figure is usually extremely helpful. Make sure the map is at a readable scale. Ideally, the map should be based on the most current Project map and show other Project components, survey areas, underlying topography, etc.
- Environmental Impact: Demonstrate that the applicant has considered how this change will affect environmental/cultural resources. List EMs, plans, permits, etc. that were reviewed in order to ensure that this change will not result in significant impacts
- Include analyses demonstrating that projected impacts will not be significant (e.g., narrative justification, tables, figures, calculations, etc.). Base this analysis on what was previously analyzed in the NTP, SB156 Exemption Report, etc.
- Concurrence (if appropriate): Demonstrate that the applicant has considered whether other agencies, municipalities, utilities, etc. would need to provide concurrence with this MPM. If so, either provide anticipated contact/approval schedule, or provide dates/contact reports/emails with approvals.

<b>Resources:</b>			
<b>Biological</b>	<input type="checkbox"/> No Resources Present	<input type="checkbox"/> Resources Present	<input type="checkbox"/> N/A, Change would not affect resources
<b>Previous Biological Survey Report Reference:</b> [Include dates of original “baseline” surveys (from SB156 Exemption report analysis) to prove that the areas/practices were previously analyzed. Include more recent pre-construction sweeps, if applicable, to prove that the applicant has an understanding of what resources are currently present in this new area or could be impacted by this new practice.]			
<b>Cultural</b>	<input type="checkbox"/> No Resources Present	<input type="checkbox"/> Resources Present	<input type="checkbox"/> N/A, Change would not affect resources
<b>Previous Cultural Survey Report Reference:</b>			
<b>Disturbance Acreage Changes:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Original disturbance acreage:</b>		<b>New disturbance acreage:</b>	<b>Original disturbance acreage:</b>
<b>SB156 Exemption Report Section</b>	<b>Applicable</b>	<b>(Y) Define potential impact or (N) briefly explain why SB 156 Exemption Report section isn’t applicable. If (Y), describe original and new level of impact, and environmental measures to be taken.</b> [Add notes to specify whether agency consultation is necessary, and if so, provide brief summary of that consultation.]	

Appendix D – Minor Project Refinement Form

<b>Resources:</b>		
Geology, Soils, and Seismic	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Hazardous Materials and Waste	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Hydrology	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Cultural Resources	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Traffic and Circulation	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Agency Consultation?	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N
Air 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
Aesthetics/ Visual Resources	<input type="checkbox"/>	Y
	<input type="checkbox"/>	N

<b>Resources:</b>				
Agency Consultation?	<input type="checkbox"/>	Y		
	<input type="checkbox"/>	N		
Vegetation and Wildlife	<input type="checkbox"/>	Y		
	<input type="checkbox"/>	N		
Agency Consultation?	<input type="checkbox"/>	Y		
	<input type="checkbox"/>	N		
<b>Approvals</b>	<b>Date</b>	<b>Name (print)</b>	<b>Signature</b>	
Zayo Project Manager				Reviewed
CPUC Project Manager				Approved with conditions (see below) Denied
<b>For CPUC Compliance Manager Use Only</b>				
<b>Refinement Approved</b>		<b>Refinement Denied</b>		<b>Beyond Authority</b>
<b>Conditions of Approval or Reason for Denial:</b>				
<b>Prepared by:</b>			<b>Date:</b>	