

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:

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

Prepared by: _____ Date: _____

Noncompliance Level	Example
<p>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.</p>	<ul style="list-style-type: none"> i. Failure to implement adequate dust control measures, resulting in no impact on resources ii. Improperly installed, repaired, or maintained erosion or sediment control devices (with no resultant harm to sensitive resources or release of sediment to waters) iii. Inadvertent minor incursion into exclusion area, resulting in no harm to sensitive biological or cultural resources iv. Work outside the approved work limits where the incident is within a previously disturbed area, such as a gravel lot
<p>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.</p>	<ul style="list-style-type: none"> i. Work without appropriate permit(s) or approval 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) iii. Working outside of approved hours iv. Repeated documentation of Level 1 incidents
<p>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 APMs, environmental measures, permit conditions, approval requirements (e.g., minor Project changes, NTP), and/or violate local, state, or federal law.</p>	<ul style="list-style-type: none"> i. Construction activities occurring in an exclusion zone with direct impacts to sensitive or endangered species, cultural resources, human remains, or an archaeological site ii. Imminent danger or documented impact to a sensitive or threatened and endangered species iii. Repeated deviations from required environmental measures/requirements that have been documented as Level 2 incidents iv. Improper installation of erosion or sediment control structures resulting in substantial sedimentation or impacts to water quality or putting sensitive resources at risk

South West Elevation

☀ 73°NE (T) ● 41.88887, -120.340987 ±8m ▲ 1455m



Photo 1: View of HDD at MP 54. The detector to the right shows approximate location of drill





Photo 2: HDD at MP 54 with no obvious flagging. White flagging indicating bore entry and approximate exit





To: California Public Utilities Commission From: Alyssa Bell
Principal Paleontologist
Stantec Consulting Services Inc.

Project: Zayo's Prineville to Reno Project Date: April 4, 2024

Reference: Response to Construction Noncompliance Report (Report No. 1); Milepost 54

Stantec Consulting Services Inc. (Stantec) has prepared this after-action report to document site conditions following the Level 1 noncompliance at Milepost (MP) 54, when drilling occurred on March 26, 2024 in a paleontological monitoring area without a paleontological monitor present.

Following this incident, on April 2, 2024, Joshua Broussard, M.S., a Stantec paleontological monitor, conducted paleontological monitoring of drilling activities at Milepost (MP) 54. In addition to the paleontological monitoring, Mr. Broussard conducted a post-action site assessment of the vicinity where unmonitored work occurred to collect data on site conditions and if it could be reasonably determined if fossils were present.

Mr. Broussard observed that the drill entry position was located in a disturbed area, in a graveled roadbed. The drilled area was visible as a depression approximately 2 feet in length, 6 inches in width, and 1 inch in depth filled with the same modern fill gravel as the rest of the work area at the starting location for the borehole. Mr. Broussard was unable to determine the extent of unmonitored drilling beyond the surface location of starting borehole. No spoils or drilling mud were observed at this surface disturbance. No fossils were observed in the roadbed or in the nearby alluvial sediments.

Due to the previous disturbance at the surface of the drilling area and vicinity, it is unlikely that fossils were present at the surface of the work area. Because bore tailings or spoils are not produced during the methodology employed by RBC, Stantec cannot determine if fossils were impacted in the subsurface by the unmonitored work on March 26.

STANTEC CONSULTING SERVICES INC.

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Attachment: Figure plates

Reference: Response to Construction Noncompliance Report (Report No. 1); Milepost 54

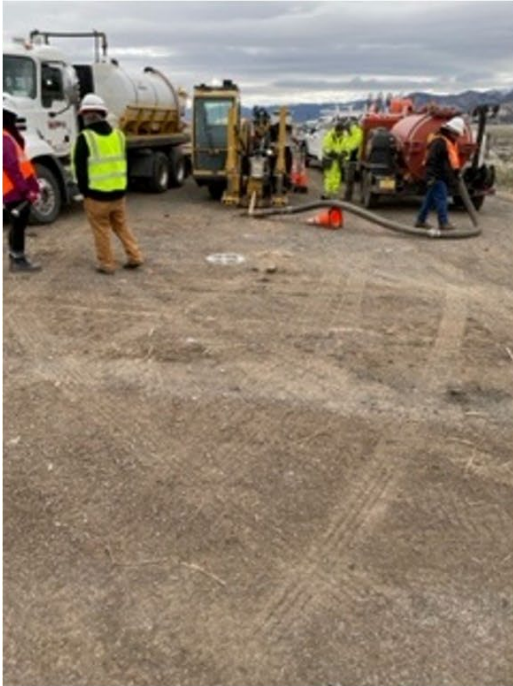


Figure 1. Overview of work area (MP54) where direct drilling occurred without a paleontological monitor present.