

PROJECT REPORT

**TO: ENVIRONMENTAL EVALUATION
COMMITTEE**

AGENDA DATE: September 26, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 2

PROJECT TYPE: CUP #24-0015 - Zayo Group, LLC. SUPERVISOR DIST: #3

LOCATION: 1941 Jessup Rd APN: 051-120-074

Imperial, CA 92251 PARCEL SIZE: ±46.00 AC.

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A

ZONE (existing) A-2 (General Agricultural) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 09/26/2024

INITIAL STUDY: #24-0024

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS
AG COMMISSIONER
APCD
DEH/E.H.S.
FIRE / OES
OTHER

NONE
 NONE
 NONE
 NONE
 NONE

Imperial Irrigation District

ATTACHED
 ATTACHED
 ATTACHED
 ATTACHED
 ATTACHED

REQUESTED ACTION:

(See Attached)

Planning & Development Services
801 MAIN ST., EL CENTRO, CA 92243 442-265-1736
(Jim Minnick, Director)

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ECC ORIGINAL PKG

- NEGATIVE DECLARATION**
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**CUP #24-0015
Initial Study #24-0024
Zayo Group, LLC.**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
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September 2024

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting with the proposed project (Refer to Exhibit "A" & "B").

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade the quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the

principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents, which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (30-days if submitted to the State Clearinghouse for a project of area-wide significance) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than significant impact or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in

preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”.
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a policy-level, project level analysis. Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared

for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to affects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the “Final Environmental Impact Report and Environmental Assessment for the “County of Imperial General Plan EIR” prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly

describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. Environmental Checklist

1. **Project Title:** Conditional Use Permit (CUP) #24-0015
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Luis Valenzuela, Planner II, (442)265-1736, ext. 1749
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** luisvalenzuela@co.imperial.ca.us
6. **Project location:** 1941 Jessup Rd, Imperial, CA 92251, The property is also known as Assessor's Parcel Number (APN) 051-120-074.
7. **Project sponsor's name and address:** Zayo Group, LLC. 16 Middle Street, 4th floor, Portland, ME 04101
8. **General Plan designation:** Agriculture
9. **Zoning:** A-2 (General Agricultural)

10. **Description of project:** The applicant, Zayo Group LL., is proposing an unmanned fiber hut which will house servers and ancillary equipment. The project is located on Jessup Road, in the County of Imperial, California. The subject property is described as Parcel 3 PM 1812 of Lots 3 4 & 6 Section 10 16-12 46.08AC containing 46.00 acres. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator. The installation of the new hut will house optical fiber in support of telecommunications, telephones signals, internet connection and cable television signals. This is not a traditional wireless telecommunication site, there will be no antennas or radios mounted to the building or any free-standing structure.

The proposed project timeline to complete is from approximately six (6) to seven (7) weeks. The proposed unmanned fiber hut will consist of civil grading/approach, concrete foundation, and installation of a precast building and generator pad with generator. The site construction and electrical will be approximately two (2) to three (3) weeks to complete and one week for the fiber installation.

11. **Surrounding land uses and setting:** The project is surrounded by parcels zoned as A-2 (General Agricultural) to the North; parcels zoned as A-2 (General Agricultural) to the South; parcels zoned as A-2 (General Agricultural) to the West; and parcels zoned as A-2 (General Agricultural) to the East.

12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): Planning Commission.

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Consultation letters were sent to the Quechan and Campo Band of Mission Indian Tribes on July 9, 2024, but no comments have been received to this date.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology /Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>EEC VOTES</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

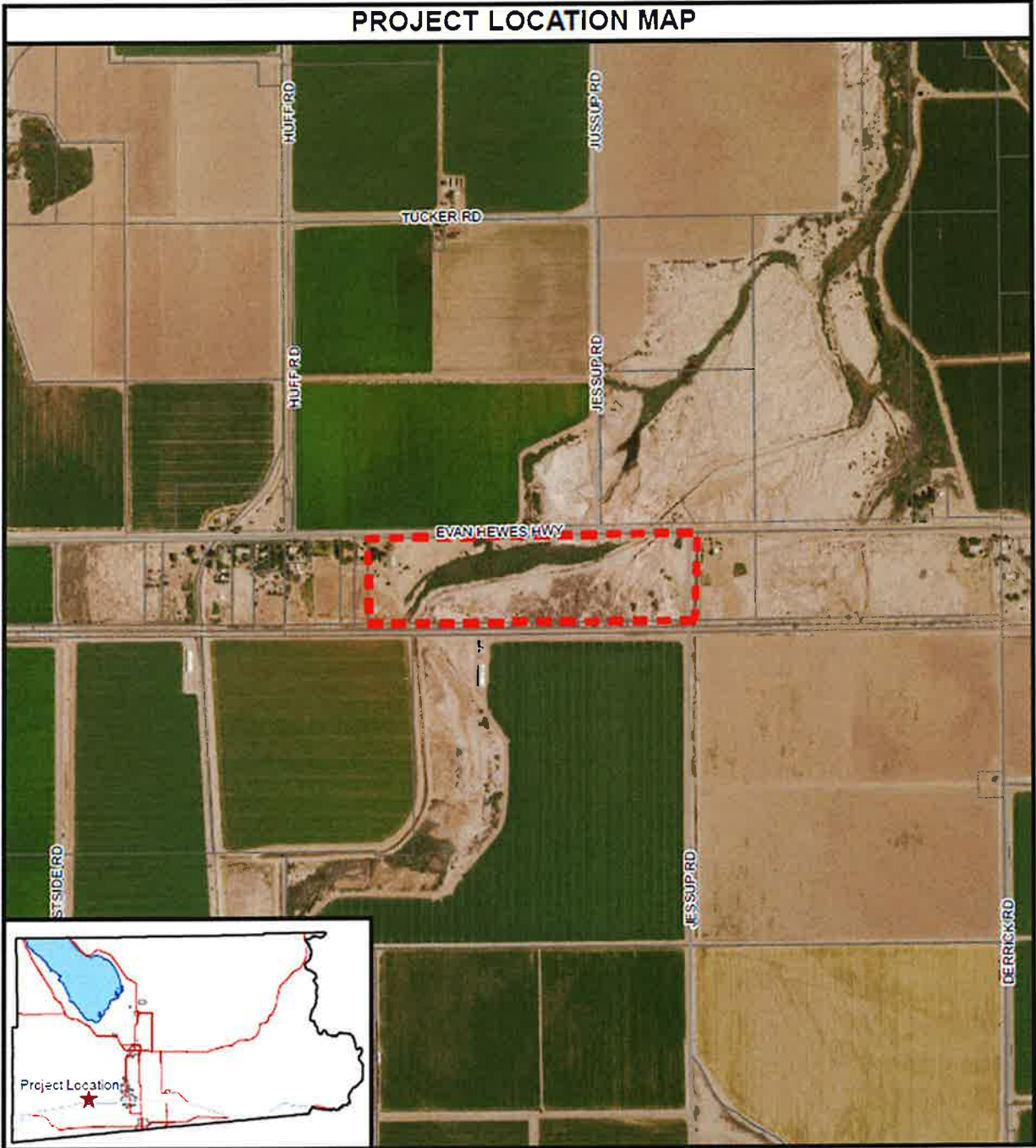
Jim Minnick, Director of Planning/EEC Chairman

Date:

PROJECT SUMMARY

- A. Project Location:** The project is located at 1941 Jessup Rd, Imperial, CA 92251; Assessor's Parcel Number: 051-120-074.
- B. Project Summary:** The applicant, Zayo Group, LLC., proposes an unmanned fiber hut which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11 and an emergency stand-by-generator.
- C. Environmental Setting:** The proposed project parcel is generally flat, located on Jessup Road in the County of Imperial, CA, and currently vacant land. Surrounding parcel uses are General Agricultural. The City of El Centro is located approximately 7.10 miles east of the project site.
- D. Analysis:** Under the Land Use Element of the Imperial County General Plan, the project site is designated as "Agriculture." It is classified as A-2 (General Agricultural) per Zone Map #9 of the Imperial County Land Use Ordinance (Title 9). Initial Study #24-0024 will analyze any impacts related to the proposed project. The project is located on a portion of Assessor's Parcel Number 051-120-074, per Title 9 Land Use Ordinance, Division 8, Chapter 1, Section 90801.02 (J), communication equipment is exempt from the Subdivision Map Act, which allows the applicant to lease a portion of land from the landowner. This project could be found consistent with the Imperial County Land Use Ordinance with the approval of a Conditional Use Permit.
- E. General Plan Consistency:** The project is located within the County's General Plan designation of "Agriculture." The site is currently zoned A-2 (General Agricultural). The proposed project is consistent with the General Plan and County Land Use Ordinance, Section 90508 (r), with an approved Conditional Use Permit.

Exhibit "A"
Vicinity Map



Zayo Group, LLC.
Fiber Optic building
CUP #24-0015
APN 051-120-074-000



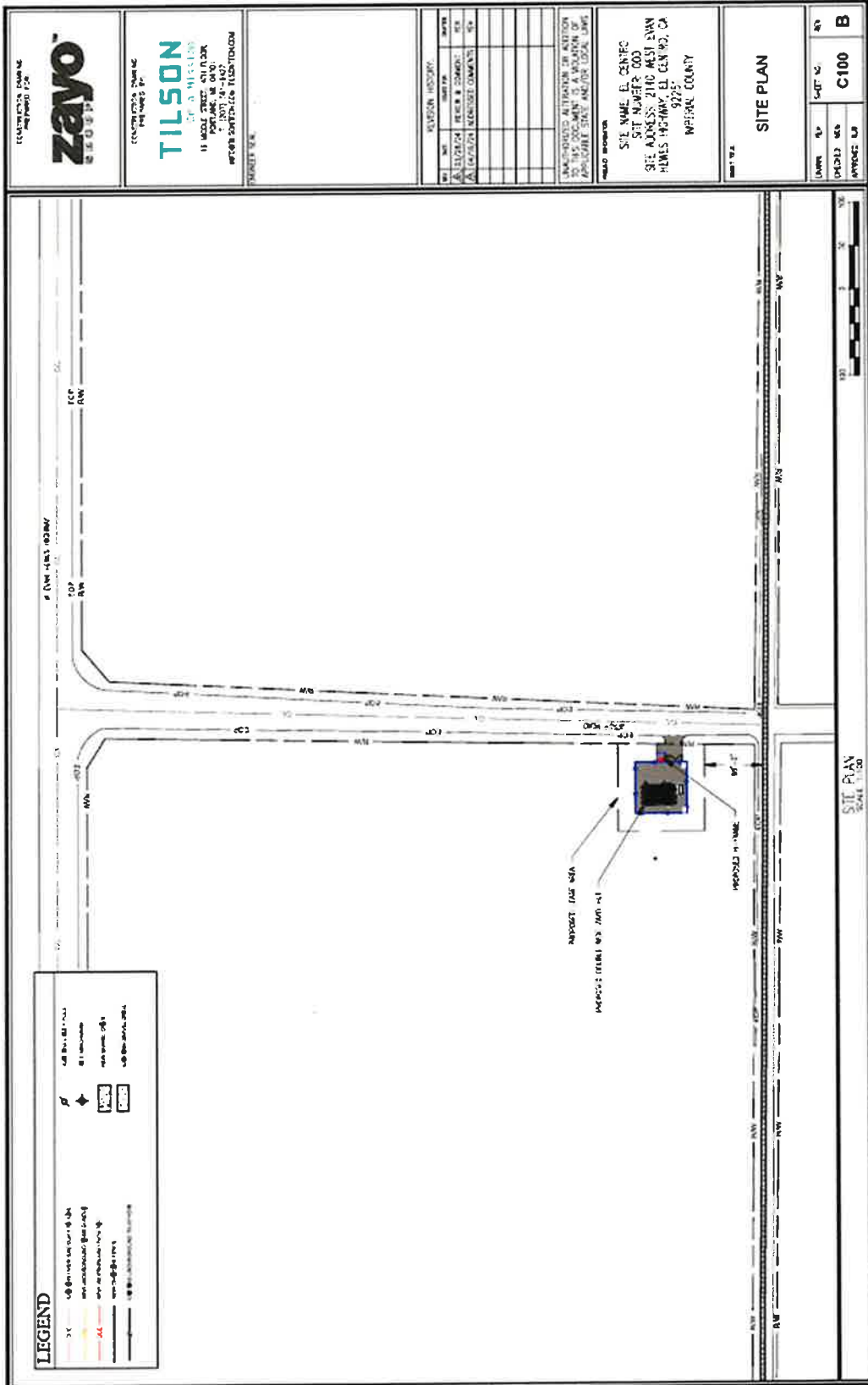
 Project Location
 Centerline
 Parcels



Exhibit "B"

Site Plan/Tract Map/etc.



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?

a) The project site is not located near any scenic vista or scenic highway according to the Imperial County General Plan Circulation and Scenic Highway Element¹. No impacts are expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) As previously stated on section (I)(a), the proposed project is not located near a scenic vista or state scenic highway; therefore, it will not damage scenic resource including trees, outcropping, and historical buildings within a state scenic highway. No impacts are expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

c) The proposed project is consistent with current zoning and land uses in the surrounding parcels. The site is zoned for agriculture uses and has been previously impacted by those uses. Therefore, a less than significant impact is expected.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) The proposed project is for an unmanned fiber hut which will house servers and ancillary equipment. The unmanned fiber hut will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator. However, lighting will be required to be shielded to avoid light spill and glare. It is not expected that a new source of substantial light or glare would adversely affect day or nighttime views in the area; therefore, the impact is considered to be less than significant impact.

MM BIO-[A]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

a) The proposed project site is listed as "Other Land" per the California Farmland Mapping & Monitoring Program: Imperial County Important Farmland 2018 Map². Therefore, the proposed project will not convert any type of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No impacts are expected.

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? b) The County of Imperial has no current active Williamson Act contracts; therefore, the proposed project is not expected to conflict with existing zoning for agricultural use, or a Williamson Act Contract. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? c) The proposed project is consistent with the zoning, and it is not located within a forestland or timberland; therefore, it is not expected to conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 5114(g)). No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? d) The proposed project is not located in a forest land, therefore, it is not expected to result in the loss of forest land or conversion of forest land to non-forest. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? e) The proposed project is for an unmanned fiber hut which will house servers and ancillary equipment. The unmanned fiber hut will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator. The construction of the fiber hut site would not cause changes to the existing environment resulting in conversion of farmland, to non-agriculture use or conversion of forest to non-forest use. Therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

iii. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?
a) The proposed project is for the construction of an unmanned fiber hut, and it is not expected to conflict with or obstruct implementation of the applicable air quality plan. For any construction and earthmoving, the applicant must adhere to Air District Rules and Regulations. The applicant and all developments must comply with all Air District Rules & Regulation VII-Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. Adherence and compliance to ACPD's rules and regulations will bring any impacts to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
b) As previously stated under item (III)(a) above, any construction shall comply with the rules and regulations of the Imperial County Air Pollution Control District, therefore, it is not expected that the proposed project would substantially contribute to an existing or projected air quality violation. Therefore, any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutants concentrations?
c) The proposed project is not expected to expose sensitive receptors to substantial pollutants concentrations during the construction of the fiber hut. However, any exposure would be temporary and would be lessened by adhering to Air Pollution Control District's rules and regulations. Compliance with ACPD's requirements, rules and regulations would bring any potential impacts to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?
d) As previously stated on item (III)(c) above, the proposed project does not anticipate creating objectionable odors that would adversely affect a substantial number of people. Also, as previously stated on item (III)(b) above, compliance with | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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ACPD's requirements, rules, and regulations and adhering to the California Building Code, would bring any impacts to less than significant levels.

IV. **BIOLOGICAL RESOURCES** *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

a) The proposed project site is located within disturbed land. According to the Imperial County General Plan's Conservation and Open Space Element⁴, Figure 1 "Sensitive Habitat Map^{4a}," the project is not located within a sensitive habitat area. Additionally, in accordance to Figure 2 "Sensitive Species Map^{4b}," the project is located within the Burrowing Owl Species Distribution Model area. Consequently, it does not appear to have a substantially adverse effect, either directly or through habitat modification, or to any species identified as a candidate, sensitive, or of special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service. Any future developments on site, the applicant shall contact ICPDS; therefore, any impacts are expected to be less than significant. Per the California Department of Fish and Wildlife (CDFW) comment letter dated October 21, 2024, significant impact to biological resources including nesting birds and burrowing owls and therefore recommend the following mitigation measures.

BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

BIO-[B]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed

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implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

It is expected to compliance with these mitigation measures would bring any impacts to less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b) According to the Imperial County General Plan's Conservation and Open Space Element⁴, the project site is not within a sensitive or riparian habitat, or on other sensitive natural community. Additionally, the majority of land will remain as agricultural; therefore, it does not appear to have a substantial effect in local regional plans, policies, and regulations with respect to sensitive natural communities or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Any impacts are expected to be less than significant.**
- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- c) As previously stated on item (IV)(b) above, the proposed project is for an unmanned fiber hut that is not located within a riparian habitat and which will not cause a substantial adverse effect on federal protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Any impacts are expected to be less than significant.**
- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- d) The proposed project site is for the construction of the unmanned fiber hut which will house servers and ancillary equipment. Additionally, as previously stated on item (IV)(b) above, the project site is not located within a Sensitive Habitat; therefore, it would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Any impacts are expected to be less than significant.**
- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?
- e) The proposed project does not conflict with any local policy or ordinance protecting biological resources, such as tree preservation policies or ordinances. No impacts are expected.**
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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f) The proposed project is for an unmanned fiber hut and is not within a designated sensitive area according to the Imperial County General Plan's Conservation and Open Space Element⁴, therefore, it would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Any impacts are expected to be less than significant.

V. **CULTURAL RESOURCES** *Would the project:*

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
a) According to the Imperial County General Plan's Conservation and Open Space Element ⁴ , Figure 5, the project site is not located within an "Area of Heightened Historic Period Sensitivity ^{4c} ." Additionally, the proposed project will not appear to cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5 (Determining the Significance of Impacts to Archeological and Historical Resources). Also, on July 09, 2024, the County emailed the Quechan Tribes a request for any comments regarding this project; The County of Imperial has not received any comments to this date. The site is already disturbed by existing agricultural operations with no documented nor known historical resources. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
b) The proposed project is located on already disturbed land with existing agricultural operations with no documented nor known archeological resources. The proposed project is not likely to cause a substantial adverse change to any archeological resource. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?
c) As previously stated on items (V)(a) and (V)(b) above, the proposed project site is not located within or adjacent to any cemeteries; therefore, the proposed project would not disturb any human remains, including those interred outside of dedicated cemeteries. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

VI. **ENERGY** *Would the project:*

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
a) The proposed project is for an unmanned fiber hut which will provide state-of-the-art infrastructure to support telecommunications, telephone signals, internet connections and cable television signals. Therefore, it will not result in potentially significant environmental impact due to wasteful, insufficient, or unnecessary consumption of energy resources, during the project construction or operation. Should any new habitable construction occur, said developments would require compliance with the latest edition of the California Building Code and a new building permit application with the Imperial County Planning and Development Services Department. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
b) As previously stated in item (VI)(a) above, the proposed project is for an unmanned fiber hut, therefore, any developments will require compliance with the latest energy efficiency and renewable energy standards and regulations. Therefore, the proposed project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

VII. **GEOLOGY AND SOILS** *Would the project:*

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
a) The construction of the proposed fiber hut does not appear to conflict with the geology and soil of adjacent parcels in the area. Any development to occur on the parcel, will be subject to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Therefore, the proposed project would not directly or indirectly cause potential substantial adverse effects regarding impacts to geology and soils. Any expected are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?</p> <p>1) Although the most recent Alquist-Priolo Earthquake Fault Zoning Map⁶ does not include the proposed project site within any Earthquake Fault Zones, and approximately is 13 miles away northwest of Wienert Fault according to the California Fault Activity Map⁷ and the United States Geological Survey's Quaternary Faults Map⁸. However, Imperial County is classified as Seismic Zone D per the Uniform Building Code, which requires that any developments within this zone to incorporate the most stringent earthquake resistant measures. Any development to occur on the parcel, such will be subject to compliance with the latest edition of the California Building Code as well as to go through an administrative building permit review. Adherence and compliance to these standards and regulations would bring any impacts to less than significant levels.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2) Strong Seismic ground shaking?</p> <p>2) As previously stated on item (VII)(a)(1) above, the proposed project is located approximately 13 miles away northwest of the Wienert Fault, indicating seismic ground shaking is expected. Adherence to the latest edition of the California Building Code and as well as to going through a ministerial building permit review would bring any impacts to less than significant levels.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>3) Seismic-related ground failure, including liquefaction and seiche/tsunami?</p> <p>3) The project site is not located in a seiche/tsunami area per the California Tsunami Data Maps⁹. Any impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>4) Landslides?</p> <p>4) According to Imperial County General Plan's Seismic and Public Safety Element¹⁰, "Landslide Activity Map^{10a}," Figure 2, the proposed project is not located within a landslide activity area. The topography within the proposed project site is generally flat; therefore, no impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p> <p>b) According to Imperial County General Plan's Seismic and Public Safety Element¹⁰, "Erosion Activity Map^{10b}," Figure 3, the proposed project is not located within an area of substantial soil erosion. Any impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?</p> <p>c) The proposed project site is not located on a geological unit that would become unstable or collapse as a result of the proposed fiber hut. Any construction to occur on the parcel, such will be subject to compliance with the latest edition of the California Building Code and will require a building permit. Adherence and compliance to these standards and regulations would bring any impacts to less than significant levels.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?</p> <p>d) The proposed project is not located on an expansive soil area. However, as previously stated on section (VII)(c), any new developments will require adherence and compliance to the California Building Code, as well as to go through a ministerial building permit review which would bring any impacts to less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</p> <p>e) The proposed project is for the construction of an unmanned new fiber hut. No septic tanks or other alternative wastewater disposal systems are proposed. Thus, there is no potential for adverse impacts to result from inadequate soils in this regard. Any future construction proposing any septic or alternative wastewater disposal systems shall comply with applicable standards and regulations from the Imperial County Public Health Department, Division of Environmental Health. Adherence and compliance to these standards would bring any impacts to less than significant levels.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Directly or indirectly destroy a unique paleontological resource</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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or site or unique geologic feature?

f) The project site is located on already disturbed land. The proposed project does not appear to directly or indirectly destroy a unique paleontological resource or site of unique geologic feature on site. Any impacts are expected to be less than significant.

VIII. GREENHOUSE GAS EMISSION *Would the project:*

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

a) The proposed project is located in an already disturbed land; therefore, the action is not expected to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Adherence and compliance to ACPD's rules and regulations will bring any impacts to less than significant.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) The proposed project would not conflict with an applicant plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The proposed project site is located on an already disturbed land. Therefore, less than significant impacts are expected.

IX. HAZARDS AND HAZARDOUS MATERIALS *Would the project:*

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

a) The proposed project is not expected to create a significant hazard to the public nor the environment as it does not involve the handling of any hazardous materials. No impacts are expected.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

b) The proposed fiber hut is not expected to create a significant hazard to the public nor environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment as no hazardous materials are anticipated as part of the project. No impacts are expected.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

c) The proposed project does not anticipate the emitting of hazardous emissions, or the handling of hazardous or acutely hazardous materials, substances, or waste as previously stated on items (IX)(a) and (IX)(b) above. Additionally, the project site is not located within a ¼ mile of any schools. The nearest school in the area is Seeley Union School, which is approximately 1.5 miles northeast of the proposed project site; therefore, it would not represent a risk to educational facilities. No impacts are expected.

- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

d) The proposed project is not located on a site included on a list of hazardous materials sites according to California Department of Toxic Substances Control EnviroStor¹³; therefore, no impacts are expected.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

e) The proposed project is not located within an airport land use plan per Imperial County Airport Land Use Compatibility

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Maps¹⁴. The nearest airport in the area is the NAF Airport located approximately 3.8 miles northeast of the project site; therefore, it would not result or create a significant hazard or excessive noise for people residing or working in the project area. No impacts are expected.

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| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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f) The proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan. The applicant will meet any requirements requested by the Fire/OES Department. No impacts are expected.

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| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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g) According to Cal Fire "Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵" adopted November 7, 2007, the proposed project site is located within an unincorporated Local Responsibility Area. Any construction that occurs on the parcel, may be subject to the inclusion of fire sprinklers and have either a private water or public source as pressurized hydrants for fire suppression. Compliance with ICFD standards would bring any impacts to less than significant levels.

X. HYDROLOGY AND WATER QUALITY Would the project:

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| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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a) The proposed project is for the construction of a new fiber hut and would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, any impacts are expected to be less than significant.

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| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) As previously stated on item (X)(a) above, the proposed construction of the new fiber hut does not expect to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Any impacts are expected to be less than significant.

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| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

c) The proposed project is located approximately 23.5 miles south of the Salton Sea, and it does not anticipate to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces. Any impacts are expected to be less than significant.

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| (i) result in substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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(i) According to Imperial County General Plan's Seismic and Public Safety Element¹⁰, "Erosion Activity Map^{10b}," Figure 3, the proposed project site is not located within an area of substantial soil erosion or siltation on- or off-site. Therefore, any impacts are expected to be less than significant.

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| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

(ii) As previously stated on item (X)(c)(i) above, the proposed site is not expected to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. Compliance with Imperial County Public Works Department would bring any impacts to less than significant.

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| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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(iii) The proposed project does not anticipate creating or contributing runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. As previously stated on item (X)(c) above, any proposed grading will require drainage review and approval from the Imperial County Public Works Department. Compliance with Imperial County Public Works Department standards would ensure that any runoff water impacts would be reduced to less than significant levels.

(iv) impede or redirect flood flows?

(iv) According to the Federal Emergency Management Agency (FEMA) Flood Map Service Center¹⁷, Flood Insurance Rate Map, the proposed project site is located within "Zone X" of flood map 06025C1700C, effective September 26, 2008. Therefore, compliance with ICPWD's standards regarding drainage would bring any impacts to be less than significant levels.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

d) The proposed project is for the construction of a new fiber hut; therefore, impacts related to risk release of pollutants due to project inundation are considered to be low. Additionally, as previously stated on item (X)(c)(iv) above, even though the proposed project site is located within "Zone X" of flood map 06025C1700C, compliance with ICPWD's standards would contribute to lessen any impacts to less than significant levels.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

e) The proposed project is for the construction of a new fiber hut, which is not expected to conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. As previously stated on item (X)(c) above, the proposed project would require a grading letter approved by the Imperial County Public Works Department. Any impacts are expected to be less than significant.

XI. **LAND USE AND PLANNING** *Would the project:*

a) Physically divide an established community?

a) The proposed project is for the construction of a new unmanned fiber hut which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator, which would not physically divide an established community; therefore, it does not anticipate changing the existing land use designation nor zoning; therefore, no impacts are expected.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) As previously stated on item (XI)(a) above, the proposed project is consistent with the Imperial County General Plan and the County's Land Use Ordinance. The project is not located in or conflicts with habitat conservation or natural community conservations area or plans. The proposed project is located in an A-2 zoned and will not physically divide an established community. Therefore, no impacts are expected.

XII. **MINERAL RESOURCES** *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

a) The proposed project does not anticipate the removal of mineral resources, and it is not located within the boundaries of an active mine per Imperial County General Plan's Conservation and Open Space Element⁴, "Existing Mineral Resources Map^{4e}" Figure 8. No impacts are expected.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

b) The proposed project will not result in the loss of availability of locally-important mineral resources recovery site delineated on a local general plan, specific plan or other land use plan. No impacts are expected.

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XIII. **NOISE** *Would the project result in:*

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

a) The proposed project is for the construction of a new unmanned fiber hut that would not result in the generation of temporary or permanent noise beyond that which already occurs on the site. However, any construction occurs, such action would be subject to the Imperial County General Plan's Noise Element¹⁸ which states that construction equipment operation shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and from 9 a.m. to 5 p.m. on Saturday. Additionally, construction noise from a single piece of equipment or combination, shall not exceed 75 dB Leq when averaged over an eight (8) hour period. Compliance with Imperial County General Plan's Noise Element would bring any impacts to less than significant. Per the CDFW letter dated October 21, 2024 there is concern that construction noise could impact fish and wildlife along the Alamo River habitat and recommend the following mitigation measure:

MM BIO-[E]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

b) The proposed project is for the construction of a new unmanned fiber hut; it is not expected to generate excessive ground-borne vibration or noise. Therefore, less than significant impacts are expected.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

c) The proposed project site is not located within the vicinity of a private airstrip; therefore, no impacts are expected.

XIV. **POPULATION AND HOUSING** *Would the project:*

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

a) The proposed project would not induce a substantial unplanned population growth in an area, either directly or indirectly. Therefore, no impacts are expected.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

b) The proposed unmanned fiber hut will not displace substantial numbers of people necessitating the construction or replacement housing elsewhere; no impacts are expected.

XV. **PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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acceptable service ratios, response times or other performance objectives for any of the public services:

a) The proposed project is for the construction of a new unmanned fiber hut. Additionally, it is not anticipated that the project would result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios. Any impacts would be less than significant.

1) Fire Protection?

1) The proposed unmanned fiber hut is not expected to result in substantial impacts on fire protection. Any construction or development may be subject to fire sprinklers and to have either a private or public source of water for fire suppression purposes such as pressurized hydrants. Compliance with ICFD would bring any impacts to less than significant.

2) Police Protection?

2) The proposed unmanned fiber hut is not expected to result in substantial impacts on police protection. Both the California Highway Patrol and Sheriff's Office have active policing and patrol operations in the area. Any impacts are expected to be less than significant.

3) Schools?

3) The proposed unmanned fiber hut is not expected to have a substantial impact on schools and would not require additional school services. Any impacts are expected to be less than significant.

4) Parks?

4) The proposed project is not expected to have a substantial impact on parks and would not increase demand/use for local parks. Any impacts are expected to be less than significant.

5) Other Public Facilities?

5) The proposed project would not appear to put an increased burden on off-site public services, including existing fire, police, school and other governmental services. Therefore, no impacts are expected.

XVI. RECREATION

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

a) The proposed project is for the construction of a new unmanned fiber hut. Subsequently, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Any impacts are expected to be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

b) As mentioned above in XVI a); the proposed project is for the construction of a new unmanned fiber hut and would not appear to include an expansion of recreational facilities; therefore, any impact is expected to be less than significant.

XVII. TRANSPORTATION *Would the project:*

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

a) The proposed project is for the construction of a new unmanned fiber hut and is not expected to create a substantial impact on surrounding roads nor conflicting with Imperial County General Plan's Circulation and Scenic Highway Element¹. However, any new impacts would appear to be less than significant.

b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) The proposed project will not conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b) as it is not expected to have a significant transportation impact within transit priority areas with no proposed change on the existing land use. Additionally, the proposed project site is not located within ½ mile of either an existing major transit stop or a stop along an existing high quality transit corridor. Less than significant impacts are expected.				
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The existing agricultural use on the proposed project site is compatible with the Imperial County General Plan Land Use Designation and the site design is not expected to increase hazards. Therefore, any impacts are expected to be less than significant.				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The proposed project would not result in inadequate emergency access. Additionally, no change on existing land use nor zoning are proposed. All on-site traffic areas exist with at least all-weather access for fire protection vehicles. The proposed project will not affect the existing emergency access. Less than significant impacts are expected.				

XVIII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) According to the Imperial County General Plan's Conservation and Open Space Element^{4d}, Figure 6, the proposed project site is not located within any known Native American cultural sensitivity area. Additionally, the County has reached out the appropriate tribes with potential interest in the area. On July 9, 2024, AB52 letter was sent to the Quechan Indian Tribes and Campo Band of Mission Indian Tribes for consultation, no comments were received until this date. Therefore, less than significant impacts are expected.				
b) (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) According to the California Historic Resources¹⁹ in Imperial County, the proposed project site is not listed or seem to be eligible under the Public Resources Code Section 21074 or 5020.1 (k); therefore, any impacts are expected to be less than significant.				
0 (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) No significant resources listed as defined in the Public Resources Code Section 5024.1 are expected to be impacted by the proposed project. Any impacts are expected to be less than significant.				

XIX. UTILITIES AND SERVICE SYSTEMS *Would the project:*

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>a) The proposed project is for the construction of a new unmanned fiber hut and will create a small number of temporary construction jobs. No wastewater or water services will be needed for the proposed project. Therefore, no impacts are expected.</p>				
<p>b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? b) As previously stated on section (XIX) (a) there will not be a need for wastewater or water services; therefore, the project would not require or result in the construction of new water or water treatment facilities or expansion of existing facilities; therefore, no impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? c) The proposed project is not expected to result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to provider's existing commitments. Neither water nor wastewater will be part of the project, only water during construction; therefore, no impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? d) The proposed project is for the construction of a new unmanned fiber hut; the project does not propose to increase the generation of solid waste. No impact is expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? e) All proposed projects within the County shall contract with a licensed waste hauler for waste generated by the facility. The proposed project shall comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Any impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XX. **WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

<p>a) Substantially impair an adopted emergency response plan or emergency evacuation plan? a) As previously stated on item (X)(g) – “Hazards and Hazardous Materials” above, per Cal Fire’s “Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵” adopted November 7, 2007, the proposed project site is located within an unincorporated Local Responsibility Area (LRA) with the closest Very High Fire Hazard Severity Zone (VHFHZ) located approximately 23.5 miles South, from the Salton Sea, on the Borrego Springs Fire Protection District in the County of San Diego. Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Less than significant impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? b) As previously stated on item (XX)(a) above, the proposed project is not located within a Very High Fire Hazard Severity Zone (VHFHZ); therefore, impacts due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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c) The proposed project is for the construction of a new unmanned fiber hut and does not appear to adversely affect either the existing operations on the property or impact infrastructure. Therefore, a less than significant impacts are expected.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

d) The proposed project site is generally flat and moderately sloped terrain. Additionally, as previously stated on item (XX)(a) above, the proposed project is not located within a Very High Fire Hazard Severity Zone per Cal Fire’s “Fire Hazard Severity Zones in State Responsibility Areas – Imperial County”¹⁵; therefore impacts related to exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes are considered to be less than significant.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
 Revised 2011- ICPDS
 Revised 2016 – ICPDS
 Revised 2017 – ICPDS
 Revised 2019 – ICPDS

SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planning Division Manager
- Luis Valenzuela, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District
- Quechan Indian Tribe

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

1. Imperial County General Plan: Circulation and Scenic Highway Element
<https://www.icpds.com/assets/planning/circulation-scenic-highway-element-2008.pdf>
2. California Farmland Mapping & Monitoring Program: Imperial County Important Farmland Map 2018
<https://maps.conservation.ca.gov/DLRP/CIFF/>
3. Imperial County Air Pollution Control District comment letter dated August 29, 2022
4. Imperial County General Plan: Conservation and Open Space Element
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
 - a) Figure 1: Sensitive Habitat Map
 - b) Figure 2: Sensitive Species Map
 - c) Figure 5: Areas of Heighten Historic Period Sensitivity Map
 - d) Figure 6: Known Areas of Native American Cultural Sensitivity Map
 - e) Figure 8: Existing Mineral Resources Map
5. Quechan Indian Tribe comment email dated August 16, 2022
6. California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones
<https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=32.538703%2C-110.920388%2C6.00>
7. California Department of Conservation: Fault Activity Map
<https://maps.conservation.ca.gov/cgs/fam/>
8. United States Geological Survey's Quaternary Faults Map
<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>
9. California Tsunami Data Maps
<https://www.conservation.ca.gov/cgs/tsunami/maps>
10. Imperial County General Plan: Seismic and Public Safety Element
<https://www.icpds.com/assets/planning/seismic-and-public-safety.pdf>
 - a) Figure 2: Landslide Activity Map
 - b) Figure 3: Erosion Activity Map
11. United States Department of Agriculture- Natural Resources Conservation Service: Soils Map
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
12. Imperial County Department of Environmental Health comment email dated September 15, 2022
13. California Department of Toxic Substances Control: EnviroStor
<https://www.envirostor.dtsc.ca.gov/public/>
14. Imperial County Airport Land Use Compatibility Map: Calexico International Airport
<https://www.icpds.com/assets/planning/calexico-international-airport.pdf>
15. Cal Fire: Fire Hazard Severity Zones Maps – Imperial County
https://osfm.fire.ca.gov/media/6680/fhszs_map13.pdf
16. Imperial Irrigation District comment email dated September 6, 2022
17. Federal Emergency Management Agency (FEMA) Flood Map Service Center: Flood Insurance Rate Map
<https://msc.fema.gov/portal/search?AddressQuery=851%20pitzer%20road%20heber%20ca#searchresultsanchor>
18. Imperial County General Plan: Noise Element
<https://www.icpds.com/assets/planning/noise-element-2015.pdf>
19. California Historic Resources: Imperial County
<https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>
20. Imperial County Fire Department comment email dated September 15, 2022
21. City of Calexico Development Services Department email dated September 16, 2022
22. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.

VI. NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: Conditional Use Permit (CUP) #24-0015 / Initial Study #24-0024

Project Applicant: Zayo Group, LLC.

Project Location: 1941 Jessup Road, Imperial, CA 92251

Description of Project: The applicant is proposing an unmanned fiber hut which will house servers and ancillary equipment. The unmanned fiber hut will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by generator. The installation of the new hut will house optical fiber in support of telecommunications, telephones signals, internet connection and cable television signals. This is not a traditional wireless telecommunication site, there will be no antennas or radios mounted to the building or any free-standing structure.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing this Negative Declaration based upon the following findings:

The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.

The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A **MITIGATED NEGATIVE DECLARATION** will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

Applicant Signature

Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

COMMENTS

EEC ORIGINAL PKG

AIR POLLUTION CONTROL DISTRICT



RECEIVED

By Imperial County Planning & Development Services at 8:06 am, Jul 25, 2024

July 22, 2024

Jim Minnick, Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

SUBJECT: Conditional Use Permit 24-0015 – Zayo Group LLC

Dear Mr. Minnick,

The Imperial County Air Pollution Control Districts (Air District) thanks you for the opportunity to comment on the Conditional Use Permit (CUP) 24-0015 (Project). The project proposes an approximately 35'x23' prefabricated structure to serve as an unmanned fiber hut to house servers and ancillary equipment; the project will also include an emergency stand-by generator. The project is located at 1941 Jessup Rd., Imperial also identified as Assessor's Parcel Number 051-120-074.

Upon reviewing its records, the Air District was unable to identify an Air District permit for the location. The Air District informs the applicant that use of combustion equipment such as the emergency stand-by generator may require an Air District permit. The applicant must submit an application and pay the review fee so an Air District permitting engineer can begin review of the project. The applicant should coordinate with an Air District permitting engineer to provide all project designs and equipment information for the review to adequately determine the permitting requirements of the project.

The Air District also reminds the applicant the project must comply with all Air District rules and regulations and the Air District would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity.

Finally, the Air District requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found online for your review at <https://apcd.imperialcounty.org/rules-and-regulations/> and the permitting forms can be found at <https://apcd.imperialcounty.org/engineering/>. Should you have any questions please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



Ismael Garcia

Environmental Coordinator



Reviewed by,

Monica N. Soucier

APC Division Manager



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July 9, 2024

RECEIVED

By Imperial County Planning & Development Services at 4:41 pm, Jul 09, 2024

Mr. Luis Valenzuela
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Zayo Group Telecom Conditional Use Permit #24-0015

Dear Mr. Valenzuela:

On this date, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit No. 24-0015. The applicant, Zayo Group, LLC; proposes to install an unmanned prefabricated fiber hut at 1941 Jessup Road, Imperial, California (APN 051-120-074) which will house servers and ancillary equipment to support telecommunications, telephone signals, internet connections and cable television signals. The 35' by 23' and 11'11" tall structure will have an emergency stand-by generator.

The IID has reviewed the application and has the following comments:

1. The applicant has already submitted a formal application to the district for the project's electrical service requirement. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.
4. The applicant will be required to provide and bear all costs associated with acquisition of rights of way, easements, and infrastructure relocations deemed necessary to accommodate street or road improvements imposed by the municipality or County.
5. The applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project as well

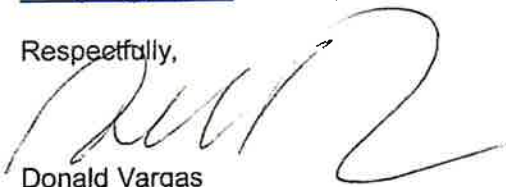
EEC ORIGINAL PKG

as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.

6. Physical changes to IID water facilities or their use are not indicated in the CUP at this time. However, if impacts to IID's water facilities should result, the IID's Water Department must be contacted regarding encroachments.
7. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at the website <https://www.iid.com/about-iid/department-directory/real-estate>. No foundations or buildings will be allowed within IID's right of way. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
8. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Paul Rodriguez – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent General, Fleet Services and Reg. & Environ. Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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Luis Valenzuela

From: Andrew Loper
Sent: Thursday, July 11, 2024 11:51 AM
To: Luis Valenzuela
Cc: Diana Robinson; Michael Abraham; David Lantzer
Subject: RE: Request for Comments- Conditional Use Permit #24-0015 APN 051-120-074

My apologies, Imperial County Fire Department does NOT have any comments at this time for CUP24-0015.

Andrew Loper
Imperial County Fire Department
Lieutenant/Fire Prevention Specialist
2514 La Brucherie Road, Imperial CA 92251
Office: 442-265-3021
Cell: 760-604-1828

From: Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>
Sent: Thursday, July 11, 2024 10:53 AM
To: Andrew Loper <AndrewLoper@co.imperial.ca.us>
Cc: Diana Robinson <DianaRobinson@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: RE: Request for Comments- Conditional Use Permit #24-0015 APN 051-120-074

Good morning Mr. Loper,

Just for the record, does fire department has comments for CUP#24-0015?

Thank you.

Luis Valenzuela
Planner II
Imperial County Planning & Development Services Dept.
801 Main St.
El Centro, CA 92243
☎(442) 265-1736
☎(442) 265-1735 (Fax)
www.icpds.com luisvalenzuela@co.imperial.ca.us



From: Andrew Loper <AndrewLoper@co.imperial.ca.us>
Sent: Thursday, July 11, 2024 10:06 AM
To: Kamika Mitchell <kamikamitchell@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>; Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>; Jenyssa Gutierrez <jenyssagutierrez@co.imperial.ca.us>; Kayla Henderson <kaylahenderson@co.imperial.ca.us>; Laryssa Alvarado <laryssaalvarado@co.imperial.ca.us>; Olivia Lopez

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Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

July 09, 2024
REQUEST FOR REVIEW
AND COMMENTS

The attached project and materials are being sent to you for your review and as an early notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

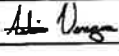
- | To: County Agencies | State Agencies/Other | Cities/Other |
|--|---|---|
| <input checked="" type="checkbox"/> County Executive Office – Miguel Figueroa/ Rosa Lopez | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert Benavidez/Fred Miramontes/Ryan Kelley | <input checked="" type="checkbox"/> IID – Donald Vargas |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay/ David Dale | <input checked="" type="checkbox"/> Board of Supervisors – Michael Kelley- District 3 | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/ Sal Flores/Robert Malek/ David Lantzer |
| <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> Ag. Commissioner – /Margo Sanchez/Antonio Venegas/ Ashley Jauregui/ Jolene Jauregui | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Jorge Perez/Sheila Vasquez |
| | <input checked="" type="checkbox"/> Campo Band Of Mission Indians - Marcus Cuero/Jonathan Mesa | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen Leon/Jesus Ramirez |

From: Luis Valenzuela Planner II - (442) 265-1736 or luisvalenzuela@co.imperial.ca.us
Project ID: CUP24-0015 APN 051-120-074
Project Location: 1941 Jessup Rd, Imperial CA 92251

Project Description: The applicant proposes an unmanned fiber hut which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11 and an emergency stand- by generator.

Applicants: Zayo Group, LLC
Comments due by: **July 24th, 2024 at 5:00PM**

COMMENTS: *(attach a separate sheet if necessary)* (if no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)
No Comment

Name: Antonio Venegas Signature:  Title: Agricultural Biologist/Standards Specialist IV
Date: 07/19/2024 Telephone No.: (442) 265-1500 E-mail: antoniovenegas@co.imperial.ca.us

LV:\KMS:\AllUsers\APN0511120\074\CUP24-0015 IS24-0024\COMMENT LETTERS\Request for Comments 07 08 24.docx

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



RECEIVED

By Imperial County Planning & Development Services at 4:36 pm, Oct 21, 2024

October 21, 2024
Sent via e-mail

Luis Valenzuela, Planner II
Imperial County Planning and Development Services
801 Main Street
El Centro, CA 92243
LuisValenzuela@co.imperial.ca.us

CUP#24-0015, Zayo Group LLC (PROJECT)
NEGATIVE DECLARATION (ND)
SCH# 2024100044

Dear Luis Valenzuela:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an ND from Imperial County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Zayo Group LLC

Objective: The Project is proposing an unmanned fiber hut that will house servers and ancillary equipment. The addition will consist of a prefabricated structure located along Jessup Road, with a footprint of approximately 35 feet by 23 feet and a height of approximately 12 feet, and an emergency stand-by-generator. The installation will house optical fiber in support of telecommunications, telephones signals, Internet connection, and cable television signals. No antennas or radios will be mounted to the building or any free-standing structure.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Luis Valenzuela, Planner II
Imperial County Planning and Development Services
October 21, 2024
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Location: The Project will be located at 1941 Jessup Road, Imperial, CA 92251; Imperial County; Assessor's Parcel Number (APN) 051-120-074-000, southwest of the intersection of Jessup Road and W Evan Hewes Highway. The Project parcel is approximately 46 acres in size, the Fern Waste flows through the parcel approximately 900 feet west of the Project site and the New River is approximately 0.9 miles east of the Project site. The latitude and longitude for the Project site are 32°47'21.2" N, 115°42'58.2" W.

Timeframe: The ND does not provide any information regarding the timeframe for the proposed Project.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist Imperial County (County) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. The ND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Timing of Construction, and Construction Activities

Initial Study/Negative Declaration (IS/ND) Document, Section #II, Page #8

Issue: CDFW is concerned that the Project description does not provide a complete and accurate description of the Project's timeline, or construction activities. More information is needed regarding the specific construction activities anticipated, as well as the schedule of construction activities for the Project to ensure the impacts of the Project are reduced to a level less than significant.

Specific impact: The ND (p. 8) states that the Project is "proposing an unmanned fiber hut which will house servers and ancillary equipment." However, no further information is provided regarding a construction schedule for the Project or specific construction activities anticipated for this Project. Without a complete Project description regarding the construction schedule, and construction activities, CDFW cannot accurately assess the impacts to biological resources that have potential to occur.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project description, the ND likely provides an incomplete assessment of Project-related impacts to biological resources.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends that Imperial County recirculate a revised Mitigated Negative Declaration (MND) that includes a complete Project description with details regarding the specific construction activities as well as the timeline for all Project activities.

II. Environmental Setting and Related Impact Shortcoming

COMMENT #2: Assessment of Biological Resources

IS/ND Document, Section #IV, Page #16

Issue: The ND does not adequately identify the Project's significant, or potentially significant, impacts to biological resources.

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Specific impact: The ND bases its analysis of impacts to biological resources on the Imperial County General Plan's Conservation and Open Space Element from 2016. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. CDFW is concerned that no recent biological field assessment and no recent focused or protocol-level surveys were performed for the detection of special-status species on the Project site and in the surrounding area. CDFW is concerned about the potential for special-status species to occur on or near the Project site. The California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, or other special-status species have been reported, or have the potential to occur, within a 3-mile radius of the Project area including, but not limited to, the following: **Plants:** chaparral sand-verbena (*Abronia villosa* var. *auritai*); **Reptiles:** Colorado Desert fringe-toed lizard (*Uma notata*); **Birds:** burrowing owl (*Athene cunicularia*), California black rail (*Laterallus jamaicensis coturniculus*), crissal thrasher (*Toxostoma crissale*), Gila woodpecker (*Melanerpes uropygialis*), horned lark (*Eremophila alpestris*), least Bell's vireo (*Vireo bellii pusillus*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma Ridgway's rail (*Rallus longirostris yumanensis*); **Mammals:** American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), Yuma hispid cotton rat (*Sigmodon hispidus eremicus*).

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant. Additionally, the ND should acknowledge that if the Project site is left vacant or left graded and inactive in the interim period between construction phases, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas (e.g., ground squirrels and burrowing owls).

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the ND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the ND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure: To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised MND include the results of recent biological surveys as described in the following mitigation measure, as well as mitigation measures to reduce impacts to less than significant.

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-

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specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for CDFW-recommended MM BIO-[A] through MM BIO-[E].

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Nesting Birds

IS/ND Document, Section #IV, Page #16

Issue: CDFW is concerned that the ND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are reduced to a level less than significant.

Specific impact: The ND (p. 16) states “the majority of land will remain as agricultural.” Agriculture crops in the Imperial Valley of California provide valuable habitat for many resident and migratory birds and are a very important component of the Salton Sea ecosystem (Patten et. al. 2003). The riverine and riparian habitat associated with the Fern Waste throughout the site is suitable for multiple nesting bird species. The New River, which is approximately 0.9 mile east of the Project site is also suitable habitat for multiple nesting bird species. Those nesting bird species (see COMMENT #2: Assessment of Biological Resources) have the potential to be directly or indirectly impacted by the proposed Project activities.

CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Evidence impact would be significant: It is the Project proponent’s responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such

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Page 5

bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the County add the following measure for nesting birds in a revised MND to ensure that impacts to nesting birds are reduced to less than significant:

MM BIO-[B]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #4: Burrowing Owl

IS/ND Document, Section #IV, Page #16

Issue: CDFW is concerned that the ND does not sufficiently identify Project impacts to burrowing owl (*Athene cunicularia*) or ensure that impacts are reduced to a level less than significant.

Specific impact: The ND (p. 16) states that the proposed Project site "is located within disturbed land" and continues "in accordance to Figure 2 "Sensitive Species Map," the [P]roject is located within the Burrowing Owl Species Distribution Model area." CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al. 2003). In addition, burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). In Imperial Valley, burrowing owls are highly dependent on irrigation canals for nesting habitat (Wilkinson and Siegel 2011). CNDDDB/BIOS report occurrences of burrowing owl less than 2.5 miles from the Project site.

Impacts to burrowing owls from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities. CDFW notes that impacts to burrowing owls could also occur outside of the peak nesting season because burrowing owls may start breeding earlier (in January) and because young owls may still be dependent on the adults until later in the fall. In

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 Imperial County Planning and Development Services
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 Page 6

addition, because some burrowing owls are resident in burrows year-round, impacts to this species could also occur outside of the peak nesting season.

Evidence impact would be significant: On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure: CDFW recommends adding a mitigation measure for burrowing owl in a revised MND with specific avoidance and minimization measures to ensure that impacts to burrowing owls are reduced to less than significant. CDFW recommends that prior to commencing Project activities for all phases of Project construction, focused surveys for burrowing owl be conducted for the entirety of the Project site by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). CDFW recommends Imperial County include the following Mitigation Measure in a revised MND:

MM BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows

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Page 7

cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation (2012 or most recent version)*. Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

COMMENT #5: Artificial Nighttime Light

IS/ND Document, Section #1, Page #14

Issue: The ND does not analyze impacts to biological resources from artificial nighttime lighting and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant.

Specific impact: The proposed Project will result in new sources of artificial nighttime lighting adjacent to riverine/riparian habitat and open agricultural land. The ND (p. 14) states: "It is not expected that a new source of substantial light or glare would adversely affect day or nighttime views in the area." The ND indicates that lighting will be shielded; however, no further details are provided. Impacts to biological resources resulting from the use of artificial nighttime lighting during construction and during operation of the Project are not analyzed, and no mitigation measures are proposed. Designs for lighting to be used during operation of the Project should be included in a revised MND, along with details of artificial nighttime lighting to be used during construction. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND.

Evidence impact would be significant: There is riverine/riparian habitat within the area surrounding the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. In addition, the Project is surrounded by agricultural land that may also support wildlife. Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can

Luis Valenzuela, Planner II
Imperial County Planning and Development Services
October 21, 2024
Page 8

disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for artificial nighttime light to negatively impact wildlife, CDFW recommends a revised MND include details of the use of artificial nighttime lighting proposed for construction and operation of the Project and an analysis of impacts to biological resources, as well as specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends Imperial County include the following mitigation measure in a revised MND:

MM BIO-[D]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #6: Construction Noise

Section #XIII, Page #21

Issue: The ND does not include an assessment of the impacts of construction noise on biological resources. Additionally, the ND does not include mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The ND (p. 21) states that "construction noise from a single piece of equipment or combination, shall not exceed 75 dB Leq when averaged over an eight (8) hour period." CDFW is concerned that the ND does not acknowledge or assess the impacts to biological resources that have potential to occur due to construction noise. Direct and indirect impacts may occur to nesting birds and other wildlife using riverine/riparian habitat near the Project site and agricultural land in proximity to the Project site.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised MND

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include a noise impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

MM BIO-[E]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the ND to assist Imperial County in identifying and mitigating Project impacts on biological resources. CDFW concludes that an ND is inappropriate for the Zayo Group Project because it does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the ND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete Project description and a complete assessment of biological resources. The CEQA Guidelines indicate that recirculation is required when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description and a complete assessment of biological resources, be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

Questions regarding this letter or further coordination should be directed to Julia Charpek, Environmental Scientist, at 909.354.0937 or Julia.Charpek@wildlife.ca.gov.

Sincerely,

DocuSigned by:

64F92FFEEFD24C8...
Kim Freeburn

Luis Valenzuela, Planner II
 Imperial County Planning and Development Services
 October 21, 2024
 Page 10

Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW
Heather.Brashear@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
State.clearinghouse@opr.ca.gov

REFERENCES

Barber, J. R., K. R. Crooks, and K. M. Fristrup. 2009. The costs of chronic noise exposure for terrestrial organisms. *Trends in Ecology and Evolution* 25:180-189.

Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98-108.

Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87- 98.

Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162-176.

Francis, C. D., C. P. Ortega, and A. Cruz. 2009. Noise pollution changes avian communities and species interactions. *Current Biology* 19:1415-1419.

Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*.

Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. *Journal of Wildlife Management* 67: 155-164.

Gillam, E. H., and G. F. McCracken. 2007. Variability in the echolocation of *Tadarida brasiliensis*: effects of geography and local acoustic environment. *Animal Behaviour* 74:277-286.

Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*), in A. Poole and F. Gill, editors, *The Birds of North America*, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists' Union, Washington, D.C., USA.

Kight, C. R., and J. P. Swaddle. 2011. How and why environmental noise impacts animals: An integrative, mechanistic review. *Ecology Letters* 14:1052-1061.

Longcore, T., and C. Rich. 2004. Ecological light pollution – Review. *Frontiers in Ecology and the Environment* 2:191-198.

Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130-139.

Patricelli, G., and J. J. L. Bickley. 2006. Avian communication in urban noise: causes and consequences of vocal adjustment. *Auk* 123:639-649.

Patten, Michael & McCaskie, G. & Unitt, Philip. (2003). *Birds of the Salton Sea: Status, biogeography, and ecology*. *Birds of the Salton Sea: Status, Biogeography, and Ecology*.

Quinn, J. L., M. J. Whittingham, S. J. Butler, W. Cresswell, J. L. Quinn, M. J. Whittingham, S. J. Butler, W. Cresswell, and W. Noise. 2017. Noise, predation risk compensation and vigilance in the chaffinch *Fringilla coelebs*. *Journal of Avian Biology* 37:601-608.

Rabin, L. A., R. G. Coss, and D. H. Owings. 2006. The effects of wind turbines on antipredator behavior in California ground squirrels (*Spermophilus beecheyi*). *Biological Conservation* 131:410-420.

Slabbekoorn, H., and E.A.P. Ripmeester. 2008. Birdsong and anthropogenic noise: Implications and applications for conservation. *Molecular Ecology* 17:72-83

Socolar JB, Epanchin PN, Beissinger SR and Tingley MW. 2017. Phenological shifts conserve thermal niches. *Proceedings of the National Academy of Sciences* 114(49): 12976-12981.

Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123-1127. Elsevier Ltd.

Sun, J. W. C., and P. M. Narins. 2005. Anthropogenic sounds differentially affect amphibian call rate. *Biological Conservation* 121:419-427.

Wilkerson, RL and RB Siegel. 2011. Distribution and abundance of western burrowing owls (*Athene cunicularia hypugaea*) in southeastern California. *The Southwestern Naturalist* 56(3): 378-384

Attachment 1: Mitigation Monitoring and Reporting Program (MMRP) for Biological Resources

Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties
Mitigation Measure BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including	Prior to Project construction activities	Imperial County

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 Imperial County Planning and Development Services
 October 21, 2024
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<p>California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.</p>		
<p>MM BIO-[B]: Nesting Birds Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>	<p>No more than 3 days prior to vegetation clearing or ground-disturbing activities</p>	<p>Imperial County</p>
<p>MM BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.</p> <p>For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the</p>	<p>Focused surveys: Prior to the start of Project-related activities</p> <p>Preconstruction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance</p>	<p>Imperial County</p>

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 Imperial County Planning and Development Services
 October 21, 2024
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<p>preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>		
<p>MM BIO-[D]: Artificial Nighttime Light During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p>Throughout construction and the lifetime operations of the Project</p>	<p>Imperial County</p>
<p>MM BIO-[E]: Construction Noise During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.</p>	<p>During all Project construction</p>	<p>Imperial County</p>

APPLICATION

EEC ORIGINAL PKG

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Hernandez Israel & Maria JT	EMAIL ADDRESS	
2. MAILING ADDRESS (Street / P O Box, City, State) 2149 West Evan Hewes Highway, Imperial, CA	ZIP CODE 92251	PHONE NUMBER
3. APPLICANT'S NAME Zayo Group, LLC c/o Tilson Technology Management, Inc	EMAIL ADDRESS MMounphiphak@TilsonTech.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 16 Middle Street, 4th Floor, Portland, ME	ZIP CODE 04101	PHONE NUMBER (714) 837-8761
4. ENGINEER'S NAME Ryan J. Rimmel	CA. LICENSE NO. 77853	EMAIL ADDRESS RRimmel@TilsonTech.com
5. MAILING ADDRESS (Street / P O Box, City, State) 16 Middle Street, 4th Floor, Portland, ME	ZIP CODE 04101	PHONE NUMBER (908) 268-3043
6. ASSESSOR'S PARCEL NO. 051-120-074	SIZE OF PROPERTY (in acres or square foot) 46 acres	ZONING (existing) A-2
7. PROPERTY (site) ADDRESS 2149 West Evan Hewes Highway		
8. GENERAL LOCATION (i.e. city, town, cross street) West of Seeley. Southwest corner of the West Evan Hewes Highway and Jessup Road		
9. LEGAL DESCRIPTION PAR 3 PM 1812 OF LOTS 3 4 & 6 SEC 10 16-12 46.08AC		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	
Installation of a new Zayo Group, LLC hut to house optical fiber in support of telecommunications, telephone signals, internet connection and cable television signals. This is NOT a traditional wireless telecommunication site. There will be no antennas or radios mounted to the building or any free standing structure.	
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant / Undeveloped
12. DESCRIBE PROPOSED SEWER SYSTEM	Not applicable
13. DESCRIBE PROPOSED WATER SYSTEM	Not applicable
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Not applicable
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? site will be unmanned, except during times of routine check up and maintenance

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

MIKE MOONPHIPHAK _____
Print Name Date
[Signature] _____
Signature Date

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY: _____	DATE _____	REVIEW / APPROVAL BY OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P W
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E H S
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A P C D
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O E S
	DATE _____	<input type="checkbox"/> _____
	DATE _____	<input type="checkbox"/> _____

CUP #

EEC ORIGINAL PKG

June 5, 2024

Imperial County, CA
Attn: Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Re: Detailed and Comprehensive Project Description
Zayo Group Application for Addition to Existing Fiber Hut Site
2149 West Evan Hewes Highway, Imperial, CA 92251
Zayo Hut_El Centro CA

Dear Planning & Development Services Department:

Zayo Group care of Tilson Technology Management Inc with respect to the above-referenced addition to 2149 West Evan Hewes Highway, Imperial, CA 92251. The proposed addition is to provide state-of-the-art infrastructure to support telecommunications, telephone signals, internet connections and cable television signals. This addition will not propagate any spectrum.

The proposed addition will be an unmanned fiber hut which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by generator.

You may contact me at MMounphiphak@TilsonTech.com or (714) 837-8761 with any questions you may have about this project. Thank you for your time and assistance.

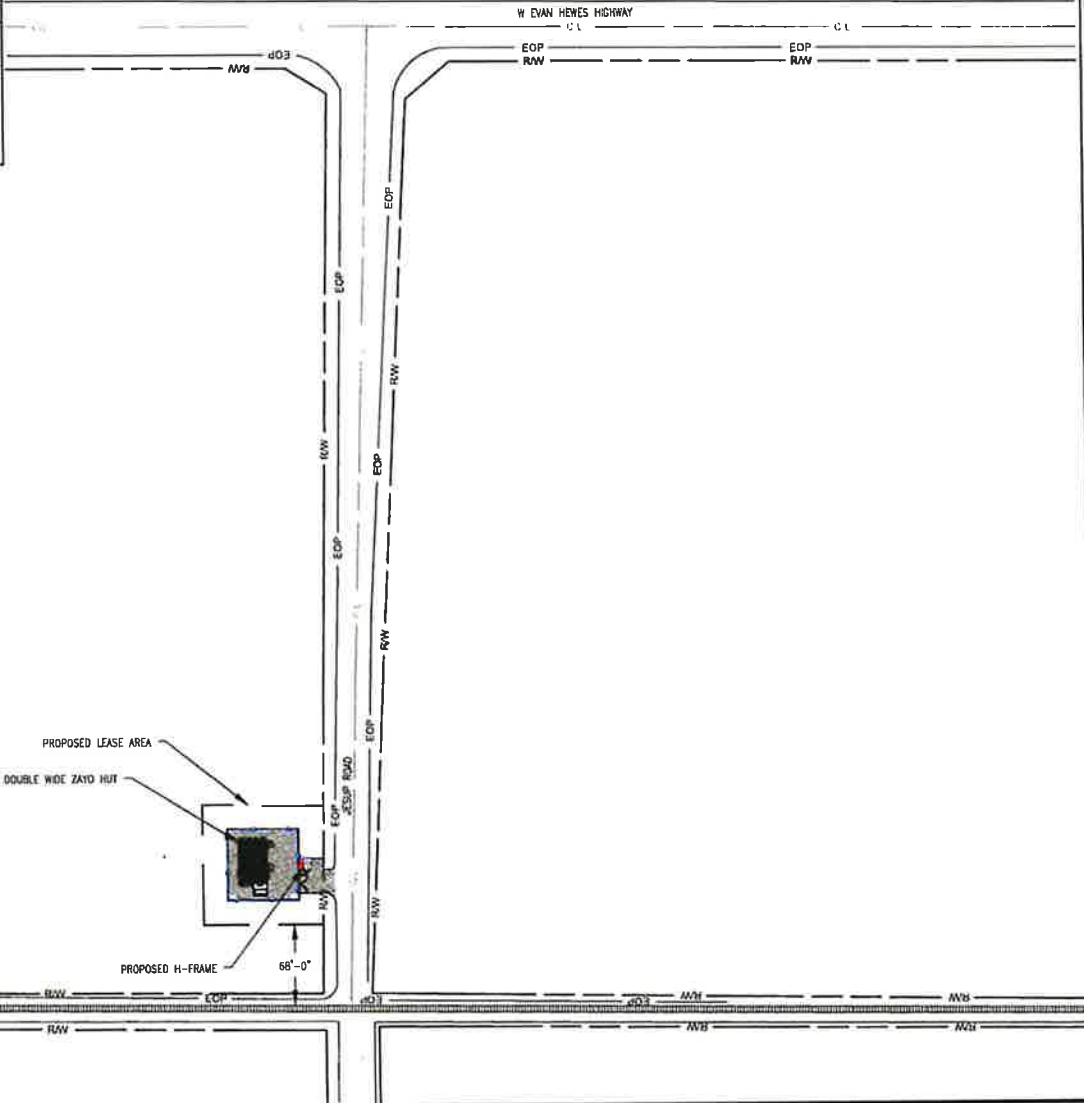
Regards,

Mike Mounphiphak

Site Acquisition Specialist
Tilson Technology Management
California
MMounphiphak@TilsonTech.com
(c) 714.837.8761

LEGEND

	EXISTING OVERHEAD ELECTRIC LINE		EXISTING UTILITY POLE
	NEW UNDERGROUND FIBER CABLE		SITE MARKER
	NEW UNDERGROUND ELECTRIC		NEW GRAVEL DRIVE
	NEW UNDERGROUND FENCE		EXISTING GRAVEL DRIVE
	EXISTING UNDERGROUND TELEPHONE		



EECC ORIGINAL PKG

SITE PLAN
SCALE: 1:100



CONSTRUCTION DRAWING
PREPARED FOR



CONSTRUCTION DRAWING
PREPARED BY:

TILSON
On a Mission
16 MIDDLE STREET, 4TH FLOOR,
PORTLAND, ME 04101
T: (207) 591-5427
INFO@TILSONTECH.COM TILSONTECH.COM

ENGINEER SEAL:

REVISION HISTORY:

REV	DATE	ISSUED FOR	DRAWN BY
1	03/28/24	REVIEW & COMMENT	YEH
2	04/15/24	ADDRESSED COMMENTS	YEH

UNAUTHORIZED ALTERATION OR ADDITION
TO THIS DOCUMENT IS A VIOLATION OF
APPLICABLE STATE AND/OR LOCAL LAWS

PROJECT INFORMATION:

SITE NAME: EL CENTRO
SITE NUMBER: 000
SITE ADDRESS: 2140 WEST EVAN
HEWES HIGHWAY, EL CENTRO, CA
92251
IMPERIAL COUNTY

SHEET TITLE:

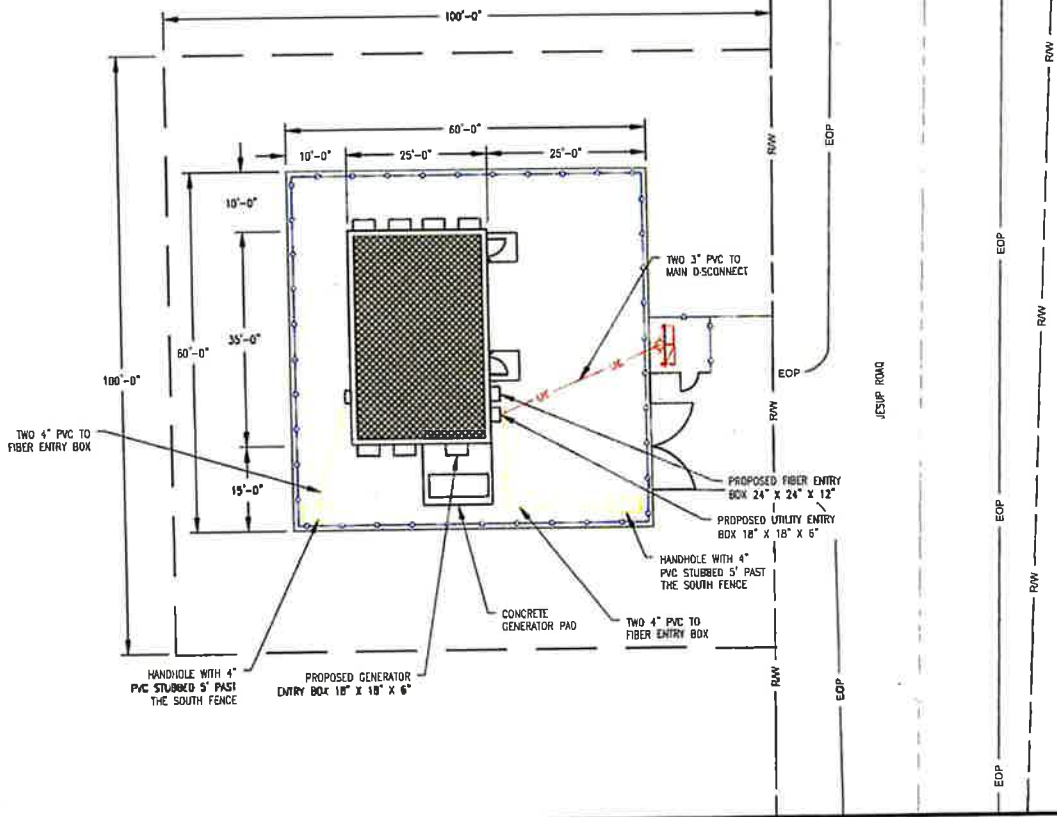
SITE PLAN

DRAWN: YEH	SHEET NO: C100	REV: B
CHECKED: UCM		
APPROVED: RJR		

LEGEND

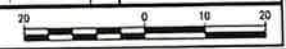
	EXISTING OVERHEAD ELECTRIC LINE		EXISTING UTILITY POLE
	NEW UNDERGROUND FIBER CONDUIT		SITE PERMITS/AGREEMENT
	NEW UNDERGROUND ELECTRIC		MINI-DRAINAGE DRAIN
	NEW CONDUIT FLAG		EXISTING GRAVEL DRIVE
	EXISTING UNDERGROUND TELEPHONE		

NOTE: FIBER ENTRY BOXES SUPPLIED BY OWNER, GENERATOR AND UTILITY ENTRY BOXES SUPPLIED BY CONTRACTOR



EEC ORIGINAL PKG

ENLARGED SITE PLAN
SCALE 1/20



CONSTRUCTION DRAWING
PREPARED FOR:



CONSTRUCTION DRAWING
PREPARED BY:

TILSON
On a Mission
16 MIDDLE STREET, 4TH FLOOR,
PORTLAND, ME 04101
T: (207) 591-5427
INFO@TILSONTECH.COM TILSONTECH.COM

ENGINEER SEAL:

REVISION HISTORY:

REV	DATE	ISSUED FOR	STATUS
1	03/29/24	REVIEW & COMMENT	YEH
2	04/16/24	ADDRESSED COMMENTS	YEH

UNAUTHORIZED ALTERATION OR ADDITION
TO THIS DOCUMENT IS A VIOLATION OF
APPLICABLE STATE AND/OR LOCAL LAWS

PROJECT INFORMATION:

SITE NAME: EL CENTRO
SITE NUMBER: 000
SITE ADDRESS: 2140 WEST EVAN
HEWES HIGHWAY, EL CENTRO, CA
92251
IMPERIAL COUNTY

SHEET TITLE:

ENLARGED SITE PLAN

DRAWN: YEH	SHEET NO: C102	REV: B
CHECKED: MCM		
APPROVED: RJR		



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

NOTICE TO APPLICANT

SUBJECT: PAYMENT OF FEES

Dear Applicant:

Pursuant to County Codified Ordinance Division 9, Chapter 1, Section 90901.02, all Land Use Applications must be submitted with their appropriate application fee. Failure to comply will cause application to be rejected.

Please note that once the Department application is received and accepted, a "time track" billing will commence immediately. Therefore, should you decide to cancel or withdraw your project at any time, the amount of time incurred against your project will be billed and deducted from your payment. As a consequence, if you request a refund pursuant to County Ordinance, your refund, if any, will be the actual amount paid minus all costs incurred against the project.

Please note there will be no exceptions to this policy. Thank you for your attention.

Sincerely yours,

Jim Minnick, Director
Planning & Development Services

RECEIVED BY:

MIKE MOUNTRICHAK

DATE: June 5th 2024



ZAYO GROUP LLC

1401 Wynkoop Street, #500
Denver, CO 80202
USA

www.zayo.com
@ZayoGroup

SECRETARY'S CERTIFICATE

ZAYO GROUP, LLC

I am the duly appointed Assistant Secretary of Zayo Group, LLC ("Zayo") and, in such capacity, hereby certify that Jason Jorgensen is the SVP, Large Project Implementation for Zayo, and, pursuant to Zayo's Contracts Signature Policy, Mr. Jorgensen is authorized to execute and deliver contracts and other agreements and documentation on behalf of Zayo.

This certification is delivered by Zayo to the receiving party for the sole purpose of providing the certification as indicated herein and may not be relied upon for any other purpose nor furnished to, quoted to, referred to or relied upon by any other person.

Please contact Lauren Lantero with any questions at lauren.lantero@zayo.com or (303) 381-3239.

Dated as of February 6, 2024.

DocuSigned by:

Lauren Lantero

39BB240E66F142A

Lauren Lantero, Assistant Secretary
Zayo Group, LLC

EEC ORIGINAL PKG

February 8, 2024


Re: LETTER OF AUTHORIZATION

To Whom It May Concern,

Zayo Group, LLC designates Tilson Technology Management, Inc., and its agents, to submit/process/sign for Planning/Zoning Entitlements, Buildings Permits, Fire Approvals, Electrical Service, Business License, and approval from any agency required to construction Zayo Group, LLC Huts (data center containing servers). This authorization is valid until December 31, 2024.

Please feel free to contact me with any questions regarding this authorization.

Sincerely,

DocuSigned by:

E11EB9A95B58473...

Jason Jorgensen

SVP Network Implementation

jason.jorgensen@zayo.com

February 8, 2024

EEC ORIGINAL PKG

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at Garden Grove California on June 5th, 2024

APPLICANT

Name: Zayo Group LLC
Mike Mangipatak (Agent)
 By _____
 Title Site Acq.

Mailing Address:
16 Middle Street 4th Flr
Portland, ME 04101

REAL PARTY IN INTEREST

(If different from Applicant)
 Name _____
 By _____
 Title _____

Mailing Address:

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____

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