Final Environmental Impact Report

Nevada County Broadband Program

SCH No.: 2021120435

Prepared for:

NEVADA COUNTY
CALIFORNIA

February 2023

Final Environmental Impact Report

Nevada County Broadband Program

SCH No.: 2021120435

Prepared for:

Nevada County
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Nevada City, CA 95959

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February 2023

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LIST OF ABBREVIATIONS

Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
County	Nevada County
CUPs	conditional use permits
Draft EIR	draft environmental impact report
EMF	electromagnetic field
FCC	Federal Communications Commission
Final EIR	final environmental impact report
NCIC	North Central Information Center
RF/MW	radiofrequency/microwave radiation
ROW	right-of-way
UAIC	United Auburn Indian Community of the Auburn Rancheria

1 INTRODUCTION

This final environmental impact report (Final EIR) has been prepared under the direction of Nevada County (County), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR contains responses to comments received on the draft environmental impact report (Draft EIR) for the Nevada County Broadband Program (proposed program). The Final EIR consists of the Draft EIR and this document (response to comments document), which includes comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL EIR

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the proposed program, and to provide the public with an opportunity to comment on the Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the Draft EIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR made in response to these comments and as a result of the applicant's ongoing planning and design efforts. The Final EIR will be used to support Nevada County's decision regarding whether to approve the Nevada County Broadband Program.

This Final EIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

1.2 PROJECT LOCATION

The program area extends throughout much of Nevada County (county), located in the Sierra Nevada and foothills, approximately 30 miles northeast of Sacramento at its closest approach. The area in which future individual broadband projects could be implemented includes unincorporated areas of the county, City of Grass Valley, Nevada City, and Town of Truckee; it excludes federal lands and state highway rights-of-way. Unincorporated areas expected to be served by future broadband projects include the Donner Pass Road area (including the Serene Lakes area), Kingvale, Soda Springs, Cisco Grove, Washington, and other small communities. The exact alignments of future broadband projects are unknown at this time and would be based on such considerations as construction feasibility, local preference, and locations of sensitive environmental resources.

1.3 PROJECT OBJECTIVES

The objectives of the program are to:

- provide upgradable and expandable high-speed broadband capacity in the service areas with minimum speeds of 25 megabits per second (Mbps) for downloads and 5 Mbps for uploads, consistent with the federal definition of "adequate service" for broadband and California's definition of broadband;
- provide a broadband network in unserved and underserved areas of Nevada County;
- enable an increase in telecommuting, with a commensurate decrease in vehicle miles traveled;
- provide broadband infrastructure to support future statewide interconnection of major public safety answering points and a future statewide public safety network;
- enable connection of health facilities in the county through the California Telehealth Network;

- streamline the environmental review process for individual broadband projects that are implemented in the county;
- provide a reliable foundation of data and acceptable methodology to assess impacts for any specific broadband deployment project;
- identify known environmental and cultural assets to be protected and/or restored with an approved set of preservation measures and/or mitigations; and
- save time and money for both the county of Nevada and broadband project applicants, resulting in greater government and economic efficiencies, reducing the amount of county staff time required to review broadband projects and avoiding duplication of applicant costs.

1.4 SUMMARY DESCRIPTION OF THE PROJECT

The proposed program would expand access to broadband technology throughout unincorporated Nevada County and the incorporated communities of the City of Grass Valley, Nevada City, and the Town of Truckee. The County, incorporated cities, or individual service providers would construct individual broadband projects consistent with the proposed program.

The exact alignments of future broadband projects implemented in accordance with the program are unknown at this time and would be based on such considerations as construction feasibility, local preference, and locations of sensitive environmental resources. The fiber optic lines would generally be installed underground following public or private roadways throughout the county with the intention to minimize or avoid disturbance of roadway surfaces where feasible; however, it is possible some fiber optic line could be installed directly under roadways in areas with limited shoulder space or where existing conduit under the road may be used, avoiding new surface disturbance.

The program area would also include those areas where lateral lines are installed between public or private roadways and individual businesses or residences. Individual residence or business connections typically would be located in previously disturbed and/or developed areas (e.g., adjacent to driveways or in landscaped areas), and generally would avoid drainages and sensitive habitats. Lateral alignments would typically follow other utility installations, such as electrical. Where subsurface installation of fiber optic cable is infeasible, aerial installation on new or existing poles would occur. Access to the new conduits that house the fiber optic cable would be provided by installing access boxes (vaults) at intervals of not more than 3,000 feet along a route for an individual project.

The program could develop approximately 2,230 miles of fiber-based infrastructure along public and private roads. Construction methods that could be used include horizontal directional drilling, plowing, trenching, microtrenching, and aerial stringing.

1.5 REVISIONS TO THE DRAFT EIR

In response to information provided in public comments, the County made a couple minor revisions to the project description and mitigation included in the Draft EIR. These edits are identified in the master response and responses to comments in Chapter 2, "Responses to Comments," and in Chapter 3, "Revisions to the Draft EIR." The revisions include clarifications or technical corrections. These revisions do not provide substantial new information or alter the findings or significance determinations found in the Draft EIR.

1.6 CEQA PUBLIC REVIEW PROCESS

On September 30, 2022, Nevada County released the Draft EIR for a 45-day public review and comment period. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the county's website (https://www.nevadacountyca.gov/994/Environmental-Documents); and was made available at the Nevada County Planning Department offices at 950 Maidu Avenue, Nevada City, California and the Grass Valley Library, Bear

River Library Station, Madelyn Helling Library, and Truckee Library. A notice of availability of the Draft EIR was published in The Union and Sierra Sun and distributed to a project-specific mailing list.

As a result of these notification efforts, written comments were received from two agencies (Nevada Irrigation District and California Department of Transportation), one organization (i.e., a homeowners association), one tribal representative, and individuals on the content of the Draft EIR. Chapter 2, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

1.7 ORGANIZATION OF THE FINAL EIR

This Final EIR is organized as follows:

Chapter 1, "Introduction," describes the purpose of the Final EIR, summarizes the Nevada County Broadband Program and the major conclusions of the Draft EIR, provides an overview of the CEQA public review process, and describes the content of the Final EIR.

Chapter 2, "Responses to Comments," contains a list of all parties who submitted comments on the Draft EIR during the public review period, copies of the comment letters received, and responses to the comments. The chapter begins with a master response that was prepared to respond comprehensively to multiple comments that raised similar issues. A reference to the master response is provided, where relevant, in responses to individual comments.

Chapter 3, "Revisions to the Draft EIR," presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by <u>underline</u> where text is added.

Chapter 4, "References," identifies the documents used as sources for the analysis.

Chapter 5, "List of Preparers," identifies the lead agency contacts as well as the preparers of this Final EIR.

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2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft EIR, which concluded on November 14, 2022. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft EIR.

2.1 LIST OF COMMENTERS ON THE DRAFT EIR

Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter. Comment letter 24 was received after the close of the Draft EIR comment period.

Table 2-1 List of Commenters

Letter No.	Commenter	Date
	AGENCIES	
1	Nevada Irrigation District Shannon Wood, Business Services Technician	October 4, 2022
2	California Department of Transportation, District 3 Satwinder Dhatt, Local Development Review, Equity and System Planning	October 6, 2022
	ORGANIZATIONS	
3	The Glenshire Devonshire Residents' Association Lori Kelley, Operations Manager	November 14, 2022
	INDIVIDUALS AND LATE COMMENT LETTER	
4	Al Faccini	October 7, 2022
5	Cindy Sage, M.A., Sage Associates	November 11, 2022
6	Carianne Beauchesne	November 12, 2022
7	Cheyenne Chefe	November 13, 2022
8	Kara-Lea Hansen	November 13, 2022
9	Anna Gloria	November 13, 2022
10	Cary ONeal	November 13, 2022
11	Cheryl Heward	November 14, 2022
12	Esther Collins	November 14, 2022
13	David Adams, Ph.D.	November 14, 2022
14	Karen Aubrey Niles BSc. MA	November 14, 2022
15	Johanna Finney	November 14, 2022
16	Randi Pratini	November 14, 2022
17	Gregg Lien	November 14, 2022
18	Reinette Senum	November 14, 2022
19	Reinette Senum	November 14, 2022
20	Jill and Gary Baker	November 14, 2022
21	Joy Brann	November 14, 2022
22	Susan Nance	November 14, 2022

Letter No.	Commenter	Date
23	Mark Janzaruk	November 14, 2022
24	Shingle Springs Band of Miwok Indians Daniel Fonseca, Cultural Resource Director/Tribal Historic Preservation Officer, Most Likely Descendant	November 22, 2022

Source: Compiled by Ascent in 2022.

2.2 MASTER RESPONSES

Several comments raised similar issues regarding wireless broadband (i.e., fixed wireless) infrastructure. Rather than responding individually, a master response has been developed to address the comments comprehensively. A reference to the master response is provided, where relevant, in responses to individual comments.

2.2.1 Master Response 1: Wireless Broadband Infrastructure

Several comments seek clarification regarding the wireless infrastructure components of the proposed program and suggest use of fixed-wireless technologies would result in adverse public health effects. More specifically, the comments seek clarification on the following:

- The criteria to be used to determine when underground fiber cable installation is too difficult or infeasible such that fixed-wireless technologies would be implemented.
- The placement (such as on poles or other structures) of wireless infrastructure, including wireless receivers, transmitting apparatus, and antennas.
- Potential environmental and human health effects associated with wireless infrastructure.

Comments state that alternatives to wireless (such as wired solutions for connectivity) and mitigation options should be considered and suggest the Draft EIR requires recirculation.

Some comments questioned the intent of the objective of the program to, "provide a wireless broadband network in unserved and underserved areas of Nevada County." The intent of the proposed program is to prioritize providing broadband service to these areas. Thus, in response to these comments, the objective on page 2-2 in Chapter 2, "Project Description," of the Draft EIR (second bullet) is revised as follows:

- provide a ~~wireless~~ broadband network in unserved and underserved areas of Nevada County;

The following clarifies the use of fixed-wireless technologies with the proposed program, summarizes the role of the Federal Communications Commission (FCC) in providing wireless technology oversight and establishing exposure standards intended to protect public health, and addresses alternatives and recirculation.

USE OF FIXED-WIRELESS INFRASTRUCTURE

The proposed program would allow limited use of fixed-wireless infrastructure, which would connect to fiber optic lines or to other wireless infrastructure. When considering issuance of a use permit for an individual fixed-wireless project, the County would consider the appropriateness of the site for use of these technologies (such as challenging terrain and effects on sensitive environmental resources). As documented in the County's Broadband Strategy, "wireless service, like other technologies, ultimately relies on access to the fiber which connects it to the wider web. Owners of this fiber are naturally disinclined to lease it to companies which may compete with them or may encroach upon their dominance in a certain region. Furthermore, the speeds offered by wireless service, though often quite fast, are slower than those offered by high-quality wired technologies, and do not allow for the significant increases in customer bandwidth use which are projected for the near future. For the above two reasons, wireless service is likely best viewed as a short-term strategy for specific areas, rather than a long-term solution for the County at large." (Nevada County 2019: Appendix E, p. 16).

Specific fixed-wireless infrastructure included in the program could include equipment (e.g., antennas, transceivers) mounted on rooftops of homes and businesses (Figure 2-1), and/or attached to existing or new utility poles (Figure 2-2) or small-diameter telecommunications towers/masts that are approximately 50 to 100 feet in height. With wireless infrastructure, antennas are used in lieu of fiber to transmit signal. Repeater equipment may also be attached to these same structures to direct signals in instances where there is no line of sight between the transmitter and receiver. Large cell towers (such as those greater than 100 feet in height and requiring security fencing and an on-site generator for operations) are not included in the proposed program. Large cell towers would be subject to separate environmental review and permitting.

Source: Oasis Broadband 2022

Figure 2-1 Roof-Mounted Fixed-Wireless Equipment

Source: Oasis Broadband 2022

Figure 2-2 Fixed-Wireless Equipment

Any new communication towers that are proposed as part of the program would be designed consistent with the requirements of Nevada County Land Use and Development Code (LUDC) Section L-II 3.8.E, "Location Standards for New Towers," which requires: (1) a tower to be setback from property lines no less than 100 percent of its height if the subject property or the adjacent property is within a Residential Zoning District, (2) consideration of the compatibility with surrounding land uses, and (3) specific siting and design requirements for communication facilities that promote availability of public services while ensuring compatibility with adjacent land uses. Certain fixed-wireless equipment is exempt from permitting (LUDC L-II 3.8.C); however, any new communications towers or additions that increase height require a use permit.

On November 9, 2022, the County Zoning Administrator issued CUP22-0002 for the Oasis Broadband project at 16021 Hobart Mills Road, near Truckee. This is an example of the type of project that includes fixed wireless infrastructure that could be considered under the proposed program. The Zoning Administrator determined that for California Environmental Quality Act (CEQA) purposes the project was exempt pursuant to a Class 3 categorical exemption (State CEQA Guidelines Section 15303). Class 3 consists of construction and location of limited numbers of new, small facilities or structures, and installation of small new equipment and facilities in small structures. In using this class of exemption and ruling out exceptions (State CEQA Guidelines Section 15300.2), the County determined that the communication tower was a small structure that would not result in a significant effect on the environment. The approvals of fixed-wireless communication towers have been conditioned on the use of non-glare materials and prohibit the inclusion of lighting, unless required by the Federal Aviation Administration. All such facilities are required to comply with FCC regulations concerning radio frequency (RF) emissions.

FCC REGULATIONS AND PUBLIC HEALTH EFFECTS

FCC regulates interstate and international communications through cable, radio, television, satellite, and wire. FCC is responsible for managing and licensing the electromagnetic spectrum for commercial and non-commercial users, including state and local governments. In licensing the spectrum, FCC promotes efficient and reliable access to the spectrum, as well as promotes public safety and emergency response. (FCC n.d.[a])

FCC, among other things, is charged with evaluating the effect of emissions from FCC-regulated transmitters on the quality of the human environment. FCC has adopted maximum permissible exposure limits for transmitters operating at frequencies of 100 kHz to 100 GHz. The types of wireless transmitters that could be implemented as part of the program are within this range.

Several commenters reference or provide links to ongoing litigation or studies that examine the possible link between RF radiation exposure and cancer, many of which pertain to the use of cellular phones. FCC acknowledges that the results of studies to date have been inconclusive (FCC n.d.[b]). However, FCC guidelines for human exposure to RF electromagnetic fields were derived from the recommendations of the National Council on Radiation Protection and

Measurements and the Institute of Electrical and Electronics Engineers. In adopting the current RF exposure guidelines, FCC consulted with the U.S. Environmental Protection Agency, Food and Drug Administration, Occupational Safety and Health Administration, and National Institute of Occupational Safety and Health, and received support for its RF exposure guidelines (FCC n.d.[b]). According to FCC, environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to be harmful (FCC n.d.[b]). FCC acknowledges that there may be certain situations, particularly in workplace environments near high-powered RF sources (e.g., radar, high-powered radio transmitters used in military operations, satellite-earth stations), where the recommended limits for safe exposure to humans could be exceeded. Any communication towers implemented under the proposed program would be sited consistent with LUDC Section L-II 3.8.E setback requirements, would not qualify as high-powered RF sources, and would be located outside of workplace environments.

The Telecommunications Act of 1996, as amended (47 USC 332(c)(7)(B)(iv)), prohibits "local government [from] regulat[ing] the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Because of the Telecommunications Act, the County cannot deny a project based on RF emissions, as long as the project complies with FCC limits.

All wireless devices sold in the United States go through a formal FCC approval process to ensure that they do not exceed the RF exposure limits when operating at the device's highest possible power level. Therefore, evaluation of RF exposure levels in relation to the maximum exposure levels set by the FCC for both general public exposure and occupational exposures is not required in the Draft EIR. Because the wireless broadband infrastructure would be required to comply with FCC's RF emissions standards and conditioned as such during the County permit review process, it can be concluded that exposure levels would be protective of human health. In any case, the County would be unable to deny an FCC emissions-compliant project based on RF exposure concerns.

ALTERNATIVES

In accordance with State CEQA Guidelines Section 15126.6(a), Chapter 4 of the Draft EIR evaluates a range of alternatives that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen significant adverse effects of the project to foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The Draft EIR evaluated the following alternatives:

- Alternative 1: No Project Alternative assumes no additional broadband infrastructure would be installed and broadband capacity would be unchanged from existing conditions.
- Alternative 2: Reduced Program Area Alternative would focus on rural broadband infrastructure and exclude the incorporated areas of the Town of Truckee, City of Grass Valley, and Nevada City from the program area as a strategy to reduce construction effects in more densely populated areas.
- Alternative 3: Existing Infrastructure Alternative would prioritize the use of existing utility poles or underground conduit wherever it exists. New underground conduit would only be installed in areas where no existing aboveground or belowground infrastructure exists. This alternative is intended to reduce impacts associated with new infrastructure installation.

Several commenters requested the evaluation of alternatives to use of wireless technologies and suggest evaluating an alternative that uses wired solutions only for connectivity.

While an alternative that limits broadband to wired infrastructure was not explicitly evaluated in the Draft EIR, the Board of Supervisors has the discretion to condition its approval on excluding fixed-wireless technologies. Such an alternative could reduce the number of utility poles that are constructed under the program and related visual and ground-disturbing impacts, and would address the human and environmental health concerns raised in comments. An alternative that excludes fixed-wireless technologies would not fully meet the objective to "provide a ~~wireless~~ broadband network in unserved and underserved areas of Nevada County."

RECIRCULATION

State CEQA Guidelines Section 15088.5 states that "a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is give of the availability of the draft EIR for public review…but before circulation." Information can include "changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

The changes made in response to public comments result in minor modifications to the original Draft EIR text, as explained in the introductory narrative and demonstrated in the body of Chapter 3, "Revisions to the Draft EIR," of this Final EIR. None of the changes or clarifications provided in this master response or Final EIR resulted in new significant environmental effects or a substantial increase in the severity of any previously identified significant effects; thus, the changes do not warrant recirculation of the Draft EIR.

2.3 COMMENTS AND RESPONSES

The written comments received on the Draft EIR and the responses to those comments are provided below. The comment letters and oral comments made at the public hearing are reproduced in their entirety and are followed by the response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

2.3.1 Agencies

Letter 1

From: Shannon Wood <Wood@nidwater.com>
Sent: Tuesday, October 4, 2022 12:15 PM
To: Brian Foss
Subject: FW: Broadband Program Notice of Availability
Attachments: Broadband EIR NOA.pdf

Hello Brian,

NID staff has reviewed the documents provided for the subject project and has the following comment for your file: 1-1

- Identify and coordinate any utility conflicts with NID

If you have any questions, please feel free to contact me.

Thank you,
Shannon Wood
Business Services Technician
530-271-6840

Please note: my regular work schedule is Monday-Thursday, 7am to 5:30pm.

From: Shelley Romriell <Shelley.Romriell@nevadacountyca.gov>
Sent: Friday, September 30, 2022 10:07 AM
To: Shelley Romriell <Shelley.Romriell@nevadacountyca.gov>
Subject: FW: Broadband Program Notice of Availability

Please note Brian Foss's correct email address: brian.foss@nevadacountyca.gov.

From: Shelley Romriell
Sent: Friday, September 30, 2022 9:48 AM
To: Shelley Romriell <Shelley.Romriell@nevadacountyca.gov>
Subject: Broadband Program Notice of Availability

Good morning,
Please see the attached NOA for the Broadband Program Draft Environmental Impact Report. For comments or questions, please contact Planning Director Brian Foss at 530-265-1256 or brain.foss@nevadacountyca.gov.

Best regards,

NEVADA COUNTY | Community Development Agency
Shelley Romriell

1

Letter 1 Nevada Irrigation District

Shannon Wood, Business Services Technician
October 4, 2022

Response 1-1

The comment requests identification and coordination regarding utility conflicts with Nevada Irrigation District (NID). Project planning and construction methods would be designed to avoid existing infrastructure. Contractors would coordinate with NID and any other utility providers in the event of conflict.

Letter 2

From: Dhatt, Satwinder K@DOT <satwinder.dhatt@dot.ca.gov>
Sent: Thursday, October 6, 2022 1:12 PM
To: Brian Foss
Subject: Nevada County Broadband Program

Hi Brian,

Thank you for including California Department of Transportation in the review process for Nevada County Broadband Program project. We wanted to reach out and let you know we have no comments at this time.

The exact alignment of future broadband projects are unknow at this time as it says on section ES.2.1 (Project Location) and ES.2.2 (Background and Need for the Project). Any project along or within the State's Right of Way (ROW) requires an encroachment permit that is issued by Caltrans.

State ROW will need to be shown on the plans along with bearing and distance information on the applications. ROW Engineering advises the applicant to seek ROW Record and Monument Maps from the District 3 ROW Front Map Counter by contacting: d3rwmaprequest@dot.ca.gov. In cases where the development might disturb ROW or private monumentation, applicant or their representatives may also need to identify possible vulnerable survey monuments in the development area that will need to be preserved and/or perpetuated, as required by PE Act 6731.2 and PLS Act 8771.

2-1

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

Should you have questions please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 821-8261 or via email at D3.local.development@dot.ca.gov.

Thank you!

2-2

Satwinder Dhatt
Local Development Review, Equity and System Planning
California Department of Transportation, District 3
703 B Street, Marysville, CA 95901
(530) 821-8261

1

Letter 2 California Department of Transportation, District 3

Satwinder Dhatt, Local Development Review, Equity and System Planning
October 6, 2022

Response 2-1

The comment provides a summary of requirements for individual projects if they are located within state right-of-way (ROW), which would include identifying the locations of state ROW on project plans and obtaining an encroachment permit from the California Department of Transportation (Caltrans). As described in Section 2.3, "Project Location," the program area excludes federal lands and state highway ROW. In the event that an individual fiber optic project would require crossing a state highway, directional drilling would occur below the highway and outside of the ROW. Locations of state highway ROW would be identified on project plans such that construction activities would avoid those areas.

Response 2-2

The comment requests that any further actions related to the proposed program be provided to Caltrans. The comment provides contact information for the letter author. Environmental notification submitted to the State Clearinghouse would be routed to Caltrans. Additionally, all commenters on the Draft EIR are added to the notification list for future notices related to the environmental review process for the proposed program. The comment does not provide any specific evidence related to the adequacy, accuracy, or completeness of the Draft EIR. No further response is required.

2.3.2 Organizations

Letter 3

From: Lori Kelley <lori@glenshiredevonshire.com>
Sent: Monday, November 14, 2022 5:02 PM
To: Brian Foss
Subject: Nevada County Broadband Project DEIR
Attachments: Nev Cnty Broadband Project DEIR Comment Ltr 11142022.pdf

Hello Brian,

Please find attached our comment letter. 3-1

Thank you!

Best,
Lori Kelley, Operations Mgr.
The Glenshire/Devonshire Residents' Association
15726 Glenshire Dr, Truckee, CA 96161
530.587.6202
www.glenshiredevonshire.com

1

GLENSHIRE DEVONSHIRE RESIDENTS ASSOCIATION
15726 GLENSHIRE DR
TRUCKEE, CA 96161

To Protect & Enhance the Quality of Life & Property in Glenshire Devonshire

November 14, 2022

Brian Foss
Nevada County
950 Maidu Ave, Ste 170
Nevada City, CA 95959
Brian.Foss@co.nevada.ca.us

Nevada County Broadband Project
Draft Environmental Impact Report

Dear Brian,

The Glenshire/Devonshire Residents' Association has received the Notice of Availability of the above referenced Draft EIR.

3-2

We would like to see Nevada County exhibit verification of all DEIR comments being reviewed and addressed, as well as any subsequent mitigation to be implemented based on these comments.

We trust that Nevada County will work with local desires and are hereby requesting that communications occur with our Association throughout this process. We are also requesting a "seat at the table" when Nevada County is choosing the final locations.

3-3

If you have any questions, please feel free to contact me at lori@glenshiredevonshire.com or (530)587-6202.

Sincerely,

Lori Kelley

Lori Kelley
GDRA Manager

PHONE (530) 587·6202 WEB www.glenshiredevonshire.com EMAIL info@glenshiredevonshire.com

Letter 3 The Glenshire Devonshire Residents' Association

Lori Kelley, Operations Manager
November 14, 2022

Response 3-1

The comment references the comment letter attached to the email.

Response 3-2

The comment requests a copy of all comments submitted on the Draft EIR and information about any additional mitigation identifies as a result of responses to those comments. Copies of all comment letters and responses to those comments are included in this Final EIR and are available to the public on the County's website at https://www.mynevadacounty.com/513/Projects-Supporting-Documents. No additional mitigation measures have been identified in response to comments submitted on the Draft EIR.

Response 3-3

The comment requests that the County communicate with Glenshire Devonshire Residents' Association related to future individual fiber projects located in their area. The County plans to coordinate with Glenshire Devonshire Residents' Association at the time that individual fiber projects are identified within their neighborhoods.

2.3.3 Individuals and Late Comment Letter

Letter 4

From: al d-i-l.com <al@d-i-l.com>
Sent: Friday, October 7, 2022 2:17 PM
To: Brian Foss
Subject: Broadband Program Draft EIR

Brian,
Please accept this email as my comments for inclusion into Nevada County BroadBand Program EIR.
My need(s) for High Speed Internet includes, but is not limited to the following:

- As a Single Parent, Remote Learning for my Son is nearly impossible at my current DSL speeds. This limits the amount of time I can House my Son during the School Year.
- As a Business Owner, I continuously download and Upload large drawing Pkgs for my Development Company. Again, at DSL Speeds, the causes time/money to my Company.
- As a Resident of Kingvale, my quality of life in today's 'high speed' world is nonexistent by my current provider.
- My current AT&T provided has sustained Internet outages year around, especially in the Winter. There are many times I need to come down the Mountain to do business.

Best Regards,

4-1

Al Faccini
50722 Conifer Dr
Kingavle, CA 95728

1

Letter 4 Al Faccini

October 7, 2022

Response 4-1

The comment expresses a need for high-speed internet and implies support for the project.

Letter 5

SAGE Associates
ENVIRONMENTAL CONSULTANTS

November 11, 2022

Brian Foss, Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Comment on Broadband Program Draft EIR

Recommendation: The Draft EIR fails to address key health and safety issues regarding exposure of humans to chronic wireless exposure to low-intensity radiofrequency/microwave radiation (RF/MW), and impacts on the environment (wildlife and waterfowl, migratory birds, bees and other pollinating insects, soil bacteria and trees).

Before Certifying the EIR as Final, it should be amended to include full disclosure of potential impacts of wireless to humans and other life.

5-1

Dear Mr. Foss,

It is an admirable goal to pursue better high-speed connectivity via buried cable for the people of Nevada County, However it is a grave disservice and violation of CEQA to exclude any mention, let alone full analysis of wireless impacts to health and safety since wireless is also an integral part of the proposed project. None are presented in this DEIR.

My comments on the DEIR are based on my professional experience over more than 40 years involving environmental and scientific consulting and research on non-ionizing radiation. My background is included below in footnote form. This DEIR assumes wireless will fill in where buried infrastructure is inconvenient or less feasible, yet there is not a word of analysis in the document addressing adverse impacts to the people and the County's environmental resources that will undoubtedly be affected.

5-2

Wireless infrastructure is presented as an established part of the project description and objectives, where the alternative to safer fiber optic alternative is less feasible than buried cable for high-speed broadband. If this document is meant to expedite future project review and approvals, it must include this information in order to assess specific project impacts and suitable alternatives and mitigation strategies for reliable comparisons of impacts and mitigation.

5-3

The following DEIR sections, among others, specify that 'wireless" broadband is part of the project (emphasis added in bold). Therefore it needs to be fully addressed to allow decisionmakers and the public to make wise choices.

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ES.2.2 Background and Need for the Project
"Broadband provides high speed internet access via multiple types of technologies, including fiber optics, **wireless,** cable, digital subscriber line (DSL), and satellite.

The ability to provide broadband internet in Nevada County has been challenging for several reasons. Primarily the topography and geography of the county present barriers to broadband connectivity. Subsurface rock throughout the county is difficult and expensive to trench and dense forests, hills, and canyons obstruct the lines-of-sight needed **for wireless technology."**

ES 2.3 Project Objectives
"provide a **wireless** broadband network in unserved and underserved areas of Nevada County"

2.3.1 Existing Facilities and Connection to Existing Facilities
"Centralized network management facilities would be located at existing network operations centers. These facilities provide system redundancy and would each be capable of jointly or individually managing facilities across the entire
network should any facility become unavailable as a result of unforeseen circumstances or disasters. **Fixed wireless access would be provided to unserved and underserved rural areas of the county."**

4.2.1 Attainment of Project Objectives
"to provide a **wireless broadband network** in unserved and underserved areas of Nevada County"

I have reviewed the Broadband Program Draft EIR in full, and conclude that although it is thorough in many aspects, it is deficient in omitting any discussion whatsoever of radiofrequency/microwave health and safety effects.

The Draft EIR project description and other sections refer to "wireless" broadband which produces demonstrable health effects, Yet there is nothing in this document that provides disclosure of potential impacts. Until the DEIR is amended to include a complete and unbiased presentation of RF/MW considerations on human health and the natural environment (migratory birds, bees and other pollinating insects, amphibians, waterfowl, etc) this document does not meet CEQA standards for full disclosure of project impacts, nor mitigating options.

5-3 Cont.

The scientific literature on this subject published over the last forty years is voluminous[1,2] and is more than sufficient to warrant serious public health action and a preventative approach in decision-making when approving projects at the state and local level that expose people to chronic low-intensity wireless (cell towers, stealth wireless installations, mandatory wireless exposure in public offices, healthcare facilities, schools, and in their places of residence). When the cumulative body of evidence is assessed over the last decades of research, the overall picture for studies on radiofrequency radiation effects shows clear and consistent patterns of

5-4

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ENVIRONMENTAL CONSULTANTS

adverse effects on living tissues resulting in increased cancers, neurological diseases and reproductive harm [2,3]

Professional scientific publications that specifically address RF/MW exposures at environmental levels near wireless sources (such as wireless broadband fixed facilities and 'last mile' wireless to residences) clearly show the majority find biological effects and adverse health impacts that are predictable with chronic exposure, and which are avoidable with wired solutions for connectivity. The Research Summaries[1] below can be downloaded at www.bioinitiative.org.

To emphasize the weight of scientific evidence in just three areas of study, the following statistics highlight the majority of studies find effects (that are biological endpoints that, with chronic exposure, will lead to an increased disease burden on society).

> Of 261 studies on RFR oxidative effects, 91% (240 studies) reported effects and only 9% (21 studies) showed no effect (to June 11, 2020).
>
> Of 346 studies on RFR genetic effects, 65% (224 studies) reported effects and 35% (122 studies) showed no effect (to August 10, 2020).
>
> Of 336 studies published on RFR neurological effects, 73% (244 studies) reported effects and only 27% (92 studies) showed no effect (to May 1, 2020).

5-4 Cont.

Respectfully submitted;

Cindy Sage, M.A., Sage Associates
Co-Editor, BioInitiative Reports 2007 and 2012
22950 Swenson Ravine
Grass Valley, CA 95949
Phone: (530) 268-4645
Email: sage@silcom.com

Footnote 1: Cindy Sage, Background Information

I am the co-owner of Sage Associates, an environmental sciences consulting firm with expertise in the physical and biological sciences. Sage Associates specializes in assessing and translating complex technical and scientific information to decision-makers, and is often cited in professional publications.
I have provided independent technical studies (computer modeling) of power line EMF and radiofrequency radiation) since 1989. My specialty is research and publication on scientific and public health effects of electromagnetic fields and radiofrequency radiation (non-ionizing radiation). I have testified as an expert witness on electromagnetic fields and EMF computer modeling in eminent domain cases in judicial proceedings of both US federal and state courts.

I am a founder of the international BioInitiative Working Group, the co-editor and principal author of the BioInitiative Reports (2007 and 2012 at www.bioinitiative.org).. I have published many peer-reviewed scientific papers on

SAGE Associates
ENVIRONMENTAL CONSULTANTS

electromagnetic fields and radiofrequency radiation that are cited in many hundreds of scientific publications by other scientists and medical professionals. The BioInitiative Report has been presented in professional conferences at the Royal Society of London meetings (2007, 2009) and in 2010 I co-authored the Seletun (Norway) Scientific Consensus Statement on Wireless RFR Risks.

I have provided expert testimony and scientific briefings on non-ionizing radiation health risks to the European Environmental Agency (Denmark), the European Commission (Brussels), UK Health Protection Agency, UK Children with Leukemia registered charity, and various international health agencies, US Department of Justice, Federal Communications Commission, US Food and Drug Administration, public utilities commissions, US Green Building Council, state legislative committees, and numerous state and municipal agencies and commissions. In 2002, I consulted with the California Department of Education on new EMF Title 5 School Siting Policies, and briefed the California Energy Commission Indoor Environmental Quality (IEQ) committee on EMF/RFR recommended exposure levels. I developed science-based recommendations for limiting non-ionizing radiation exposures based on scientific benchmarks for adverse health impacts and safety margins, and published results in peer-reviewed scientific journals.

References

1. BioInitiative 2012 Report, Research Summaries as updated at www.bioinitiative.org downloaded 1/15/2022

2. Pathophysiology 16:2-3 (2009) Special Issue on EMF, 1-246 and Pathophysiology 20, 211–234

3. Melnick, R.L. 2019. Commentary on the utility of the National Toxicology Program study on cell phone radiofrequency radiation data for assessing human health risks despite unfounded criticisms aimed at minimizing the findings of adverse health effects. Environmental Research. Volume 168, January 2019, Pages 1-6 (Elsevier).

Additional scientific references can be provided on request.

Letter 5 Cindy Sage, MA

Sage Associates
November 11, 2022

Response 5-1

The comment states that the Draft EIR fails to address health and safety issues regarding exposure of humans to low-intensity radiofrequency/microwave radiation (RF/MW) associated with wireless infrastructure and impacts on the environment, and requests that the EIR be revised to disclose these impacts before certifying the EIR. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 5-2

The comment states that the Draft EIR fails to address health and safety issues regarding exposure of humans to low-intensity RF/MW associated with wireless infrastructure and impacts on the environment. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 5-3

The comment asserts that wireless broadband information is not fully addressed in the Draft EIR and suggests it is deficient for omitting analysis of health and safety effects. The comment points to voluminous scientific literature published on the subject over the last 40 years but does not provide any specific evidence related to the adequacy, accuracy, or completeness of the Draft EIR. All the wireless infrastructure installed under the program would be required to comply with FCC's RF emissions standards and conditioned as such during the County use permit review. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 5-4

The comment states RF/MW exposure causes health effects and includes references to studies on health effects from RF/MW. The comment asserts that research shows that adverse health impacts from chronic exposure to RF/MW are avoidable with wired solutions for connectivity. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 6

From: Carianne Beauchesne <bostoncarianne22@gmail.com>
Sent: Sunday, November 13, 2022 7:17 PM
To: Brian Foss
Subject: Antennas

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Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Please strongly consider the repercussions of this project- it may be the easier route but is it right for all of us? Please don't allow finances and pressure from those funding this to sway your decision. When we listen to our intuition and the wisdom of our elders we can feel what is right. I trust you to follow that guide and please make a positive choice for the people. I do not feel to tell you I am pro or against these antennae - bc ultimately you will make that choice! Make one that feels good in your heart- not your head :) Thankyou All my best and blessings Carianne Boucher

6-1

Sent from my iPhone

1

Letter 6 Carianne Beauchesne

November 12, 2022

Response 6-1

The comment requests that the Board consider the repercussions of project implementation and make a thoughtful decision regarding the project. The comment does not provide any specific evidence related to the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the project.

Letter 7

From: cheyenne chefe <cheyennechefesmyth@gmail.com>
Sent: Sunday, November 13, 2022 10:38 PM
To: Brian Foss
Subject: Broadband Program Draft EIR

Dear Mr. Foss,
It is an admirable goal to pursue better high speed connectivity via buried cable for the people of Nevada County. However, it is a GRAVE disservice and violation of CEQA to exclude any mention, let alone full analysis, of wireless impact to health and safety since wireless is also an integral part of the proposed project. None of these are presented in this DEIR.

The health and safety of Nevada County residents MUST COME FIRST.

Cheyenne Chefe'

7-1

Letter 7 Cheyenne Chefe

November 13, 2022

Response 7-1

The comment alleges a violation of CEQA to exclude an analysis of the health and safety impacts of the wireless components of the program. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 8

From: Kara-Lea Hansen <write.kara.lea@gmail.com>
Sent: Sunday, November 13, 2022 12:28 PM
To: Brian Foss
Subject: Broadband Program EIR

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Brian Foss,
Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

So the Bay Area all moves up here and now you want to give us all cancer for their internet too?
Prove me wrong!

8-1

Cordially,

Kara-Lea Hansen

1

Letter 8 Kara-Lea Hansen

November 13, 2022

Response 8-1

The comment alludes to cancer risks associated with project. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects. The comment does not provide any specific comment related to the adequacy, accuracy, or completeness of the Draft EIR.

Letter 9

From: Anna Gloria <agloria@proton.me>
Sent: Sunday, November 13, 2022 6:40 PM
To: Brian Foss
Subject: Comment on Broadband Program Draft EIR

Brian Foss, Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Dear Mr. Brian Foss,

I live in Nevada County. It has come to my attention that the county is intending to put wireless antennas throughout the county where buried cable is too difficult. While I completely support "wired broadband," I do NOT support wireless. At home, I try not to use wireless as much as possible. I also turn it off at night. 9-1

The Draft EIR fails to address key health and safety issues regarding the exposure of humans to chronic wireless exposure of low-intensity radiofrequency/ microwave radiation. Also, there is no mention of the impacts on our beautiful foothills environment (wildlife and waterfowl, migratory birds, bees and other pollinating insects, soil bacteria and trees).

The county biologists and geologists are well-qualified to research, review and compile the safety and impact data. This information is CRUCIAL and very much needed to be added to the Draft EIR to give a fair and balanced assessment to the proposal.

People living in the county and experts in the community have alerted you to the deficiencies of omission in the Draft EIR regarding the health and safety effects on living things. I suggest caution and request that HEALTH RISKS be considered. Can we have more data regarding any impacts on living things? I do not support a "charge ahead" mentality without consideration of health and safety effects from the radio frequencies and microwaves. 9-2

It is becoming more apparent that humans are becoming weaker with every generation. There is much more chronic illness, more autoimmune diseases, autism. Have you thought about the causes? Air/water quality, genetically manipulated food, sugar, loss of middle class wealth, work, stress, pharmaceuticals? Have you considered energetics (frequencies penetrating each of us,

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"good vibes/bad vibes" from someone)? If you have felt feelings which are also frequencies (waves), then you know they are real and have substance. 9-2 Cont.

Please consider the whole of ALL who live here. Some of us may die from the additional overload. Case in point, the poor TREES. 9-3

Thank you,
Anna Gloria
Grass Valley

Letter 9 Anna Gloria

November 13, 2022

Response 9-1

The comment expresses opposition to the installation of wireless antennas. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the project.

Response 9-2

The comment states that the Draft EIR fails to address health and safety issues regarding the exposure of humans to low-intensity RF/MW associated with wireless infrastructure and impacts on the environment. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 9-3

The comment requests that the Board consider all who live in the area. The comment is noted for the consideration by the Nevada County Board of Supervisors during the review of the merits of the projects.

Letter 10

From: Cary ONeal <caryrainmaker@gmail.com>
Sent: Sunday, November 13, 2022 12:46 PM
To: Brian Foss
Subject: RE: unlawful health risks / damages from wireless broadband

Dear Brian,

In your role, you are required to take action regarding the harm of the rolling out of health damaging wireless broadband technology you are intending to approve. This email will confirm our request that you provide incontrovertible evidence that broadband wireless does not emit cancer causing radiation damages.
Please respond with the requested evidence. 10-1

Cary ONeal

--
Every Great Invention Comes From Seeing Things Anew.

Letter 10 Cary ONeal

November 13, 2022

Response 10-1

The comment expresses concern about the health effects of wireless broadband. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 11

From: Cheryl Heward <cheryl@DEMARTINI.com>
Sent: Monday, November 14, 2022 5:00 PM
To: Brian Foss
Subject: Antennas

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Brian,

I am a citizen of Nevada County, born and raised 67 years and counting. I am adamantly opposed to antennas being installed everywhere, just so wifi access is instantaneous. I don't believe we need more, but rather less access to waves overlapping in the air everywhere around us.

I believe there needs to be some discussion and study on this.

The DEIR sections, among others, specify that 'wireless' broadband is part of the project.
Therefore, it needs to be fully addressed to allow decision makers and the public to make wise choices.

Apparently the county is intending on putting wireless antennas throughout the entire county where buried cable proves difficult.

I support 'wired' broadband but I do not support wireless. If this passes, we, the people who live here, will have no recourse.
These antennas will go up all over the county and we will have no say in it at all.

There are too many problems to not have a discussion so we can become "informed" about both the negative and positives.

Do not ignore your constituents.

Sincerely,

Cheryl Heward
Nevada City

11-1

Sent from my iPhone

1

Letter 11 Cheryl Heward

November 14, 2022

Response 11-1

The comment expresses opposition to the installation of antennas, offers support for wired broadband, and requests that wireless be fully studied. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 12

From: Esther Collins <esther_collins01@hotmail.com>
Sent: Monday, November 14, 2022 9:24 AM
To: Brian Foss
Subject: Broadband EIR

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Dear Mr. Foss,
What great news for the county to have a fiber optic system installed.
I know it is needed.
I am concerned about the "wireless" part, in the report there isn't much clarification.
Would it be possible to require more investigation?
There is a lot of questions concerning health problems surrounding wireless.
I think this would be the time to have a serious look, and present possible alternatives, before money is invested.

12-1

12-2

Sincerely,
Esther Collins
17505 Drumheller court
Grass Valley, Ca 95949

1

Letter 12 Esther Collins

November 14, 2022

Response 12-1

The comment expresses enthusiasm for the fiber optic system to be installed and recognizes the need. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the program.

Response 12-2

The comment expresses concern for the wireless element of the program and requests additional investigation into the health effects of and alternatives to use of wireless. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 13

From: ctrarcht@nccn.net
Sent: Monday, November 14, 2022 4:20 AM
To: Brian Foss
Subject: Broadband Program Draft EIR

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Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Dear Brian Foss, Planning Director of Nevada County,

I have only tonight become aware of this DEIR project with an apparent comment deadline of today (!). I would like to submit commentary on the DEIR and I know of a number of other individuals (about 40-50) who have submitted comment on similar projects in the past in Nevada County, but none of us were aware of the fast-looming deadline for this.

The main thrust of our commentary would be the omission of significant,extensively scientifically documented adverse health impacts to human beings and the natural environment from wireless broadband technology (electromagnetic radiation exposure), which is one aspect of the Broadband Program plan. A recent major lawsuit found that, according to extensive published scientific research, the current Federal Communications Commission (FCC) exposure standards for this radiation are thousands of time too high to adequately protect both human and natural communities from adverse health impacts and for more than a year the FCC has been under a federal court order to revise these exposure standards (which it has not yet done). 13-1

Given the inadequate remaining time to submit comment on the county DEIR in this regard, I would ask that the comment period be extended at least two weeks and that this be again publicly announced. 13-2

Failing this, I would have to just echo the commentary submitted a few days ago by Sage Associates. 13-3

Thank you for your consideration,

David Adams, Ph.D.
14487 Burlington Parkway
Penn Valley, CA 95946

1

Letter 13 David Adams, Ph.D.

November 14, 2022

Response 13-1

The comment expresses concern about the health effects of wireless broadband. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 13-2

The comment requests an extension of the comment period by at least 2 weeks, as well as an additional public announcement. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the program.

Response 13-3

The comment reiterates commentary that was submitted by Sage Associates. See the responses to Letter 5.

Letter 14

From: Aubrey Niles <kaubreyn@gmail.com>
Sent: Monday, November 14, 2022 1:05 PM
To: Brian Foss
Subject: Broadband Program Draft EIR

November 14, 2022
Brian Foss, Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Re: Comment on Broadband Program Draft EIR
Recommendation: The Draft EIR fails to address key health and safety issues regarding exposure of humans to chronic wireless exposure to low-intensity radiofrequency/microwave radiation (RF/MW), and impacts on the environment (wildlife and waterfowl, migratory birds, bees and other pollinating insects, soil bacteria and trees).
Before Certifying the EIR as Final, it should be amended to include full disclosure of potential impacts of wireless to humans and other life.

Dear Mr. Foss,

Better High-speed connectivity via buried cable for the people of Nevada County is a valuable goal. However, it is a grave disservice and violation of CEQA to exclude any mention, let alone full analysis of wireless impacts to health and safety since wireless is also an integral part of the proposed project. None are presented in this DEIR.

As per the comments on the DEIR made by Cindy Sage, a professional environmental and scientific consultant and researcher on non-ionizing radiation with 40 years experience, this DEIR assumes wireless will fill in where buried infrastructure is inconvenient or less feasible, yet there is not a word of analysis in the document addressing adverse impacts to the people and the County's environmental resources that will undoubtedly be affected.

Wireless infrastructure is presented as an established part of the project description and objectives, where the alternative to safer fiber optic alternative is less feasible than buried cable for high-speed broadband. If this document is meant to expedite future project review and approvals, it must include this information in order to assess specific project impacts and suitable alternatives and mitigation strategies for reliable comparisons of impacts and mitigation.

The following DEIR sections, among others, specify that 'wireless" broadband is part of the project (emphasis added in bold). Therefore it needs to be fully addressed to allow decision makers and the public to make wise choices.

ES.2.2 Background and Need for the Project
"Broadband provides high speed internet access via multiple types of technologies, including fiber optics, wireless, cable, digital subscriber line (DSL), and satellite.
The ability to provide broadband internet in Nevada County has been challenging for several reasons. Primarily the topography and geography of the county present barriers to broadband connectivity. Subsurface rock throughout the county is difficult and expensive to trench and dense forests, hills, and canyons obstruct the lines-of-sight needed for wireless technology."

14-1

14-2

1

ES 2.3 Project Objectives
"provide a wireless broadband network in unserved and underserved areas of Nevada County"
2.3.1 Existing Facilities and Connection to Existing Facilities
"Centralized network management facilities would be located at existing network operations centers. These facilities provide system redundancy and would each be capable of jointly or individually managing facilities across the entire
network should any facility become unavailable as a result of unforeseen circumstances or disasters. Fixed wireless access would be provided to unserved and underserved rural areas of the county."
4.2.1 Attainment of Project Objectives
"to provide a wireless broadband network in unserved and underserved areas of Nevada County"

14-2 Cont.

In reviewing the Broadband Program Draft EIR, it is deficient in omitting any discussion whatsoever of radio frequency/microwave health and safety effects.The Draft EIR project description and other sections refer to "wireless" broadband which produces demonstrable health effects, Yet there is nothing in this document that provides disclosure of potential impacts.

Until the DEIR is amended to include a complete and unbiased presentation of RF/MW considerations on human health and the natural environment (migratory birds, bees and other pollinating insects, amphibians, waterfowl, etc) this document does not meet CEQA standards for full disclosure of project impacts, nor mitigating options.

The scientific literature on this subject published over the last forty years is voluminous and is more than sufficient to warrant serious public health action and a preventative approach indecision-making when approving projects at the state and local level that expose people to
chronic low-intensity wireless (cell towers, stealth wireless installations, mandatory wireless exposure in public offices, healthcare facilities, schools, and in their places of residence).
When the cumulative body of evidence is assessed over the last decades of research, the overall picture for studies on radio frequency radiation effects shows clear and consistent patterns of adverse effects on living tissues resulting in increased cancers, neurological diseases and reproductive harm.

14-3

Professional scientific publications that specifically address RF/MW exposures at environmental levels near wireless sources (such as wireless broadband fixed facilities and 'last mile' wireless to residences) clearly show the majority find biological effects and adverse health impacts that are predictable with chronic exposure, and which are avoidable with wired solutions for connectivity. The Research Summaries below can be downloaded at www.bioinitiative.org.
To emphasize the weight of scientific evidence in just three areas of study, the following statistics highlight the majority of studies find effects (that are biological endpoints that, with chronic exposure, will lead to an increased disease burden on society).

Of 261 studies on RFR oxidative effects, 91% (240 studies) reported effects and only 9% (21 studies) showed no effect (to June 11, 2020).
Of 346 studies on RFR genetic effects, 65% (224 studies) reported effects and 35% (122 studies) showed no effect (to August 10, 2020).
Of 336 studies published on RFR neurological effects, 73% (244 studies) reported effects and only 27% (92 studies) showed no effect (to May 1, 2020).

Please consider the health and well being of your county residents and make a thorough assessment of the dangers to our community before embarking on this project.
Thank you.

Sincerely
Karen Aubrey Niles BSc. MA
10437 Mackinac Court
Nevada City CA 95959

2

Letter 14 Karen Aubrey Niles BSc. MA

November 14, 2022

Response 14-1

The comment expresses concern about the health and environmental effects of wireless broadband, alleges the Draft EIR fails to address these issues, and requests that the EIR be revised to disclose these impacts before certifying the EIR. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 14-2

The comment requests that wireless broadband be fully addressed to allow decision makers and the public to make wise choices. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 14-3

The comment expresses concern about the health and environmental effects of wireless broadband and references scientific publications. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 15

From: johannafinney <johannafinney@protonmail.com>
Sent: Monday, November 14, 2022 1:38 PM
To: Brian Foss
Subject: Broadband Program Draft EIR

To: Brian Foss, Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Comment on Broadband Program Draft EIR

Recommendation: The Draft EIR fails to address key health and safety issues regarding exposure of humans to chronic wireless exposure to low-intensity radiofrequency/microwave radiation (RF/MW), and the cumulative impacts on the environment. Before certifying the EIR as Final, it should be amended to include full disclosure of the wireless infrastructure planned, including the placement, construction, modification and impacts of RF/MW emitting antennas, and the cumulative impacts to humans and the environment.

15-1

Dr. Mr. Foss,

Throughout the Draft Environmental Impact Report Nevada County Broadband Program SCH No.: 2021120435, there is review of the impact of the fiber cable installation. What's conspicuously missing, is any meaningful EIR on the construction of the wireless receiving and transmitting apparatus, which includes antennas to be placed on existing or new utility poles or other structures.

The EIR states:

- "The **new infrastructure constructed under the program would connect to existing broadband infrastructure** (e.g., aboveground and belowground fiber optic line, cell towers) in the program area supported by existing service providers (e.g., Comcast, Race, Sudden Link)."
- "...subsurface rock throughout the county is difficult and expensive to trench and **dense forests, hills, and canyons obstruct the lines-of-sight** needed for wireless technology."
- **Fixed wireless access would be provided to unserved and underserved rural areas of the county."**

15-2

What then is the alternative to line-of-sight issues in areas that do not have existing infrastructure? Take Edwards Crossing as an example. It mentions how fiber may be installed along the bridge or in a pipe near the bridge, but what fixed wireless technology will enable it? What type of antenna will be used? What are the specifications? What is the range of coverage? The public is left to guess. Could it be antennas designed to permit technologies which transmit and receive radio waves in all horizontal directions equally (omnidirectional antennas), or multi-user MIMO technology that preferentially transmits and receives in a particular direction (directional, or high-gain, or "beam" antennas)? Until it is clear in the EIR that antennas are part of the installation of fixed wireless broadband, this EIR is unfinished.

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The EIR states, "Regarding the impact related to hazards and hazardous materials is considered significant if implementation of the proposed program would result in any of the following: create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment." To look only at the hazards related to cable installation is short-sighted and obfuscates the real issue. Excessive and chronic low-intensity wireless exposure has been established as hazardous to life. Hundreds of studies on radiofrequency radiation effects shows clear and consistent patterns of adverse effects on living tissues resulting in increased cancers, neurological diseases and reproductive harm (BioInitiative 2012 Report, Research Summaries as updated at www.bioinitiative.org downloaded 1/15/2022)

15-3

The County doesn't need "to streamline the environmental review process." We need to keep the process in place that protects the environment and people near any broadband project in the county. The investigation for environmental impact needs to be public and transparent. This EIR is not encompassing the full impact of wireless broadband implementation, and therefore the Board of Supervisors and Planning Commission is not being fully honest and transparent with the public.

This is not an EIR of the broadband technology installation planned in Nevada County, it's an EIR of fiber cable installation.

Before certifying the EIR as Final, it should be amended to include full disclosure of the wireless infrastructure planned, including the placement, construction, modification and impacts of RF/MW emitting antennas, and the cumulative impacts to humans and the environment.

15-4

Sincerely,
Johanna Finney
19517 Burning Bush Road
Nevada City, CA 95959

Sent with Proton Mail secure email.

Letter 15 Johanna Finney

November 14, 2022

Response 15-1

The comment states that the Draft EIR fails to address health and safety issues regarding exposure of humans to low-intensity RF/MW associated with wireless infrastructure and impacts on the environment, and requests that the EIR be revised to disclose these impacts before certifying the EIR. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 15-2

The comment refers to the Draft EIR and states that it is not clear if antennas are part of the installation of fixed wireless broadband. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 15-3

The comment states that the Draft EIR fails to consider the health effects of wireless broadband. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 15-4

The comment states that there needs to be full transparency regarding the impacts on humans and the environment from wireless broadband technology before the Draft EIR is certified. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 16

From: Randi Pratini <ttoillep@earthlink.net>
Sent: Monday, November 14, 2022 11:49 AM
To: Brian Foss
Subject: comment on Broadband installation in Nevada county

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Hello Mr. Foss,

I am writing as a concerned, health aware resident of Nevada County.

The goal of pursuing better high-speed connectivity via buried cable is fantastic. However, the DEIR assumes that wireless will cover areas where buried cable and associated infrastructure are not feasible, yet there is no mention of possible adverse health and safety affects to the counties residents. this MUST be addressed to allow decision makers and citizens to make wise choices. 16-1

Thank you.

Randi Pratini
10222 Elliott Way, Nevada City

Letter 16 Randi Pratini

November 14, 2022

Response 16-1

The comment expresses enthusiasm for better high-speed connectivity and states that possible adverse health and safety impacts of wireless must be addressed. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 17

From: Gregg Lien <lakelaw@sierratahoe.net>
Sent: Monday, November 14, 2022 3:43 PM
To: Brian Foss
Subject: Comment on Broadband Program DEIR

Mr. Foss,

Having reviewed the Broadband Program DEIR I am concerned that the document is deficient and fails to meet the requirements of CEQA. While I appreciate that most people generally support the idea of connectivity, there are no proper alternatives that lay out ways to mitigate the negative impacts. I am currently participating in litigation over many of the same issues in the Tahoe area. See: https://www.tahoeforsafertech.org.

Nevada County seems to be on the path of making similar mistakes. It is now beyond scientific debate that EMF's harm all living things. We have thousands of pages of studies in the record in our current Federal Court litigation to substantiate this. I particular, young people are especially vulnerable. I implore you to go back and look at ways to provide essential services utilizing fiber and other easily implemented ways to provide connectivity. While you may currently not understand the threat to living things, failure to at least attempt to inform yourself and the public about the dangers amounts to willful ignorance - - something that the law will not permit to drive major policy initiatives. All substantial impacts must be evaluated, and the impacts of EMF's are not addressed at all. Preemption cannot be claimed at this stage either. In short, I urge you to go back and rectify the shortcomings in your document and make a good faith effort to look into this. There are many who can help you to do this. Please, for the benefit of your community, please pull back your document, extend the comment period, and do a supplemental addendum at the very least. Thank you, Gregg Lien

17-1

Law Office of Gregg R. Lien
P.O. Box 7442
Tahoe City, CA 96145
530.583.8500
530.308.9199 cell

Letter 17 Gregg Lien

November 14, 2022

Response 17-1

The comment expresses concern about the environmental and human health effects of electromagnetic fields (EMFs) and suggests they be evaluated in the Draft EIR. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 18

November 14th, 2022

Mr. Brian Foss
Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Comment on Broadband Program Draft EIR

Dear Mr. Foss,

I applaud the expansion of broadband throughout the county. However, I would also like to celebrate this expansion being conducted as safely and securely as possible, yet this does not seem to be the case. 18-1

I see the mention of *wireless* in the Project Description at least 12 times. However, I do not see wireless's biological impacts reflected in the Broadband Program Draft EIR. 18-2

I have some questions regarding the Draft EIR;

- The county must know ignoring the biological and environmental effects of the wireless devices is a violation of CEQA, yes?
- Nevada County's Broadband Program Draft EIR mentions numerous times that "wifi will fill in where buried infrastructure is inconvenient or less feasible" (when is wireless ever less feasible for telecoms?). What are the metrics when considering "inconvenient or less feasible?" 18-3
- It is mentioned, "Primarily, the topography and geography of the county present barriers to broadband connectivity. Subsurface rock throughout the county is difficult and expensive to trench, and dense forests, hills, and canyons obstruct the lines-of-sight needed for wireless technology." 18-4

  What does this look like? There is no mention of what will be connected to the broadband cable. Where are the descriptions of

the type of receivers and transmitters? This is clearly being omitted. Why is that?

18-4 Cont.

- Why is there no consideration for residents who have medical devices? No consideration for EMF sensitivity. No consideration for households with a newborn, expectant mother, or children. Why is there no consideration for schools, nursing homes, churches, athletic fields, or wildlife….?

18-5

- It is stated the Project Objective is to "provide a wireless broadband network in unserved and underserved areas of Nevada County," but no mention of buried or hardwired fiberoptic. Only wireless to the underserved?

18-6

- As stated in Project Background and Need. "Also, the rural nature of the county does not support the population density needed to show sufficient returns on investment for some broadband project investors." This seems more about profit than safety and security, does it not?

18-7

Because of these questions as mentioned above, I ask you to reject the incomplete Draft EIR and require full disclosure of all biological impacts of chronic wireless exposure of low-intensity radiofrequency/microwave radiation on the health of the people and biosphere.

18-8

To better assist you in understanding your blatant wireless health impact omission, I have a list of peer-reviewed and government documents that demonstrate the harm that can be done:

1. **2018 Report of Findings from the National Toxicology Program Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Hsd: Sprague Dawley® SD rats (Whole Body Exposures)**
The National Toxicology Program (NTP) cell phone radiation study found low incidences of 12 malignant gliomas in the brain and schwannomas in the heart of male rats exposed to RFR of the 13 two types currently used in U.S. wireless networks. Potentially preneoplastic 15 lesions were also observed in the brain and heart of male rats exposed to RFR.

18-9

The NTP also concluded there is clear evidence that male rats exposed to high levels of radio frequency radiation (RFR) like that used in 2G and 3G cell phones developed cancerous heart tumors, according to final reports. There was also some evidence of tumors in the brain and adrenal gland of exposed male rats. For female rats, and male and female mice, the evidence was equivocal as to whether cancers observed were associated with exposure to RFR.

This two-and-a-half-year, $25 million, most extensive of its kind study carried out by U.S. federal agencies points to a link between cellphone radiation and heart and brain tumors—at least, in rats.
ARTICLE: https://www.scientificamerican.com/article/major-cell-phone-radiation-study-reignites-cancer-questions/

STUDY: http://www.biorxiv.org/content/biorxiv/early/2016/05/26/055699.full.pdf

18-9 Cont.

2. **Bees, Butterflies And Wildlife: Research On Electromagnetic Fields And The Environment**
Electromagnetic fields from powerlines, cell phones, cell towers and wireless impacts the birds, bees, wildlife and our environment. Below is just a small example of the critical research that has been done on this issue. "The electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today." https://ehtrust.org/science/bees-butterflies-wildlife-research-electromagnetic-fields-environment/

3. **SB 649 would harm nature. Peer reviewed published studies found radiation harms trees, birds, bees and insects. Studies of radiation impacts on wild birds documented nest abandonment, plumage deterioration and death.**

MANY more **additional studies** here: http://www.emfresearch.com/emf-wildlife/

4. **Letter from Department of Interior:**

"The Department believes that some of the proposed procedures are not consistent with Executive Order 13186 Responsibilities Federal Agencies to Protect Migratory Birds, which specifically requires federal agencies to develop and use principles, standards, and practices that will lessen the amount of unintentional take reasonably attributed to agency actions. The Department, through the Fish and Wildlife Service (FWS), finds that the proposals lack provisions necessary to conserve migratory bird resources, including eagles. The proposals also do not reflect current information regarding the effects of communication towers to birds. Our comments are intended to further clarify specific issues and address provisions in the proposals."

LETTER: https://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf

5**. Peer-reviewed published science shows harmful effects of cell tower radiation include on humans:** fatigue, headaches, sleep problems, anxiety, ringing in the ears, heart problems, learning and memory disorders, increased cancer risk, and more. Children are especially vulnerable. See: Reported Biological Effects from Radiofrequency Radiation at Low-Intensity Exposure

18-9 Cont.

(Cell Tower, Wi-Fi, Wireless Laptop and 'Smart' Meter RF Intensities) http://emfsafetynetwork.org/2017/07/

6. **Chart of Reported Biological Effects from Radiofrequency Radiation at Low-Intensity Exposure** (Cell Tower, Wi-Fi Laptop and 'Smart" Meter RF Intensities)

https://bioinitiative.org/wp-content/uploads/pdfs/BioInitiativeReport-RF-Color-Charts.pdf

International EMF Scientist Appeal: https://www.emfscientist.org/index.php/emf-scientist-appeal

I thank you for your time in this matter.

Most Sincerely,

Reinette Senum
214 Drummond St.
Nevada City, CA 95959
530-264-6048

Letter 18 Reinette Senum

November 14, 2022

Response 18-1

The comment expresses enthusiasm for the expansion of broadband throughout the county but expresses an opinion that the expansion is not being done in a safe and secure manner. The comment does not provide any specific evidence related to the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the program.

Response 18-2

The comment states that the Draft EIR mentions the term "wireless," but fails to address health and safety issues regarding exposure of humans to low-intensity RF/MW associated with wireless infrastructure and impacts on the environment. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 18-3

The comment questions the metrics of what is considered inconvenient or less feasible in terms of wireless infrastructure. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of factors that influence the use of wired broadband instead of wireless infrastructure.

Response 18-4

The comment questions the lack of information regarding the infrastructure that connects to the broadband cables. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion related to the infrastructure associated with connecting to end users or wireless infrastructure.

Response 18-5

The comment questions the lack of consideration toward the health and safety of sensitive receptors from EMFs. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 18-6

The comment questions the objective regarding providing wireless broadband services to unserved and underserved areas in the county. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1, which includes edits to the program objectives to clarify the desire to provide broadband in unserved and underserved areas of the county.

Response 18-7

The comment questions the reasoning behind providing the population with wireless broadband, stating it is more about profit than safety and security. The comment does not provide any specific evidence related to the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the program.

Response 18-8

The comment states that the Draft EIR fails to address health and safety issues regarding exposure of humans and the environment to low-intensity RF/MW associated with wireless infrastructure and impacts on the environment, and requests that the EIR be revised to disclose these impacts before certifying the EIR. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 18-9

The comment summarizes peer-reviewed and government documents that consider the health effects of wireless broadband. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 19

From: reinettesenum@gmail.com
Sent: Monday, November 14, 2022 3:28 PM
To: Brian Foss
Cc: reinettesenum@gmail.com
Subject: Comment on Broadband Program Draft EIR

Monday, November 14th, 2022

Mr. Brian Foss

Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Comment on Broadband Program Draft EIR

Dear Mr. Foss,

I applaud the expansion of broadband throughout the county. However, I would also like to celebrate this expansion being conducted as safely and securely as possible, yet this does not seem to be the case.

I see the mention of *wireless* in the Broadband Program Project Description at least 12 times. However, I do not see wireless's biological impacts reflected in the Broadband Program Draft EIR.

I have some questions regarding the Draft EIR;

- The county must know ignoring the biological and environmental effects of the wireless devices is a violation of CEQA, yes?
- Nevada County's Broadband Program Draft EIR mentions numerous times that "wifi will fill in where buried infrastructure is inconvenient or less feasible" (when is wireless ever less feasible for telecoms?). What are the metrics when considering "inconvenient or less feasible?"
- It is mentioned, "Primarily, the topography and geography of the county present barriers to broadband connectivity. Subsurface rock throughout the county is difficult and expensive to trench, and dense forests, hills, and canyons obstruct the lines-of-sight needed for wireless technology."

What does this look like? There is no mention of what will be connected to the broadband cable. Where are the descriptions of the type of receivers and transmitters? This is clearly being omitted. Why is that?

- Why is there no consideration for residents who have medical devices? No consideration for EMF sensitivity. No consideration for households with a newborn, expectant mother, or children. Why is there no consideration for schools, nursing homes, churches, athletic fields, or wildlife….?

19-1

1

- It is stated the Project Objective is to "provide a wireless broadband network in unserved and underserved areas of Nevada County," but no mention of buried or hardwired fiberoptic. Only wireless to the underserved?
- As stated in Project Background and Need. "Also, the rural nature of the county does not support the population density needed to show sufficient returns on investment for some broadband project investors." This seems more about profit than safety and security, does it not?

Because of these questions, as mentioned above, I ask you to reject the incomplete Draft EIR and require full disclosure of all biological impacts of chronic wireless exposure of low-intensity radiofrequency/microwave radiation on the health of the people and biosphere.

To better assist you in understanding your blatant wireless health impact omission, I have a list of peer-reviewed and government documents that demonstrate the harm that can be done:

1.
2018 Report of Findings from the National Toxicology Program Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Hsd: Sprague Dawley® SD rats (Whole Body Exposures)

The National Toxicology Program (NTP) cell phone radiation study found low incidences of 12 malignant gliomas in the brain and schwannomas in the heart of male rats exposed to RFR of the 13 two types currently used in U.S. wireless networks. Potentially preneoplastic 15 lesions were also observed in the brain and heart of male rats exposed to RFR.

The NTP also concluded there is clear evidence that male rats exposed to high levels of radio frequency radiation (RFR) like that used in 2G and 3G cell phones developed cancerous heart tumors, according to final reports. There was also some evidence of tumors in the brain and adrenal gland of exposed male rats. For female rats, and male and female mice, the evidence was equivocal as to whether cancers observed were associated with exposure to RFR.

This two-and-a-half-year, $25 million, most extensive of its kind study carried out by U.S. federal agencies points to a link between cellphone radiation and heart and brain tumors—at least, in rats.

ARTICLE: https://www.scientificamerican.com/article/major-cell-phone-radiation-study-reignites-cancer-questions/

STUDY: http://www.biorxiv.org/content/biorxiv/early/2016/05/26/055699.full.pdf

2. **Bees, Butterflies And Wildlife: Research On Electromagnetic Fields And The Environment**

Electromagnetic fields from powerlines, cell phones, cell towers and wireless impacts the birds, bees, wildlife and our environment. Below is just a small example of the critical research that has been done on this issue.

"The electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today."

https://ehtrust.org/science/bees-butterflies-wildlife-research-electromagnetic-fields-environment/

3.
Peer reviewed published studies found radiation harms trees, birds, bees and insects. Studies of radiation impacts on wild birds documented nest abandonment, plumage deterioration and death.

MANY more **additional studies** here: http://www.emfresearch.com/emf-wildlife/

4. **Letter from the Department of Interior:**

"The Department believes that some of the proposed procedures are not consistent with Executive Order 13186 Responsibilities Federal Agencies to Protect Migratory Birds, which specifically requires federal agencies to develop and use principles, standards, and practices that will lessen the amount of unintentional take reasonably attributed to agency actions. The Department, through the Fish and Wildlife Service (FWS), finds that the proposals lack provisions necessary to conserve

2

19-1 cont.

migratory bird resources, including eagles. The proposals also do not reflect current information regarding the effects of communication towers to birds. Our comments are intended to further clarify specific issues and address provisions in the proposals."

LETTER: https://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf

5**. Peer-reviewed published science shows harmful effects of cell tower radiation include on humans:** fatigue, headaches, sleep problems, anxiety, ringing in the ears, heart problems, learning and memory disorders, increased cancer risk, and more. Children are especially vulnerable. See: Reported Biological Effects from Radiofrequency Radiation at Low-Intensity Exposure

(Cell Tower, Wi-Fi, Wireless Laptop and 'Smart' Meter RF Intensities) http://emfsafetynetwork.org/2017/07/

6. **Chart of Reported Biological Effects from Radiofrequency Radiation at Low-Intensity Exposure** (Cell Tower, Wi-Fi Laptop and 'Smart" Meter RF Intensities)

https://bioinitiative.org/wp-content/uploads/pdfs/BioInitiativeReport-RF-Color-Charts.pdf

International EMF Scientist Appeal: https://www.emfscientist.org/index.php/emf-scientist-appeal

19-1 cont.

I thank you for your time in this matter.

Sincerely,

Reinette Senum
Nevada City, California
530-264-6048 (c)
reinette@electreinette.com
electreinette.com
thefoghornexpress.com
reinettesenumsfoghornexpress.substack.com

Mission: ***To Leave The World Better Than When We Found It***

Letter 19 Reinette Senum

November 14, 2022

Response 19-1

This letter duplicates letter 18, with an added reference to SB 649 in bullet 3. See response to comment 18-1.

Letter 20

From: jill@plan-aire.com
Sent: Monday, November 14, 2022 12:40 PM
To: Brian Foss
Subject: Draft Broadband EIR Comment
Attachments: 11-14-22 Draft Broadband EIR letter.doc

Hello Brian.

Here are our comments on Draft EIR.

Thanks,

Jill & Gary Baker

Jill Baker, MLA, ASLA
Plan-aire
(530) 268-3500
www.plan-aire.com

1

GARY & JILL BAKER
12373 CREEK VIEW DRIVE
GRASS VALLEY, CA 95949
(530) 268-3500

November 14, 2022

Brian Foss
Planning Director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Via E-mail: Brian.foss@co.nevada.ca.us

Re: Broadband Program Draft EIR

Dear Brian:

In reviewing the Draft Broadband EIR we fully support the effort to expand the Fiber Optic infrastructure throughout the County. While "Wireless" is briefly mentioned with regard to remote areas, nowhere in the document are the impacts addressed regarding the use of wireless technology. If the County is contemplating increasing wireless networks as part of this project, the project description needs to be revised to include wireless in addition to fiber optic lines. In your letter dated December 17, 2021 which was sent to all responsible agencies the project described was only fiber optic lines.

The word wireless shows up in several places in the draft EIR, yet there is no inclusion of wireless in the project description and there was no environmental analysis of wireless towers or wireless technology addressed in the EIR. There are many concerns with wireless including health and safety as well as the visual impacts.

Since it does appear the focus of this EIR is only fiber optic cables both above and below ground, the wireless language may just be an oversight. If in fact wireless internet in the rural areas is included as part of the proposed project, the project description needs to be revised and the environmental impacts must be addressed. This would probably also require recirculating the document for comment.

We live in a remote area in South County and would welcome high speed internet that is not wireless.

20-1

Sincerely,

Gary and Jill Baker

Letter 20 Jill and Gary Baker

November 14, 2022

Response 20-1

The comment expresses support for expanding fiber optic infrastructure throughout the county, seeks clarification on the use of wireless technology, indicates that the impacts of wireless technology are not addressed in the Draft EIR, and suggests the document could require recirculation. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 21

From: Joy Brann <jdbmaui@gmail.com>
Sent: Monday, November 14, 2022 1:48 PM
To: Brian Foss
Cc: Planning
Subject: Fwd: Broadband Program Draft EIR
Attachments: Draft EIR Proposed Broadband Project.Brann.comment_11_14_22.pdf; Screenshot_20221114-123206.png

Third attempt to submit comment

Joy Brann, MPH

---------- Forwarded message ---------
From: **Joy Brann** <jdbmaui@gmail.com>
Date: Mon, Nov 14, 2022, 12:46 PM
Subject: Fwd: Broadband Program Draft EIR
To: <brain.foss@nevadacountyca.gov>

Attempted to submit public comment. Message blocked. Please advise.
Joy Brann, MPH
530-477-7247

---------- Forwarded message ---------
From: **Joy Brann** <jdbmaui@gmail.com>
Date: Mon, Nov 14, 2022, 12:27 PM
Subject: Broadband Program Draft EIR
To: <brain.foss@nevadacountyca.gov>

To: Brian Foss,

Please see attached public comment regarding Broadband Program Draft EIR.

Please extend comment period to allow public awareness and comments on this important issue affecting the people, and environment of our county. 21-1

Thank you,

Joy Brann, MPH
H/VM: 530-477-7247
jdbmaui@gmail.com

1

Brian Foss, planning director, Nevada County
950 Maidu Avenue, Suite 170
Nevada City CA 95959

November 14, 2022

To: Brain Foss, a man, who at times acts as planning director for Nevada County;

i: Joy Brann, a woman; living on the land within the boundary of Nevada County, state that the Draft EIR under consideration for proposed Broadband Program, sections ES.2.3 and 4.2.1 both state Project Objectives to "provide a wireless broadband network in unserved and underserved areas of Nevada County;

i, state that this Draft EIR neglects to disclose and fully inform i, of known, documented adverse effects of chronic exposure to wireless radiation frequencies upon the health of i, and of people, including children and the unborn, and upon all living beings and the environment;

21-2

i, do not consent to any wireless infrastructure or wireless radiation exposure imposed upon the property of i, including the physical body of i;

i, say it is the right of i, a woman, to travel freely without prohibition by threat of trespass and harm from undisclosed radiation poisoning of air, land or water;

i, state that exposure to radiation without permission of i, is a violation of trespass with intent to cause harm;

21-3

i, ask does the man, Brain Foss knowingly intend to permit trespass by way of harm by neglecting to fully inform and disclose established health and safety impacts of wireless radiation exposure and poisoning?;

i, ask the man, Brain Foss to reject the Draft EIR and require full disclosure of all known impacts of chronic wireless exposure to low-intensity radiofrequency/microwave radiation (RF/MW), upon the health of i, and upon people and the environment (wildlife and waterfowl, migratory birds, bees and other pollinating insects, soil bacteria and microorganisms and trees);

21-4

i, ask that unreliable wireless facilities, known to cause adverse health effects, be removed from consideration and that safe reliable hard wired technologies be required;

21-5

by, Joy Brann, MPH
H/VM: 530-477-7247
jdbmaui@gmail.com

Letter 21 Joy Brann

November 14, 2022

Response 21-1

The comment requests an extension of the comment period to allow for public awareness and comments on health impacts. The public review process related to environmental review for the proposed program is summarized in Section 1.4, "Public Review Process," of the Draft EIR. A Notice of Preparation for the Draft EIR was released on December 17, 2021 for a 33-day review period inviting public input on the contents of the EIR, which is consistent with the requirements of State CEQA Guidelines Section 15082. The Draft EIR was released on September 21, 2022 for a 45-day public review period (per State CEQA Guidelines Section 15105) during which time public input on the Draft EIR was invited. Additional public review time is not required. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the program.

Response 21-2

The comment states that the Draft EIR fails to address health and safety issues regarding exposure of humans to low-intensity RF/MW associated with wireless infrastructure and impacts on the environment. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 21-3

The comment expresses opposition to the use of wireless infrastructure. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the program.

Response 21-4

The comment states that the Draft EIR fails to address the health and environmental effects of wireless broadband. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Response 21-5

The comment requests wireless infrastructure be removed from consideration and replaced by hard wired technology. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the program.

Letter 22

From: Susan Nance <susan_nance@sbcglobal.net>
Sent: Monday, November 14, 2022 8:12 AM
To: Brian Foss
Subject: Nevada Country Broadband Program

Dear Mr. Foss,

I am emailing you to express much concern over your proposed Nevada Country Broadband Program.
There is much I can say on this subject, but with the intention of not wasting your time, I will refer you to the letter written by the well respected Cindy Sage of Sage associates. She covers all the points that should raise concern for anyone interested in the well being of the residents of Nevada County. This is not something to enter into lightly, so I hope you will take our concerns seriously.

22-1

Sincerely,

Susan Nance

1

Letter 22 Susan Nance

November 14, 2022

Response 22-1

The comment expresses concern regarding the broadband program and references the points raised in the comment letter from Sage Associates (Letter 5, above). See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects.

Letter 23

From: Mark Janzaruk <mjanz@hotmail.com>
Sent: Monday, November 14, 2022 7:26 AM
To: Brian Foss
Subject: No wireless antennas!

I, and my family are against these wireless antenna networks. As a military electronic technician, I know the dangers of these wireless technologies on our health and wellness. The evidence is overwhelming, No to these dangerous technologies please. 23-1

Mark Janzaruk
Nevada City

Letter 23 Mark Janzaruk

November 14, 2022

Response 23-1

The comment expresses opposition to wireless antenna networks due to the perceived dangers of this technology on health and wellness. See Master Response 1: Wireless Broadband Infrastructure in Section 2.2.1 for a discussion of wireless infrastructure and potential effects. The comment does not provide any specific evidence related to the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration by the Nevada County Board of Supervisors during the review of the merits of the project.

Letter 24

SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria
(Verona Tract), California
5168 Honpie Road
Placerville, CA 95667
Phone: 530-676-8010
shinglespringsrancheria.com

CULTURAL RESOURCES

November 22, 2022

Nevada County

RE: Nevada County Broadband Program

Dear Brian Foss,

Thank you for your letter regarding the above-mentioned project. Based on the information provided, the Shingle Springs Band of Miwok Indians is not aware of any known cultural resources on this site. However, SSR would like to have continued consultation through updates, as the project progresses. This will foster greater communication between the Tribe and your agency. 24-1

SSR would also like to request all completed record searches and or surveys that were done in or around the project area up to and including environmental, archaeological, and cultural reports. If during the progress of the project new information or human remains are found, we would like to be able to go over our process with you to protect such important and sacred artifacts (especially near rivers and streams). 24-2

If such finds are made, please contact Kara Perry, Site Protection Manager, at (530) 488-4049 or kperry@ssband.org.
Thank you for providing us with this notice and opportunity to comment.

Sincerely,

Daniel Fonseca
Cultural Resource Director
Tribal Historic Preservation Officer (THPO)
Most Likely Descendant (MLD)

Letter 24 Shingle Springs Band of Miwok Indians

Daniel Fonseca, Cultural Resource Director/Tribal Historic Preservation Officer, Most Likely Descendant
November 22, 2022

Response 24-1

The comment notes that they are not aware of any known cultural resources in the program area but would like to have continued consultation as the program progresses. On page 3.3-14 under the "Native American Consultation" header in Section 3.3, "Archaeological, Historical, and Tribal Cultural Resources," in the Draft EIR, the text notes that letters were sent to tribal representatives pursuant to Public Resources Code Section 21080.3.2. Included in the list of tribal representatives were the Shingle Springs Band of Miwok Indians. The only tribe to respond to this letter and request consultation was the United Auburn Indian Community of the Auburn Rancheria (UAIC). The mitigation measures included in Section 3.3, "Environmental Impacts and Mitigation Measures," reflect the outcome of consultation with UAIC. However, to provide additional outreach with the Shingle Springs Band of Miwok Indians, Mitigation Measure 3.3-3c on page 3.3-19 of the Draft EIR has been revised as shown with the underlined text below:

Mitigation Measure 3.3-3c: Unanticipated Discovery of Tribal Cultural Resources

If any suspected tribal cultural resources are discovered during ground disturbing construction activities, all work shall cease within 50 feet of the find, UAIC shall be notified, and a qualified archaeologist shall be retained. A UAIC tribal representative, in conjunction with the qualified archaeologist, shall determine if the find is a tribal cultural resource, pursuant to PRC Section 21074. UAIC or the County (or other incorporated jurisdiction) will notify Shingle Springs Band of Miwok of the significance determination of the find. The tribal representative will make recommendations for further evaluation and culturally appropriate treatment of discovered tribal cultural resources as necessary in consultation with the archaeological professional. No data recovery or curation of any physical tribal cultural resource will be allowed unless this is the preference of the tribe, as confirmed in writing. Preservation in place is the preferred mitigation. If the County determines that preservation in place is not feasible, reburial if culturally appropriate will take place on-site in a location not subject to further disturbance. The reburial site will be agreed upon in advance by the tribe and the project applicant. Work at the discovery location cannot resume until all necessary investigation, evaluation, and treatment of the discovery under the requirements of CEQA have been satisfied.

Response 24-2

The comment requests that all completed record searches and or surveys completed for the proposed program be provided to them. Because the program covers a wide geographic area and timing of individual projects are not currently known, a search of the California Historical Resources Information System was not conducted. Mitigation Measure 3.3-2a, "Identify and Protect Archaeological Resources," requires a records search prior to project activities except micro trenching. In response to this comment, the following change shown in underlined text of Mitigation Measure 3.3-2a is made on page 3.3-17 of the Draft EIR. Additionally, this mitigation measure has been revised to reflect the correct state information center with the edits shown in underline and strikeout formatting.

Mitigation Measure 3.3-2a: Identify and Protect Archaeological Resources

During project-specific environmental review of individual broadband projects, the County (or other incorporated jurisdiction) shall define each project's area of effect for archaeological resources. The County shall determine the potential for the project to result in archaeological resource impacts, based on the extent of ground disturbance and site modification anticipated for the program. The County shall determine the level of archaeological investigation that is appropriate for the project site and activity, as follows:

- Directional Drilling
  - If directional drilling is to occur in UAIC's high sensitivity zone and has more than three bore entry/exit points (six total), then a records search will be conducted through the North Central Information Center (NCIC)~~NWIC~~, and a qualified archaeological professional will survey the entry/exit point areas (if not paved). If the records search is positive and is confirmed by the survey results,

then a qualified professional shall be retained to monitor any ground-disturbing activities. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If the subsequent project has fewer than three bore entry/exit points, no protection measures are required.

- If directional drilling is to occur in UAIC's low sensitivity zone and has more than six bore entry/exit points (12 total) then a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the entry/exit point areas (if not paved) if the records search result is positive. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If fewer than six bore entry/exit points, no protection measures are required.

- Plowing and Trenching
  - If plowing and trenching is to occur in UAIC's high sensitivity zone and the plow slot is more than 350 feet, a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the plow slot area (if not paved). If the records search is positive and is confirmed by the survey results, then a qualified professional shall be retained to monitor any ground-disturbing activities. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than 350 feet, no protection measures are required.
  - If plowing and trenching is to occur in UAIC's low sensitivity zone and the plow slot is more than 350 feet, a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey if the records search result is positive. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than 350 feet no protection measures are required.
- New Poles and Access Vaults
  - If more than three new poles and access vaults are proposed in UAIC's high sensitivity zone, a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the areas (if not paved). If the records search is positive and is confirmed by the survey results, then a qualified professional shall be retained to monitor any ground-disturbing activities. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than three poles/vaults, no protection measures are required.
  - If more than six new poles and access vaults are proposed in UAIC's low sensitivity zone, then a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the areas (if not paved) if the records search is positive. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than six poles/vaults, no protection measures are required.
- Micro Trenching
  - No protection measures are required.

As requested by the Shingle Springs Band of Miwok, the County (or other incorporated jurisdiction) will share with them the results of any records search through NCIC.

The comment also notes that if new information or human remains are found, they would like to share their process with the County to protect important and sacred artifacts. The potential impacts related to previously unknown human remains are assessed in Impact 3.3-4 beginning on page 3.3-19 in Section 3.3 of the Draft EIR. The analysis describes the state regulatory requirements for handling human remains if discovered during project construction and requirements for notifying the County coroner. If the remains are determined to be Native American, the following process described under Impact 3.3-4 would be implemented:

> If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

> Following the coroner's findings, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed.

Thus, NAHC will coordinate with the Shingle Springs Band of Miwok regarding any uncovered Native American human remains, if applicable.

3 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strikethrough~~ and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5.)

Revisions to Chapter 2, "Project Description"

To clarify the County's objective to provide broadband (whether wired or wireless) in unserved and underserved areas, the second bullet on page 2-2 in Chapter 2, "Project Description," of the Draft EIR is revised as follows:

- provide a ~~wireless~~ broadband network in unserved and underserved areas of Nevada County;

Revisions to Section 3.3, "Archaeological, Historical, and Tribal Cultural Resources"

To address a request from the Shingle Springs Band of Miwok to be provided with the results of cultural resources records searches and surveys associated with implementation of the proposed program and to clarify the appropriate state information center that would be used for records searches, Mitigation Measure 3.3-2a on page 3.3-17 in Section 3.3 of the Draft EIR is revised as follows:

Mitigation Measure 3.3-2a: Identify and Protect Archaeological Resources

During project-specific environmental review of individual broadband projects, the County (or other incorporated jurisdiction) shall define each project's area of effect for archaeological resources. The County shall determine the potential for the project to result in archaeological resource impacts, based on the extent of ground disturbance and site modification anticipated for the program. The County shall determine the level of archaeological investigation that is appropriate for the project site and activity, as follows:

- Directional Drilling
  - If directional drilling is to occur in UAIC's high sensitivity zone and has more than three bore entry/exit points (six total), then a records search will be conducted through the North Central Information Center (NCIC)~~NWIC~~, and a qualified archaeological professional will survey the entry/exit point areas (if not paved). If the records search is positive and is confirmed by the survey results, then a qualified professional shall be retained to monitor any ground-disturbing activities. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If the subsequent project has fewer than three bore entry/exit points, no protection measures are required.
  - If directional drilling is to occur in UAIC's low sensitivity zone and has more than six bore entry/exit points (12 total) then a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the entry/exit point areas (if not paved) if the records search result is positive. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If fewer than six bore entry/exit points, no protection measures are required.
- Plowing and Trenching
  - If plowing and trenching is to occur in UAIC's high sensitivity zone and the plow slot is more than 350 feet, a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the plow slot area (if not paved). If the records search is positive and is confirmed by the survey results, then a qualified professional shall be retained to monitor any ground-disturbing activities. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than 350 feet, no protection measures are required.

- If plowing and trenching is to occur in UAIC's low sensitivity zone and the plow slot is more than 350 feet, a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey if the records search result is positive. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than 350 feet no protection measures are required.

- New Poles and Access Vaults
  - If more than three new poles and access vaults are proposed in UAIC's high sensitivity zone, a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the areas (if not paved). If the records search is positive and is confirmed by the survey results, then a qualified professional shall be retained to monitor any ground-disturbing activities. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than three poles/vaults, no protection measures are required.
  - If more than six new poles and access vaults are proposed in UAIC's low sensitivity zone, then a records search will be conducted through NCIC~~NWIC~~, and a qualified archaeological professional will survey the areas (if not paved) if the records search is positive. Standard stop-work mitigation measures shall be implemented (refer to Mitigation Measure 3.3-2b). If less than six poles/vaults, no protection measures are required.
- Micro Trenching
  - No protection measures are required.

As requested by the Shingle Springs Band of Miwok, the County (or other incorporated jurisdiction) will share with them the results of any records search through NCIC.

To provide outreach to the Shingle Springs Band of Miwok as the proposed program is implemented, Mitigation Measure 3.3-3c on page 3.3-19 in Section 3.3 of the Draft EIR is revised as follows:

Mitigation Measure 3.3-3c: Unanticipated Discovery of Tribal Cultural Resources

If any suspected tribal cultural resources are discovered during ground disturbing construction activities, all work shall cease within 50 feet of the find, UAIC shall be notified, and a qualified archaeologist shall be retained. A UAIC tribal representative, in conjunction with the qualified archaeologist, shall determine if the find is a tribal cultural resource, pursuant to PRC Section 21074. UAIC or the County (or other incorporated jurisdiction) will notify Shingle Springs Band of Miwok of the significance determination of the find. The tribal representative will make recommendations for further evaluation and culturally appropriate treatment of discovered tribal cultural resources as necessary in consultation with the archaeological professional. No data recovery or curation of any physical tribal cultural resource will be allowed unless this is the preference of the tribe, as confirmed in writing. Preservation in place is the preferred mitigation. If the County determines that preservation in place is not feasible, reburial if culturally appropriate will take place on-site in a location not subject to further disturbance. The reburial site will be agreed upon in advance by the tribe and the project applicant. Work at the discovery location cannot resume until all necessary investigation, evaluation, and treatment of the discovery under the requirements of CEQA have been satisfied.

4 REFERENCES

Chapter 1 Introduction

No references cited in this chapter.

Chapter 2 Responses to Comments

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Chapter 3 Revisions to the Draft EIR

No references cited in this chapter.

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